

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 02 – 16 - 05

AN ORDINANCE ADDING A NEW SECTION 351.14 ENTITLED, “PARKING INOPERABLE MOTOR VEHICLES ON PRIVATE PROPERTY” TO THE CLAYTON CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, City staff has reviewed the Clayton Codified Ordinances and recommended an addition thereto in the form of a new Section 351.14 entitled, “*Parking Inoperable Motor Vehicles on Private Property*” in order to allow the City the ability to more effectively address the parking of inoperable vehicles on private property; and

WHEREAS, Council desires to add a new Section 351.14 entitled, “*Parking Inoperable Motor Vehicles on Private Property*” to the Codified Ordinances of the City as recommended by staff to better protect the health, safety, and welfare of the citizens of Clayton.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the Clayton Codified Ordinances are hereby amended to add a new Section 351.14 entitled, “*Parking Inoperable Motor Vehicles on Private Property*” (additions are in **bold**):

351.14 PARKING INOPERABLE MOTOR VEHICLES ON PRIVATE PROPERTY.

- (a) For purposes of this section, “inoperable motor vehicle” shall be defined as any motor vehicle exhibiting one or more of the following characteristics:
 - (1) The motor vehicle is without substantial components, including but not limited to, window, windshield, door, motor, transmission, or other similar major part;
 - (2) The motor vehicle lacks the required safety equipment;
 - (3) The motor vehicle is without a valid license plate, or the motor vehicle’s license plate has been expired for more than thirty (30) days;
 - (4) The motor vehicle is apparently unsafe or hazardous to persons inside or outside of the motor vehicle;
 - (5) The motor vehicle is apparently inoperable;
 - (6) The motor vehicle is without fully inflated tires and/or has any type of support under it;
 - (7) The motor vehicle is damaged beyond economical repair;
 - (8) The motor vehicle is without valid insurance.
- (b) No inoperable motor vehicle shall remain parked in the open on any property located within the City for more than thirty (30) days.

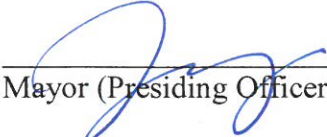
- (c) **Nothing in this section shall prohibit the open storage or keeping of an historic motor vehicle or a collector's vehicles as defined by Ohio R.C. 4501.01, except that an unlicensed collector's vehicle or an unlicensed historic motor vehicle shall be concealed from off-premises viewing by means of a building, fencing, vegetation, terrain or other suitable obstruction.**
- (d) **Any motor vehicle found in violation of this section may be impounded by order of the Chief of Police; provided that prior thereto written notice is sent to the person having the right to possession of the property on which the inoperable motor vehicle is found requiring that the inoperable motor vehicle either be repaired, placed within a structure, or removed from the property within ten (10) days and noting that failure to do so shall result in the inoperable motor vehicle being impounded. Such notice shall be either personally served or sent by certified mail, return receipt requested. The ten (10) day period shall be calculated from the date of personal service or if sent by certified mail, then the date of mailing of the certified mail.**
- (e) **Any unclaimed inoperable motor vehicle impounded pursuant to this section shall be disposed of in accordance with Ohio law.**
- (f) **Whoever violates this Section 351.14 is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted or pleaded guilty to a violation of Section 351.14, whoever violates Section 351.14 hereof is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more violations of Section 351.14, whoever violates Section 351.14 is guilty of a misdemeanor of the third degree.**

(Ord. O-02-16-05. Passed 3-3-16)

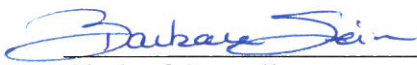
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- 2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
 - 3. That in accordance with Clayton Charter Section 4.031 (B), the requirement that this enactment be read on two (2) separate days is complied with by readings on February 18, 2016 and March 3, 2016.
 - 4. That, delay in the effective date of this Ordinance will result in detriment to the economic health, safety and welfare of the Clayton Community at large. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON MARCH 3, 2016.

AUTHENTICATION:



Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Asst. Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper Date of publication
Englewood Independent March 10, 2016



CLERK

Ref.: Clayton Charter Section 4.031 and 4.031(H)