

## ORDINANCE NO. 11-21

### AN ORDINANCE AMENDING CHAPTER 521 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON TO ADD SECTION 521.15 TO PROVIDE PROVISIONS FOR THE REMOVAL AND DISPOSAL OF JUNK VESSELS AND OUTBOARD MOTORS IN THE CITY OF PORT CLINTON

WHEREAS, the City has previously adopted Chapter 521 of the Codified Ordinances of the City of Port Clinton titled Health, Safety, and Sanitation, and

WHEREAS, Section 521.14 provides specific guidelines for the removal of inoperable vehicles and inoperable equipment on private property, and

WHEREAS, Section 521.14 does not include any provisions for the removal and disposal of junk vessels and outboard motors; and

WHEREAS, Chapter 521 of the Codified Ordinances needs to be amended to include provisions for the removal and disposal of junk vessels and outboard motors from private property in the City of Port Clinton; and

WHEREAS, this Council finds and determines that Chapter 521 of the Codified Ordinances shall be amended to include a provision for the removal and disposal of junk vessels and outboard motors from private property in the City of Port Clinton.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

**Section 1.** That Chapter 521 of the Codified Ordinances of the City of Port Clinton, is hereby amended to read as follows to include the following:

#### **SECTION 521.15 JUNK VESSELS AND OUTBOARD MOTORS.**

- (a) Definitions. For purposes of this Section the following words shall have the meanings:
- (b) "Junk vessel or outboard motor" means any vessel or outboard motor meeting all of the following requirements:
- (2) It is three years old, or older;
  - (3) It is extensively damaged, such damage including but not limited to any of the following: missing deck, hull, transom, gunwales, motor, or outdrive;
  - (4) It is apparently inoperable;
  - (5) It has a fair market value of two hundred dollars or less.
- (c) "Abandoned junk vessel or outboard motor" means any vessel or outboard motor meeting all of the following requirements:

(1) It has been left on private property for at least seventy-two hours without the permission of the person having the right to the possession of the property; left in a sunken, beached, or drifting condition for any period of time; or left in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for forty-eight hours or longer without notification to the chief of police of the municipal corporation having territorial jurisdiction with respect to the location of the vessel or motor, or the reasons for leaving the vessel or motor in any such place or condition;

(2) It is three years old, or older;

(3) It is extensively damaged, such damage including but not limited to any of the following: missing deck, hull, transom, gunwales, motor, or outdrive;

(4) It is apparently inoperable;

(5) It has a fair market value of two hundred dollars or less.

(d) "Law enforcement agency" means any organization or unit comprised of law enforcement officers, as defined in section 2901.01 of the Revised Code.

(a) Location or presence of abandoned junk vessels or outboard motors within the City deemed a public nuisance; notice; exceptions.

(b) No person in charge or in control of a junk vessel or outboard motor within the City, whether as owner, tenant, occupant, lessee or otherwise, shall not park, store, leave or permit the parking or storage of any junk vessel or outboard motor in a wrecked, junked, partially dismantled, unlicensed, inoperative or abandoned condition on such property longer than 10 days, after written notice is served, in any manner provided by the Ohio Rules of Civil Procedure for service of Summons in Civil Actions, to remove the junk vessel or outboard motor from the property. A copy of the notice shall be left at the premises where the junk vessel or outboard motor is located, if the surrounding facts and circumstances make it practical to do so. The accumulation of one or more junk vessels or outboard motors in violation of the provisions of this section shall constitute a public nuisance detrimental to public health, safety and welfare of the residents of the City.

(c) No person shall purposely leave an abandoned junk vessel or outboard motor on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property; in a sunken, beached, or drifting condition for any period of time; or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for forty-eight hours or longer without notification to the sheriff of the county, chief of police of the municipal corporation, township, township police district, or joint police district, or other chief of a law enforcement agency, having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition. For purposes of this section, the fact that an abandoned junk vessel or outboard motor has been so left without permission or notification is prima-facie evidence of abandonment.

(d) This section does not apply to any vessel or outboard motor which is completely enclosed within a building; or stored on property in connection with a business enterprise operated in a lawful place for the storage, repair, or rehabilitation of vehicles as expressly permitted under the City's zoning ordinance.

(e) Whenever there are reasonable grounds to believe a violation of the provisions of this section exists, the Chief of Police or Zoning Inspector shall serve or cause to be served as provided above, a written notice to the registered owner of any junk vessel or outboard motor which is in violation of this section, or to the owner or person in lawful possession or control of the property on which the junk vessel or outboard motor is located, that the junk vessel or outboard motor must be removed to a place of lawful storage, or be housed in a building where it will not be visible from the street. The notice shall contain the following information.

(1) The equipment or junk vessel is considered inoperable;

(2) The equipment or junk vessel shall be removed from the property within ten days of receipt of the notice;

(3) The person in charge or control of the private property upon which the equipment or junk vessel is located, or the registered owner of the junk vessel may avoid fines and costs by removing the equipment or junk vessel from the City or storing such equipment or junk vessel in accordance with this section;

(4) The date, and address and telephone number of the city representative to contact for information. The fact that inoperable equipment or an inoperable junk vessel is left on property for more than ten days after receipt of the notice provided for in this section is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that the inoperable equipment or junk vessel continues to be so left constitutes a separate offense, provided that a separate notice under subsection (c) hereof has been issued for each offense.

(a) Disposing of abandoned junk vessels or outboard motors.

(b) The chief of police of a municipal corporation, within the chief's respective territorial jurisdiction, upon notification to the chief of such action, shall order any abandoned junk vessel or outboard motor to be photographed by a law enforcement officer.

(c) The officer shall record the make of vessel or motor, the hull identification number or serial number when available, and shall also detail the damage or missing equipment to substantiate the value of two hundred dollars or less.

(d) The chief shall thereupon immediately dispose of the abandoned junk vessel or outboard motor to a marine salvage dealer or other facility owned, operated, or under contract to the state, the county, township, or municipal corporation for the destruction of such vessels or motors.

(e) The records and photographs relating to the abandoned junk vessel or outboard motor shall be retained by the law enforcement agency ordering the disposition of the vessel or motor for a period of at least two years.

(f) The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the chief of the division of parks and watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this section have been complied with, and shall sign and file the same with the clerk of courts of the county in which the vessel or motor was abandoned.

(g) The clerk of courts shall retain the original of the affidavit for the clerk's files, shall furnish one copy thereof to the chief of the division of parks and watercraft, one copy to the marine salvage dealer or other facility handling the disposal of the vessel or motor,

and one copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photographs relating to the disposal.

(h) Any moneys arising from the disposal of an abandoned junk vessel or outboard motor shall be credited to the general fund.

(i) Any vessel or outboard motor meeting the requirements of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in Section D may be disposed of as provided in this section.

(a) Penalty

Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree on a first offense. If the offender previously has been convicted of or plead guilty to one violation of this section, then whoever violates this section is guilty of a misdemeanor of the third degree.

**Section 2.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 3.** Chapter 521 of the Codified Ordinances as currently enacted is hereby repealed.

**Section 4.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor