

First Reading: April 4, 2012
Second Reading: Dispensed

RESOLUTION NO. 2012 - 14

**A RESOLUTION TO PROVIDE FOR THE REMOVAL OF JUNK MOTOR VEHICLES
IN SYCAMORE TOWNSHIP, HAMILTON COUNTY, OHIO., DISPENSING WITH
THE SECOND READING AND DECLARING AN EMERGENCY**

WHEREAS, the deposit of junk motor vehicles on public and private property within Sycamore Township is and has been a problem affecting community attractiveness and eroding the economic health and safety of the Township; and,

WHEREAS, the Ohio legislature, through Ohio Revised Code Section 505.871 has established a procedure authorizing Townships to remove junk motor vehicles under certain circumstances; and,

WHEREAS, the Trustees are desirous of clearly adopting and identifying such procedure to be utilized within the Township.

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. **Definitions:**

(A) **Junk Motor Vehicle:** 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, or transmission, or other mechanical parts which result in the motor vehicle being not usable for transportation on a public highway.

(B) **Collector’s Vehicle:** 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 (A) of this Section 1. If a collector’s vehicle meets all of the criteria contained in section (A), 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 removal of any other junk motor vehicle.

SECTION 2.

The Sycamore Township Trustees hereby provide for the removal of any motor vehicles in the Township that the Board of Trustees determines is a junk motor vehicle, as defined in Section 1, herein.

SECTION 3.

If a junk motor vehicle is located on public property, the Sycamore Township Trustees may provide by resolution for the immediate removal of the junk motor vehicle.

SECTION 4.

If a junk motor vehicle is located on private property, the Sycamore Township Trustees may provide in a resolution for removal of the vehicle not sooner than fourteen days after the board serves written notice, as detailed herein, 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.

(A) **Notice:** Sycamore Township Trustees will send a Notice of Intent to Remove Junk Motor Vehicle to the property owner which:

- a. Generally describes the vehicle to be removed;
- b. Advises the owner that the board has determined that the vehicle is a junk motor vehicle;
- c. Advises the owner of the land that if the owner fails to remove the vehicle within fourteen days after service of the notice, the board may remove or cause the removal of the vehicle;
- d. 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) The Sycamore Township Trustees 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 Sycamore 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 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 on the principal structure on the land.

A notice sent by certified mail shall be deemed to be served for the 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.

SECTION 5.

The Sycamore 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.

SECTION 6.

The Sycamore 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 section five. The Sycamore Township Trustees may direct the township fiscal officer to certify the expenses, including the township's reasonable administrative expenses, and a description of the land to the 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.

SECTION 7.

Upon the unanimous vote of the Sycamore Township Trustees, this Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety and welfare of Sycamore Township. The reason for the emergency is to provide for the immediate implementation of the procedures contained herein for the removal of junk motor vehicles.

VOTE RECORD:

Mr. Bishop *Aye*

Mr. Connor *Aye*

Mr. Weidman *Aye*

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 4th day of April, 2012.



Thomas J. Weidman, President



Cliff W. Bishop, Vice President



Dennis W. Connor, Trustee


AUTHENTICATION

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 4th day of April, 2012.



Robert C. Porter III, Fiscal Officer
Sycamore Township, Ohio

APPROVED AS TO FORM:


R. Douglas Miller, Law Director