

AN ORDINANCE AMENDING SECTIONS 303.08, 303.09, 303.12, 303.15, 303.16, 303.18 AND 303.99 AND ENACTING NEW SECTION 303.14.1 STRENGTHENING THE PROVISIONS WITH RESPECT TO JUNK VEHICLES

BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That Sections 303.08, 303.09, 303.12, 303.15, 303.16, 303.18 and 303.99 be amended to read as follows:

"303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized and ~~may shall~~ provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
- (2) When any vehicle or "abandoned junk vehicle" as defined in Section 303.09, subsections (a)(b) and (d) is left on private property for more than the number of hours permitted under the provisions of Ohio R.C. 4513.60 without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk vehicle", it shall be photographed by a law enforcement officer.
- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
- (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.

- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.

(b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of. Any other vehicle removed under authority of this section shall be ordered into storage and the Police Department shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

(c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.

### 303.09 DEFINITIONS.

As used in this chapter, certain words and terms are defined as follows:

(a) "Vehicle" means any machinery (cars, trucks, tractors, trailers, bulldozers, farm implements, boats, lawn equipment, etc.) that is or has been self-powered with a motor or not or is used in conjunction with a self-powered vehicle."

(b) "Heavy machinery and equipment" means any derrick, pile driving or road building equipment, sewer or ditch digging equipment or machinery

equipment for house moving or dredging or any other heavy machinery, equipment or material of a similar nature.

(c) "Abandoned vehicle" means any vehicle which is left on private property for more than seventy-two (72) hours without the permission of the person owning or having possession of the property, or any vehicle which is left on public property for forty-eight (48) hours or longer without notifying the Chief of Police.

(d) "Collector's vehicle" means any vehicle twenty-five (25) years or older having a fair market value of one thousand dollars (\$1,000.00) or more, that is owned, operated, collected, preserved, restored, maintained or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation.

(e) "Junk vehicle" means any vehicle three (3) years old or older; extensively damaged, such as missing a wheel, tire, motor or transmission; and having a fair market value of one thousand dollars (\$1,000.00) or less.

(f) "Unlicensed vehicle" means any vehicle, whether operable or not, required to be licensed pursuant to Ohio R.C. Chapter 4503 when used on public roads or highways, but not so licensed, or any motor vehicle whose license has expired for longer than thirty (30) days.

(g) "Private property" means any real property within the Village which is privately owned or used for solely private operations.

(h) "Public property" means any public street, highway, road, alley, sidewalk, bikeway and the right of way thereof; any property open to the public for purposes of vehicular travel or parking; and any property owned or operated by Summit County or the Village.

### 303.12 COLLECTOR'S VEHICLES ON PRIVATE PROPERTY.

(a) No person shall park or leave any unlicensed collector's vehicle, whether attended or not, for longer than forty-eight (48) hours upon any private property within the Village unless such vehicle is completely enclosed within a building or garage.

(b) No person in charge or control of any private property within the Village, whether as owner, tenant, occupant, lessee or otherwise, shall allow any unlicensed collector's vehicles to remain on such property for longer than forty-eight (48) hours, unless such vehicle is completely enclosed within a building or garage.

### 303.15 DISPOSITION OF ABANDONED MOTOR VEHICLES.

(a) The Chief of Police ~~may shall~~ order into storage any vehicle which has been left on public property for forty-eight (48) hours or longer without notification to the Chief of Police of the reasons for leaving the vehicle in such place. The Chief shall designate the place of storage of any vehicle removed by him and make disposition of such vehicle in the manner provided by Ohio R.C. 4513.61.

(b) The Chief of Police, upon complaint of any person adversely affected, ~~may shall~~ order into storage any vehicle which has been left on private property for more than seventy-two (72) hours without the permission of the person having right of possession of the property. The Chief, upon complaint of the owner of a repair

garage or place of storage, ~~may~~ shall order into storage any vehicle, other than an abandoned junk vehicle, which has been left at the garage or place of storage for a period longer than that agreed upon. The Chief shall designate the place of storage of any vehicle removed by him and make disposition of such vehicle in the manner provided by Ohio R.C. 4513.60.

#### 303.16 DISPOSITION OF ABANDONED JUNK VEHICLES.

The Chief of Police ~~may~~ shall order any abandoned junk vehicle located on private or public property to be disposed of in the manner provided by Ohio R.C. 4513.63.

#### 303.18 REMOVAL OF VEHICLES ON PRIVATE PROPERTY.

In addition to and not in lieu of any other procedure or penalty prescribed in this Traffic Code, if the registered owner or person in charge and control of private property notified pursuant to Section 303.17 fails, neglects or refuses to remove, house or store such vehicle in accordance with the notice given, the Chief of Police ~~may~~ shall remove and dispose of such vehicle in accordance with the provisions of this chapter. The owner of the vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle. If the vehicle remains unclaimed by the owner for ten (10) days, it may be disposed of in the manner provided by Sections 303.15 and 303.16.

#### 303.99 GENERAL TRAFFIC CODE PENALTIES.

##### (a) Misdemeanor Classifications.

- (1) General classification. Whoever violates any provision of this Traffic Code, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. (ORC 4511.99, 4513.99)
- (2) Compliance with order of police officer; fleeing. Whoever violates Section 303.01 is guilty of failure to comply with an order or signal of a police officer. A violation of Section 303.01(a) is a misdemeanor of the first degree. A violation of Section 303.01(b) is a misdemeanor of the first degree, unless the jury or judge as trier of facts finds any one of the following by proof beyond a reasonable doubt:
  - A. In committing the offense, the offender was fleeing immediately after the commission of a felony;
  - B. The operation of the vehicle by the offender was a proximate cause of serious physical harm to persons or property;

C. The operation of the vehicle by the offender caused a substantial risk of serious physical harm to persons or property. (ORC 2921.331)

- (3) Junk vehicles; unlicensed vehicles; collector's vehicles. Whoever violates Sections 303.10, 303.11 or 303.12 is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree. For every day such violation shall thereafter exist, it shall be deemed to constitute a separate offense. In addition to any other penalty imposed by the court, an offender shall also be assessed any costs incurred by the Village in disposing of such vehicle, less any money accruing to the Village from such disposal.
- (4) Abandoned and junk vehicles. Whoever violates Sections 303.13 and 303.14 hereof, is guilty of a misdemeanor of the fourth degree on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree. For each day such violation shall thereafter exist, it shall be deemed to constitute a separate offense. In addition to any other penalty imposed by the court, an offender shall also be assessed any costs incurred by the Village in disposing of such vehicle, less any money accruing to the Village from such disposal.
- (5) Interference with vehicle inspection or removal. Whoever violates Section 303.19 is guilty of a misdemeanor of the second degree.
- (6) Providing false information. Whoever violates Section 303.22 is guilty of a misdemeanor of the first degree. (ORC 4513.99)

(b) Procedures for enforcement. Whoever violates any provision of this Ordinance shall be ordered into the Village of Richfield's Mayor's Court for prosecution using a magistrate established by the Mayor and approved by Council.

(c) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	6 months	\$1,000.00
Second degree	90 days	\$ 750.00
Third degree	60 days	\$ 500.00
Fourth degree	30 days	\$ 250.00
Minor	No imprisonment	\$ 100.00

(ORC 2929.21)"

SECTION 2. That Chapter 303 is amended to add new Section 303.14.1 which shall read as follows:

303.14.1 HEAVY MACHINERY OR EQUIPMENT ON PRIVATE PROPERTY.

No person shall store or accumulate or permit, contribute to or suffer another person to store or accumulate any heavy machinery or equipment on any property within the Village except in that portion of the Village which has been classified by the Zoning Code of the Village for I Industrial District and has received a conditionally permitted use for a storage yard for contractors' equipment. Nothing herein contained shall prohibit the storing of any equipment or material being used in construction work on the premises where such construction work is being done, for the period in which the particular project is under construction, provided, however, that nothing contained herein shall be deemed to enlarge upon or permit any use for any property within the Village other than those already provided by the Zoning Code and Map of the Village.

SECTION 3. That Sections 303.08, 303.09, 303.12, 303.15, 303.16, 303.18 and 303.99 of the Traffic Code as they existed prior to the effective date of this Ordinance be, and the same hereby are, repealed.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed:

September 3, 1996



President of Council



Mayor

Dated:

9/5/96

ATTEST:



Clerk of Council