

ORDINANCE NO. 2026-57

CITY OF CLYDE, OHIO

AMENDING AND RESTATING CHAPTER 349 – ABANDONED, DISABLED, AND JUNK VEHICLES OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE TO ADOPT OBJECTIVE POINT-VALUE VEHICLE CRITERIA, ESTABLISH ALTERNATIVE COMPLIANCE OPTIONS, A CIVIL CITATION AND ADMINISTRATIVE CIVIL PENALTY PROCESS, AND A CHRONIC NUISANCE PROPERTY DESIGNATION, STRENGTHEN CRIMINAL AND CIVIL PENALTIES, ADOPT THE STANDARD APPEALS PROCESS OF CHAPTER 109, ADDRESS DISABLED VEHICLES ON PUBLIC STREETS AND VEHICLES INCAPABLE OF CONVENTIONAL REMOVAL, CONFORM THE CHAPTER TO THE OHIO REVISED CODE.

WHEREAS, the City of Clyde, Ohio (the "City") is a municipal corporation and home rule charter city organized under the Constitution and laws of the State of Ohio, with authority under Article XVIII, Section 3 of the Ohio Constitution and its Charter to exercise all powers of local self-government and to adopt and enforce within its limits such local police, sanitary, and other similar regulations as are not in conflict with general laws; and

WHEREAS, the Council of the City of Clyde adopted Ordinance No. 2023-48 on May 2, 2023, enacting Chapter 349 – Abandoned, Disabled, and Junk Vehicles of the Codified Ordinances of the City of Clyde; and

WHEREAS, the enforcement experience of City Administration and Police Department has demonstrated the need to streamline the notice, removal, and impoundment procedures of Chapter 349, to adopt clear and objective criteria for classifying junk motor vehicles, to strengthen its penalties and cost-recovery mechanisms, to address disabled vehicles left upon the public streets, including vehicles with flat tires, and to establish procedures for vehicles so deteriorated or immobilized that they cannot be removed by conventional towing; and

WHEREAS, this Council adopted Ordinance No. 2025-51 on August 19, 2025, enacting Chapter 109 – Standard Appeals Process to provide a uniform, consistent, and fair procedure for appeals of administrative decisions, and it is appropriate that appeals arising under Chapter 349 be conducted in accordance with Chapter 109; and

WHEREAS, the Council further finds that a graduated civil citation process, discretionary alternative compliance options, and a chronic nuisance property designation provide effective and proportionate tools for addressing habitual violations while preserving fair notice, due process, and hearing rights for property owners and vehicle owners acting in good faith; and

WHEREAS amendment of Chapter 349 is further warranted to conform the chapter to Sections 4513.60 through 4513.65 of the Ohio Revised Code, including the notice standards of Section 4513.65, the storage, reclamation, and disposal procedures of Sections 4513.61 and 4513.62, and the protections afforded to collectors' vehicles; and

WHEREAS, this Council finds that abandoned, disabled, inoperable, and junk motor vehicles and junk equipment constitute attractive nuisances dangerous to children, harbor rodents and vermin, contribute to blight and the deterioration of property values, obstruct the safe use of the public streets, and endanger the public health, safety, and welfare, and that the adoption of this Ordinance is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Clyde, State of Ohio:

SECTION 1. Chapter 349. – Abandoned, Disabled, and Junk Vehicles, of the Codified Ordinances of the City of Clyde, as enacted by Ordinance No. 2023-48, is hereby amended and restated in its entirety to read as set forth in the attached Exhibit "A," which is incorporated herein by reference as if fully rewritten.

SECTION 2. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. That this Ordinance shall take effect and be in force from and after its passage at the earliest period allowed by law.

Adopted:

8-18-2026

Authorized:



Attest:

Janet R. Dickman

Approved to form:

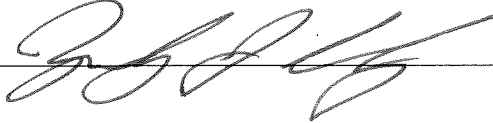


EXHIBIT A

CHAPTER 349. – ABANDONED, DISABLED, AND JUNK VEHICLES

Sec. 349.01. – General.

- (a) **Title.** The provisions of this chapter shall be known as the "Abandoned, Disabled, and Junk Vehicles Code," hereinafter referred to as "this chapter."
- (b) **Scope.** This chapter shall apply to every parcel of property and every public street and right-of-way within the corporate limits of the city, whether used for residential or nonresidential purposes.
- (c) **Intent.** The intent of this chapter is to protect the public health, safety, and welfare, preserve the safe and unobstructed use of the public streets, improve community aesthetics, and prevent the deterioration of property within the city, through clear and objective standards, proportionate compliance options, and effective civil and criminal enforcement tools.
- (d) **Conflict.** This chapter supplements the laws of the State of Ohio and the ordinances, rules, and regulations of the city applicable to vehicles and the storage and parking of vehicles. Where a conflict exists, the more restrictive provision shall control to the extent permitted by law.
- (e) **Cumulative remedies.** The civil and criminal remedies established by this chapter are cumulative and not exclusive, and the city may pursue any combination of them for the same violation, subject to Sec. 349.16(f).
- (f) **Severability.** If any section, subsection, sentence, clause, or phrase of this chapter is held unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter.

Sec. 349.02. – Definitions.

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

- (a) **Abandoned motor vehicle.** Any motor vehicle left on private property for more than 72 hours without the permission of the person having the right to possession of the property or left on public property or within the public right-of-way for 48 hours or longer without notification to the City Manager of the reasons for leaving the motor vehicle in such place.
- (b) **Abandoned junk motor vehicle.** A junk motor vehicle, as defined in Sec. 349.03, that is left on public property or within the public right-of-way, within the meaning of ORC 4513.63.
- (c) **Chronic nuisance property.** Any property upon which three or more separate notices of violation have been issued under this chapter within a rolling 24-month period, without regard to whether the notices concerned the same or different vehicles or the same or different persons in charge or control of the property.
- (d) **Code official.** The city manager or the city manager's designee, including any member of the police department and any code enforcement officer or inspector designated to administer and enforce this chapter.
- (e) **Collector's vehicle.** Has the same meaning as in ORC 4501.01.

- (f) **Commercial vehicle.** Any motor vehicle bearing a valid commercial or fleet registration that is used in the ordinary and continuing course of a lawfully operating, properly zoned business located on the property where the vehicle is kept.
- (g) **Disabled motor vehicle.** Any motor vehicle that is incapable of immediate, lawful, and safe operation upon a public street, including, without limitation, any motor vehicle with one or more flat or substantially deflated tires, missing wheels or tires, missing or inoperable equipment required for lawful operation, or extensive collision or fire damage.
- (h) **Fair market value.** The retail or wholesale value of a motor vehicle as published in a nationally recognized used-vehicle valuation guide, including but not limited to the National Automobile Dealers Association (NADA) guide or Kelley Blue Book, adjusted for the vehicle's actual condition and mileage. In the absence of an applicable published value, the code official may rely on a written estimate from a licensed motor vehicle or salvage dealer.
- (i) **Inoperable motor vehicle.** Any motor vehicle incapable of being moved under its own power. Any motor vehicle not moved for 30 consecutive days shall be rebuttably presumed inoperable; the presumption may be overcome by demonstrating the vehicle's operability to the code official upon request.
- (j) **Junk equipment.** Any non-motorized trailer, camper, recreational vehicle, boat, boat trailer, personal watercraft, snowmobile, or all-terrain vehicle that is three years old or older and meets any two of the following: extensively damaged; missing wheels, tires, or major components; apparently unusable for its intended purpose; or unlicensed or improperly licensed where licensure is otherwise required. Junk equipment is subject to the same prohibitions, notice, alternative compliance, and disposal provisions applicable to junk motor vehicles under this chapter, unless the context clearly indicates otherwise.
- (k) **Junk motor vehicle.** Any motor vehicle meeting the point-value criteria set forth in Sec. 349.03.
- (l) **Motor vehicle.** Any device in, upon, or by which any person or property is or may be transported or drawn, including major parts thereof and any device designed to be pulled, drawn, or towed by a motor vehicle, but excluding devices moved exclusively by human or animal power and devices used exclusively upon stationary rails or tracks. The terms "vehicle" and "motor vehicle" are used synonymously in this chapter and shall be construed consistently with ORC 4511.01.
- (m) **Person.** Any individual, firm, partnership, company, unincorporated association, or corporation.
- (n) **Private property.** Any real property within the city which is privately owned or operated.
- (o) **Public property.** Public streets, highways, alleys, sidewalks, boulevards, bikeways, and the rights-of-way thereof; any property open to the public for the purpose of vehicular travel or parking and any right-of-way thereof; and any other property owned or operated by the city and any right-of-way thereof.
- (p) **Vehicle repair permit.** A permit issued by the code official under Sec. 349.08(b) authorizing the temporary retention of a disabled or inoperable motor vehicle undergoing active, documented repair.

Sec. 349.03. – Junk motor vehicle point-value criteria.

A motor vehicle three years old or older is a "junk motor vehicle" for purposes of this chapter if it accumulates four or more cumulative points from the following criteria, as documented by the code official using the photographic and written record required by Sec. 349.06(b):

- (a) **Flat, substantially deflated, or missing tire or wheel.** Two points for each affected tire or wheel.
- (b) **Missing, broken, or shattered windshield or window glass.** Two points.
- (c) **Missing hood, trunk lid, door, bumper, fender, or other major body component.** Two points for each missing component.
- (d) **Collision damage, fire damage, or rust-through exceeding one square foot in cumulative surface area.** Two points.
- (e) **Missing or inoperable motor or transmission.** Three points.
- (f) **Apparent inoperability, including inability to be started or moved under its own power.** Two points.
- (g) **Expired, missing, or improperly displayed license plates.** One point.
- (h) **Vehicle registration expired for more than 12 consecutive months.** One point.
- (i) **Fair market value, as defined in Sec. 349.02, of \$1,500.00 or less.** Two points.
- (j) **Unlicensed or improperly licensed, where licensure is otherwise required for the vehicle's lawful operation.** One point.

The code official shall document the specific criteria and point values relied upon in classifying a vehicle as a junk motor vehicle. A vehicle accumulating fewer than four points under this section shall not be classified as a junk motor vehicle, without prejudice to enforcement under this chapter as an abandoned, disabled, or inoperable motor vehicle if independently applicable.

Sec. 349.04. – Prohibited acts; nuisance declared.

- (a) **General prohibition.** No person shall park, store, leave, or permit the parking, storing, or leaving of any abandoned, junk, inoperable, dismantled, or partially dismantled motor vehicle or item of junk equipment, whether attended or not, upon any public or private property within the city for a period of 72 hours or longer, except as exempted by Sec. 349.05 or authorized under Sec. 349.08.
- (b) **Nuisance declared.** The presence of any vehicle or item of junk equipment described in subsection (a) of this section on public or private property is hereby declared a public nuisance which may be abated in accordance with this chapter.
- (c) **Duty to abate.** The registered owner of the vehicle and the person in charge or control of the property upon which the vehicle is located, whether as owner, tenant, occupant, lessee, or otherwise, shall be jointly and severally responsible for abating the nuisance by removing the vehicle, curing the violation through an alternative under Sec. 349.08, or otherwise bringing it into compliance with this chapter.
- (d) **Permitting a violation.** No person in charge or control of any private property within the city shall cause or permit any vehicle described in subsection (a) of this section to remain on such property beyond the compliance period stated in a notice of violation issued under

Sec. 349.07. The fact that the vehicle so remains is prima facie evidence of a willful failure to comply with the notice.

- (e) **Disabled vehicles on public streets.** No person shall park, leave, or permit to remain any disabled motor vehicle, including any motor vehicle with one or more flat tires, upon any public street or right-of-way for more than 48 hours. Any such vehicle constituting an obstruction to traffic or other hazard may be removed immediately in accordance with Sec. 349.10.
- (f) **Abandonment on public property.** Any motor vehicle left on public property for 48 hours or longer without notification to the chief of police of the reasons for leaving the vehicle in such place shall be presumed abandoned and may be removed in accordance with Sec. 349.10 and ORC 4513.61.
- (g) **Evasion.** Relocating a vehicle to another location on the same or an adjoining property under common ownership or control or repositioning a vehicle upon the same or an adjacent block of a public street, shall not interrupt or restart any time period established by this chapter.
- (h) **Covering.** Placing a tarpaulin, cover, or other temporary covering over a vehicle shall not constitute compliance with this chapter or cure any violation.
- (i) **Repairs on public property.** No person shall dismantle, service, or repair any motor vehicle upon any public street or other public property, except for emergency repairs reasonably necessary to enable the prompt removal of the vehicle.
- (j) **Obstruction of enforcement.** No person shall remove, deface, or alter a notice of violation or tow-warning tag affixed to a vehicle under this chapter, or move a tagged vehicle for the purpose of evading removal, impoundment, or citation.

Sec. 349.05. – Exemptions.

This chapter shall not apply to:

- (a) Any motor vehicle stored within a wholly enclosed, lawfully constructed building or structure.
- (b) Any motor vehicle stored on the premises of a lawfully operating, properly zoned business, including a junk yard or scrap metal processing facility licensed under ORC 4737.05 to 4737.12 or a motor vehicle salvage dealer, repair garage, or dealer licensed or operating in the ordinary course of business, for a period reasonably necessary to the operation of that business, and any commercial vehicle kept in the ordinary course of such business.
- (c) Any collector's vehicle stored or kept on private property with the permission of the person having the right to possession of the property, consistent with ORC 4513.63 and 4513.65; provided that any unlicensed collector's vehicle stored in the open shall be concealed from ordinary public view by means of buildings, fences, vegetation, terrain, or other suitable obstruction.
- (d) Any motor vehicle stored in conformity with the zoning ordinances of the city.
- (e) Any motor vehicle held in connection with an active law enforcement investigation or subject to a law enforcement hold.
- (f) Any motor vehicle disabled upon a public street by sudden mechanical failure or emergency, for a period not exceeding 48 hours, provided the vehicle does not constitute an obstruction to traffic or other hazard.

- (g) Any motor vehicle operating under a vehicle repair permit, documented pending-sale authorization, or written compliance agreement issued under Sec. 349.08, during the term of such authorization.

Sec. 349.06. – Enforcement authority; documentation.

- (a) The code official and the members of the police department are authorized to administer and enforce this chapter, including the issuance of notices of violation and civil citations, the granting of alternative compliance authorizations, the ordering of vehicles into storage, and the immobilization, removal, and disposal of vehicles as provided herein.
- (b) Prior to the removal of any vehicle under this chapter, the enforcing officer shall cause the vehicle to be photographed and shall record the make and model of the vehicle and the vehicle identification number when available, and shall detail the criteria and point values relied upon under Sec. 349.03 or the damaged or missing parts or equipment substantiating a fair market value of \$1,500.00 or less, when applicable, consistent with ORC 4513.63. Such records shall be retained by the department of police.
- (c) The code official may, at reasonable times, inspect the exterior of a designated chronic nuisance property from the public right-of-way or other location where the code official has a legal right to be, without a new individualized complaint, for so long as the chronic nuisance property designation under Sec. 349.14 remains in effect.

Sec. 349.07. – Notice of violation.

- (a) **Service.** For a violation on private property, the code official shall issue a written notice of violation to the registered owner of the vehicle, if ascertainable, and to the owner of the property at the owner's last known tax billing address according to the tax records of Sandusky County, by certified mail with return receipt requested or by ordinary United States mail evidenced by a certificate of mailing, and shall affix a copy of the notice to the vehicle if the surrounding facts and circumstances make it practicable to do so.
- (b) **Contents.** Each notice of violation shall include:
 - (1) a description of the vehicle sufficient for identification;
 - (2) a statement of the reasons the vehicle is in violation of this chapter, including the criteria and point values relied upon under Sec. 349.03, if applicable;
 - (3) an order to remove the vehicle or bring it into compliance within the applicable compliance period;
 - (4) a statement that the registered owner of the vehicle and the person in charge or control of the property will be held jointly and severally responsible for all costs incidental to the removal, storage, and disposal of the vehicle;
 - (5) a statement that failure to comply may result in impoundment and disposal of the vehicle, a civil citation under Sec. 349.16, and the accrual of the penalties provided in Sec. 349.99;
 - (6) a description of the alternative compliance options available under Sec. 349.08, if any; and
 - (7) an explanation of the right of appeal under Sec. 349.09.

- (c) **Compliance period.** The compliance period shall be ten (10) days from the date the notice is mailed, consistent with ORC 4513.65.
- (d) **Repeat violations.** Where a notice of violation was issued for the same vehicle on the same property within the preceding 12 months, the compliance period shall be 48 hours from the date the notice is affixed to the vehicle or mailed, whichever occurs first.
- (e) **Public property.** For a violation on public property, no mailed notice shall be required prior to removal; the affixing of a tow warning tag to the vehicle at least 48 hours prior to removal shall constitute sufficient notice, except that no prior notice or tag shall be required where the vehicle constitutes an obstruction to traffic or other hazard or is otherwise subject to immediate removal under ORC 4513.61.
- (f) **Sufficiency.** Service is complete upon mailing and, where applicable, posting. The failure of any person to receive a properly addressed notice shall not invalidate any proceeding under this chapter. The city shall not be required to give any further notice prior to removal.

Sec. 349.08. – Alternative compliance options.

The alternatives in this section are discretionary compliance tools intended to encourage voluntary and timely resolution of violations of this chapter.

- (a) **Vehicle repair permit.** Upon written application demonstrating active repair, including a signed estimate or work order from a licensed repair facility or proof of parts ordered within the preceding 30 days, the code official may issue a vehicle repair permit authorizing retention of a disabled or inoperable motor vehicle for up to 60 days. A permit may be renewed one time, for an additional 30 days, upon a further showing of continued active repair. No more than one permit or renewal shall be issued for the same vehicle within any 12-month period.
- (b) **Documented pending sale.** Upon written application, showing that a vehicle is actively and publicly listed for sale, including dated photographs of the listing and the asking price, the code official may authorize retention of the vehicle for up to 30 days. No more than one such authorization shall be issued for the same vehicle within any 12-month period.
- (c) **Compliance agreement.** In lieu of immediate citation, the code official may enter into a written compliance agreement with the person in charge or control of the property establishing a specific cure date and, where appropriate, interim milestones. Failure to satisfy any term of a compliance agreement voids the agreement and authorizes immediate issuance of a notice of violation and, at the code official's discretion, a civil citation under Sec. 349.16.
- (d) **Voluntary surrender.** The registered owner or the person in charge or control of the property may sign a voluntary release authorizing the city to remove and dispose of the vehicle immediately, waiving the notice period and appeal rights under Secs. 349.07 and 349.09 as to that vehicle only.
- (e) **First-offense compliance diversion.** Where a notice of violation is the first issued for a property within the preceding 24 months, the code official may offer the person in charge or control of the property an opportunity to cure the violation within seven calendar days of the notice, in lieu of referral for citation. Timely cure under this subsection shall result in no civil or criminal penalty under Sec. 349.16 or 349.99 for that violation.

- (f) **Discretion; no entitlement.** The alternatives in this section are discretionary and do not create an entitlement, a vested right, or a defense to enforcement. The code official may decline to offer, or may revoke, any alternative under this section upon a determination that the vehicle constitutes an immediate hazard, that the applicant has provided false information, or that the property is a chronic nuisance property under Sec. 349.14.

Sec. 349.09. – Appeals.

- (a) **Right of appeal.** Any person aggrieved by a notice of violation, by a chronic nuisance property designation under Sec. 349.14, or by the removal of a vehicle under this chapter may appeal in accordance with Chapter 109 – Standard Appeals Process of these codified ordinances. City Council is designated as the hearing body for appeals under this section. Civil citations issued under Sec. 349.16 are contested exclusively through the administrative hearing procedure of that section and are not appealable under this section.
- (b) **Time to appeal.** Notwithstanding Sec. 109.04, an appeal of a notice of violation must be filed with the city clerk before the expiration of the compliance period stated in the notice. An appeal of a chronic nuisance property designation must be filed within 15 calendar days of the designation notice. An appeal contesting a removal already effected must be filed within 15 calendar days of the mailing of the notice of removal under Sec. 349.10(f).
- (c) **Scope.** The scope of the appeal shall be limited to whether the appellant is the registered owner of the vehicle or the person in charge or control of the property; whether the vehicle meets one or more of the definitions in Sec. 349.02 or the point-value criteria of Sec. 349.03, or is otherwise in violation of this chapter; whether the property meets the criteria for a chronic nuisance property designation under Sec. 349.14; and whether the notice and procedural requirements of this chapter were satisfied.
- (d) **Effect of appeal.** A timely appeal of a notice of violation stays the removal of the vehicle from private property until the hearing body renders its decision. No stay shall apply to the removal of a vehicle from public property or to any vehicle constituting an obstruction to traffic or other hazard. Storage charges shall continue to accrue during the pendency of any appeal.
- (e) **Release pending appeal.** The owner of an impounded vehicle may obtain its release during the pendency of an appeal upon payment of all accrued towing, storage, and administrative charges. If the hearing body determines that the removal was not proper, all such charges paid shall be refunded and any unpaid charges shall be waived.
- (f) **Finality.** The decision of the hearing body shall be final in accordance with Sec. 109.05, subject to further appeal to a court of competent jurisdiction as provided by the laws of the State of Ohio. Nothing in this section limits any right of civil action under ORC 4513.611.

Sec. 349.10. – Removal and impoundment.

- (a) **Authority.** Upon the expiration of the applicable compliance period and of any timely appeal, the department of police or the code official may cause any vehicle in violation of this chapter to be immobilized or ordered into storage in accordance with ORC 4513.60 through 4513.62. Impoundment under this chapter is an enforcement procedure for the protection of the public peace, safety, and welfare; the prevention and abatement of

nuisances and traffic hazards; the protection of the public rights in the use of the streets; and the amelioration of blight.

- (b) **Immediate removal.** Any vehicle constituting an obstruction to traffic, blocking a fire hydrant, crosswalk, or intersection, interfering with snow removal or a declared emergency, or otherwise presenting an immediate hazard to the public may be removed immediately and without prior notice, consistent with ORC 4513.61.
- (c) **Place of storage.** Every vehicle removed under this chapter shall be taken to a place of safekeeping designated by the chief of police and to no other place.
- (d) **Owner notification.** Upon ordering a vehicle into storage, the chief of police or the chief's designee shall cause a search of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder and shall send notice to the owner and any lienholder, by certified mail with return receipt requested, that the vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing, in accordance with ORC 4513.61.
- (e) **Duration.** Every impounded vehicle shall be stored and held until released pursuant to a written order signed by the chief of police or the chief's authorized designee, conditioned upon payment of all towing, impoundment, storage, and administrative costs and all outstanding civil fees assessed under this chapter.
- (f) **Notice of removal from private property.** Within 72 hours after the removal of a vehicle from private property, notice shall be mailed to the property owner's last known tax billing address stating: a description of the vehicle; the reasons for removal; the location, date, and time of the tow; the contact information for obtaining release of the vehicle; a statement of joint and several cost liability; and an explanation of the right of appeal under Sec. 349.09.

Sec. 349.11. – Vehicles incapable of conventional removal.

- (a) Where the code official determines that a vehicle in violation of this chapter cannot be safely removed by conventional towing by reason of missing wheels, tires, or axles; structural collapse or deterioration; being embedded in, overgrown by, or affixed to the ground or surrounding vegetation or structures; use as a storage container; or the leakage of fuel, oil, or other hazardous fluids, the code official may cause the vehicle to be dismantled or demolished in place and removed as scrap, junk, or solid waste, following the notice and appeal procedures of Secs. 349.07 and 349.09.
- (b) Any such vehicle shall be deemed an abandoned junk motor vehicle for purposes of documentation and disposal under ORC 4513.62 and 4513.63. Fluids and hazardous materials shall be drained and managed in accordance with applicable law prior to demolition or removal.
- (c) All costs of dismantling, demolition, environmental precautions or remediation, equipment, labor, hauling, and disposal shall be recoverable in accordance with Sec. 349.15.

Sec. 349.12. – Release of impounded vehicles.

The police department is authorized to release impounded vehicles and to accept, on behalf of the city, agreements to save and hold the city harmless signed by the person to whom the vehicle is

released. An impounded vehicle shall be released to the registered owner, a lienholder, or the owner's authorized representative upon presentation of all of the following:

- (a) Personal identification containing a photograph, such as a valid driver's license or state-issued identification card.
- (b) Proof of ownership or right to possession, which may be evidenced by a certificate of title or memorandum certificate of title, a certificate of registration, or a lease agreement, consistent with ORC 4513.61, and which shall not be a "jumped" or "signed over" title.
- (c) A signed release holding the city and its elected officials, officers, and employees harmless from all liability arising from the release of the vehicle.
- (d) A notarized power of attorney on a form approved by the law director, if the person claiming the vehicle is not the registered owner and does not hold a security interest in the vehicle.
- (e) Payment of all towing, impoundment, storage, and administrative costs and all outstanding civil fees assessed under this chapter.

If the person obtaining release of a vehicle cannot satisfy all applicable federal, state, and local requirements for the lawful operation of the vehicle, the vehicle shall be removed from the impound facility by an insured towing service. The department of police shall retain a copy of all instruments and documents required by this section.

Sec. 349.13. – Disposal of unclaimed vehicles.

- (a) The police department shall dispose of unclaimed motor vehicles in accordance with ORC 4513.61 and 4513.62, including the filing of all affidavits required for the issuance of a salvage certificate of title. All affidavits used to facilitate the disposal of unclaimed motor vehicles shall be in the form prescribed or approved by the registrar of motor vehicles.
- (b) Any proceeds realized from the disposal of a vehicle shall be credited against the costs and fees assessed under this chapter, and any deficiency shall remain the joint and several obligation of the persons liable under Sec. 349.15.

Sec. 349.14. – Chronic nuisance properties.

- (a) **Designation.** A property meeting the definition of a chronic nuisance property in Sec. 349.02 shall be so designated by written notice from the code official to the person in charge or control of the property, sent by the same method as a notice of violation under Sec. 349.07.
- (b) **Compliance bond.** Following designation, the code official may require the person in charge or control of the property to post a compliance bond, in an amount not to exceed \$2,500.00, as a condition of any further alternative compliance authorization under Sec. 349.08. The bond shall be forfeited to the city, in whole or in part, upon a subsequent violation at the property during the designation period, and any forfeited amount shall be applied first to the costs and fees owed under Sec. 349.15.
- (c) **Quarterly reporting.** The code official may require the owner of a designated chronic nuisance property to submit a self-inspection report, in a form provided by the code official, on a quarterly basis for up to 24 months following designation.

- (d) **Grant and permit ineligibility.** A designated chronic nuisance property shall be ineligible for any discretionary permit or variance, until the property has been free of violations under this chapter for not less than 12 consecutive months.
- (e) **Removal of designation.** A chronic nuisance property designation shall be removed upon written request following 12 consecutive months free of any violation under this chapter, or upon a showing, verified by the code official, of a change in ownership or control to a person not previously responsible for a violation at the property.

Sec. 349.15. – Recovery of costs; assessment.

- (a) **Liability.** The registered owner of the vehicle and the person in charge or control of the property from which the vehicle was removed shall be jointly and severally liable for all costs incidental to the immobilization, removal, towing, storage, dismantling, demolition, and disposal of the vehicle, together with an administrative fee equal to 25 percent of such costs.
- (b) **Per-vehicle assessment.** Where more than one vehicle or item of junk equipment in violation of this chapter is located on the same property, the costs, fees, and civil penalties provided in this chapter shall be assessed separately for each vehicle or item.
- (c) **Billing.** The finance director shall invoice the costs and fees described in this section, and the civil fees assessed under Sec. 349.99, to the persons liable, with payment due within 30 days of the date of the invoice. Where the person liable maintains a utility account with the city for the property in violation, such costs and fees may instead be added to the utility account and collected in the manner provided in Chapter 937 of these codified ordinances.
- (d) **Certification.** Any amount remaining unpaid after 30 days, including any amount described in subsection (e) of this section, shall be certified by the finance director to the county auditor of Sandusky County pursuant to ORC 715.261, shall constitute a lien upon the property from and after the date of entry, and shall be collected as other taxes and assessments and returned to the city according to law.
- (e) **Attorney fees and collection costs.** Any reasonable attorney fees, court costs, and collection costs incurred by the city in enforcing or collecting amounts owed under this chapter shall be added to, and recoverable as part of, the amount owed and shall be included in any lien certified under subsection (d) of this section.
- (f) **Other remedies.** Nothing in this section shall prevent the City from pursuing any civil action or other remedy available at law or in equity to collect the amounts owed under this chapter. The remedies provided in this chapter are cumulative and not exclusive.

Sec. 349.16. – Civil citation; administrative civil penalty.

- (a) **Authority.** As an alternative to, or in addition to, criminal prosecution under Sec. 349.99, the code official may issue a civil citation for any violation of this chapter. A civil citation issued under this section is not criminal in nature, does not carry the possibility of imprisonment, and does not result in a criminal record.
- (b) **Civil penalty amount.** A civil citation shall impose a civil penalty of \$100.00 for each day a violation continues after the expiration of the applicable compliance period, provided that

the cumulative civil penalty for a single continuing violation shall not exceed \$5,000.00 unless the property is a designated chronic nuisance property under Sec. 349.14.

- (c) **Payment or hearing.** The recipient of a civil citation may, within 15 calendar days of issuance, either pay the civil penalty stated in the citation or request an administrative hearing to contest the citation or the amount of the penalty, by written request to the city clerk.
- (d) **Administrative hearing.** An administrative hearing under this section shall be conducted in accordance with the procedures of Chapter 109, except that the hearing body for purposes of this section shall be a hearing officer designated by the City Manager, and the standard of proof shall be a preponderance of the evidence.
- (e) **Failure to pay or appear.** Failure to pay a civil penalty or to timely request a hearing constitutes a waiver of the right to contest the citation, and the unpaid penalty shall be collectible in the same manner as the costs and fees described in Sec. 349.15, including certification as a lien under Sec. 349.15(d).
- (f) **Election of remedies not required.** The issuance of a civil citation under this section does not preclude prosecution under Sec. 349.99 for the same violation, and payment of a civil penalty is not a defense to criminal prosecution; provided that any civil penalty paid for a specific violation shall be credited against any fine imposed for a criminal conviction arising from the same violation.

Sec. 349.99. – Penalty.

Whoever violates or fails to comply with any provision of this chapter shall be subject to the following penalties, which are cumulative and in addition to the costs and fees recoverable under Sec. 349.15 and the civil penalties recoverable under Sec. 349.16:

- (a) **Criminal penalty.** A first offense under this chapter is a minor misdemeanor. A second offense within five years of a prior conviction under this chapter is a misdemeanor of the fourth degree. A third offense within five years of two or more prior convictions under this chapter is a misdemeanor of the third degree. A fourth or subsequent offense within five years of three or more prior convictions under this chapter is a misdemeanor of the second degree.
- (b) **Continuing violations.** Each day during which a violation continues after the expiration of the applicable compliance period shall constitute a separate offense for purposes of criminal prosecution under this section.
- (c) **Obstruction penalty.** A violation of Sec. 349.04(j) is a misdemeanor of the fourth degree for a first offense and a misdemeanor of the third degree for each subsequent offense, regardless of the escalation schedule in subsection (a) of this section.
- (d) **Annual charge.** The finance director shall levy against any property remaining in violation a charge of \$1,000.00 for each year, or portion thereof, during which the violation continues, which shall be certified, liened, and collected in the manner provided in Sec. 349.15(d).
- (e) **Withholding of approvals.** The city shall not issue any permit, variance, or zoning approval for a property subject to an outstanding notice of violation under this chapter or against which any assessment under this chapter remains unpaid.

- (f) **Court-ordered abatement.** In addition to any other penalty, the court may order the defendant to abate the violation and to pay restitution to the city for all costs incurred in the removal, impoundment, and disposal of the vehicle, including the attorney fees and collection costs described in Sec. 349.15(e), less any money accruing to the city from disposal.
- (g) **Prosecution not limited.** Nothing in this chapter shall be construed to limit the prosecution of any offense under the Ohio Revised Code, including ORC 4513.64 and 4513.65, or the abatement of any nuisance under any other provision of law.