

First Reading: February 10, 2004
Second Reading: February 24, 2004
Third Reading: March 9, 2004

ORDINANCE 8 - 2004

**AN ORDINANCE AMENDING NEWTOWN REVISED CODE § 95.04 AND 95.06
REGARDING THE DEFINITION OF ABANDONED JUNK MOTOR VEHICLE AND
JUNK MOTOR VEHICLE**

WHEREAS, it has been brought to the attention of the Council of the Village of Newtown, Ohio that Newtown has a problem with junk motor vehicles being abandoned on private or public property or kept on private property by the owners in such a manner as to interfere with the quiet enjoyment of the property of other citizens of the Village of Newtown; and

WHEREAS, Council of the Village of Newtown does desire to provide for enforcement of Newtown law regarding junk motor vehicles.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Newtown, State of Ohio:

SECTION 1. DISPOSITION OF ABANDONED JUNK MOTOR VEHICLES
Newtown Code § 95.04 shall be amended as follows:

(A) *ABANDONED JUNK MOTOR VEHICLE* means any motor vehicle meeting any one of the following requirements:

(1) The vehicle is left on private property for 48 hours or longer without the permission of the person having the right to possession of the private property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer;

(2) The vehicle is extensively damaged or modified from its original condition, such damage or modification to include but not be limited to any combinations of the following types of damage or modifications: deflated, wrecked, or missing tires or rims; missing, wrecked, or damaged body parts; broken or missing headlights, taillights or brake lights; broken, cracked or missing windows or windshields; missing all or part of the motor or transmission; missing or invalid license plate or plates; or a vehicle that is otherwise apparently inoperable; and

(3) The vehicle has a fair market value of \$1,500.00 or less; or

(4) The vehicle is unlicensed, regardless of the age, condition or value of the vehicle.

SECTION 2. **JUNK MOTOR VEHICLES; ORDER TO COVER OR REMOVE; NOTICE; EXCEPTIONS;** Newtown Code § 95.06 is hereby amended as follows:

(A) For the purposes of this section, *junk motor vehicle* means any motor vehicle meeting the requirements of § 95.04 (A) (2), (3), or (4) that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of R.C. § § 4737.05 through 4737.12, or otherwise regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any government 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; or if the motor vehicle is a collector's vehicle.

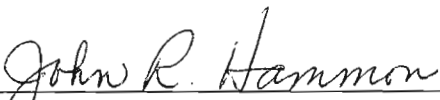
SECTION 3. All other Sections of Newtown Code § 95.01 *et seq.* not amended herein shall remain in full force and effect.

SECTION 4. This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare, and safety of the Village of Newtown. The reason for the emergency is to provide for the enforcement of the Village of Newtown's Junk Ordinance.

VOTE RECORD:

Mr. Collins	<u>yes</u>	Mr. Evans	<u>yes</u>	Ms. Hueber	<u>yes</u>
Ms. McCarthy	<u>yes</u>	Mr. Phillips	<u>yes</u>	Mr. Thomas	<u>yes</u>

PASSED this 9th day of March, 2004.



John R. Hammon, Mayor
Village of Newtown, Ohio

AUTHENTICATION

This is to certify that this ordinance was duly passed, and filed with the Village of Newtown this 9th day of March, 2004.

Keri L. Everett
Keri Everett, Fiscal Officer
Village of Newtown, Ohio

APPROVED AS TO FORM

R. Douglas Miller
R. Douglas Miller, Solicitor
Village of Newtown, Ohio

PROOF OF PUBLICATION

I hereby certify that I have published this Ordinance on April 2, 2004 by posting in five public places as established by the Council of the Village of Newtown, Ohio.

Keri L. Everett
Keri Everett, Fiscal Officer
Village of Newtown, Ohio