



**BOARD OF TRUSTEES  
SPRINGFIELD TOWNSHIP, HAMILTON COUNTY, OHIO  
RESOLUTION NUMBER 80-2012  
ADOPTING A GENERAL POLICY TO PROVIDE FOR THE REMOVAL OF JUNK MOTOR  
VEHICLES PURSUANT TO R.C. 505.871**

WHEREAS, the Board of Trustees of Springfield Township, Hamilton County, Ohio, met in Regular Session on the 14th day of August 2012 at the Springfield Township Administration Building, 9150 Winton Road with the following members present: Tom Bryan Joseph Honerlaw Gwen McFarlin

Trustee Tom Bryan moved for the adoption of the following Resolution:

WHEREAS, the Board of Township Trustees believes that the location of junk motor vehicles on public and private property is injurious to the general health, safety, and welfare of Springfield Township residents;

WHEREAS, the Board of Township Trustees has traditionally been able to resolve the issues related to the location and/or storage of junk motor vehicles on public and private property cooperatively with the owners of such vehicles or by utilization of the nuisance procedures outlined in R.C. 505.87;

WHEREAS, the Board of Township Trustees finds that the utilization of these traditional resolution methods is no longer effective or efficient;

WHEREAS, Section 505.871 of the Ohio Revised Code authorizes a Board of Township Trustees to provide for the removal of any vehicle in the township which the Board determines to be a junk vehicle, as that term is defined by Section 505.173 of the Ohio Revised Code; and

WHEREAS, the Board of Township Trustees wishes to avail itself of the procedures outlined in R.C. 505.871.

NOW THEREFORE, BE IT RESOLVED that the Springfield Township Board of Township Trustees hereby adopts a general policy to utilize the authority vested in it pursuant to R.C. 505.871 to remove vehicles determined to be junk motor vehicles as that term is defined by R.C. 505.173.

**SECTION 1 - DEFINITIONS**

**Apparently Inoperable:** A vehicle that is apparently not functioning or is inoperative or cannot be lawfully operated upon public roads or highways. Evidence of inoperability or damage



includes, but is not limited to, any buildup of debris that obstructs use, or a flat or missing tire or tires, or a nonfunctional motor or transmission, or missing bumpers, or missing license plates, or expired vehicle license plate tabs.

Junk Motor Vehicle: A vehicle that meets all of the following criteria:

- (1) Three model years or older;
- (2) Apparently inoperable; and
- (3) Extensively damaged, including, but not limited to, missing wheels, tires, engine or transmission.

Owner: Any person having a legal or equitable interest in property or otherwise having control of the property.

Vehicle: A vehicle is every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

Township: Township refers to Springfield Township.

## SECTION 2 - REMOVAL OF JUNK MOTOR VEHICLES LOCATED ON PUBLIC PROPERTY

If a junk motor vehicle is located on public property, the Board of Township Trustees may provide, by resolution, for the immediate removal of the vehicle.

Nothing in this Section shall be construed to limit the Township's ability to remove any motor vehicle located on any street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any street as outlined in Section 301.7 of the Springfield Township Parking Regulations.

## SECTION 3 - REMOVAL OF JUNK MOTOR VEHICLES LOCATED ON PRIVATE PROPERTY

Resolution and Notice Requirements: If a junk motor vehicle is located on private property, the Board of Township Trustees may provide, by resolution, for the removal of the vehicle not sooner than fourteen(14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land. The notice provided shall, at a minimum, contain the following information:

- (1) A general description of the vehicle to be removed;
- (2) A copy of the resolution in which it was determined by the Board of Township Trustees that the vehicle is a junk motor vehicle;
- (3) A statement that if the owner of the land fails to remove the vehicle within fourteen (14) days after service of the notice, the Board may remove or cause the removal of the vehicle; and
- (4) A statement that any expenses the Board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

Service of Notice: The Board shall serve the notice by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the Township or if the owner resides outside the Township and the owner's address is known or ascertainable through an exercise of reasonable diligence. The Board also shall send notice in such manner to any holders of liens of record on the land. If a notice sent by certified mail is refused or unclaimed within fourteen (14) days of its mailing, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the Board shall publish the notice once in a newspaper of general circulation in the Township before the removal of the vehicle, and, if the land contains any structures, the Board also shall post the



notice on the principal structure on the land.

A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served on the date of the newspaper publication.

#### SECTION 4 - METHODS FOR REMOVING JUNK MOTOR VEHICLES

Removal: The Board of Township Trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated.

#### SECTION 5 - COLLECTION OF EXPENSES INCURRED IN REMOVING JUNK MOTOR VEHICLES

Placement of Liens Upon the Land: The Board of Township Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle. The Board shall direct the Township Fiscal Officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township general fund.

#### SECTION 6 - RESERVATIONS AND RESTRICTIONS

Reservations: Nothing in this Resolution affects the authority of the Springfield Township Board of Township Trustees to adopt and enforce resolutions under Section 505.173 of the Revised Code to regulate the storage of junk motor vehicles on private or public property in the Township.

Restrictions: Vehicles removed pursuant to this Resolution are subject to the same restrictions specified in Section 505.173(A) of the Revised Code.

Trustee Gwen McFarlin seconded the Motion and roll being called upon its adoption the vote resulted as follows: Mr. Bryan, aye Mr. Honerlaw, aye Ms. McFarlin, aye