

**Junk Motor Vehicle
Resolution**

For

Madison Township

Adopted May 17, 2010

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ARTICLE I

TITLE

MADISON TOWNSHIP RESOLUTION NUMBER ~~XXX~~-10

A resolution to provide for the regulation of junk, inoperative or dismantled motor vehicles in the Township of Madison, Richland County, Ohio. Be it resolved that The Madison Township Board of Trustees, in accordance with the Ohio Revised Code (ORC) Sections 505.173 Storage of junk motor vehicles, ORC 505.871 Removal of junk motor vehicle, ORC 505.85 Disposal, storage or impoundment of motor vehicles, does hereby adopt Resolution # ~~XXX~~-10. The Madison Township Board of Trustees does also hereby rescind Resolution # 87-94.

Article II

Section 200.1 Definitions:

The following are definitions of motor vehicles as defined in ORC 4501.01 Motor vehicles definitions. The Madison Township Board of Trustees does hereby adopt the definitions of motor vehicles as they now appear, may be added to, or deleted from the ORC 4501.01.

Article III

Storage of Junk Motor Vehicles:

Section 300.1 Regulation of the Storage of Junk Motor Vehicles (ORC 505.173)

- A. No person shall park, store or leave, or permit the parking, storing or leaving of any motor vehicle which is wrecked, junk, partially dismantled or apparently inoperable, whether attended or not, for a period of more than one (1) day upon any public property within Madison Township.

- B. No person shall park, store or leave, or permit the parking, storing or leaving of any motor vehicle which is wrecked, junk, partially dismantled or apparently inoperable, whether attended or not, for a period of more than fifteen (15) days upon any private property within Madison Township, unless the vehicle is completely covered by means of buildings, fences, vegetation, terrain, or other suitable screening and stored in the rear yard or in the driveway while it is being repaired or restored, or unless it is on the property in connection with a business enterprise operated in a lawful place for storage, repair or rehabilitation of vehicles as expressly permitted under the provisions of the Madison Township Zoning Resolution. Except for a case in which section 300.2 paragraph A applies, this resolution does 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 is required to conceal, by means of buildings, fences, vegetation, terrain, or other suitable screening, any unlicensed collector's vehicle stored in the open.

- D. Motor Vehicles to be repaired or restored shall not be stored on a vacant lot, unless the lot is adjacent to a lot occupied by the person repairing or restoring the motor vehicle,

Section 300.2 Junk Vehicle/Collector Vehicle

- A. Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this Resolution if the collector's vehicle meets all of the criteria contained in (B) of this section. If a collector's vehicle meets all of the criteria contained in section (B), then this Resolution will regulate the storage of that motor vehicle on public or private property in the same manner that the Resolution regulates the storage of any other junk motor vehicle and, in case of a violation of this section, may pursue any remedy provided by law, including any remedy provided in section 400.1.

- B. For the purpose of this Resolution, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:
 - (1) Three model years old, or older;

- (2) Apparently inoperable;
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheel(s), tires, engine, transmission, or other mechanical parts which result in the motor vehicle being not usable for transportation on a public highway.

The owner of such motor vehicle(s), and the person in charge or control of the private property upon which such motor vehicle(s) is located, whether as owner, tenant, occupant, lessee, agent or otherwise, shall remove the same or shall have the motor vehicle(s) housed in a manner consistent with paragraph (300.1) (B) hereof.

Article IV

Removal of Junk Motor Vehicles

Section 400.1 Removal of Junk Motor Vehicles (ORC 505.871)

- (A) The Madison Township Trustees provides, by resolution, for the removal of any motor vehicle in the township that the Board of Trustees determines is a junk motor vehicle, as defined in 300.2 (B).
- (B) If a junk motor vehicle is located on public property, the Madison Township Trustees provides by resolution for the immediate removal of the junk motor vehicle.
- (C) If a junk motor vehicle is located on private property, the Madison Township Trustees provides in this resolution a procedure for the removal of the junk motor vehicle that has not complied with the proper storage outlined in Section 300.1(B).
 - (1)
 - (a) Madison Township Trustees will send a Notice of Intent to Remove Junk Motor Vehicle (Exhibit A) to the property owner advising them of the Board's intent and the property owner's right to appear before the Board at the next township meeting (must have at least 5 business days prior to the meeting) and show cause as to why the Board should not take action to remove the vehicle and
 - (b) At the township meeting the Madison Township Trustees must adopt a Resolution (Exhibit B) declaring the vehicle to be a junk motor vehicle and will provide for the removal of the vehicle not sooner than fourteen (14) days after the board serves written notice (Exhibit C) of its intention to remove or cause the removal of the junk motor vehicle on the owner of the land and any lien holder(s) of record of the land on which the vehicle(s) is located.
 - (2) The Resolution provided under Section 400.1(C)(1)(b) above shall generally describe the vehicle(s) to be removed and indicate all of the following:
 - (a) The Madison Township Trustees has determined that the vehicle(s) is a junk motor vehicle.
 - (b) If the owner of the land fails to remove the vehicle(s) within fourteen (14) days after service of the notice, the Madison Township Trustees may remove or cause the removal of the vehicle(s).
 - (c) Any expenses Madison Township incurs in removing or causing the removal of the vehicle(s) including a forty dollar (\$40) administrative charge may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

- (3) The Madison Township Trustees shall serve the notice by sending it certified mail, return receipt requested, to the owner of the land, if the owner resides in the township or if the owner resides outside the township and the owner's address is known or ascertainable through an exercise of reasonable diligence. The Madison Township Trustees also shall send notice in such manner to any lien holder(s) 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 (Exhibit D) once in a newspaper of general circulation in the township before the removal of the vehicle(s), and, if the land contains any structures, the board also shall post the notice (Exhibit E) on the principal structure on the land.

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

- (D) The Madison Township Trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle under this section. 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 (\$500) the board may borrow moneys from a financial institution to pay the expenses in whole or in part.
- (E) The Madison Township Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle(s) under this section, including any fees or interest paid to borrow moneys under (D) of this section. The Madison Township Trustees may direct the township fiscal officer to certify the expenses and a description of the land to the county auditor (Exhibit F), 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.
- (F) Notwithstanding section 4513.65 of the Ohio Revised Code, but subject to section 300.2 above, any collector's vehicle that meets the definition of a junk motor vehicle is subject to removal under this section.

Article V

Disposal, Storage or Impoundment of Motor Vehicles

Section 500.1 Disposal, Storage or Impoundment of Motor Vehicles:

- A. The Madison Township Trustees will contract with a motor vehicle salvage dealer, as defined in section 4738.01 of the Ohio Revised Code, or a scrap metal processing facility, as defined in section 4737.05 of the Ohio Revised Code, for the removal or disposal of motor vehicles pursuant to section 505.173 or 505.871 or sections 4513.60 to 4513.64 of the Ohio Revised Code, and The Madison Township Trustees will contract with a storage facility or other similar facility for the storage or impoundment of motor vehicles pursuant to section 505.173 or sections 4513.60 to 4513.64 of the Ohio Revised Code.

Article VI

ENFORCEMENT

Section 600.1 Enforcement of this Resolution:

- A. The Madison Township Code Enforcement Officer or Deputy Code Enforcement Officer shall enforce this Resolution on receiving a complaint from a Madison Township citizen.
- B. The Madison Township Code Enforcement Officer or Deputy Code Enforcement Officer is hereby authorized to enter upon private property for the purpose to enforce the provisions of this resolution. No person shall interfere with, hinder, or refuse to allow the Madison Township Code Enforcement Officer or Deputy Code Enforcement Officer to enter upon private property for such purpose.
- C. Whenever there are reasonable grounds to believe that a violation of this resolution exists, the Madison Township Code Enforcement Officer or Deputy Code Enforcement Officer, shall give a notice to the owner(s) of the property upon which such motor vehicle(s) is located by mail, or by personal service, that such junk motor vehicle violates the provisions of this Resolution, and that, within five (5) business days the junk motor vehicle shall be removed or housed in accordance with section 300.1 paragraph (A) hereof.
- D. In the event the citizen does not comply within the five (5) business days, the Madison Township Code Enforcement Officer or Deputy Code Enforcement Officer will notify the Board of Trustees who shall follow the process in accordance with section 400.1(C)(1)(a) and (b) above.
- E. The Madison Township Trustees or the Madison Township Code Enforcement Officer or Deputy Code Enforcement Officer shall not prevent a person from storing or keeping, or restrict him in the method of storing or keeping, any junk motor vehicle on private property with the permission of the person having the right to the possession of the property: except that the Madison Township Trustees or the Madison Township Code Enforcement Officer may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed junk motor vehicle stored in the open as outlined in section 300.1 (B) above.
- F. Whoever violates any provision of this resolution will have the vehicle removed by Madison Township as outlined in paragraphs 400.1 (D) and (E).

The Board of Trustees, Madison Township, Richland County, Ohio Adopted the Junk Motor Vehicle Land Reutilization Program Resolution this ____ day of _____, 20;

Homer Hutcheson, Chairman

David A. Spain, Vice Chairman

Mark McDaniel

Lorrie L. Tackett
Madison Township Fiscal Officer

1.) Note the date and signatures are not authentic. The actual signed copy is at the Madison Township, Richland County, Ohio Trustees office.

BOARD OF

Madison Township Trustees

817 EXPRESSVIEW DRIVE
P.O. BOX 2206, MANSFIELD, OHIO 44905
Phone: (419) 589-9999



TO:

DATE: _____

NOTICE OF INTENT TO REMOVE JUNK MOTOR VEHICLE

Upon inspection of your property located at _____
County of Richland Township of Madison, Parcel # _____
It is recommended by the Madison Township Board of Trustees that the following motor vehicle(s) be declared a "junk motor vehicle(s)" pursuant to Section 505.173 ORC.

JUNK MOTOR VEHICLE(S) SUBJECT TO REMOVAL

Year Make Model Color

The Board of Trustees will act upon this recommendation at their meeting to be held on the _____ day of _____ 20__, at 7:00 P.M. at the township hall. The Board of Trustees may by motion pursuant to Section 505.871 ORC and Section 505.85 ORC provide for the removal disposal, storage or impoundment of said junk motor vehicle(s) if you do not remove it from your property within 14 days of written notice served upon you by the Board of Trustees.

YOU HAVE THE RIGHT TO APPEAR IN PERSON OR BY REPRESENTATION TO SHOW CAUSE AS TO WHY SUCH ACTION SHOULD NOT BE TAKEN.

The expense incurred by the township in providing for the removal of the junk motor vehicle(s) will be certified to the County Auditor to be placed as a lien against your real property, to be collected as other taxes and returned to the general fund of the township.

If you have any questions about your rights you should contact your attorney.

Madison Township Official

_____ moved the adoption the Resolution: _____ seconded the motion, and the roll being called upon the question of adoption of the resolution the vote resulted as follows:

Homer Hutcheson, Chairman

David Spain, Vice Chairman

Mark McDaniel, Trustee

The Board of Trustees, Madison Township, Richland County, Ohio Adopted the Land Reutilization Program Resolution this _____ day of _____, _____;

Attest and Certify:

Lorrie L. Tackett
Madison Township Fiscal Officer

Exhibit C

BOARD OF

Madison Township Trustees

817 EXPRESSVIEW DRIVE
P.O. BOX 2206, MANSFIELD, OHIO 44905
Phone: (419) 589-9999



TO: _____

DATE: _____

NOTICE TO REMOVE JUNK MOTOR VEHICLE(S)

The Board of Trustees of Madison Township hereby gives notice to you as the owner(s) of record, holder(s) of legal lien, and/or holder of an equitable lien; of the following described property: situated in the State of Ohio, County of Richland, Township of Madison, property address: _____ Parcel # _____

- (1) You the owner(s) and or lien holder(s) of record, are hereby ordered to remove the following described junk motor vehicles from the above described property:

JUNK MOTOR VEHICLE(S) SUBJECT TO REMOVAL

Year Make Model Color

- (2) If said junk motor vehicle(s) are not removed from the property within **FOURTEEN (14) DAYS** of service of this notice, the Board will provide for the removal of said motor vehicles, and expense incurred by the Board in performing that task will be entered upon the tax duplicate and assessed as a lien upon the land from the date of entry to be collected as other taxes and returned to the general fund of the township.

BY ORDER OF THE BOARD OF TRUSTEES

_____, Fiscal Officer
If you have any questions about your rights you should contact your attorney.

Madison Township Official

Exhibit D

LEGAL NOTICE

The Board of Trustees of Madison Township, Richland County, Ohio, hereby gives notice to the owner(s) of record, holder(s) of a legal lien, and/or holder of an equitable lien; of the following described property, situated in the township of Madison, County of Richland and State of Ohio and further known as: owner _____, property address _____

parcel # _____

That the following motor vehicle(s) located on said real property has been declared "JUNK MOTOR VEHICLE(S)

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Color</u>
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YOU ARE HEREBY ORDERED TO REMOVE SAID JUNK MOTOR VEHICLE(S) FROM YOUR PROPERTY WITHIN FOURTEEN (14) DAYS OF SERVICE OF THIS NOTICE OR THE BOARD OF TRUSTEES WILL PROVIDE FOR A CAUSE THE REMOVAL OF SAID JUNK VEHICLE(S) AND THE EXPENSE THEREOF WILL BE CERTIFIED TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TX DUPLICATION AS A LIEN AGAINST THE PROPERTY, TO BE COLLECTED AS OTHER TAXES AND RETURNED TO THE GENERAL FUND OF THE TOWNSHIP PURSUANT TO SECTION 505.871 OF THE OHIO REVISED CODE

BY ORDER OF THE BOARD OF TRUSTEES
OF MADISON TOWNSHIP

LEGAL NOTICE

MADISON TOWNSHIP BORD OF TRUSTEES

TO: _____

ADDRESS: _____

PARCEL ID #: _____

The Board of Trustees of Madison Township has declared the following vehicle(s) located on the property to be “Junk Motor Vehicle(s) pursuant to Section 505.871 Ohio revised Code;

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Color</u>
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If said, Junk Motor Vehicle(s) are not removed within fourteen (14) days, on or before _____, 201_, the board will provide for the removal, and any expense incurred by the Board will be entered upon the tax duplicate and will be a lien upon this land, to be collected with other property taxes and returned to the general fund of Madison Township.

**BY ORDER OF THE BOARD OF TRUSTEES
(Section 505.871 ORC)**

Resolution # _____

Date Posted: _____

Code Enforcement Officer

Exhibit F

**CERTIFICATION OF COSTS
FOR PLACEMENT OF LIEN
UPON REAL ESTATE TAX DUPLICATE
(505.871 (E) ORC)**

To: Richland County Auditor
Park Avenue East
Mansfield, OH 44902

I, the undersigned Fiscal Officer of Madison Township, Richland County, Ohio, do hereby certify the following costs be placed upon the Richland County Auditor's tax duplicate, as a lien against the following described lands and real property; to be collected and returned to the General Fund of Madison Township pursuant to Section 505.871 (E) of the Ohio Revised Code.

DESCRIPTION OF REAL PROPERTY

Owner(s) of Record: _____

Property Address: _____

Auditors' Permanent Parcel ID # _____

BREAKDOWN OF COSTS TO BE PLACED ON TAX DUPLICATE

1.	EXPENSE FOR TITLE SEARCH	\$ _____
2.	FEES and/or INTEREST INCURRED TO BORROW MONEY	\$ _____
3.	EXPENSE of REMOVAL of JUNK MOTOR VEHICLE(S)	\$ _____
4.	EXPENSE of NOTIFICATION: CERTIFIED MAIL/PUBLICATION	\$ _____
5.	ADMINISTRATIVE	\$ _____ 40.00 _____
	TOTAL COST TO BE PLACED ON TAX DUPLICATE	\$ _____

I the undersigned Fiscal Officer certify that the above costs are a true and accurate statement of all legal expenses, the total of which is to be placed on the Richland County Auditor Tax Duplicate, as a lien against the above land and real property to be collected as other taxes and returned to the general fund of Madison Township, pursuant to Section 505.871 (E) of the Ohio Revised Code.

Date: _____

Lorrie L. Tackett
Township Fiscal Officer