

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

**127th General Assembly
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H. B. No. 50

Representative Evans

**Cosponsors: Representatives McGregor, J., Stebelton, Flowers, Setzer,
Combs, Seitz, Bacon, Hite, Okey, Webster, Collier, Bubp, Chandler,
Batchelder, Bolon, Coley, Daniels, Dolan, Gerberry, Gibbs, Hagan, R.,
Hottinger, Huffman, Letson, Luckie, Mallory, Otterman, Patton, Schindel,
Schneider, Stewart, J., Wagoner, Zehringer
Senators Cates, Mumper, Carey**

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A B I L L

To amend sections 505.85 and 505.87 and to enact 1
section 505.871 of the Revised Code to allow 2
townships to remove junk motor vehicles from 3
public and private property and to borrow money to 4
pay for that removal of junk motor vehicles and 5
for other debris from private property. 6

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

Section 1. That sections 505.85 and 505.87 be amended and 7
section 505.871 of the Revised Code be enacted to read as follows: 8

Sec. 505.85. A board of township trustees may contract with a 9
motor vehicle salvage dealer, as defined in section 4738.01 of the 10
Revised Code, or a scrap metal processing facility, as defined in 11
section 4737.05 of the Revised Code, for the removal or disposal 12
of motor vehicles pursuant to section 505.173 or 505.871 or 13

sections 4513.60 to 4513.64 of the Revised Code, and a board may 14
contract with a storage facility or other similar facility for the 15
storage or impoundment of motor vehicles pursuant to section 16
505.173 or sections 4513.60 to 4513.64 of the Revised Code. 17

Sec. 505.87. (A) A board of township trustees may provide for 18
the abatement, control, or removal of vegetation, garbage, refuse, 19
and other debris from land in the township, if the board 20
determines that the owner's maintenance of ~~such~~ that vegetation, 21
garbage, refuse, ~~and~~ or other debris constitutes a nuisance. 22

(B) At least seven days before providing for the abatement, 23
control, or removal of any vegetation, garbage, refuse, or debris, 24
the board of township trustees shall notify the owner of the land 25
and any holders of liens of record upon the land that: 26

(1) The owner is ordered to abate, control, or remove the 27
vegetation, garbage, refuse, or other debris, the owner's 28
maintenance of which has been determined by the board to be a 29
nuisance; 30

(2) If ~~such~~ that vegetation, garbage, refuse, or other debris 31
is not abated, controlled, or removed, or if provision for its 32
abatement, control, or removal is not made, within seven days, the 33
board shall provide for the abatement, control, or removal, and 34
any expenses incurred by the board in performing that task shall 35
be entered upon the tax duplicate and become a lien upon the land 36
from the date of entry. 37

The board shall send the notice to the owner of the land by 38
certified mail if the owner is a resident of the township or is a 39
nonresident whose address is known, and by certified mail to 40
lienholders of record; alternatively, if the owner is a resident 41
of the township or is a nonresident whose address is known, the 42
board may give notice to the owner by causing any of its agents or 43
employees to post the notice on the principal structure on the 44

land and to photograph that posted notice with a camera capable of 45
recording the date of the photograph on it. If the owner's address 46
is unknown and cannot reasonably be obtained, it is sufficient to 47
publish the notice once in a newspaper of general circulation in 48
the township. The owner of the land or holders of liens of record 49
upon the land may enter into an agreement with the board of 50
township trustees providing for either party to the agreement to 51
perform the abatement, control, or removal before the time the 52
board is required to provide for the abatement, control, or 53
removal under division (C) of this section. 54

(C) If, within seven days after notice is given, the owner of 55
the land fails to abate, control, or remove the vegetation, 56
garbage, refuse, or other debris, or no agreement for its 57
abatement, control, or removal is entered into under division (B) 58
of this section, the board of township trustees shall provide for 59
the abatement, control, or removal and may employ the necessary 60
labor, materials, and equipment to perform the task. All expenses 61
incurred ~~shall~~, when approved by the board, shall be paid out of 62
the township general fund from moneys not otherwise appropriated, 63
except that if the expenses incurred exceed five hundred dollars, 64
the board may borrow moneys from a financial institution to pay 65
for the expenses in whole or in part. 66

(D) The board of township trustees shall make a written 67
report to the county auditor of the board's action under this 68
section. The board shall include in the report a proper 69
description of the premises and a statement of all expenses 70
incurred in providing for the abatement, control, or removal of 71
any vegetation, garbage, refuse, or other debris, as provided in 72
division (C) of this section, including the board's charges for 73
its services, notification the costs incurred in providing notice, 74
any fees or interest paid to borrow moneys, and the amount paid 75
for ~~the~~ labor, materials, and equipment, ~~and a proper description~~ 76

~~of the premises.~~ The expenses incurred, when allowed, shall be 77
entered upon the tax duplicate, are a lien upon the land from the 78
date of the entry, ~~and~~ shall be collected as other taxes, and 79
shall be returned to the township and placed in the township 80
general fund. 81

Sec. 505.871. (A) A board of township trustees may provide, 82
by resolution, for the removal of any vehicle in the 83
unincorporated territory of the township that the board determines 84
is a junk motor vehicle, as defined in section 505.173 of the 85
Revised Code. 86

(B) If a junk motor vehicle is located on public property, 87
the board of township trustees may provide in the resolution for 88
the immediate removal of the vehicle. 89

(C)(1) If a junk motor vehicle is located on private 90
property, the board of township trustees may provide in the 91
resolution for the removal of the vehicle not sooner than fourteen 92
days after the board serves written notice of its intention to 93
remove or cause the removal of the vehicle on the owner of the 94
land and any holders of liens of record on the land. 95

(2) The notice provided under this division shall generally 96
describe the vehicle to be removed and indicate all of the 97
following: 98

(a) The board has determined that the vehicle is a junk motor 99
vehicle. 100

(b) If the owner of the land fails to remove the vehicle 101
within fourteen days after service of the notice, the board may 102
remove or cause the removal of the vehicle. 103

(c) Any expenses the board incurs in removing or causing the 104
removal of the vehicle may be entered upon the tax duplicate and 105
become a lien upon the land from the date of entry. 106

(3) The board shall serve the notice under this division by 107
sending it by certified mail, return receipt requested, to the 108
owner of the land, if the owner resides in the unincorporated 109
territory of the township or if the owner resides outside the 110
unincorporated territory of the township and the owner's address 111
is known or ascertainable through an exercise of reasonable 112
diligence. The board also shall send notice in such manner to any 113
holders of liens of record on the land. If a notice sent by 114
certified mail is refused or unclaimed, or if an owner's address 115
is unknown and cannot reasonably be ascertained by an exercise of 116
reasonable diligence, the board shall publish the notice once in a 117
newspaper of general circulation in the township before the 118
removal of the vehicle, and, if the land contains any structures, 119
the board also shall post the notice on the principal structure on 120
the land. 121

A notice sent by certified mail shall be deemed to be served 122
for purposes of this section on the date it was received as 123
indicated by the date on a signed return receipt. A notice given 124
by publication shall be deemed to be served for purposes of this 125
section on the date of the newspaper publication. 126

(D) The board of township trustees may cause the removal or 127
may employ the labor, materials, and equipment necessary to remove 128
a junk motor vehicle under this section. All expenses incurred in 129
removing or causing the removal of a junk motor vehicle, when 130
approved by the board, shall be paid out of the township general 131
fund from moneys not otherwise appropriated, except that if the 132
expenses exceed five hundred dollars, the board may borrow moneys 133
from a financial institution to pay the expenses in whole or in 134
part. 135

(E) The board of township trustees may utilize any lawful 136
means to collect the expenses incurred in removing or causing the 137
removal of a junk motor vehicle under this section, including any 138

fees or interest paid to borrow moneys under division (D) of this 139
section. The board may direct the township fiscal officer to 140
certify the expenses and a description of the land to the county 141
auditor, who shall place the expenses upon the tax duplicate as a 142
lien upon the land to be collected as other taxes and returned to 143
the township general fund. 144

(F) Notwithstanding section 4513.65 of the Revised Code, but 145
subject to division (G)(2) of this section, any collector's 146
vehicle that meets the definition of a junk motor vehicle is 147
subject to removal under this section. 148

(G)(1) Nothing in this section affects the authority of a 149
board of township trustees to adopt and enforce resolutions under 150
section 505.173 of the Revised Code to regulate the storage of 151
junk motor vehicles on private or public property in the 152
unincorporated territory of the township. 153

(2) A resolution adopted under this section is subject to the 154
same restrictions specified in division (A) of section 505.173 of 155
the Revised Code for resolutions adopted under that section. 156

Section 2. That existing sections 505.85 and 505.87 of the 157
Revised Code are hereby repealed. 158