

The Board of Madison Township Trustees in and for Madison Township, Lake County, Ohio, met this day in Regular Session with the following members present:

Mr. Anderson, Mr. Gauntner, Mr. Wayman,

Mr. Wayman presented the following Resolution and moved its adoption:

A RESOLUTION, IN COMPLIANCE WITH *ORC 505.173* AND *ORC 505.871*, ADOPTING REGULATIONS NECESSARY FOR THE ILLEGAL STORAGE OF JUNK MOTOR VEHICLE(S)

WHEREAS, the Board of Madison Township Trustees (Board) believe the presence of junk motor vehicles on public or private property is injurious to the general health, safety, and welfare of Township residents; and

WHEREAS, *ORC 505.173* provides for the adoption of a resolution by the Board to regulate the storage of junk motor vehicles; and

WHEREAS, *ORC 505.173(E)* defines junk motor vehicles as those vehicles which are: *greater than three years old; appear to be inoperable, and are extensively damaged, to include but not limited to, missing wheels, tires, engines, or transmissions;* and

WHEREAS, the Board determines it is in best interest of all citizens to notify, and when appropriate issue minor misdemeanor citations, to any property owner storing a junk motor vehicle; and

WHEREAS, the Board also determines if the issuance of citations in compliance with this section fails to remedy the storage of junk vehicles, the Board may follow the procedures as found in *ORC 505.871* to remove a junk vehicle(s) from property within the unincorporated portion of the township.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MADISON TOWNSHIP TRUSTEES THAT:

SECTION 1. The Board of Madison Township Trustees hereby adopt the procedures as found in *ORC 505.173* and *ORC 505.87* as they apply to the storage of junk motor vehicles.

SECTION 2. Furthermore, the Board of Madison Township Trustees through the powers granted to it under *ORC 505.173* and *ORC 505.871* hereby authorize and instruct the Madison Township Police Department to enforce this Resolution.

SECTION 3. That it is found and determined that all formal action(s) of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any of its committees, if any, which resulted in such formal action(s) were taken in meetings open to the public, in full compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution shall take effect and be in force at the earliest period allowed by law.

BE IT FURTHER RESOLVED, a copy of this resolution be forwarded to Sarah Hamercheck, Fiscal Officer; Tim Brown, Administrator; Chief Troy Hager, MTPD, Lieutenant Elizabeth Kirk, MTPD, Max Ungers, Madison Township Zoning Inspector, and to Chris Bernard, Assistant Zoning Inspector.

Mr. Gauntner seconded the motion to adopt the Resolution.

RESOLUTION #24-063

April 25, 2024
Madison Township, Lake County, Ohio

ROLL CALL:

Mr. Anderson: Yes

Mr. Gauntner: Yes

Mr. Wayman: Yes

Resolution Adopted
Sarah Hamercheck, Fiscal Officer

Fiscal Officer's Certification:

I, Sarah Hamercheck duly elected Fiscal Officer of Madison Township, Lake County, Ohio, do hereby certify that this is a true and accurate copy of a resolution adopted by the Board of Madison Township Trustees on April 25, 2024.

WITNESS MY HAND this 25th day of April 2024, in Madison Township, Lake County, Ohio.



Sarah Hamercheck, Fiscal Officer
Madison Township, Lake County, Ohio



Ohio Revised Code

Section 505.173 Storage of junk motor vehicles.

Effective: November 19, 1996

Legislation: Senate Bill 121 - 121st General Assembly

(A) Notwithstanding sections 4513.60 to 4513.65 of the Revised Code, the board of township trustees may adopt resolutions as the board considers necessary to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the township. No resolution shall restrict the operation of a scrap metal processing facility licensed under authority of sections 4737.05 to 4737.12 of the Revised Code; the operation as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool of a person licensed under Chapter 4738. of the Revised Code; or the provision of towing and recovery services conducted under sections 4513.60 to 4513.63 of the Revised Code, including the storage and disposal of junk motor vehicles removed from public or private property in accordance with those sections. Except for a case in which division (C) of this section applies, no resolution shall prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain, or other suitable screening, any unlicensed collector's vehicle stored in the open.

(B) In addition to other remedies provided by law, the board of township trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this section.

(C) Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this section if the collector's vehicle meets all of the criteria contained in division (E) of this section. If a collector's vehicle meets all of the criteria contained in division (E) of this section, a board of township trustees, in accordance with division (A) of this section, may regulate the storage of that motor vehicle on private or public property in the same manner that the board may regulate the storage of any other junk motor vehicle and, in case of a violation of this section, may pursue any remedy provided by law, including any remedy provided in division (B) of this section.

(D) Whoever violates any resolution adopted under this section is guilty of a minor misdemeanor.



**AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #229833**

Each day that a violation of this section continues constitutes a separate offense. Fines levied and collected under this section shall be paid into the township general revenue fund.

(E) As used in this section, "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 wheels, tires, engine, or transmission.



Ohio Revised Code

Section 505.871 Removal of junk motor vehicle.

Effective: April 12, 2021

Legislation: House Bill 444 - 133rd General Assembly

(A) A board of township trustees may provide, by resolution, for the removal of any vehicle in the unincorporated territory of the township that the board determines is a junk motor vehicle, as defined in section 505.173 of the Revised Code.

(B) If a junk motor vehicle is located on public property, the board of township trustees may provide in the resolution for the immediate removal of the vehicle.

(C)(1) If a junk motor vehicle is located on private property, the board of township trustees may provide in the resolution for the removal of the vehicle not sooner than fourteen days after the board serves written notice 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.

(2) The notice provided under this division shall generally describe the vehicle to be removed and indicate all of the following:

(a) The board has determined that the vehicle is a junk motor vehicle.

(b) If the owner of the land fails to remove the vehicle within fourteen days after service of the notice, the board may remove or cause the removal of the vehicle.

(c) Any costs 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.

(3) The board shall serve the notice under this division 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 board also shall send notice in such manner to any holders of liens 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, 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 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.

(D) The board of 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 costs 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 costs exceed five hundred dollars, the board may borrow moneys from a financial institution to pay the costs in whole or in part.

(E) The board of township trustees may utilize any lawful means to collect the costs incurred in removing or causing the removal of a junk motor vehicle under this section, including any fees or interest paid to borrow moneys under division (D) of this section. The board may direct the township fiscal officer to certify the costs and a description of the land to the county auditor. The county auditor shall place the costs upon the tax duplicate. The costs are a lien upon the land from and after the date of entry. The costs shall be returned to the township and placed in the township's general fund.

(F)(1) As used in this division:

(a) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.

(b) "Scrap metal processing facility" has the same meaning as in section 4737.05 of the Revised Code.

(2) Notwithstanding section 4513.63 of the Revised Code, if a junk motor vehicle is removed and disposed of in accordance with this section, the clerk of courts of the county shall issue a salvage



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #278063

certificate of title for that junk motor vehicle to a motor vehicle salvage dealer licensed pursuant to Chapter 4738. of the Revised Code or a scrap metal processing facility licensed pursuant to sections 4737.05 to 4737.12 of the Revised Code if all of the following conditions are satisfied:

- (a) The board of township trustees has entered into a contract with the motor vehicle salvage dealer or scrap metal processing facility for the disposal or removal of the junk motor vehicle in accordance with section 505.85 of the Revised Code.
 - (b) The fiscal officer for the board of township trustees executes in triplicate an affidavit prescribed by the registrar of motor vehicles describing the junk motor vehicle and the manner of removal or disposal and certifying that all requirements of this section and the notice and records search requirements of section 4505.101 of the Revised Code have been satisfied.
 - (c) The board of township trustees retains the original affidavit for the board's records and furnishes the remaining two copies of the affidavit to the motor vehicle salvage dealer or scrap metal processing facility.
 - (d) The motor vehicle salvage dealer or scrap metal processing facility presents one copy of the affidavit to the clerk.
- (3) The clerk shall issue the salvage certificate of title, free and clear of all liens and encumbrances, not later than thirty days after the motor vehicle salvage dealer or scrap metal processing facility presents the affidavit pursuant to division (F)(2) of this section.
- (G) Notwithstanding section 4513.65 of the Revised Code, but subject to division (H)(2) of this section, any collector's vehicle that meets the definition of a junk motor vehicle is subject to removal under this section.
- (H)(1) Nothing in this section affects the authority of a board of township trustees to adopt and enforce resolutions under section 505.173 of the Revised Code to regulate the storage of junk motor vehicles on private or public property in the unincorporated territory of the township.
- (2) A resolution adopted under this section is subject to the same restrictions specified in division



**AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #278063**

(A) of section 505.173 of the Revised Code for resolutions adopted under that section.