

**ORDINANCE 2021-10**  
**BY**  
**MAYOR RAYMOND ARRIOLA**

**AN ORDINANCE AMENDING §70.28 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

**WHEREAS, §70.28** of the Code of Ordinances of the Municipality of New Lebanon which reads as follows:

**§ 70.28 PROHIBITION AGAINST ABANDONMENT OF JUNK MOTOR VEHICLES.**

(A) (1) No person shall willfully leave any vehicle or an ABANDONED JUNK MOTOR VEHICLE, as defined in R.C. § 4513.63, on private property for more than 72 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 traffic or parking, or on or within the right-of-way of any road or highway, for 48 consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place.

(2) For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment.

(3) Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within the municipality.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the municipality from the disposal of the vehicle.

(R.C. § 4513.64) ('80 Code, § 70.13)

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Municipality of New Lebanon, Ohio, that **§70.28 IS HEREBY AMENDED TO READ**

**§ 70.28 PROHIBITION AGAINST ABANDONMENT OF JUNK MOTOR VEHICLES.**

(A) No person shall leave or abandon any vehicle classified as a JUNK MOTOR VEHICLE, as defined in § 70.01, on private property for more than 48 consecutive hours without the permission of the person having the right to possession of the property, or their agent, or on a public street or other property open to the public for purposes of vehicular traffic or parking, or on or within the right-of-way of any road or highway, for 48 consecutive hours or longer, without notification and approval from the Police Chief or Director of Public Safety as to the reasons for leaving the vehicle in such place.

(B) Vehicles in violation of this section should be tagged with a notice warning of the violation and possible impoundment of the vehicle. This does not preclude the vehicle from being impounded with no notice, or prior to the expiration of the notice if the vehicle is in violation of division (A).

(C) For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facia evidence of abandonment.

(D) Nothing in this section shall invalidate any provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highway, public property, or private property within the municipality.

(E) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the municipality from the disposal of the vehicle.

**SECTION 1:** This ordinance shall take effect and be in force from and after the earliest period by law.

Passed this 7<sup>th</sup> day of December, 2021.

First Reading: November 2, 2021

Second Reading: November 16, 2021

Third Reading: December 7, 2021

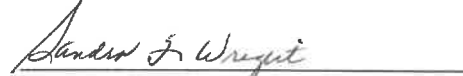
Effective Date: December 27, 2021

APPROVED:



Raymond Arriola  
Mayor

ATTEST:



Sandra F. Wright  
Clerk of Council

APPROVED:



Glenna A. Madden  
Municipal Manager

Dated: December 7, 2021

### CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Ordinance 2021-10 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon, Ohio.



Sandra F. Wright  
Clerk of Council