

660.31 VEHICLES.

(a) For purposes of this section, the following terms shall have the meaning given herein:

(1) "Inoperable vehicle" means any vehicle with any of the following existing conditions: one or more wheels are missing; one or more tires are missing; two or more tires are flat; one or more windows are missing or broken; the windshield is shattered or missing; parts necessary for the operation of the vehicle are missing.

(2) "Junk vehicle" means any vehicle that is wrecked, dismantled, disabled, or so damaged as to appear not safely operable.

(3) "Unlicensed vehicle" means any vehicle that does not display a distinctive alphanumeric license **plate** and current validation **license** stickers issued under Ohio R.C. Chapter 4503 or under substantially equivalent laws of other states.

(4) "Vehicle" means any device on wheels or runners that is propelled or drawn by power other than muscular power, including motorized bicycles, mobile homes, trailers, and semitrailers, but does not mean electric personal mobility devices, emergency vehicles, and public safety vehicles.

(b) No person shall park or leave any vehicle between the front setback line and the public right-of-way, excluding the area approved as a driveway and/or turnabout. Vehicles parked on private property shall be parked on a concrete driveway or turnabout or other approved hard-surface parking area.

(c) No person shall maintain more than one vehicle at the same time on private property for the purpose of advertising such vehicle for sale. Nothing herein shall be deemed to apply to any premises for which a currently valid State license has been issued pursuant to Ohio R.C. Chapter 4517 and for which a permit allowing the use of the premises for the sale of vehicles has been issued by the City.

(d) (1) The Police Chief may send notice to the person having the right of possession of property on which a junk vehicle, inoperable vehicle, or unlicensed vehicle is left, that within ten days of receipt of the notice, such vehicle either shall be ~~covered by~~ **being housed in a garage or other suitable structure approved by the Building Commissioner** where it is not visible, or shall be removed from the property. **Such notice shall include information on the time, place, and manner in which an administrative appeal may be taken.**

(2) No person shall willfully leave a junk vehicle, inoperable vehicle, or unlicensed vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this **sub-section (d)(1)**. The fact that such vehicle is so left is prima-facie evidence of willful failure to comply with the notice. **In addition to the penalty prescribed in subsection (g) below, the Police Chief may order the removal of any junk vehicle, inoperable vehicle, or unlicensed vehicle from private property for willful failure to comply with a notice issued under subsection (d)(1).** Nothing herein shall apply to junk yards or scrap metal processing facilities licensed under Ohio R.C. Chapter 4737 or regulated under the authority of the City, or to vehicles that are part of a bona fide commercial operation.

(3) (A) Any person named in a violation notice issued under subsection (d)(1) may contest the notice in the following manner:

1. A hearing officer appointed by the City shall hear the case. The hearing officer shall conduct a hearing on or after the 10th business day following the date of the violation notice. The hearing officer may extend the time

period by which a hearing must be conducted upon a written request for additional time by an alleged violator.

2. The hearing officer shall ensure that the hearing is open to the public. The hearing officer shall post a docket in a conspicuous place near the entrance to the Safety Department office in City Hall. The docket shall identify by alleged violator the hearings scheduled for that day and the time of each hearing. Multiple hearing may be scheduled for the same time to allow for occurrences of nonappearance.

3. The alleged violator may be represented by an attorney at the hearing and may present evidence to rebut the following presumptions: (1) the alleged violator is in fact the owner of the property where the vehicle is parked in the open; (2) the alleged violator is in fact in legal possession of such property; (3) the alleged violator willfully permitted the vehicle to be parked in the open on his or her property; (4) the vehicle is inoperable, junk, or unlicensed.

4. The hearing officer shall determine, based on a preponderance of the evidence, whether (1) the alleged offense did in fact occur, and (2) the alleged violator is in fact the rightful possessor of the premises where the violation occurred.

5. The hearing officer may consider any of the following as an affirmative defense to a violation provided herein:

a. The illegally parked vehicle has been removed from the premises or has been housed in a garage or other suitable structure approved by the Building Commissioner;

b. The alleged violator is not the owner of the illegally parked vehicle and he/she did not permit the vehicle to be parked on their property;

c. The alleged violator did not own or possess the property where the violation occurred at the time of the offense. The alleged violator shall submit evidence substantiating the identity of the property owner or other person in lawful possession of the property where the violation occurred at the time of the offense.

6. On the day of the hearing, the hearing officer shall issue a written decision on whether a violation did in fact occur and shall submit his/her decision to the City and to the alleged violator. If the hearing officer finds that the alleged violation did not occur or did in fact occur but the alleged violator successfully raised an affirmative defense thereto, the Police Chief shall rescind the violation notice. If the hearing officer finds that the alleged violation did in fact occur and further finds cause for removing the illegally parked vehicle from the offending premises, the hearing officer shall inform the violator on how to recover a seized vehicle and shall also inform the violator of his/her right to appeal the hearing officer's decision.

(B) Pursuant to section 2506.01 of the Ohio Revised Code, a person may appeal a written decision rendered by a hearing officer under this section to a court of competent jurisdiction.

(e) No person shall repair, repaint or perform any other work on a vehicle in a residential neighborhood except as follows:

- (1) Such work is temporary in nature.

(2) Such work is performed on a vehicle owned, leased or rented by a resident of the premises where the work is done.

(3) Such work must be done inside a structure or similarly enclosed area. Any spray painting must be done inside a structure or similarly enclosed area designed and approved for such purpose by the Fire Division and the Building Division.

(4) Such work must be performed between the hours of 8:00 a.m. and 9:00 p.m.

(f) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, is guilty of a first degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(g) Whoever violates subsections (b) or (d) hereof is guilty of a minor misdemeanor. In addition to any other method of enforcement, a violation of subsections (b) or (d) may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates subsections (b) or (d) as a fourth and subsequent offense is guilty of a first degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.