

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 7 p.m., on the 11 day of May, 2021, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Raj Rajagopal, Mr. Dan Unger, and Matthew Wahlert

Mr. Unger introduced the following resolution and moved its adoption:

RESOLUTION NO.: 36 -21

RESOLUTION ADOPTING NEW
COLERAIN TOWNSHIP JUNK VEHICLE PROCEDURE
PURSUANT TO OHIO REVISED CODE § 505.871

WHEREAS, pursuant to Ohio Revised Code § 505.871, the Colerain Township Board of Trustees has authority to determine that a motor vehicle, on either public and private property, is a junk motor vehicle as defined in Ohio Revised Code § 505.173, and has the authority to have that vehicle removed from the property; and,

WHEREAS, the Colerain Township Board of Trustees previously adopted Resolution 42-03, on August 12, 2003, to facilitate to the removal of a growing number of junk vehicles throughout the Township, and worked to preserve property values, public health, safety, and morals by eliminating the detrimental effects of junk vehicles; and,

WHEREAS, the Ohio Legislature enacted Ohio Revised Code § 505.871 in 2008, it was later amended in 2015, and the current version became effective on April 12, 2021; and,

WHEREAS, the Colerain Township Board of Trustees finds it necessary to authorize a new junk vehicle resolution in accordance with the changes and amendments to the Ohio Revised Code.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows;

1. Ohio Revised Code § 505.871 authorizes a Board of Township Trustees to provide for removal of any vehicle in the Board determines is a junk motor vehicle, as defined in Ohio Revised Code § 505.173, as meeting all of the following criteria:
 - a. Three model years old, or older;
 - b. Apparently inoperable;
 - c. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

2. If a junk motor vehicle is located on public property, the Board of Township Trustees may provide in the resolution for the immediate removal of the vehicle.
3. If a junk motor vehicle is located on private property, the Board of Township Trustees may provide in the resolution for the removal of the vehicle not sooner than fourteen days after the board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.
4. The written notice shall at a minimum contain the following information:
 - a. A general description of the vehicle to be removed;
 - b. A statement the Board has determined that the vehicle is a junk motor vehicle.
 - c. A statement that if the owner of the land fails to remove the vehicle within fourteen days after service of the notice, the board may remove or cause the removal of the vehicle.
 - d. A statement that any expenses and/or costs the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.
5. The Board shall serve the notice, described under Section 4 herein, by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the unincorporated territory of the Township, or if the owner resides outside the unincorporated territory of the township and the owner's address is known or ascertainable through an exercise of reasonable diligence. The Board also shall send notice in such manner to any holders of liens of record on the land. If a notice sent by certified mail is refused or unclaimed, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the Board shall publish the notice once in a newspaper of general circulation in the Township before the removal of the vehicle, and, if the land contains any structures, the Board also shall post the notice on the principal structure on the land.
6. A notice sent by certified mail shall be deemed to be served for purposes of this section on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication.
7. The Colerain Board of Township Trustees will utilize any lawful means to cause the removal and may employ the labor, materials, and equipment necessary to remove a junk motor vehicle under this section. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the Board, shall be paid out of the Township

General Fund from moneys not otherwise appropriated, except that if the expenses exceed five hundred dollars (\$500.00), the Board may borrow moneys from a financial institution to pay the expenses in whole or in part.

8. The Board of Township Trustees will utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle under this section, including any fees or interest paid to borrow moneys under Section 7 of this Resolution. The Board may direct the Township Fiscal Officer to certify the expenses and a description of the land to the Hamilton County Auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township General Fund.
9. This Resolution supersedes all prior Colerain Township Resolutions that in any way address the removal of junk motor vehicles by the Township.
10. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.
11. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.
12. This resolution shall take effect at the earliest period allowed by law.

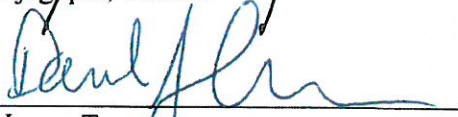
Mr. Wahlert, J seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

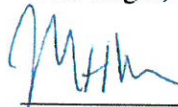
Vote Record: Mr. Rajagopal yes, Mr. Unger yes, Mr. Wahlert yes

ADOPTED this 11 day of May, 2021.

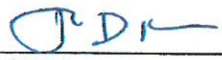
BOARD OF TRUSTEES:


Raj Rajagopal, Trustee

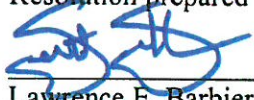

Dan Unger, Trustee


Matthew Wahlert, Trustee

ATTEST:



Jeff Baker
Colerain Township Fiscal Officer

Resolution prepared by and approved as to form:


Lawrence E. Barbieri (0027106)
Colerain Township Law Director
Scott A. Sollmann (0081467)
Asst. Colerain Township Law Director
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 11 day of May, 2021.


Jeff Baker
Colerain Township Fiscal Officer