

ORDINANCE NO. 1-67
VILLAGE OF CLEVES, OHIO

AN ORDINANCE RELATING TO REGULATION AND CONTROL OF THE ACCUMULATION, STORAGE, MAINTENANCE, AND DISPOSITION OF JUNK, OR JUNK CARS, AND REFUSE, PROVIDING PENALTIES AND DECLARING AN EMERGENCY.

WHEREAS, the deposit, accumulation and storage of junk, junk cars, and refuse on public and private property in the Village of Cleves, Ohio, is a serious threat to the welfare and convenience of the citizens of the Village of Cleves and to the public peace, property, health and safety and in many instances constitutes a public nuisance, and

WHEREAS, it is necessary, therefore, to provide for the regulation, control and elimination of these conditions in the Village of Cleves, Ohio,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Cleves, Ohio:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the following definitions shall apply and the words and phrases defined shall have the meaning respectively ascribed to them:

(A) JUNK - Old or scrap copper, brass, rope, rags, batteries, paper, rubber, lumber, pipe, used building materials, roofing, old or scrap iron, steel or other ferrous or non-ferrous materials which are not held for sale or remelting purposes by an establishment having facilities for processing such materials; any worn-out, cast-off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further re-conditioning, can be used for its original purpose as readily as when new shall not be considered junk.

(B) JUNK CAR - Junk car is any used car or motor vehicle; inoperable and/or unlicensed, dismantled, partly dismantled, or wrecked vehicle or motor vehicle, or parts thereof, not in the process of reconditioning, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days. Portions of junk cars, such as hoods, fenders, radiators, rims, motors, etc., not being utilized for the repair of a motor vehicle, shall be considered as junk.

(C) REFUSE - Ashes, crockery, bottles, cans, paper and other wood pulp products, boxes, rags, grass clippings and other cut vegetation; old or discarded clothing, bedding, mattresses, furniture, appliances; rubbish, dirt, nails, pieces of glass, oil; all other similar non-putrescible wastes other than those included in the definition of junk.

(D) JUNK YARD - Junk yard means an establishment or place of business, other than an establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for remelting purposes, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety days exclusively for storage, repair, or re-sale without alteration.

(E) FENCE - Fence means an enclosure at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the junk in the enclosure from the ordinary view of persons passing upon the state, county, village, and township roads in this state.

SECTION 2. No person, firm, or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance, or collection of any junk, junk cars, or refuse in unenclosed areas on his premises or any premises under his control which are unenclosed open areas, or in any other place within the Village, except as expressly provided by law, and shall be deemed to constitute a public nuisance.

SECTION 3. The provisions of this Ordinance shall not apply to the deposit and storage of junk, junk cars, and refuse in regularly established automotive junk yards or salvage and scrap metal yards within the Village of Cleves, Ohio, except those in operation on the effective date of this Ordinance.

The provisions of this Ordinance shall further not apply to the deposit and storage of junk, junk cars, or refuse in the area designated and known as the Village of Cleves, Ohio, "dump."

SECTION 4. A person, firm or corporation who was operating or maintaining a junk yard prior to the effective date of this Ordinance shall be entitled to continue to operate or maintain said junk yard on his property within the corporate limits of the Village of Cleves, Ohio, provided that any person, firm or corporation operating or maintaining a junk yard within one thousand (1,000) feet of a state, county, township, or Village road or street, prior to the effective date of this Ordinance shall have one (1) year thereafter to erect the required fence if such junk yard is not obscured by natural objects.

SECTION 5. For the purpose of enforcing the provisions of this Ordinance, the Chief of Police, or any person designated by him, is authorized and empowered at any reasonable time to enter upon and inspect any premises or property when he has reasonable cause to believe that a public nuisance as defined in this Ordinance exists.

SECTION 6. Any person, firm or corporation violating the provisions of this Ordinance shall, within thirty (30) days after notification of said violation by a person acting on behalf of the Village of Cleves, Ohio, remove or cause to be removed any junk, junk cars, or refuse; and in the event of failure, within said thirty (30) day period to comply with said notice, he shall be deemed guilty of violating the provisions of this Ordinance.

SECTION 7. Whoever violates any provisions of this Ordinance shall be fined not more than Fifty (\$50.00) Dollars for the first offense and not more than One Hundred (\$100.00) Dollars for each subsequent offense. Any such violation shall constitute a separate offense on each successive day continued.

SECTION 8. If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Ordinance.

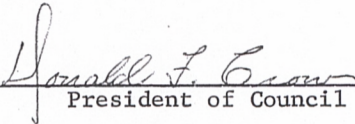
It is hereby declared to be the intention of the Legislative Authority of the Village of Cleves, Ohio, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not be included herein.

SECTION 9. All ordinances in conflict herewith are hereby repealed.

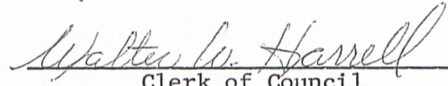
SECTION 10. That this Ordinance is hereby declared to be an emergency measure in that the unrestricted accumulation of junk, junk cars, and refuse in open areas within the municipality could result in unhealthful conditions within the Village to the general

detriment of its citizens, and therefore, this Ordinance shall go into effect immediately upon its passage and signing by the Mayor.

Passed this 25th day of January, 1967.

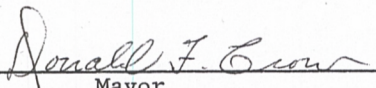


President of Council



Clerk of Council

Approved by the Mayor this
25th day of January, 1967.



Mayor