

Orange Township Board of Trustees  
Delaware County, Ohio  
Regular Trustee Meeting, January 22, 2019

DISCUSSION AND POSSIBLE ACTION REGARDING REGULATION OF JUNK VEHICLES

Ms. Knapp explained she and Mr. McCarthy had been working for quite some time to find a way to regulate junk vehicles. There was much discussion among Ms. Knapp, Mr. McCarthy and Ms. Boni.

RES.19-046 ADOPTING A GENERAL POLICY TO PROVIDE FOR THE REMOVAL OF JUNK MOTOR VEHICLES PURSUANT TO R.C. 505.871

Ms. Knapp moved the adoption of the following Resolution:

WHEREAS, the Board of Township Trustees of Orange Township, Delaware County, Ohio (hereinafter “Board”) believes that the location of junk motor vehicles on public and private property is injurious to the general health, safety, and welfare of Orange Township residents; and

WHEREAS, R.C. §505.871 of the Ohio Revised Code authorizes a board of township trustees to provide, by resolution, for the removal of any motor vehicle in the unincorporated territory of its township that the board determines is a junk motor vehicle, as defined in R.C. §505.173; and

WHEREAS, the Board wishes to avail itself of the procedures outlined in R.C. §505.871.

NOW THEREFORE, BE IT RESOLVED that it is the policy of the Board to remove junk motor vehicles, when found in the unincorporated areas of Orange Township, under R.C. §505.871.

BE IT FURTHER RESOLVED that the Board hereby adopts the following general policy to utilize the authority vested in it pursuant to R.C. §505.871 to remove motor vehicles in the unincorporated territory of Orange Township, Delaware County, Ohio, which it determines to be junk motor vehicles as that term is defined by R.C. §505.173:

1) **Definitions:**

a) Board: As used in this Resolution, “Board” means the Board of Township Trustees of Orange Township, Delaware County, Ohio.

b) Junk Motor Vehicle: As used in this Resolution, “junk motor vehicle” means a motor vehicle that meets all of the following criteria:

(i) Three model years old, or older;

(ii) Apparently inoperable;

(iii) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

c) Township: As used in this Resolution, “Township” means the unincorporated territory of Orange Township, Delaware County, Ohio.

2) **Removal of Junk Motor Vehicles Located on Public Property:** If a junk motor vehicle is located on public property within the Township, the Board may provide, by resolution, for the immediate removal of the vehicle.

3) **Removal of Junk Motor Vehicles Located on Private Property:**

- a) Resolution and Notice Requirements: If a junk motor vehicle is located on private property within the Township, the Board may provide, by resolution, for the removal of the vehicle not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land. The notice provided shall, at a minimum, contain the following information:
- (i) A general description of the vehicle to be removed;
  - (ii) A copy of the resolution of the Board determining that the vehicle is a junk motor vehicle;
  - (iii) A statement that if the owner of the land fails to remove the vehicle within fourteen (14) days after service of the notice, the Board may remove or cause the removal of the vehicle; and
  - (iv) A statement that any expenses the Board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.
- b) Service of Notice: The Board shall serve the notice by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the unincorporated territory of the Township or if the owner resides outside the unincorporated territory of the Township and the owner's address is known or ascertainable through an exercise of reasonable diligence.

The Board also shall send notice in such manner to any holders of liens of record on the land.

If a notice sent by certified mail is refused or unclaimed, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the Board shall publish the notice once in a newspaper of general circulation in the Township before the removal of the vehicle, and, if the land contains any structures, the Board also shall post the notice on the principal structure on the land.

A notice sent by certified mail shall be deemed to be served for purposes of this Resolution on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed for purposes of this Resolution to be served on the date of the newspaper publication.

- 4) **Methods for Removing Junk Motor Vehicles:** The Board may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle under this Resolution. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated, except that if the expenses exceed five hundred dollars, the Board may borrow moneys from a financial institution to pay the expenses in whole or in part.

- 5) **Contracts by Township:** The Board may contract with a motor vehicle salvage dealer, as defined under R.C. §4738.01, or a scrap metal processing facility, as defined in R.C. §4737.05, for the removal or disposal of motor vehicles in accordance with R.C. §505.85.

6) **Collection of Expenses Incurred in Removing Junk Motor Vehicles:**

- a) Utilization of All Lawful Means: The Board may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle under this Resolution, including any fees or interest paid to borrow moneys under section (IV) of this Resolution.
- b) Placement of Liens Upon the Land: If the junk motor vehicle was located on private property, the Board may direct the Township Fiscal Officer to certify the expenses and a description of the land to the Delaware County Auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township general fund.

7) **Exemptions and Reservations:**

- a) Exemption: This Resolution shall not restrict the operation of a scrap metal processing facility licensed under authority of sections 4737.05 to 4737.12 of the Revised Code; the operation as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool of a person licensed under Chapter 4738. of the Revised Code; or the provision of towing and recovery services conducted under sections 4513.60 to 4513.63 of the Revised Code, including the storage and disposal of junk motor vehicles removed from public or private property in accordance with those sections.
- b) Exemption: Unless a collector's vehicle meets all of the criteria of the definition of a junk motor vehicle set forth in Section I above, this Resolution shall not prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain, or other suitable screening, any unlicensed collector's vehicle stored in the open.
- c) Reservation: Nothing in this Resolution affects the authority of the Board to adopt and enforce resolutions under R.C. §505.173 to regulate the storage of junk motor vehicles on private or public property in the Township.
- d) Reservation: Nothing in this Resolution shall be construed to limit the Board's ability to adopt and enforce resolutions pursuant to any other authority granted it under the Ohio Revised Code regarding removal of any motor vehicle located in the unincorporated territory of the Township on any street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any street.

8) **Complaints / Investigation / Meeting Attendance / Determination:**

- a) Complaints / Investigation: upon receiving a complaint, or otherwise becoming aware of an alleged junk motor vehicle in the unincorporated territory of the Township, the Planning and Zoning Director and/or the Zoning Enforcement Officer shall investigate the same, take statements from any complainant or other witness and document the existence and condition of the alleged junk motor vehicle, preferably taking photographs of the vehicle and property for use as evidence and support of the Board's decision.
- b) Meeting attendance: The Planning and Zoning Director and/or the Zoning Enforcement Officer, whomever conducted the investigation, will then appear at a meeting of the Board and provide a written report, any photographs and/or other evidence documenting the existence and physical condition of the alleged junk motor vehicle. Any individual complainant and other persons, particularly neighboring property owners, may also address the Board and provide additional testimony regarding the existence and physical condition of the alleged junk motor vehicle.
- c) Determination: If the board determines based upon the facts and evidence submitted, that the vehicle in question is a junk motor vehicle under the provisions of R.C. §505.871 and this Resolution, the Board will adopt the proper resolution so finding and initiate the appropriate removal process and related action, as stated above.

Motion seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

Ms. Knapp noted this could be for immediate removal of junk vehicles also; after following the correct steps.