

VILLAGE COUNCIL OF WAKEMAN, OHIO  
ORDINANCE NO. 2021-O-18

AN ORDINANCE AMENDING SECTION 303.10 OF THE WAKEMAN  
CODIFIED MUNICIPAL CODE OF ORDINANCES RELATING TO JUNK  
VEHICLES

WHEREAS, the village would like to enhance the penalties for offenders that commit repeated junk vehicle offenses.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. That Section 303.10 of the Wakeman Codified Municipal Code Ordinances is hereby amended as follows:

*303.10 LEAVING JUNK VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.*

*(a) For the purposes of this section, "junk motor vehicle" defined as any motor vehicle that is not currently registered and operable, defined as being capable of operation on a public street and meeting all safety requirements for such operation that is left covered or uncovered in the open on private property for more than twenty-four consecutive hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12; or regulated under authority of the Municipality.*

*(b) No person shall willfully leave a junk motor vehicle with the permission of the person having the right to the possession of the property on which the junk motor vehicle is left covered or uncovered in the open for more than twenty-four consecutive hours. Junk motor vehicles and collector vehicles, defined as any motor vehicle or agriculture tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and 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, pursuant to Ohio R.C. 4501.01(F) shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.*

*(Ord. 1998-O-25. Passed 12-14-98.)*

*(c) Council, the Chief of Police or the Municipal Zoning Authority, may send notice by regular mail with a certificate of mailing certified mail with return receipt requested, to the person having the right to the possession of the property to which a junk motor vehicle is left for more than twenty-four consecutive hours, that within five days of receipt of the notice, the junk motor vehicle either shall be housed in a garage or other suitable structure or be removed from the property. Notice may also be given by leaving a copy of the required notice at the residence of the person having the right to the possession of the property to which a junk motor vehicle is*

left for more than twenty-four consecutive hours, that within five days of receipt of the notice, the junk motor vehicle either shall be housed in a garage or other suitable structure or be removed from the property. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice.

(d) Each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.  
(Ord. 2011-0-32. Passed 12-12-11.)

(d)(e) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.65)

(f) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to one or more violations of this section, the offense in an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be fined no less than five hundred dollars but no more than one thousand dollars.

SECTION 2. CODIFICATION. That once adopted, the Council Clerk is hereby authorized and directed to submit this legislation to the village codification service.

SECTION 3. DISPENSE WITH THREE READINGS. That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 705.15 and 731.17(A)(2)]


SECTION 4. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 13 day of December, 2021.

AUTHENTICATION and ATTESTATION  
(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.

  
MAYOR

  
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 6 NAYS: 0 ABSTAIN: 0

First Reading: December 13, 2021

Second Reading: dispensed \_\_\_\_\_ (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))  
Third Reading: dispensed \_\_\_\_\_ (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

PREPARED BY AND APPROVED AS TO FORM [See also 731.21(B)]:

SP (um)  
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING  
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Wakeman Public Library, 18 East Abbott Street; and
- 2) Electronically online at official Village website; and
- 3) Wakeman Post Office, 17 West Main Street; and
- 4) Village of Wakeman Municipal Building, 59 Hyde Street; and
- 5) Mickey Mart, 52 West Main Street.

C. J. [Signature]  
FISCAL OFFICER/COUNCIL CLERK