

**BOARD OF TRUSTEES  
SYLVANIA TOWNSHIP, LUCAS COUNTY, OHIO**

First Reading 8/5/08  
Second Reading: dispensed

**Resolution No. 08-230-504R**

**Resolution of the Board of Trustees of Sylvania Township, Lucas County, Ohio  
Establishing Procedures for the Removal of Junk Vehicles**

**Whereas**, the Board of Trustees of Sylvania Township wishes to establish procedures for the removal of vehicles in the unincorporated territory of the Township that the Board has determined to be a “junk motor vehicle” as defined in Ohio Revised Code Section 505.173; and

**Whereas**, Ohio Revised Code Section 505.871 authorizes a Township to provide, by resolution, for the removal of any vehicle in the unincorporated territory of the Township that the Board determines is a “junk motor vehicle” as defined in Ohio Revised Code Section 505.173;

**Now, Therefore, Be it Resolved**, by the Board of Trustees of Sylvania Township, as follows:

**Section 1:**

- A. ***Definition of “Junk Motor Vehicle”***. For purposes of this Resolution, the term “Junk Motor Vehicle” shall have the same meaning as the term is defined in Section 505.173 of the Ohio Revised Code; to wit: a motor vehicle that meets all of the following criteria: 1) three model years old or older; 2) apparently inoperable; and 3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine or transmission. Notwithstanding Section 4513.65 of the Revised Code, but subject to division (G)(2) of that Section and Section 1(D) of this Resolution, any “Collector's Vehicle” that meets the definition of a “Junk Motor Vehicle” is subject to removal under this section.
- B. ***Procedures for Removal of Junk Motor Vehicles on Private Property.***
1. **Report and Resolution.** If the Board of Trustees, after report and recommendation of the Township Zoning Inspector, determines that a vehicle located on private property within the unincorporated territory of the Township meets the definition of “Junk Motor Vehicle”, it may by resolution provide for the removal of the vehicle in accordance with the terms of this Resolution.
  2. **Contents of Notice.** If the Board of Trustees of Sylvania Township has by Resolution determined that a Junk Motor Vehicle is located on private property it shall serve written notice by certified mail return receipt requested to the persons identified in Section 1 (B)(3) of this Resolution, in the manner described in Section 1 (B)(4) of this Resolution. The notice shall generally describe the vehicle to be removed and indicate that the Board of Trustees has determined that the vehicle is a Junk Motor Vehicle. The notice shall also advise that if the owner

of the land upon which the Junk Motor Vehicle is located fails to remove the vehicle within fourteen (14) days after service of the notice, the Board of Trustees may remove or cause the removal of the vehicle. The notice shall further advise that any expenses the Board of Trustees may incur 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.

3. **Recipients of Notice.** The notice described in Section 1 (B)(2) of this Resolution shall be sent to the owner of the land, if the owner resides in the unincorporated territory of the Township. The notice shall also be sent to the owner, if the owner resides outside the unincorporated territory of the Township and the owner's address is known or ascertainable through an exercise of reasonable diligence. The notice shall also be sent to any holders of liens of record on the land. If a notice sent by certified mail is refused or unclaimed, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the Board of Trustees 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 cause the notice to be posted on the principal structure on the land.
  4. **Service of Notice.** The notice described in Section 1 (B)(2) of this Resolution shall be sent by certified mail, return receipt requested. A notice sent by certified mail shall be deemed to be served for purposes of this section 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 for purposes of this section on the date of the newspaper publication.
  5. **Removal of Junk Motor Vehicle.** If the Junk Motor Vehicle is not removed from the land within fourteen (14) days after service of the notice provided for in Section 1(B)(2) of this Resolution, the Board of Trustees may cause the removal of, 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 of Trustees, shall be paid out of the Township general fund from moneys not otherwise appropriated, except that if the expenses exceed five hundred dollars, the board may borrow moneys from a financial institution to pay the expenses in whole or in part.
  6. **Collection of Removal Expenses.** The Board of Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a Junk Motor Vehicle under this Section 1 of the Resolution, including any fees or interest paid to borrow moneys under Section 1 B(5) of this section. The Board of Trustees may direct the Township Fiscal Officer to certify the expenses and a description of the land to the Lucas 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.
- C. ***Procedures for Removal of Junk Motor Vehicles from Public Property.*** If the Board of Trustees, after report and recommendation of the Township Zoning

Inspector, determines that a vehicle located on public property within the unincorporated territory of the Township meets the definition of "Junk Motor Vehicle", it may by resolution provide for the immediate removal of the vehicle.

D. **Relationship to Regulation of Storage of Junk Motor Vehicles:** Nothing in this Resolution shall affect the Board of Trustee's authority to adopt and enforce other resolutions under Ohio Revised Code Section 505.173 regulating the storage of junk motor vehicles on public or private property in the unincorporated portion of the Township. This Resolution is subject to the same restrictions specified in division (A) of Section 505.173 of the Ohio Revised Code for resolutions adopted under that section.

**Section 2:** The Trustees of Sylvania Township upon majority vote do hereby dispense with the requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution on its first reading.

**Section 3:** Upon unanimous vote of the Trustees of Sylvania Township, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of Sylvania Township.

**Section 4:** Pursuant to Ohio Revised Code Section 504.11, this resolution shall take effect immediately following the filing of the Resolution with the Sylvania Township Fiscal Officer.

**Section 5:** It is hereby determined that all formal actions of the Board of Trustees of Sylvania Township relating to the adoption of this Resolution, were taken in an open meeting of the Board of Trustees, and that all deliberations of the Board of Trustees were in meetings open to the public in compliance with all legal requirements including Ohio Revised Code Section 121.22.

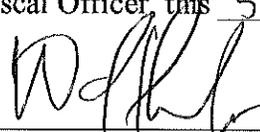
**Introduction and Vote Record:** Trustee LIEDER introduced the foregoing Resolution and moved for its adoption. Trustee CONTRADA seconded the Motion. The roll call vote being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

Mrs. Hanley: ABSENT                      Mrs. Contrada: Yes                      Mrs. Liedel: Yes

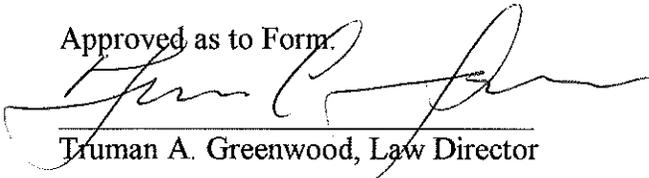
Adopted at the meeting of the Board of Trustees on the 5<sup>TH</sup> day of AUGUST, 2008.

**Authentication**

This is to certify that this Resolution was duly adopted by the Board of Trustees of Sylvania Township, and filed with the Sylvania Township Fiscal Officer, this 5 day of AUGUST, 2008.

  
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David J. Sirko  
Sylvania Township Fiscal Officer

Approved as to Form.

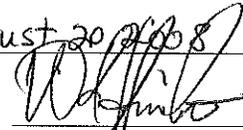


Truman A. Greenwood, Law Director

**Certificate of Publication**

I, David Simko, Fiscal Officer of Sylvania Township, Lucas County, Ohio, do hereby certify that a Summary of this Resolution was published in the below listed newspapers on the dates listed below.

August 13, 2008 and August 20, 2008



David J. Simko  
Sylvania Township Fiscal Officer