

**STATUTORY RESOLUTION NO. 09 - 2012**

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**RESOLUTION ADOPTING A GENERAL POLICY PURSUANT TO OHIO REVISED CODE SECTION 505.871 TO PROVIDE FOR THE REMOVAL OF ANY VEHICLE DETERMINED, AS DEFINED IN SECTION 505.173 OF THE OHIO REVISED CODE, A JUNK MOTOR VEHICLE**

**WHEREAS**, West Chester Township has adopted a Limited Home Rule form of Township Government pursuant to Ohio Revised Code (ORC) §504.04; and,

**WHEREAS**, ORC §505.871 authorizes a Board of Township Trustees to provide for the removal of any vehicle in the township the Board determines is a junk motor vehicle, as defined in ORC §505.173 of the Ohio Revised Code as meeting all of the following criteria:

1. Three model years or older
2. Apparently inoperable
3. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission; and,

**WHEREAS**, the West Chester Township Board of Trustees recognizes it is in the best interest of the residents of West Chester Township and further believes it will promote the health, safety and welfare of those residents to adopt a general policy to use the authority granted under ORC §505.871 to remove vehicles duly determined to be junk motor vehicles as defined by ORC §505.173.

**NOW THEREFORE, BE IT RESOLVED** that the West Chester Township Board of Trustees does hereby agree to adopt the following policy for the removal of junk motor vehicles from property within West Chester Township:

**GENERAL POLICY**

**SECTION 1.** If a junk motor vehicle is located on private property within West Chester Township, the West Chester Township Board of Trustees may provide 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. The notice shall at a minimum contain the following information:

- a) A general description of the vehicle to be removed;
- b) A statement the Board has determined the vehicle is a junk motor vehicle;
- c) A statement that 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; and
- d) A statement that any expenses 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.

**SECTION 2.** The notice required under Section 1 herein shall be sent by certified mail, return receipt requested, to the owner of the land if the owner of the land resides in the township, or if the owner resides outside of the township and the owner's address is known or ascertainable through an exercise of reasonable diligence. The same notice shall be sent 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 reasonable be ascertained by an exercise of reasonable diligence, notice shall be published once in a newspaper of general circulation in West Chester Township before the removal of the vehicle, and the notice shall be posted on the principal structure on the land.

**SECTION 3.** A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on a signed return receipt. If the "return receipt" is not received back within 21 days of the date the notice is mailed, and if a "refusal notice" is not received within 21 days of the date the notice is mailed, then it may be presumed that the notice was delivered and accepted, and the service date in that circumstance shall be the day the notice was mailed.

A notice given by publication shall be deemed to be served on the date of the newspaper publication.

**SECTION 4.** The West Chester Board of Trustees will utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle. The West Chester Board of Trustees will direct the West Chester Township Fiscal Officer to certify the expenses and a description of the land to the Butler County Auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the West Chester Township General Fund.

**SECTION 5.** Nothing in this Resolution shall affect the authority of the West Chester Township Board of Trustees to adopt and enforce Resolutions under ORC §505.173 or any other applicable section of the Ohio Revised Code to regulate the storage of junk motor vehicles in West Chester Township.

**SECTION 6.** Vehicles removed under this general policy are subject to the same restrictions specified in ORC §505.173(A).

**SECTION 7.** This Resolution shall take effect at the earliest date permitted by law.

Adopted this 24th day of July, 2012

<u>Catherine Stoker</u> Catherine Stoker, President	<u>YES</u> Yes No
<u>Lee Wong</u> Lee Wong, Vice President	<u>yes</u> Yes / No
<u>absent</u> George Lang, Trustee	<u>          </u> Yes / No

**ATTEST:**

Bruce Jones  
Bruce Jones, Township Fiscal Officer

**APPROVED AS TO FORM:**

Donald L. Crain  
Donald L. Crain, Law Director