

**SYMMES TOWNSHIP**  
HAMILTON COUNTY, OHIO

9323 UNION CEMETERY ROAD  
SYMMES TOWNSHIP, OHIO 45140-9386

(513) 683-6644  
(513) 683-6626 (Fax)  
www.symmestownship.org

**BOARD OF TRUSTEES**  
JODIE L. LEIS  
ERIC MINAMYER  
KATHRYN P. WAGNER

**CLERK**  
JOHN C. BORCHERS

**ADMINISTRATOR**  
GERALD L. BECKMAN

**RESOLUTION G-0417**

Resolution to Rescind Resolution G-9617  
and to Adopt New Regulations for the  
Storage of Junk Motor Vehicles and  
Providing Penalties for Violation  
of Said Regulations

WHEREAS, Ohio Revised Code §505.173 authorizes a Board of Township Trustees to adopt a Resolution which the Board considers necessary to regulate the storage of junk motor vehicles on private or public property within the Township; and

WHEREAS, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio adopted Resolution G-9617, Resolution Regulating the Storage of Junk Motor Vehicles and Providing Penalties for Violation of Said Regulations on May 21, 1996; and

WHEREAS, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio has determined the need to include additional language for the regulation of the storage of junk motor vehicles on private or public property within the Township; and

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees, Symmes Township, Hamilton County, Ohio that:

Section 1. Hereby rescinds Resolution G-9617, Resolution Regulating the Storage of Junk Motor Vehicles and Providing Penalties for Violation of Said Regulations on May 21, 1996.

Section 2. Hereby adopts the following regulations for the storage of junk motor vehicles on private or public property within the Township:

- A. In accordance with the authority provided pursuant to §505.173 of the Ohio Revised Code it shall be unlawful to store a junk motor vehicle on private or public property within the unincorporated area of Symmes Township, unless it is stored entirely within a garage or similar building which conceals it from view from adjacent properties and any public right-of-way.

In addition to other remedies provided by law, the Board of Trustees of Symmes Township 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 Resolution. The notice requirements of Section 1.D. do not apply to any civil action instituted under this Section.

- B. In accordance with §505.173 of the Ohio Revised Code, this Resolution shall not restrict the operation of any scrap metal processing facility licensed under authority of §§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 §§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.
- C. This Resolution shall not prohibit a person from storing or keeping, or restrict them 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 such vehicle must be concealed from adjacent properties and any nearby public right-of-ways, by means of buildings, fences, vegetation, terrain or other suitable screening of any unlicensed collector's vehicle stored in the open. The placement of a tarp, blanket, cloth or other material over the

vehicle shall not constitute "suitable screening" for the purposes of this Resolution. Failure to conceal such a vehicle shall be a violation of this Resolution. Regardless of whether a vehicle is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for the purposes of this Resolution if the collector's vehicle meets all the criteria contained in Section 2.B. of this Resolution. In the event that a vehicle meets all the criteria contained in Section 2.B. of this Resolution, whether it is a collector's vehicle or not, it shall be regulated by Section 1.A. of this Resolution.

- D. The Township shall cause reasonable notice to be issued prior to the issuance of any criminal complaint for the violation of this Resolution. Thereafter, additional complaints may be issued without further notices whenever the same property. Reasonable notice shall be deemed provided if a notice of the violation is sent to the occupant of the property where the violation has occurred by ordinary U.S. mail at least ten (10) days prior to a Complaint being issued. No proof of receipt of the notice need be proven, as long as the Township records indicate that the notice was sent. However, a complaint for injunctive relief or any other appropriate civil action may be filed at any time, with or without prior notice.

Section 2. For purposes of this Resolution, the terms below are defined as follows:

- A. Storage: Means any vehicle left in a stationary position for more than: (1) 72 consecutive hours on public property or any property, private or public, without the permission of the owner or occupant of the property; or (2) 168 consecutive hours on any property, private or public.
- B. Junk Motor Vehicle: Means a motor vehicle that meets all the following criteria.
1. Three model years old, or older;

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

C. **Collector's Vehicle:** Means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of One Hundred (\$100.00) Dollars or more, whether operable or not, 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. See Ohio Revised Code Section 4501.01(F).



D. **Licensed Collector's Vehicle:** Means a collector's vehicle that displays current valid license tags issued under Section 4503.45 of the Ohio Revised Code.

Section 3. Whoever violates this Resolution is guilty of a minor misdemeanor. Each day that a violation continues shall constitute a separate offense.

Section 4. That this Resolution is hereby declared to be an emergency and is necessary for the immediate preservation of the public peace, health, safety, and welfare. The reason for said emergency is the necessity to immediately bring this Resolution onto compliance and conformity with state law.

Section 5. That the Board of Trustees, upon majority vote, does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first readings. This was done in open meetings in accordance with law.

ADOPTED JUNE 1, 2004

Vote Record: Mrs. Leis  Mrs. Wagner  Mr. Minamyer 