

ORDINANCE #23-07

ADOPTED: October 23 2023

AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING RULES GOVERNING THE REMOVAL / IMPOUNDING OF MOTOR VEHICLES (IMPOUNDING OF VEHICLES; REDEMPTION)

WHEREAS, Ohio law permits police officers to remove / impound motor vehicle under certain circumstances; and

WHEREAS, the Village of Thornville is experiencing an increase in illegally parked and/or abandoned junk motor vehicles that are causing a hazard or obstruction to the normal movement of traffic. These vehicles also unreasonably interfere with street cleaning or snow removal operations; and

WHEREAS, most Ohio municipalities have rules and regulations that govern removing and impounding vehicles; and

WHEREAS, Council for the Village of Thornville now wants to create such an ordinance.

NOW, **THEREFORE, BE IT ORDAINED**, by the Council of the Village of Thornville, Perry County, State of Ohio:

SECTION 1: Council for the Village of Thornville hereby creates, establishes, and adopts the following to govern the **Impounding of Vehicles; Redemption**:

- (a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:
- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
  - (2) When any vehicle or "abandoned junk motor vehicle", as defined in R.C. 4513.63, is left on private property for more than forty-eight consecutive hours without the permission of the person having the right to the possession of the property, or 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 forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle", as defined in R.C. 4513.63, it shall be photographed by a law enforcement officer.
  - (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
  - (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
  - (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
  - (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of the Ohio Traffic Code or the Village of Thornville Ordinances whereby its continued operation would constitute a condition hazardous to life, limb or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
  - (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.

- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person, who is driving without a lawful license or while his/her license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two or more citation tags for violations of the Ohio Traffic Code or the Village of Thornville Ordinances have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (11) When any vehicle is found standing or parked in violation of Village of Thornville parking ordinances.
- (b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under R.C. 4513.60 *et seq.*
- (c) Any other vehicle removed under authority of this section shall be ordered into storage and the Village police shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the impound facility to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

SECTION 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent part thereof.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and all deliberations of the Council and any of the decisions making bodies of the Village of Thornville which resulted in which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 23<sup>rd</sup> day of October, 2023.


  
Gina Kaetzel, Mayor

ATTEST

  
Traci Sturgill, Clerk of Council

APPROVED:

Approved as to form this 10<sup>th</sup> day of October 2023:



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Brian M. Zets, Esq.  
Village Solicitor