Ordinance Review Commission Members

Carla Fiehrer  
Chair

<table>
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<th>Name</th>
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<tr>
<td>Pat Moeller</td>
<td>Mayor - Vice Chair</td>
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<tr>
<td>Susan Vaughn</td>
<td>Council Member</td>
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<td>Chief Buehl</td>
<td>Chief of Police</td>
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<td>Kay Farrar</td>
<td>Health Commissioner</td>
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<td>Jim Williams</td>
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<td>Nathan Perry</td>
<td>Utilities Representative</td>
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<td>Jeffrey Gambrell</td>
<td>Resident Representative</td>
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<td>Peter Acuff</td>
<td>Resident Representative</td>
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I. Call to Order

II. Approval of Minutes

III. New Business – General Prohibition on Outdoor Burning and Refuse Burning

   a. An ordinance amending the Codified Ordinances of the City of Hamilton, by adding a new Section 1505.03 – General Prohibition on Outdoor Burning and Refuse Burning

   b. Public Comments regarding this topic.

IV. New Business – Amendments relative to Parking Generally, and Littering

   a. Proposed Amendments to City of Hamilton Codified Ordinances: Chapter 301, Definitions, Chapter 351, Parking Generally, and Chapter 1735, Littering

   b. Public Comments regarding this topic.

V. Audience of Citizens

Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address the Ordinance Review Commission are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.

VI. Audience of the Commission

VII. Next Meeting

VIII. Adjournment

All ordinances being discussed are on file in the Office of the City Clerk at 345 High Street Hamilton, OH 45011 and are available on request in advance of the meeting. Additionally, the discussed ordinances are available on the City’s website. The City of Hamilton is pleased to provide accommodations to disabled individuals and encourage their participation in city government. Should special accommodations be required, please contact the City Clerk’s office at 513-785-7182 (24) hours before the scheduled meeting.
1505.03 General prohibition on outdoor burning and refuse burning

(a) Definitions.
For the purpose of this Section, the following terms shall have the following meanings, unless another definition is provided or the context otherwise requires:

1. “Campfire” means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

2. “Clean wood” means natural wood which: has not been painted, varnished, or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

3. “Construction and demolition waste” means building waste materials, including, but not limited to, waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

4. “Nuisance” means burning of any material of any kind exuding smoke which may endanger the public, or safety or health of the public, or to disturb the comfort or repose of any person residing in the vicinity of the open burning, or which causes excessive or noxious odors, or when such open burning emits sparks, embers, or smoke upon adjacent or nearby premises.

5. “Open burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

6. “Refuse” means any waste material including but not limited to leaves, grass, garbage and other organic refuse, construction and demolition waste materials, automobiles or parts thereof, flammable, toxic or explosive materials, electrical wiring, rubber products and plastic products.

(b) Open burning, outdoor burning and refuse burning is prohibited in the City of Hamilton unless the burning is specifically permitted by Paragraph (d) of this Section.

(c) The following materials may not be burned:

1. Rubbish and/or garbage including, but not limited to, food waste, food wrappers, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

2. Waste oil or other oily wastes.

3. Asphalt and products containing asphalt.
(4) Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(5) Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.

(6) Rubber, including tires and synthetic rubber-like products.

(7) Newspaper, corrugated cardboard, container board, office paper and other materials that may be recycled.

(d) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit and subject to the following limitations:

(1) Flames must be limited in size to 3 feet in diameter and 2 feet in height.

(2) Open burning including camp fires under this Paragraph (d) shall only be conducted at a location at least twenty-five (25) feet from the nearest building which is not on the same property and at a minimum fifteen (15) feet of any building or property line which is on the same property.

(3) Open burning shall be constantly attended and supervised by a competent person at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(e) Liability: A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other costs and liability resulting from damage caused by the fire.

(f) Right of entry and inspection.

(1) The Fire Chief or any authorized officer, agent, employee or representative of the City of Hamilton may inspect any property for the purpose of ascertaining compliance with the provisions of this Section.

   A. Note: If the owner or occupant of the premises denies access to the property for this purpose, the fire code official must first obtain a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code. Obtained in accordance with Chapter 1301:7-7 of the Ohio Revised Code.

(g) Enforcement and penalties.

(1) The City of Hamilton Fire Division shall have the authority to cause any fire to be extinguished if it is determined that there is a danger to public safety, a danger to public or private property, a nuisance or sign of environmental harm or violation of regulations.
(2) The Fire Chief and any fire inspector are authorized to enforce the provisions of this Section

(3) Whoever violates any provision of this Section shall be guilty of an unclassified misdemeanor and the penalty for violation of any portion of this Section shall be a forfeiture of not more than two hundred fifty dollars per day for each separate violation of the rules in this Section for open burning of residential waste and not more than one thousand dollars per day for each separate violation of the rules in this Section for open burning of all wastes that are not residential waste. A separate violation is assessed for each day (twenty-four hour period) or portion of a day the violation occurs, plus the cost of prosecution.
Report to the Ordinance Review Committee on Proposed Amendments to City of Hamilton Ordinances: Chapter 301, Definitions, Chapter 351, Parking Generally, and Chapter 1735, Littering

Automobiles and other vehicles that are inoperable, illegally stored or parked on private property fall under the purview of three different ordinances that are enforced by three different departments of the City of Hamilton: the Police, Health and Planning Departments.

The three departments cooperate and coordinate as much as practical when enforcing these areas of overlap. However, there are some minor conflicts in the regulations that lead to confusion for the personnel enforcing the ordinances and for the general public.

In order to eliminate these conflicts, the following amendments are proposed. The items marked thru in red are existing language to be removed the highlighted items are new language.

301.20 MOTOR VEHICLE.

—"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole digging machinery, well drilling machinery, ditch digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B))

(a) "Vehicle" means every device, including but not limited to automobiles, trucks, semi-tractors, buses, watercraft, trailers, mobile homes, recreational vehicles, farm machinery, construction equipment, and other motorized vehicles, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that “vehicle” does not include any motorized wheelchair, any electric personal assistive mobility device, or any device, that is moved by human power.

(b) "Recreational Vehicle" means any vehicle or structure including but not limited to camper trailers, fifth wheel campers, truck campers and self-propelled motor homes constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

351.99(a)(3) Effective April 10, 1995, every person who violates Section 351.03.1, 351.03(u), 351.13, 351.131, 351.15, 351.14, 351.17 and 353.071 shall be fined fifty dollars ($50.00) if paid before midnight of the day on which a citation is issued for such violation. If the fine is paid after midnight of the date of violation but within twenty-four (24) hours of the violation, the fine shall be seventy-five dollars ($75.00). If the fine is paid
after twenty-four (24) hours from the time of the violation, the fine shall be one hundred dollars ($100.00).

351.03.1 PROHIBITED IDLING AND PARKING OF CERTAIN TRUCKS AND BUSES AND ALL SEMITRAILERS AND SEMITRACTORS IN A RESIDENCE DISTRICT; EXCEPTIONS.

Except as provided in this section, no person shall idle or park any bus, including a school bus, nor any truck with a certified gross vehicle weight or registered weight, whichever is greater, for the specific truck of more than ten thousand (10,000) pounds, nor any semitrailer or semi-tractor, on any street, alley or in any yard area (front, back or side) or on any driveway or on any private property in any residence district within the City. As to buses, this prohibition is effective regardless of whether such bus or school bus is actually used for, or is currently being used for, the transportation of persons for compensation.

(a) This provision does not apply to a truck, bus, semitrailer, semi-tractor when standing, or parking:

(1) Due to an emergency, or
(2) For the loading or unloading of passengers, or
(3) For the loading or unloading of cargo, or
(4) As directed by a police officer, or
  (5) If such vehicle is owned or operated by the Municipality while the operator of such vehicle is carrying out official duties.

(b) This prohibition does not apply to school buses, as defined in Section 301.35 herein, between the hours of 8:00 a.m. to 5:00 p.m. on weekdays.

355.01 DEFINITIONS.

As used in this chapter:

(a) "Abandoned junk vehicle" means any motor vehicle meeting all of the following requirements:

  (1) Left on private property for more than four (4) seventy-two (72) hours without the permission of the person having the right to the possession of the 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 seventy-two (72) twenty-four (24) hours or longer;
  (2) Three years old or older;
  (3) Without a current license displayed on the vehicle. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor or transmission;
  (4) Apparently inoperable due to mechanical malfunction or extensive damage; such damage including but not limited to any of the following: missing wheels, tires, motor or transmission; (Ord. 7904. Passed 10-9-74.)
  (5) Having a fair market value of one thousand five hundred dollars ($1,500) or less. (Ord. 2003-6-40. Passed 6-11-03.)

(b) "Property" means any real property within the City which is not a street or highway.
355.02 WILLFULLY ABANDONING A VEHICLE.
(a) (1) No person shall willfully leave a vehicle or “abandoned junk motor vehicle” on private property for more than seventy-two (72) hours without permission of the person having the right to the possession of the property, or 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 seventy-two (72) hours or longer without notification to the Chief of Police of the reasons for leaving the vehicle in such place. Said vehicle must have a valid license, and registration and be in legally road operable condition.

(2) For the purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment.

(b) Whoever violates this section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the Municipality in disposing of such junk motor vehicle, less any money accruing to the Municipality from such disposal.

(ORC 4513.99)

355.03 MOTOR VEHICLE LEFT ON PRIVATE PROPERTY.

The Chief of Police, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle which has been left on private property for more than four (4) hours without the permission of the person having the right to the possession of the property. The place of storage shall be designated by the Chief of Police. The owner of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle. If the motor vehicle remains unclaimed by the owner for thirty days, the procedures established by Sections 355.05 et seq. shall apply.

355.04 JUNK MOTOR VEHICLE; ORDER TO COVER OR REMOVE.

For the purposes of this section "junk motor vehicle" means any motor vehicle meeting the requirements of Section 355.01(a)(2 and 3) to (5) that is left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating an approved 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 City; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental 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.

The Chief of Police may send notice by certified mail with return receipt requested to the person having the right to the possession of the property on which a junk motor vehicle is left, that within seventy-two (72) hours ten-days of receipt of the notice, the junk motor-vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property. Parking, storing, leaving, or permitting the parking or storing of any junk vehicle, non-operating vehicle, or vehicle parts, whether attended or not attended, in a carport, under a car cover, or behind a fence, for a period in excess of seventy-two (72) hours upon any private property within the City is a violation of this ordinance.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than seventy-two (72) hours ten-days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of than seventy-two (72) hours thirty-days that a junk motor vehicle continues to be left constitutes a separate offense.
355.05 **Motor Vehicle Left on Public Property.**

The Chief of Police may order into storage any motor vehicle other than an abandoned junk motor vehicle which has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right of way of any road or highway, for twenty-four (24) hours or longer without notification to the Chief of the reasons for leaving the motor vehicle in such place. The Chief shall designate the place of storage of any motor vehicle ordered removed by him.

The Chief of Police shall immediately cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Chief, and if known, shall send notice to the owner or lienholder at his last known address by certified mail with return receipt requested, that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The owner or lienholder of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle.

If the owner or lienholder makes no claim to the motor vehicle within ten (10) days of the date of mailing of the notice, the Chief of Police shall dispose of such vehicle in the manner provided in the third paragraph of Ohio R.C. 4513.61 and Section 355.06. Provided, however, any motor vehicle meeting the requirements of Section 355.01(a)(3) to (45) which has remained unclaimed by the owner or lienholder for a period of ten (10) days or longer following notification as provided in this section may be disposed of as provided in Section 355.07.

351.03 **Prohibited Standing or Parking Places.**

No person shall stand or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic, to comply with provisions of this Traffic Code, while obeying the directions of a police officer or a traffic control device, or in case of an emergency:

(Ord. 2004-2-8. Passed 2-11-04.)

(a) On a sidewalk, curb or street lawn area, except a bicycle, and except when any portion of the vehicle is parked on a paved surface or concrete pad situated within the street lawn area, so long as a minimum of four (4) feet of sidewalk are available.

(Ord. 2018-10-95. Passed 10-10-18.)

(b) In front of or within five feet (5') of a public or private driveway;
(c) Within an intersection;
(d) Within ten feet (10') of a fire hydrant;
(e) On a crosswalk;
(f) Within twenty feet (20') of a crosswalk at an intersection;
(g) Within thirty feet (30') of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
(h) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
(i) Within fifty feet (50') of the nearest rail of a railroad crossing;
(j) Within twenty feet (20') of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet (75') of the entrance when it is properly posted with signs;
(k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
(l) Alongside any vehicle stopped or parked at the edge or curb of a street;
(m) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
(n) At any place where signs prohibit stopping, standing or parking, or where the curbing is painted yellow, or at any place in excess of the maximum time limited by signs; and in any off-street parking area which is posted as being reserved for City elected officials, City employees or City vehicles, or at any on-street parking location which is reserved for City vehicles;
(o) Within one foot (1') of another parked vehicle;
(p) On the roadway portion of a freeway, expressway or thruway.
(q) In any monthly rental space in the Municipal surface parking lots or the Municipal Parking Garage which is rented or leased to another person or which is not rented or leased to another person.
(r) In any hourly rental space in the Municipal Parking Garage if such person is a monthly rental lessee in the Municipal Parking Garage.
(s) In any parking space assigned to Butler County, Ohio, pursuant to ordinance adopted by Council, and located:
   (1) On the east side of Front Street between High Street and Market Street and being within the following described area: beginning one hundred and eight feet (108') north of High Street and extending north to a point a distance of fifty feet; and
   (2) In the municipal surface parking lot situated upon parts of Lot Number 120 located at the southeast corner of Magnolia Street and Riverfront Plaza in the Second Ward of the City.
   (Ord. 2004-1-2. Passed 1-14-04.)
(t) In any on-street parking space designated for use by the handicapped, as defined in Section 351.04(e), unless the vehicle standing or parked is operated by a handicapped person or is being used to transport a handicapped person and bears a special handicapped license plate or other identification as provided in Section 351.04(f). (Ord. 2008-8-95. Passed 8-13-08.)
(u) At any posted bus stop or taxicab stand during the hours 6:00 a.m. to 7:00 p.m., Monday through Friday.
   (Ord. 2004-1-2. Passed 1-14-04.)
(v) In any of the three parking spaces assigned to the Hamilton, Ohio, City of Sculpture, an Ohio non-profit corporation, pursuant to an ordinance adopted by Council, and located on the west side of Monument Avenue between Third Street and High Street and being within the following described area: beginning sixty-four feet (64') north of Third Street and extending north to a point a distance of sixty-three feet (63'). (Ord. 2004-2-8. Passed 2-11-04.)

351.17 NO PARKING OF MOTOR VEHICLES IN YARDS.

No person, operator, or owner of a vehicle, motor vehicle, motorcycle, motorized bicycle, commercial tractor, bus, trailer, camper, recreational vehicle, boat or semi-trailer shall park the same or permit the same to be parked between the building line of a building or structure and the public right-of-way of the abutting street or alley unless the same is parked on a driveway which is surfaced with an asphaltic, concrete, cement binder, or approved pervious paving products so as to provide a dustless, mud-free surface, free of standing water that shall be graded and drained per the Director of Engineering’s approval.

In addition to any other penalty permitted by law, the penalty for violation of this provision shall be as set forth in Section 351.99(a)(3).
1735.18: MAINTAINING PRIVATE PROPERTY FREE OF LITTER.
(a) The owner, operator, or occupant of any private property shall at all times maintain the property free of litter. All litter shall be stored in authorized private containers for collection.
(b) Unused lumber and abandoned, unused or inoperative vehicles automobiles, auto parts, washers, dryers, refrigerators, and other such appliances, equipment and like items shall be stored in an enclosed structure upon all private property.
(c) The storage of such items listed in this section must comply with any and all health, zoning, fire, and building codes, and such other regulations, orders, ordinances, or statutes as may apply.

1735.19 NOTICE OF VIOLATION.
(a) The Commissioner of Health shall notify the owner, operator, or occupant of any property to properly dispose of litter located on such property that is dangerous or a nuisance to public health, safety, and welfare.
(b) Notice by the Commissioner of Health shall be in the form of a letter and service of such notice may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing. It shall be deemed sufficient to mail the notice to the owner's, operator's, or occupant's residence, regular place of business, or last known address.
(c) If the property in violation of this chapter is unimproved with no structure upon which to post notification of the violation or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

1735.20 EFFECT OF NONCOMPLIANCE; CITY MAY REMOVE VIOLATION.
(a) Upon receiving a notice of violation regarding a junk, inoperable, unlicensed or abandoned vehicle the owner, operator, or occupant of the property is required to abate the condition within seventy-two (72) forty-eight (48) hours from receipt of the notice of violation.
(b) Upon receiving a notice of violation of this chapter, the owner, operator, or occupant of the property is required to abate the condition within Seventy-two (72) forty-eight (48) hours from receipt of the notice of violation.
(c) Whenever a notice or order to remove a violation has not been complied with, the Commissioner of Health may proceed to cause the violation to be removed after the Commissioner of Health has documented sufficient proof to support such determination of non-compliance.
   (1) The owner, operator, or occupant of the property shall then be notified of such finding by the Commissioner of Health in the manner described in Section 1735.19.
   (2) The Commissioner of Health shall not commence their abatement for a vehicle until seventy-two (72) forty-eight (48) hours for all other violations after the subsequent notification required by Section 1735.20(b)(1).

1735.21 EXPENSE RECOVERABLE.
1735.22 JUNK MOTOR VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER; NOTICE OF REMOVAL AND IMPOUNDING.

(a) It shall be a violation of this chapter to accumulate and store junk motor vehicles, non-operating motor vehicles or vehicle parts, on private property, which motor vehicles are in the nature of refuse and unsightly debris.

(b) Accumulation and storage of the items in this section constitutes a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to minors as well as adults. Further, these conditions interfere with the comfort and well-being of the public and create, extend, and aggravate urban blight. Accordingly, the public health, safety, and general welfare require that such conditions be regulated, abated and prohibited.

(c) Definitions. For the purposes of this section:

(1) “Vehicle” means every device, including but not limited to automobiles, trucks, semi tractors, buses, watercraft, trailers, mobile homes, recreational vehicles, farm machinery, construction equipment, and other motorized vehicles, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that “vehicle” does not include any motorized wheelchair, any electric personal assistive mobility device, or any device, that is moved by human power.

(2) “Recreational Vehicle” means any vehicle or structure including but not limited to camper trailers, fifth wheel campers, truck campers and self-propelled motor homes constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

(3) “Junk Motor vehicle” means any motor vehicle which:
   A. Is three (3) years old or older;
   B. Extensively damaged, with such damage including, but not limited to, any of the following: missing wheels, tires, motor, or transmission;
   C. Apparently inoperable;
   D. Having a fair market value, as determined by Kelley Blue Book, NADA, or other similar publication, of one thousand five hundred dollars (1,500) or less; and
   E. That:
      i. Is left outside of a building, and thus is in the open on private property for more than seventy-two (72) forty-eight (48)-hours; or
      ii. Has been left on private property for more than seventy-two (72) forty-eight (48) hours without the permission of the person having the right to the possession of the property.

(4) “Left outside of a building” means that the motor vehicle has not been placed in an enclosed structure or building with at least three (3) sides. Neither a carport, nor a car cover, nor a fence, qualifies an enclosed structure or building with at least three (3) sides.

(5) “Non-operating Motor vehicle” means:
   A. Any motor vehicle not bearing current, valid, state license plates; or
   B. Any motor vehicle partly disassembled, incapable of satisfying state standards of safe operation or incapable of moving under its own power, whether bearing
current, valid, state license plates or not. Any motor vehicle not moved within thirty days shall be presumed to be incapable of moving under its own power.

3. (6) “Property” means any real property within the City, which is not a street or highway.

4. (7) “Vehicle part” means any portion or part of a motor vehicle.

(d) Storage on Private Property.
   (1) No person shall park, store, leave, or permit the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not, for a period in excess of seventy-two (72) forty-eight (48) hours upon any private property within the City, unless the same is completely enclosed within a building, having three (3) or more sides, or unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise, or it is a collector’s vehicle pursuant to Ohio Revised Code section 4501.01(F), as may be amended from time to time.
   (2) Neither a carport, nor a car cover, nor a fence meets the requirement under subsection (d)(1) of this Section 1735.22 of completely enclosed within a building having three (3) or more sides. Therefore, Parking, storing, leaving, or permitting the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not attended, in a carport, under a car cover, or behind a fence, for a period in excess of seventy-two (72) forty-eight (48) hours upon any private property within the City is a violation of this section and this chapter.

(e) Removal Required.
   (1) The accumulation and storage of one (1) or more such junk motor vehicles, non-operating motor vehicles, or vehicle parts in violation of the provisions of this section shall constitute refuse and unsightly debris and shall constitute a nuisance, detrimental to the health, safety and general welfare of the inhabitants of the City.
   (2) The owner, operator, or occupant of the property upon which such nuisance is located otherwise shall remove the nuisance to a place of lawful storage, or shall have the junk motor vehicle, non-operating motor vehicle, or vehicle part housed within a building where it will not be visible from the street or alley.
   (3) Notwithstanding any provisions to the contrary contained in Chapter 1767, regulation, enforcement, notice, and abatement shall be pursuant to this section.

(f) Notice to Remove.
   (1) Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part, which is in violation of this section.
   (2) The Commissioner of Health shall give, or cause to be given, written notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section; or the Commissioner of Health shall give, or cause to be given written notice to the owner, operator, or occupant of the property upon which such junk motor vehicle, non-operating motor vehicle, or vehicle part is located; or the Commissioner of
Health shall give, or cause to be given, written notice to both the registered owner of the junk motor vehicle, non-operating motor vehicle, or vehicle part and the owner, operator, or the occupant of such property.

(3) Written notice shall be by United States certified mail with return receipt, commercial carrier service, or by personal service, and shall state that such junk motor vehicle, non-operating motor vehicle, or vehicle part violates the provisions of this section and that within seventy-two (72) forty-eight (48) hours, the junk motor vehicle, non-operating motor vehicle, or vehicle part is to be removed to a place of lawful storage or to be housed in a building where it will not be visible from the street or alley.

(g) Removal by City.

(1) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section, or the owner, operator, or occupant of the private property upon which the same is located, fails, neglects, or refuses to remove or house such junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the notice given pursuant to the provisions of subsection (f) hereof, the Commissioner of Health may remove and dispose of such junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the provisions of this section.

(2) Any person to whom notice was given pursuant to subsection (f) hereof shall have the right to remove or house such motor vehicle in accordance with such notice at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives as listed above in (h)(1), for the purpose of removal.

(i) Penalty for Junk Motor Vehicle Offense.

(1) Whoever violates any prohibition contained in this section is guilty of a minor misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, non-operating motor vehicle or vehicle part, plus administrative costs in the amount of twenty-five (25%) percent of the total costs incurred, and less any money accruing to the City from such disposal.

(2) Each day such violation exists or is permitted to continue shall constitute a separate offense.