

ORDINANCE NO. 54-05-O

AN ORDINANCE AMENDING CITY CODIFIED ORDINANCE  
SECTION 521.11 (A) (B) (C), SECTION 521.12 (4) (C), AND  
SECTION 557.05 (A) AND DECLARING AN EMERGENCY.

WHEREAS, the Community Betterment Committee of the Celina City Council has recommended amendments to Section 521.11, 521.12, and 557.05 of the City's Codified Ordinances.

WHEREAS, revisions to the City's General Offenses Code have become necessary to limit the frequency and elapsed time in which a property owner must come into compliance for removing junk vehicles; to increase maintenance requirements for cutting and removal of weeds and or grasses on property within the City; to establish charges for removing junk vehicles, cutting grass and weeds, general cleanup and removal of debris; and to increase the punitive measures to be imposed for failure to comply.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio.

SECTION ONE

THAT, Chapter 521 and Chapter 557 of the Codified Ordinances of the City of Celina are hereby revised to incorporate the provisions of this Ordinance.

SECTION TWO

THAT, Chapter 521.11 of the City's Codified Ordinances be amended to read as follows:

521.11 STORAGE OF JUNK, INOPERABLE OR UNLICENSED VEHICLES

(a) As used in this Section "junk motor vehicle" means any motor vehicle which is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission; apparently inoperable; or not validly licensed, that is left in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junkyard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12; or regulated under the authority of the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation.

(b) A police officer shall serve a written notice to the person having the right to the possession of the property on which a junk motor vehicle is left. Within five (5) days after receipt of the notice, the junk motor vehicle shall either be housed within a closed garage or other similar structure so that such vehicle is not visible to the public or shall be permanently removed from the property.

(c) No person shall willfully leave a junk motor vehicle in the open for more than five (5) days after receipt of a notice as is provided in this Section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of five (5) days that a junk motor vehicle continues to be so left constitutes a separate offense. (ORC 4513.65)

(d) Upon failure to comply with the written notice to the person having the right to possession of the property on which a junk motor vehicle is left, the City shall cause to have removed such junk vehicle by a licensed and bonded towing service and assess the owner of the property the actual cost of such removal but not less than the actual cost plus one (1) hour of administrative fees and daily storage, if applicable. Daily storage per junk vehicle shall be a minimum of fifteen dollars (\$15.00) per day per vehicle.

(e) Whoever violates any provisions of this Section is guilty of a minor misdemeanor on a first offense; on a second offense and each successive offense within a calendar year such person shall be guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed on each fifth day during or on which a violation occurs or continues.

### SECTION THREE

THAT, Section 521.12 parentheses (c) of the City's Codified Ordinances be amended to read as follows:

(c) Enforcement; Notice; Service. No person violating subsection (b) hereof shall within five (5) days after notification of such violation by a police officer fail to remove or cause to be removed any junk or rubbish or to have the same placed in an adequate enclosure or building, as long as suitable enclosure presents no health and/or safety hazards as defined by the Mercer County Health Department and such material is not visible to the public.

Such notice shall be served upon the owner and or tenant if there is such, by certified mail or by an officer of the Police Department.

The fact that such premises are rented or leased by the owner to another party shall not relieve such owner from the responsibilities herein created.

Upon failure to remove or cause to be removed any junk or rubbish or to have same placed into an adequate enclosure or building, the City shall proceed to remove such junk or rubbish and dispose of same. The property owner shall be charged the actual cost of labor, equipment, and disposal fees with a minimum charge of one (1) hour labor for the combined average wage of two (2) employees of the Department of Public Works, or an approved contractor designated by the Appointing Authority, and the combined average wage for one (1) officer of the Celina Police Department.

Such charges are due and payable by owner of property within thirty (30) days of receipt of invoice after which the City shall cause such charges, plus any legal fees and penalties meted out in Paragraph (d), to be placed upon the tax duplicate of the property for collection by the County Auditor.

### SECTION FOUR

THAT, Section 557.05 of the City's Codified Ordinances be amended to read as follows:

(a) Upon information that weeds or grass are growing on lands in the City in excess of a height of ten inches (10") or are about to spread or mature seeds, a police officer shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land notifying him that such weeds and grasses are growing on such lands and that they must be cut and removed within five (5) days after the service of such notice. If such owner or other person having charge of such lands is a non-resident whose address is known, such notice shall be sent to his address by registered mail; if the address of such owner is unknown or such certified letter is returned as undeliverable, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County. No person shall fail to comply with such notice.

(b) Upon failure by owner, lessee, agent or tenant having charge of such land to comply with written notice, either by certified mail, delivery by a police officer, or publication in the local newspaper, within the five (5) day period, City shall cause weeds and grasses to be cut and removed. The property owner shall be charged at the actual cost of combined labor, equipment, and disposal fees, including a minimum one (1) hour charge for the combined average wage of two (2) employees of the Department of Public Works, or an approved contractor designated by the Appointing Authority, and the combined average wage for one (1) officer of the Celina Police Department..

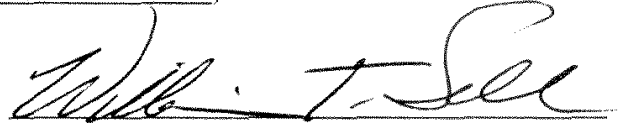
Such charges are due and payable by owner of property within thirty (30) days of receipt of invoice after which the City shall cause such charges, plus any legal fees and any penalty meted out in Paragraph (c) to be placed upon the tax duplicate of the property for collection by the County Auditor.

(c) Whoever violates this Section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each subsequent period of five (5) days during or on which a violation occurs or continues after expiration of the initial five-day period.

SECTION FIVE

THAT this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to enact the provisions of this Ordinance without further delay. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 14<sup>th</sup> day of November, 2005.

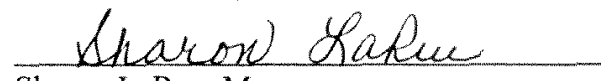


William T. Sell, President of Council


ATTEST:

  
Joan S. Wurster, Interim Clerk of Council

APPROVED November 14, 2005.

  
Sharon LaRue, Mayor

APPROVED AS TO FORM:

  
Kevin M. McKirnan, City Law Director