

CITY OF STRUTHERS, OHIO
Ordinance

NO. 21-002

AN ORDINANCE AMENDING § 351.15 OF THE STRUTHERS CODIFIED ORDINANCES AND REPEALING ORDINANCE 94-9306, ORDINANCE 99-9808, ORDINANCE 20-035 AND/OR ANY OTHER ORDINANCE, OR PART THEREOF, TO THE EXTENT THE SAME ARE INCONSISTENT WITH THIS ORDINANCE, AND DECLARING AN EMERGENCY.

WHEREAS, on April 26, 1994, this Council passed Ordinance 94-9306 establishing § 351.15 of the City’s Codified Ordinances;

WHEREAS, this Council passed Ordinance 99-9808 on May 12, 1999 amending § 351.15 of the City’s Codified Ordinances;

WHEREAS, this Council passed Ordinance 20-035 on November 10, 2020 amending § 351.15 of the City’s Codified Ordinances;

WHEREAS, § 351.15 of the City’s Codified Ordinances currently provides as follows:

351.15 STORAGE OR PARKING OF UNLICENSED, INOPERABLE VEHICLES AND EQUIPMENT.

(a) No person shall use any premises in the City for storing, parking or otherwise keeping unlicensed, abandoned, disabled or otherwise inoperable vehicles and equipment or other objects of an unsightly nature.

(b) Any person who covers or stores a vehicle is not permitted to use tarps, blankets or anything of the sort not designed specifically for covering and storing a vehicle and only covers designed specifically for the purpose of covering or storing a vehicle are permitted.

(c) “Inoperable vehicles and equipment” means any motor vehicle, apparatus or equipment which is not in operating condition or which has no value except for salvage or junk purposes, or has any of the following conditions exist, one or more wheels are missing, one or more tires are missing, one or more tires are flat, one or more windows are missing or broken, the windshield is shattered or missing, parts necessary for the vehicles operation are missing or a license with a distinctive number and valid for the current year is not displayed thereon.

(d) “Storage, parking or otherwise keeping” means storing, parking, standing or otherwise keeping one or more vehicles, equipment or other objects in any place other than in an enclosed garage or accessory building for a period in excess of two weeks.

(e) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on the second offense, such person is guilty of a misdemeanor of the fourth degree.

WHEREAS, the Safety Service Director and/or Code Enforcement Director have brought to the attention of this Council that there are certain issues with § 351.15 of the City’s Codified Ordinances and/or the enforcement thereof; and

WHEREAS, this Council is satisfied that there is good cause to amend § 351.15 of the City’s Codified Ordinances, that the amendment of § 351.15 of the City’s Codified Ordinances will not be detrimental to the general interest, and that it should be made.

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NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Struthers, Ohio, $\frac{3}{4}$'s of all members elected thereto concurring:

SECTION 1: § 351.15 of the City's Codified Ordinances is hereby amended to read as follows:

351.15 JUNKED AND UNLICENSED VEHICLES

(a) For purposes of this section, the following words and phrases are defined as follows:

(1) "Director" means the Safety Service Director or the Code Enforcement Director.

(2) "Junked Vehicle" means any motor vehicle that is inoperable; has no value except for salvage or junk purposes; is incapable of being propelled on its own; is wrecked, dismantled, or discarded; has one or more wheels missing; has one or more tires missing, has one or more flat tires; has one or more windows missing or broken; or has missing parts necessary for the vehicle's operation.

(2) "Unlicensed Vehicle" means any motor vehicle that does not display a valid, unexpired rear license plate that bears the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, or that is not duly registered with any other state.

(b) Storing, Parking, or Keeping Junked or Unlicensed Vehicles

(1) No person shall use any property in the City for storing, parking, or otherwise keeping a Junked Vehicle or Unlicensed Vehicle for a period in excess of two (2) weeks unless the Junked Vehicle or Unlicensed Vehicle is in an enclosed garage or accessory building or covered pursuant to division (b)(2) of this section.

(2) Any person who covers or stores a Junked Vehicle or Unlicensed Vehicle is not permitted to use tarps, blankets, or anything of the sort not designed specifically for covering and storing a vehicle and only covers designed specifically for the purpose of covering or storing a vehicle are permitted.

(3) If the Director reasonably believes that a Junked Vehicle is inoperable, the Director may request the owner or person claiming control of the Junked Vehicle to demonstrate that it is operable.

(c) Exceptions

(1) The following vehicles are exempt from division (b) of this section:

(A) A Junked Vehicle or Unlicensed Vehicle on the property of a business enterprise that is operated in a lawful manner when necessary to the operation of the business enterprise.

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(B) A Junked Vehicle or Unlicensed Vehicle stored in a place or depository maintained at a location officially designated by, and in a manner approved by, the City.

(d) Penalty

(1) The owner of the property upon which a Junked Vehicle or Unlicensed Vehicle is located and/or the owner the Junked Vehicle or Unlicensed Vehicle may be charged with a violation of this section.

(2) Any person who is found guilty of a violation of this section is guilty of an unclassified misdemeanor for the first offense and misdemeanor of the fourth degree for each subsequent offense.

(3) Every day on which a violation of this section is found to exist shall constitute a separate offense.

SECTION 2: Ordinance 94-9306, Ordinance 99-9808, Ordinance 20-035, and any other ordinance, or part thereof, that are inconsistent with the provisions of this ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

SECTION 3: The provisions of this ordinance are severable. If any section, paragraph, sentence, or clause hereof shall be declared illegal, unconstitutional or invalid by any court of competent jurisdiction, such illegality, unconstitutionality or invalidity shall not affect the remaining portions of this ordinance and it hereby is declared the intention and purpose of this Council that this ordinance would have been enacted without such illegal, unconstitutional or invalid provision.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including § 121.22 of the Ohio Revised Code.

SECTION 5: This ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health and safety of the inhabitants of the City of Struthers, Ohio. Said emergency exists, and, as such, this ordinance shall take effect upon its passage and approval by the Mayor.

PASSED IN COUNCIL THIS 13th DAY OF January, 2021

Megan R. Shorthouse
CLERK OF COUNCIL

Michael S. Patrick
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 13th DAY OF January, 2021.

Megan R. Shorthouse
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 13th DAY OF January, 2021.

Catherine Cercone Miller
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 1/21/2021-01/28/2021

Megan R. Shorthouse
CLERK OF COUNCIL

Save: Junked and Licensed Vehicle