

ORDINANCE NO. 2022-08

**AN ORDINANCE REGULATING THE STORAGE OF JUNK VEHICLES
WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF CASTALIA,
OHIO, AND DECLARING AN EMERGENCY.**

WHEREAS, the Council has previously adopted section 660.07 of the Codified Ordinances of the Village of Castalia, Ohio relative to the storage of junk vehicles within the Village; and

WHEREAS, Council has recently repealed its Codified Ordinances but has also determined that the regulations as set forth in the above cited section should remain in effect; and

WHEREAS, Council has further determined that it is necessary to adopt the within ordinance as an emergency measure as the prohibition herein is directly related to immediate preservation of the health, safety, and welfare of the Village of Castalia; and

WHEREAS, the Council has further determined that the abatement of junk vehicles within the Village is directly related to the immediate preservation of the public health, safety, and general welfare of the Village, and as such, the Village Council finds that an emergency now exists regarding the aforesaid. Therefore, it is deemed advisable to declare this Ordinance to be an emergency measure to take effect immediately upon its adoption and due authentication by the Mayor and Village Fiscal Officer of the Village of Castalia, Ohio; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CASTALIA, STATE OF OHIO:

SECTION 1. PURPOSE.

(A) It is the purpose and intent of this section to eliminate the adverse effects of the accumulation of damaged and inoperable vehicles and parts thereof which create blight, depress property values, generate health hazards, contribute to injury, damage to the environment including breeding areas for pests and vermin such as rodents, hornets, and mosquitoes which detrimentally affect the health, safety, and welfare of the Village of Castalia.

(B) All landowners have the right to the full use and enjoyment of their property, consistent with state law and the Village of Castalia ordinances, where such use does not infringe on the rights of adjacent landowners.

(C) In instances where an individual's actions significantly infringe on the use and enjoyment rights of adjacent landowners, the Village may act to abate a nuisance.

(D) This ordinance is meant to supplement state law, not replace it. The Village reserves the right to avail itself of any and all remedies available pursuant to state law or as set forth herein.

(E) This ordinance authorizes the Village to take action to abate junk vehicles as public nuisances.

SECTION 2. DEFINITIONS. Specific words and terms used in this section are defined

as set forth below. all other words or terms shall have the same meaning as defined in the Ohio Revised Code or as in common usage. Terms, phrases, and words used in the singular shall also apply to the plural. Terms, phrases, and words used in the plural shall also apply to the singular.

(A) **APPARENTLY INOPERABLE.** Means that a vehicle does not appear to comply with the legal requirements for vehicles used or parked on public streets or highways with regard to safety equipment such as brakes, lights, tires, mirrors, and safety glass, or with regard to vehicle licensing requirements or that is extensively damaged.

(B) **EXTENSIVELY DAMAGED.** Means that a vehicle has visible damage to or is missing one or more of the following parts or components.

1. Frame.
2. Axle.
3. Surface panels.
4. Doors.
5. Fender or fenders.
6. Window or windshield.
7. Headlight, brake light, taillights, or turn signals.
8. Motor.
9. Transmission.
10. Wheels or tires.
11. Steering wheel.
12. Radiator.
13. Battery.
14. Any other mechanical or electrical equipment.
15. Visible damage or a lack of any other similar component identified by a law enforcement officer when observing the vehicle.

(C.) **JUNK VEHICLE.** Means any vehicle meeting any one of the following criteria: is three years old or older; is extensively damaged; is apparently inoperable; or having a fair market value of less than \$1,500.00.

(D.) **LANDOWNER.** Means the legal owner of record of the real property on which a junk vehicle is stored, kept, placed, or otherwise located and/or a person with possession or control of such private real property.

(E.) **NUISANCE.** Means a condition that is a menace to public health, safety, or welfare.

(F.) **LAW ENFORCEMENT OFFICER.** means for the purposes of this Ordinance, any certified police officer of the Erie County Sheriff or any other certified officer with arrest powers.

(G.) **ENFORCEMENT OFFICER.** Means a law enforcement officer or the zoning code enforcement official.

(H.) **VEHICLE.** Includes, but is not limited to, automobiles, trucks, buses, motorcycles,

trailers, or other similar devices capable of moving or being moved on public right of way, and shall also include parts of vehicles, but shall not include historic vehicles.

SECTION 3. PROHIBITION. It is hereby declared that the storing or keeping of one or more junk vehicles on private property constitutes a public nuisance.

SECTION 4. EXEMPTION. It is not a violation of this section if any junk vehicle is completely enclosed within a building or structure where it is not visible by the public.

SECTION 5. NOTICE OF POTENTIAL VIOLATION. If, based on observation or a complaint from a third party, an enforcement officer determines that a junk vehicle is parked on public or private property, a notice of violation shall be delivered to the landowner and/or occupant by certified mail, return receipt requested or personal service if the address of the owner and/or occupant is known. In the event the address of the owner and/or occupant is not known, the enforcement officer shall give notice to the owner or occupant by posting the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the Village. The notice shall require the owner or occupant not less than ten (10) days to remove such junk vehicle which constitutes a public nuisance.

SECTION 7. ENFORCEMENT. A law enforcement officer, or the zoning code enforcement official shall enforce this section.

SECTION 8. PENALTY. Whoever violates this section is guilty of storing a junk vehicle, a minor misdemeanor. Each subsequent violation of this section shall constitute a misdemeanor of the fourth degree. Each calendar day such public nuisance continues to exist constitutes a separate offense. After ten (10) consecutive days, the enforcement officer may contact a licensed wrecker for removal of such public nuisance the cost of which shall be recovered as court costs.

SECTION 9. That the Fiscal Officer is authorized and directed to provide a certified copy of the foregoing ordinance to the Erie County Sheriff, the Sandusky Municipal Court, and the Sandusky Bay Law Library.

SECTION 10. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including *section 121.22 of the Revised Code.*

SECTION 11. That for the reasons set forth in the preamble, this Ordinance shall be adopted as an emergency measure to take effect immediately upon its adoption by the Mayor and the Fiscal Officer, respectively.



~~MAYOR~~
President of Council

ATTEST:

Kathy Niehm

VILLAGE FISCAL OFFICER

Adopted: June 28, 2022