

**As Passed by the House**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Am. Sub. H. B. No. 150**

**Representatives Gibbs, McGregor, J., Ujvagi, Evans, C., Kearns, Williams,  
Hagan, Reidelbach, Collier, Distel, Miller, Cassell, Schaffer, Barrett, Blessing,  
Chandler, Combs, Schneider, Stewart, D., Willamowski**

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**A B I L L**

To amend sections 4737.10 and 4737.99 of the Revised Code to require a junk yard owner's license to be suspended if the owner fails to make required changes or improvements to the owner's junk yard, to restrict the junk yard owner's activities during the suspension, and to increase the tax that may be imposed on an owner who does not make the required changes or improvements.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4737.10 and 4737.99 of the Revised Code be amended to read as follows:

**Sec. 4737.10.** (A) Before a license is granted or renewed under sections 4737.05 to 4737.12 of the Revised Code, the sheriff of each county, or, if the sheriff so designates, a township ~~policeman~~ police officer or constable, and the chief of police of each municipal corporation shall inspect the junk yard within ~~his~~ the sheriff's, police officer's, constable's, or chief's respective jurisdiction to determine if it complies with sections 4737.05 to 4737.12 of the Revised Code. The sheriff, or a township

~~police~~man police officer or constable, or chief of police shall 19  
submit a written report of such examination to the county auditor 20  
of the county or the village solicitor or city director of law of 21  
the municipal corporation wherein such junk yard is located. 22

(B) In addition, twice annually the sheriff of each county, 23  
or, if the sheriff so designates, a township ~~police~~man police 24  
officer or constable, and the chief of police of each municipal 25  
corporation shall inspect every junk yard that is located within 26  
~~his~~ the sheriff's, police officer's, constable's, or chief's 27  
jurisdiction and for which a license has been issued under 28  
sections 4737.05 to 4737.12 of the Revised Code, to obtain 29  
information with regard to whether the licensee's activity has 30  
been and is being conducted in accordance with sections 4737.01 to 31  
4737.12 of the Revised Code. The sheriff, township ~~police~~man 32  
police officer or constable, or the chief of police shall submit a 33  
written report of each such examination to the county auditor of 34  
the county or the village solicitor or city director of law of the 35  
municipal corporation wherein such junk yard is located. 36

The sheriff, township ~~police~~man police officer or constable, 37  
or the chief of police shall, for the purpose of these 38  
examinations, have free access to the grounds and buildings used 39  
or proposed for use in the conduct of the junk yard activity by 40  
the applicant or the licensee. 41

Such inspections may be made at any time, at the option of 42  
the sheriff, township ~~police~~man police officer or constable, or 43  
the chief of police during the regular work hours of the licensee 44  
or within the hours of eight a.m. and five p.m. Monday through 45  
Friday. 46

The director of transportation may also inspect junk yards 47  
adjacent to state highways to obtain information with regard to 48  
whether the licensee's activity is being conducted in accordance 49  
with sections 4737.01 to 4737.12 of the Revised Code. If such 50

inspection indicates that there is a violation of any of the  
provisions of such sections the director shall advise the attorney  
general of such alleged violations and request ~~him~~ the attorney  
general to take proper legal action.

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(C) Whenever it is determined upon any semiannual inspection  
made under this section that a junk yard is not being conducted in  
accordance with the requirements of sections 4737.01 to 4737.12 of  
the Revised Code, the sheriff of the county, township ~~policeman~~  
police officer or constable, or the chief of police of the  
municipal corporation within whose jurisdiction the junk yard is  
located, shall immediately notify the owner of the junk yard of  
such fact. The notice shall be sent to the owner by registered  
mail, and shall detail the areas which are not in conformity with  
the requirements of sections 4737.01 to 4737.12 of the Revised  
Code. A copy of the notice shall also be sent to the auditor of  
the county, or the village solicitor or city director of law of  
the municipal corporation within which the junk yard is located.

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(D) Any owner of a junk yard who receives a notice as  
provided in this section shall, within sixty days after the  
mailing of the notice, undertake and complete such changes or  
improvements as are necessary to conform the junk yard to the  
requirements of sections 4737.01 to 4737.12 of the Revised Code.  
At the expiration of the sixty-day period, the sheriff, township  
~~policeman~~ police officer or constable, or the chief of police  
shall make a further inspection of the junk yard, and if the  
required changes or improvements have not been made, the sheriff,  
township police officer or constable, or the chief of the police  
shall send notice of that noncompliance to the chief executive  
officer of the municipality or the county auditor of the county in  
which the licensee's junk yard is located. After receiving the  
notice of noncompliance, the chief executive officer or county  
auditor, as appropriate, shall suspend the owner's license for

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ninety days. While the owner's license is suspended, the owner 83  
shall undertake and complete such changes or improvements 84  
necessary to conform the junk yard to the requirements of sections 85  
4737.01 to 4737.12 of the Revised Code. 86

(E) An owner whose license is suspended pursuant to division 87  
(D) of this section may appeal the suspension in accordance with 88  
Chapter 2506. of the Revised Code. 89

At any time during the ninety days in which an owner's 90  
license is suspended, the owner may apply to the sheriff, township 91  
police officer or constable, or the chief of the police to have 92  
the junk yard inspected. If, after the inspection, the sheriff, 93  
township police officer or constable, or the chief of the police 94  
determines that the junk yard conforms to the requirements of 95  
sections 4737.01 to 4737.12 of the Revised Code, the sheriff, 96  
township police officer or constable, or the chief of the police, 97  
as appropriate, shall send notice of that compliance to the chief 98  
executive officer of the municipality or the county auditor of the 99  
county in which the licensee's junk yard is located. After 100  
receiving the notice of compliance, the chief executive officer or 101  
the county auditor, as appropriate, shall remove the suspension 102  
and reinstate the owner's license. 103

(F)(1) An owner may sell junk while the owner's license is 104  
suspended. 105

(2) No licensee may accept junk for future resale during the 106  
time that the licensee's license is suspended under division (D) 107  
of this section. 108

(G) If an owner's license has not been reinstated under 109  
division (E) of this section prior to the end of a ninety-day 110  
suspension, the sheriff, township police officer or constable, or 111  
the chief of police shall make a further inspection of the junk 112  
yard. If the owner has not made the required changes or 113

improvements, the sheriff, township police officer or constable, 114  
or chief of police shall send notice of that noncompliance to the 115  
chief executive officer of the municipality or the county auditor 116  
of the county in which the licensee's junk yard is located. After 117  
receiving the notice of noncompliance, the chief executive officer 118  
or the county auditor shall revoke the owner's license in 119  
accordance with the procedures specified in section 4737.07 of the 120  
Revised Code. In addition to having the licensee's license 121  
revoked, the owner of the junk yard shall be subject to a tax of 122  
twenty one hundred dollars for each day after revocation that the 123  
violation continues. 124

The sheriff, township ~~policeman~~ police officer or constable, 125  
or the chief of police shall certify a return of the imposition of 126  
said tax thereon to the county auditor, who shall enter the same 127  
as a tax upon the property and against the persons upon which or 128  
whom the lien was imposed as and when other taxes are entered. The 129  
provisions of the laws relating to the collection of taxes in this 130  
state, the delinquency thereof, and sale of property for taxes 131  
shall govern in the collection of the tax prescribed in this 132  
section insofar as the same are applicable. 133

**Sec. 4737.99.** (A) ~~Whoever~~ Except as specified in division (B) 134  
of this section, whoever violates sections 4737.01 to 4737.11~~7~~ 135  
~~inclusive,~~ of the Revised Code, shall be fined not less than 136  
twenty-five nor more than one thousand dollars and the costs of 137  
prosecution. 138

(B) Whoever violates division (F)(2) of section 4737.10 of 139  
the Revised Code is guilty of a misdemeanor of the fourth degree. 140

**Section 2.** That existing sections 4737.10 and 4737.99 of the 141  
Revised Code are hereby repealed. 142