

Number: 26-10-057

Committee: Judiciary and Annexation

AN ORDINANCE AMENDING CHAPTER 96 OF THE CITY OF VAN WERT CODE OF ORDINANCES .

WHEREAS, the council of the City of Van Wert (hereinafter “City Council”) desires to Chapter 96 JUNK MOTOR VEHICLES, RECREATIONAL VEHICLES, AND JUNK AND RUBBISH of the Van Wert City Code of Ordinances;

NOW THEREFORE, BE IT **ORDAINED** BY THE COUNCIL of the CITY OF VAN WERT, VAN WERT COUNTY, OHIO, to wit:

Section 1: That Chapter 96 of the Van Wert Code of Ordinances be amended as set out in Exhibit 1:

Passed this _____ day of October, 2026.

Thad R. Eikenbary
President of City Council

ATTEST: _____
Stephanie R. Phillips
Clerk of Council

Kenneth J. Markward
Mayor, City of Van Wert

CHAPTER 96: JUNK MOTOR VEHICLES, RECREATIONAL VEHICLES, JUNK AND RUBBISH

Section

Junk Motor Vehicles, Junk, and Rubbish

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JUNK MOTOR VEHICLES, JUNK, AND RUBBISH

§ 96.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPOSIT. To throw, drop, discard, or place.

FRONT YARD. A yard extending across the full width of the lot, lying between the front property line or the right-of-way, and the furthestmost projection of the principal building or group of buildings.

JUNK. -Any item, article, or material that is:

- (1) Broken, deteriorated, unsafe, missing essential parts, or no longer functional or usable for its original intended purpose, left outdoors; or
- (2) Stored outdoors in a manner that creates a nuisance or negatively affects the appearance, safety, or contributes to the blight or deterioration of the neighborhood.

Junk includes, but is not limited to: scrap metal; discarded or inoperable appliances; broken or deteriorated furniture; tires and auto parts; deteriorated or non-functioning bicycles; construction debris; mattresses; piles of discarded materials; and similar items.

- (3) Portions of vehicles, including but not limited to hoods, fenders, radiators, rims, motor parts and tires, not being utilized for the repair of a vehicle. This shall not

apply to licensed vehicle dealers, auto and body repair shops and federal, state and local government agencies including boards of education.

JUNK VEHICLE. Any vehicle including cars, trucks, truck trailers, trailers, recreational vehicles as defined in this chapter, and other vehicles, whether propelled or not, which meet any of the following:

- (1) Extensively damaged, such damage including, but not limited to any of the following: missing wheels, tires, motor or transmission;
- (2) Apparently inoperable; and
- (3) Wrecked, partially wrecked, dismantled, partially dismantled, or in a discarded condition, or is incapable of being driven and has remained in such condition for a continuous period of 10 days, unless such vehicle is located at the property of licensed auto dealers, auto and body repair shops, or federal, state, or local government agencies including Boards of Education, when the allowable period of time shall be 60 days.
- (4) No current license plates bearing valid, non-expired registration tags matching the vehicle description displayed on vehicle. This subdivision shall not apply to licensed vehicle dealers, auto and body repair shops and federal, state and local government agencies including boards of education.

LITTER. Trash, garbage, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, machine parts, furniture, indoor furniture exposed to the elements, glass, dead animals, animal offal, vegetable refuse, miscellaneous junk, recyclables, or anything else of an unsightly or unsanitary nature. The definition of LITTER does not include leaves, bagged leaves, shrubs, and tree branches set out for collection.

LITTER RECEPTACLE. A dumpster, trash can, trash bin, garbage can, garbage and/or trash bag, recyclable bin/container, or similar container in which litter is deposited for removal.

NONTRANSPARENT BARRIER. A barrier at least 6 feet but not more than 8 feet in height which is constructed of a nontransparent material approved by the Safety-Service Director and created and maintained so as to substantially obscure objects located within or upon the premises surrounded from the ordinary view of persons or any public street, highway, or other adjoining property.

NOTICE. A written statement stating the manner in which a provision of this section is being violated, the description and/or location of the premises, the name of the owners and tenants (if any) of such premises and the period of time within such premises are to be cleared of such violations.

OWNER. The person, firm, or corporation in whose name the premises are listed in the records of deeds in the County Recorder's office.

RECREATIONAL VEHICLE. Any vehicle driven or pulled that is intended for recreational activities. This includes but is not limited to demolition derby vehicles, mudding vehicles, motorized or non-motorized camping vehicles, tractors, electric bicycles, golf carts and other off-road vehicles.

RUBBISH. Used wire, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, dead weeds, stumps, tree trunks, brush and any other organic material, paper circulars, handbills, boots, shoes, ashes, garbage (rejected food including every waste accumulation of animal, food and vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables, sewage wastes), toys, bicycles, human or animal aids or containment items, broken lawn care or lawn decoration items.

NUISANCE. Any condition that: harbors or attracts pests, rodents, or vermin; creates odors or unsanitary conditions; creates a fire, safety, or health hazard; endangers the health, safety, or welfare of the public.

(1981 Code, § 96.01) (Ord. 5679-80, passed 6-9-1980; Am. Ord. 6534-92, passed 12-28-1992; Am. Ord. 6562-93, passed 8-9-1993; Am. Ord. 6618-94, passed 6-27-1994; Am. Ord. 6663-95, passed 6-12-1995; Am. Ord. 6891-98, passed 9-28-1998; Am. Ord. 6963-99, passed 3-8-1999; Am. Ord. 07-07-058, passed 8-13-2007; Am. Ord. 07-07-059, passed 8-13-2007; Am. Ord. 11-10-062, passed 11-28-2011; Am. Ord. 12-06-031, passed 7-23-2012; Am. Ord. 12-06-034, passed 7-23-2012; Am. Ord. 12-06-035, passed 7-23-2012; Am. Ord. 15-08-021, passed 9-14- 2015; Am. Ord. 19-11-073, passed 1-13-2020; Am. Ord. 21-10-052, passed 11-22-2021)

§ 96.02 MAINTAINING JUNK OR RUBBISH PROHIBITED.

(A) No person shall deposit, store, maintain, collect, or permit the storage, deposit, maintenance, or collection of any junk, litter or rubbish on his or her own premises or any premises under his or her control, including porches, patios and other enclosures where the items inside are visible from the public right-of-way, or on the streets, sidewalks or alleys or in any other place within the city, except as expressly provided by law.

(B) No person, firm or corporation shall store or permit to be stored, for a period of more than 10 days, any junk vehicle upon any lot or land situated in the city where such use is not specifically permitted by the Zoning Code, unless the same is within a completely enclosed building, garage or a "nontransparent barrier" as defined in § 96.01 of the Van Wert City Code of Ordinances.

(C) No junk vehicle shall be parked in any portion of anyone's yard where it can be visible from any street, alley, or surrounding property unless concealed by a "nontransparent barrier" as defined in § 96.01 of the Van Wert City Code of Ordinances.

(D) No junk vehicles shall be parked so that any part of that vehicle extends into any alley.

(E) **Visibility Standard.** It shall be a violation of this chapter if junk or rubbish is visible from any street, sidewalk, alley, or surrounding property and the accumulation negatively affects the appearance of the premises or the surrounding neighborhood.

(F) **Nuisance Standard.** It shall be a violation of this chapter, regardless of visibility, if the junk or rubbish creates a nuisance as defined in § 96.01.

(G) **Exceptions.** This section shall not apply to:

(1) Items stored entirely within an enclosed building, structure, or nontransparent barrier that complies with all applicable zoning and building codes;

(2) Normal household items in good working condition that are stored neatly for ongoing use;

(3) Temporary storage of construction materials or equipment during active construction or renovation; or

(4) Any activity expressly permitted by another provision of the City Code.

(1981 Code, § 96.02) (Ord. 5679-80, passed 6-9-1980; Am. Ord. 6562-93, passed 8-9-1993; Am. Ord. 6618-94, passed 6-27-1994; Am. Ord. 6717-96, passed 7-8-1996; Am. Ord. 6963-99, passed 3-8-1999; Am. Ord. 11-10-065, passed 11-28-2011; Am. Ord. 12-06-032, passed 7-23-2012; Am. Ord. 12-06-033, passed 7-23-2012; Am. Ord. 21-10-052, passed 11-22-2021) Penalty, see § 96.99

§ 96.03 NOTICE AND REMOVAL.

(A) Notice of the condition of the lot violating this chapter must be served on the owner, tenant and any other person in control of the property. Such notice shall be signed by the city zoning and building inspector or his or her designee. After the initial notice any reoccurring violation during the calendar year of the initial notice shall be deemed a repeat offense and subject to immediate clearing of the premises of the violation. The notice shall be served upon the occupant by certified mail, or by conspicuously posting a copy upon the door of the premises, or in a conspicuous manner upon any vacant lot, or by personal delivery by the City Code Enforcement Officer or his or her designee. The notice will provide that the lot must be cleared within 5 days of such notice, and that if not done by that time, the same can be done by the city or the city's designee. The costs and expenses thereof shall be taxed against the premises. The total cost of the work done shall be certified to the County Auditor, to be

assessed against the premises upon which the labor was performed and collected as other taxes are collected.

(B) The cost of the labor shall be \$300 for the first hour and \$100 per hour for each hour thereafter.

(C) **Primary Enforcement Authority.** The City Police Department shall be the primary agency responsible for enforcement of this chapter. The City Police Department shall:

- (1) Receive and investigate complaints;
- (2) Conduct inspections;
- (3) Issue notices of violation;
- (4) Perform re-inspections and monitor compliance;
- (5) Maintain case files and records; and
- (6) Initiate abatement actions as necessary.

(D) **City Engineering Department Support Role.** The City Engineering Department shall provide assistance upon request of the City Police Department.

(E) **Oversight by Safety Service Director.** The Safety Service Director (or designee) shall provide administrative oversight of the program, including review of chronic cases, approval of abatement actions, inter-departmental coordination, interpretation of procedures, and public communication.

(F) **Interdepartmental Cooperation.** All City departments and divisions shall cooperate and provide assistance as needed to implement and enforce this chapter, with the City Police Department designated as the lead agency.

(1981 Code, § 96.03) (Ord. 5679-80, passed 6-9-1980; Am. Ord. 6562-93, passed 8-9-1993; Am. Ord. 6618-94, passed 6-27-1994; Am. Ord. 01-02-006, passed 3-12-2001; Am. Ord. 21-10-052, passed 11-22-2021) Penalty, see § 96.99

§ 96.04 DISPOSAL OF VEHICLE LEFT WITHOUT PERMISSION.

If a junk motor vehicle is left upon private property for more than 72 hours without permission of the person having the right to 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 48 hours or longer, the Chief of Police or a person designated by the Chief of Police to act on his behalf may proceed to dispose of the abandoned junk vehicle as provided under R.C. § 4513.63.

(1981 Code, § 96.04) (Ord. 5679-80, passed 6-9-1980) Penalty, see § 96.99

§ 96.05 VEHICLE LEFT WITH PERMISSION.

If a junk vehicle is left in the open on private property for more than 72 hours with permission of the person having the right of possession of that property, notice of the condition of the vehicle in violation shall be served on the owner, tenant or person in control of the property. The notice will provide that the vehicle in violation shall be covered by being housed in a garage or other suitable structure or shall be removed from the city corporation limits within 10 days of receipt of this notice. If after 10 days the vehicle is still in violation, the city shall remove at the expense of the property owner.

(1981 Code, § 96.05) (Ord. 5679-80, passed 6-9-1980; Am. Ord. 02-03-015, passed 4-22-2002; Am. Ord. 21-10-052, passed 11-22-2021) Penalty, see § 96.99

§ 96.06 WHEN VEHICLE STORAGE PERMITTED.

If the person who is in possession of the property is engaged in a bona fide commercial operation or if the vehicle is a collector's vehicle as defined in ORC §4501.01(F), then the vehicle may be stored upon the following condition: The vehicle shall be concealed from the general public by means of buildings, screening fence, shrub, or other suitable obstruction.

(1981 Code, § 96.06) (Ord. 5679-80, passed 6-9-1980) Penalty, see § 96.99

MISCELLANEOUS

§ 96.99 PENALTY.

- (A) Whoever violates §§ 96.02 or 96.03 shall be guilty of a minor misdemeanor. If the offender has a prior conviction, the minimum fine shall be no less than \$50. If the offender has two or more prior convictions, the minimum fine shall be no less than \$100. Each day that a violation exists after the initial 5-day warning period shall be considered a separate offense.

(Am. Ord. 25-08-036, passed 10-13-2025)

- (B) Whoever violates § 96.04 shall be guilty of a minor misdemeanor and shall also be assessed any costs incurred accruing to the city from the disposal.
- (C) Whoever fails to comply with § 96.06 by failing to remove or conceal the junk vehicle within 10 days of the notice shall be guilty of a misdemeanor of the fourth degree. The city shall remove the vehicle at the cost of the property owner. The owner of the vehicle shall retrieve the vehicle within 30 days and all fines including towing and storage costs shall be paid before the vehicle

will be released. After 30 days the vehicle will be considered an abandoned motor vehicle and disposed by law, and the total costs shall be certified to the County Auditor to be assessed against the property and collected as other taxes are collected.

(Ord. 5679-80, passed 6-9-1980; Am. Ord. 6562-93, passed 8-9-1993; Am. Ord. 6618-94, passed 6-27-1994; Ord. 01-02-006, passed 3-12-2001; Am. Ord. 02-03-015, passed 4-22-2002)