

Ordinance No. _____

Passed _____, 20____

Village of Laura

Ordinance No.10-12

An Ordinance Declaring A Nuisance for Storage of Certain Materials on Private or Public Property Within the Village of Laura, Ohio with Penalty

Section I. Definitions

- a) Persons-Shall mean any person, firm, partnership, association, corporation or organization of any kind.
- b) Refuse-embraces only such matter as was either in fact noxious or has been refused and abandoned by its owner as worthless.
- c) Rubbish- means and included wire, chips, shavings, bottles, broken glass, crockery, tin, cast, wooden ware, boxes, rags, dead weeds, paper products, handbills, boots, shoes, ashes or any waste material other than garbage or offal.
- d) Junk-means old or scrap rope, rags, batteries, paper, rubber, technology equipment-computers, monitors, printers, copy machines, televisions, stereos, radios, junked, dismantled, or wrecked automobiles or parts thereof,
- e) Used Building Materials- means and include any materials such as wood, stone, brick, cement block, or any composition thereof, used or useful in the erection of any building or structure, which have been used previously for such erection or construction, by the same persons or by any other person.
- f) Motor Vehicles in an Inoperative Condition- means and includes any style or type of motor-driven vehicle used or useful for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten (10) consecutive days.
- g) Motor Vehicle Unfit for Further Use- means and includes any style or type of motor-driven vehicle used for the conveyance of persons or property, which is in a dangerous condition, had defective or missing parts, or is in such condition generally as to be unfit for further use as a conveyance.
- h) Scrap Metal- shall mean pieces of, or parts of steel, iron, tin, zinc, copper, brass, aluminum, iron and other old and scrap ferrous or non ferrous materials, or any alloy thereof, whether covered with any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its originally intended purpose.
- i) Automobile Parts- means and includes any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.
- j) Trash- means paper, garbage, any soft materials, any relatively light materials and any other similar or related articles or property which becomes air born with wind and blows upon the property of other persons.

Section II. Storage of Certain Materials Declared A Nuisance

It shall be unlawful and is hereby declared a nuisance for any person to store, place, collect or allow to remain or become airborne and blow any refuse, rubbish, junk, used building materials, motor vehicles in any inoperative condition, motor vehicles unfit for further use, scrap metal, automobile parts or trash on any lot, lots, parts of lots, or parcel of land, within the corporate limits of said Village;

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Section III. Leaving of Motor Vehicles on Public Thoroughfares.

It shall be unlawful and is hereby declared a nuisance for any person to leave, park, store or permit to be left, parked or stored any motor vehicle in an inoperative condition or any motor vehicle unfit for further use, on any public street, alley, or highway within the corporate limits of said Village:

Section IV. Notice-Order for Removal-Removal

a) In the event of a violation of Section II above, the Mayor or Village Marshall shall give notice to the person having charge of the premises upon which the violation occurs to cease such violation. Such notice shall be in writing and shall be served upon the person having charge of the premises either personally or at the usual place of residence of such person having charge of such premises or by registered or certified mail addressed to such person's last known place of residence.

b) If the person served with the notice as provided in paragraph (a) of this section, fails to cause such violation to cease within ten (10) days of the date upon which the notice was issued, such persons shall be subject to the penalty provided in Section VI hereof, and a separate offense shall be deemed committed upon each day beyond such ten-day period; provided that no additional notice of violation is required to be given.

c) In the event of a violation of Section III above, the Mayor or the Village Marshall shall give notice to the person owning said motor vehicle to cease such violation. Such notice shall be in writing and shall be served upon the person owning said motor vehicle either personally or at his usual place of residence or by registered or certified mail addressed to such person's last known place of residence, or in the event the person owning said motor vehicle cannot be found or his residence is unknown, the Mayor or Village Marshall shall give notice in writing and such notice shall be served by firmly affixing said notice to the motor vehicle left, parked or stored on any public street, alley, or highway, or said notice served on the person in possession of said motor vehicle served upon the agent of the person owning said vehicle, and failure to cause such to cease within ten (10) days of the date upon which the notice was issued, said motor vehicle may be removed to a motor vehicle pound or other place of storage by and police officer and shall not be released except upon payment of the towing and storage charged. Vehicles so removed may be disposed of according to provisions of Section 737.331 of the Revised Code of Ohio.

Section V. Exception: Building Material for Own Use, and Motor Vehicles.

a) Notwithstanding the provisions of Section II hereof, it shall not be unlawful for any person to purchase used building materials and place or store them on any lot, lots, parts of lots, or parcels of lands, when such materials are to be used by the purchaser, or owner in later construction on the same lot or any lot owned or controlled by such persons; provided that such materials shall not remain on said lot, lots, parts of lots, or parcel of land, for a period of more than forty-five (45) days, unless the construction or erection planned for the uses of said materials has commenced; and provided further that such materials are used or consumed in the construction or removed from the premises within a period of four (4) months from the time said materials are first placed on the lot, lots, parts of lots, or parcel of land. It shall be unlawful for any person to remove any materials so stored or placed to another location within the Village for the purpose of avoiding the intent of this Section, except that any such materials

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may be moved to another lot, lots, parts of lots, or parcel of land, when the same have been sold to a bona fide purchaser for value for such purchasers own use.

b) Notwithstanding the provision of Section II or III hereof, it shall not be a violation of this Ordinance for any person to store, place, collect or allow to remain refuse, rubbish, junk, used building materials, motor vehicles in an inoperative condition, motor vehicles unfit for further use, scrap metal, automobile parts or trash in any enclosed building, garage or structure.

Section VI. Penalty

Whoever violates any Section or provision of this Ordinance shall be deemed guilty of a minor misdemeanor punishable by a fine of not more than one hundred-fifty dollars (\$150.00) unless otherwise provided herein. Each day that the fee required by this Ordinance remains unpaid shall be deemed a separate offense.

Section VII. Whoever has previously been convicted of any violation of this ordinance shall be guilty of a fourth degree misdemeanor for any subsequent offense, punishable by a fine of not more than two hundred-fifty dollars (\$250.00), thirty (30) days in jail, or both. Each day that the fee required by this Ordinance remains unpaid shall be deemed a separate offense.

Section VIII. Any other Ordinances or parts of Ordinance in conflict herewith are hereby repealed.

Section IX: That this Resolution shall take effect at the earliest possible date permitted by law.

Passed this 8 day of October 2012.


Ed Guess, Mayor


Gretchen Slagle, Clerk

ADOPTED: 10-8-2012.

ATTEST: 

Clerk's Certificate

I hereby certify that 5 (five) true copies of the forgoing Resolution have this date been posted in not less than five (5) of the most public places in the Municipal Corporation of Laura, Ohio as designated by the Village Council, there being no newspaper published in said Village.
(R.C. 731.25)