

**BOARD OF TRUSTEES  
KINGSTON TOWNSHIP, DELAWARE COUNTY, OHIO**

**RESOLUTION NO. 08-08-01**

**A Resolution adopted pursuant to Ohio Revised Code §505.871 implementing a general policy for removal from property located in the unincorporated territory of Kingston Township of any vehicle that the Kingston Township Board of Trustees determines is a junk motor vehicle as defined by Ohio Revised Code §505.173.**

**PREAMBLE**

**WHEREAS**, Ohio Revised Code Section 505.871 authorizes a board of township trustees to provide, by resolution, for the removal of any vehicle in the unincorporated territory of the township that the board determines is a junk motor vehicle, as defined in Section 505.173 of the Ohio Revised Code, and

**WHEREAS**, the Board of Trustees of Kingston Township, Delaware County, Ohio believes it is in the best interest of the residents of Kingston Township and further believes it will promote the health, safety and welfare of those residents to adopt a general policy to use the authority granted under Ohio Revised Code Section 505.871 to remove vehicles duly determined to be junk motor vehicles as defined by Ohio Revised Code Section 505.173,

**NOW BE IT RESOLVED BY THE KINGSTON TOWNSHIP BOARD OF TRUSTEES, DELAWARE COUNTY, OHIO TO ADOPT THE FOLLOWING GENERAL POLICY FOR REMOVAL OF JUNK MOTOR VEHICLES FROM PROPERTY LOCATED WITHIN THE UNINCORPORATED TERRITORY OF KINGSTON TOWNSHIP:**

**GENERAL POLICY**

1. If a junk motor vehicle is located on public property, the Kingston Township Board of Trustees may provide by resolution for the immediate removal of the vehicle.
2. If a junk motor vehicle is located on private property, the Kingston Township Board of Trustees may provide by 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. The notice shall at a minimum contain the following information:

(a) A general description of the vehicle to be removed;

(b) A statement that 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; and

(d) A statement that that any expenses 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.

3. The notice required under paragraph 2 herein shall be sent 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 same notice shall be sent 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, notice shall be published once in a newspaper of general circulation in Kingston Township before the removal of the vehicle, and, if the land contains any structures, the notice shall be posted on the principal structure on the land.

4. A notice sent by certified mail shall be deemed to be served 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 on the date of the newspaper publication.

5. The Kingston Township Board of Trustees will utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle, including any fees or interest paid to borrow moneys as authorized by statute. The Kingston Township Board of Trustees will direct the Kingston Township Fiscal Officer to certify the expenses and a description of the land to the Delaware 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 Kingston Township general fund.

6. Notwithstanding Section 4513.65 of the Ohio Revised Code, but subject to Ohio Revised Code Section 505.871(G)(2), any collector's vehicle that meets the definition of a junk motor vehicle is subject to removal under this general policy.

7. Nothing in this resolution shall affect the authority of the Kingston Township Board of Trustees to adopt and enforce resolutions under Section 505.173 or any other applicable section of the Ohio Revised Code to regulate the storage of junk motor vehicles on private or public property in the unincorporated territory of Kingston Township.

8. Resolutions adopted under this general policy are subject to the same restrictions specified in Ohio Revised Code Section 505.173(A).

9. This general policy is defined by Ohio Revised Code Section 505.871, which is hereby incorporated into this policy in its entirety, including any amendments or modifications thereto which may from time to time be enacted by the Ohio Legislature. If inconsistencies exist or arise between this policy and Ohio Revised Code Section 505.871, the guidelines and requirements set forth by Ohio statute shall govern.

This Resolution shall take effect immediately upon adoption.


Voted on and signed this 4<sup>th</sup> day of August, 2008 in Kingston Township, Delaware County, Ohio.

APPROVED AND ADOPTED THIS 4<sup>th</sup> DAY OF August, 2008 BY:

BOARD OF TRUSTEES, KINGSTON  
TOWNSHIP, DELAWARE COUNTY, OHIO,

By:

  
\_\_\_\_\_  
Dewey V. Akers-Trustee

  
\_\_\_\_\_  
John C. Fink-Trustee

  
\_\_\_\_\_  
William L. Shively-Trustee

OPPOSED BY:

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