

ORDINANCE NO. 2007- 136

**AMENDING SECTION 303.09 AND REPEALING SECTION 303.10
OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO
REGARDING JUNK MOTOR VEHICLES**

WHEREAS, Sections 303.09 and 303.10 of the Mason Code of Ordinances provide for the regulation of junk motor vehicles on public and private property; and

WHEREAS, Council has determined that certain amendments are necessary to achieve the purposes of Section 303.09 and 303.10.

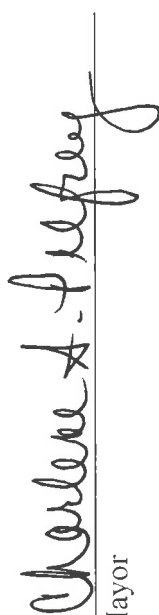
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, six members elected thereto concurring:

Section 1. That Section 303.09 of the Code of Ordinances of the City of Mason, Ohio is hereby amended as set forth on Exhibits "A" which is attached hereto and incorporated herein by reference.

Section 2. That Section 303.10 of the Code of Ordinances of the City of Mason, Ohio is hereby repealed in its entirety.

Section 3. That this Ordinance is and shall be effective from and after the earliest period allowed by law.

Passed this 22nd day of October, 2007.

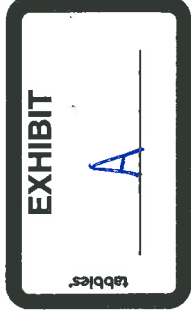


Mayor

Attest:



Clerk of Council



303.09 ABANDONED, JUNK OR UNLICENSED MOTOR VEHICLES

(a). **DEFINITIONS.** For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **MOTOR VEHICLE.** A machine propelled by power other than human power designed to travel along the ground by use of wheels or treads and transporting persons or property or pulling machinery and includes, without limitations, automobiles, trucks, trailers, buses, motorcycles, or tractors.

(2) **PROPERTY.** Any real property within the city which is not street or highway.

(3) **JUNK MOTOR VEHICLE.** Any motor vehicle meeting any two of the following requirements:

- A. Is three years old or older;
- B. Is extensively damaged, such damage including, but not limited to, any of the following: missing wheels, tires, engine or transmission;
- C. Is not operable ("operable" means able to be started and moved under its own power for a minimum of 100 feet).

(4) **ABANDONED MOTOR VEHICLE.** Any motor vehicle left without the permission of the property owner on private property for any amount of time, or on property open to the public for the purpose of vehicular travel or parking for more than 72 hours. The fact that a motor vehicle has been left without permission is prima facie evidence of abandonment.

(5) **UNLICENSED MOTOR VEHICLE.** A vehicle that does not display in plain view on the rear of the motor vehicle the license plate, including any county identification sticker and a current, unexpired validation sticker issued under R.C. §§ 4503.19 and 4503.191, or the applicable laws of any other jurisdiction.

(b). **PUBLIC NUISANCE.** Except as otherwise provided, the deposit, storage, maintenance or collection of abandoned, junk, or unlicensed motor vehicles, outside of a building or buildings is hereby declared to be a public nuisance and offensive to the public health, welfare, and safety of the people of the city.

(c). **PROHIBITIONS.**

(1) No junk or abandoned motor vehicle shall be left outside of a garage or other suitable structure, or left not completely covered by means of a cover that is not to be torn or deteriorated, for more than 72 hours with the permission of the persons having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of an appropriate governmental entity.

(2) No junk or abandoned motor vehicle shall be left without the permission of the property owner on private property for any amount of time.

(3) Notwithstanding any other provision of this Section, no person shall be prevented from storing or keeping any collector's vehicle, as defined by R.C. §4501.01(F), on private property with the permission of the person having the right to the possession of the property inside of a garage or other suitable structure, or completely covered by means of a cover that is not to be torn or deteriorated.

(4) Unlicensed motor vehicles left on the public streets or highways shall be subject to removal by the City under any applicable ordinance or statute. The registered owner shall be responsible for the costs of towing and storage of the motor vehicle.

(5) No person, firm, or corporation in charge or control of any premises within the city, whether as owner, tenant, lessee, occupant, or otherwise, shall willfully allow any junk or abandoned motor vehicle to remain upon such premises longer than 72 hours after the receipt of written notice by the City, to remove the junk or abandoned motor vehicle from the premises or cover the vehicle by being housed in a garage or other suitable structure or with a cover not torn or deteriorated. This written notice shall be served upon the person in charge, either personally or by leaving notice at his usual place of residence, or by certified mail addressed to his last known address. Said notice shall serve to put the recipient on notice with respect to the requirements of the referenced sections of the code and obviate the need for additional notice for the same or similar violation within 365 days of the date of the notice. The fact that a junk or abandoned motor vehicle is left uncovered is prima facie evidence of willful failure to comply with the notice and each subsequent period of 72 hours that the junk or abandoned motor vehicle continues to be so left constitutes a separate offense.

(e). ***PENALTIES.***

- (1) Whoever violates any provision of Section 303.09 shall be guilty of a minor misdemeanor.
- (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of Section 303.09, the offender shall be guilty of a misdemeanor of the fourth degree.
- (3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Section 303.09, the offender shall be guilty of a misdemeanor of the third degree.
- (4) Nothing in this Section shall be construed as a limitation of any other applicable regulations of the Zoning Code of the City of Mason.