



RESOLUTION #26-06-056

**A RESOLUTION REGULATING THE STORAGE AND ACCUMULATION OF JUNK MOTOR VEHICLES  
ON PRIVATE AND PUBLIC PROPERTY  
WITHIN THE UNINCORPORATED AREA OF BETHEL TOWNSHIP, MIAMI COUNTY, OHIO,  
PURSUANT TO OHIO REVISED CODE SECTIONS 505.173 AND 505.871**

The Bethel Township Board of Trustees, Bethel Township, Miami County, Ohio met in regular session on the 9<sup>th</sup> day of June, 2026 with the following Trustees being present: Julie Reese and Josh Wilkerson.

Trustee WILKERSON moved for the adoption of the following resolution:

**WHEREAS**, the Bethel Township Board of Trustees, Bethel Township, Miami County, Ohio ("Board") is authorized by Ohio Revised Code Section 505.173 to adopt resolutions as the Board considers necessary to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the Township; **AND**

**WHEREAS**, Ohio Revised Code Section 505.871 authorizes the Board to provide for the removal and disposal of junk motor vehicles from private or public property within the unincorporated area of the Township; **AND**

**WHEREAS**, the Board has determined that the storage and accumulation of junk motor vehicles on private and public property within the Township constitutes a threat to the health, safety, and welfare of the residents and negatively impacts property values, neighborhood character, and the general welfare of the community; **AND**

**WHEREAS**, the Board desires to establish regulations, definitions, procedures, and penalties to address the storage and accumulation of junk motor vehicles in the unincorporated area of Bethel Township. **THEREFORE**

**BE IT RESOLVED**, by the Bethel Township Board of Trustees of Bethel Township, Miami County, Ohio, that

**SECTION 1. DEFINITIONS.** As used in this Resolution, the following terms shall have the meanings set forth below:

- A. "Junk motor vehicle" means a motor vehicle that meets all of the following criteria, as set forth in Ohio Revised Code Section 505.173(E): (1) is three (3) model years old, or older; (2) is apparently inoperable; and (3) is extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
- B. "Apparently inoperable" means a motor vehicle that has one or more conditions that would preclude its legal operation on public streets or highways, including but not limited to: flat or missing tires, broken windshield, expired or no license plates, or inability to start or move under its own power.
- C. "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine of special interest; that has a fair market value of one hundred dollars (\$100.00) or more, whether operable or not; and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation.
- D. "Person" means any natural person, firm, partnership, association, corporation, or other legal entity.
- E. "Property" means any real property, whether publicly or privately owned, located within the unincorporated area of Bethel Township, Miami County, Ohio.

## **SECTION 2. PROHIBITION ON STORAGE OF JUNK MOTOR VEHICLES.**

- A. No person shall store, park, place, or permit to remain on any property within the unincorporated area of Bethel Township any junk motor vehicle, except as specifically exempted in Section 5 of this Resolution.
- B. For purposes of this section, a junk motor vehicle shall be deemed "stored" if it has remained on the property for a period of seventy-two (72) hours or more.

## **SECTION 3. ENFORCEMENT AND NOTICE PROCEDURES.**

- A. Upon determination that a junk motor vehicle is being stored in violation of this Resolution, the Board, its designated Zoning Inspector, Township Administrator, or other authorized agent shall cause written notice to be served upon the owner or occupant of the property on which the junk motor vehicle is located, upon any holders of liens of record on the property. Where the registered owner of the vehicle is different from the property owner and is reasonably ascertainable, the Township may also serve written notice upon that registered owner.
- B. Such notice shall be sent by certified mail, return receipt requested, to the last known address of the property owner, to any holders of liens of record on the property, and, if applicable, to the registered vehicle owner. If the property contains any structures, a copy of such notice shall also be posted on the principal structure on the property, and a photograph taken of such posted notice with a camera capable of recording the date of the photograph on it. If a notice sent by certified mail is refused or unclaimed, or if the owner's address is unknown and cannot reasonably be ascertained through the exercise of reasonable diligence, the notice shall be published once before removal using at least one of the following methods: (a) in the print or digital edition of a newspaper of general circulation within the Township; (b) on the official public notice web site established under Ohio Revised Code Section 125.182; or (c) on the web site and social media account of the Township.
- C. The notice shall contain: (1) a description and location of the junk motor vehicle(s); (2) a statement that the vehicle(s) constitute a violation of this Resolution; (3) a demand that the junk motor vehicle(s) be removed, repaired to operable condition and properly licensed, or otherwise brought into compliance within fourteen (14) days after service of the notice; (4) a statement that failure to remove the vehicle(s) within fourteen (14) days after service of the notice may result in the removal and disposal of the vehicle(s) by the Township at the property owner's expense, and that all costs incurred may be entered upon the tax duplicate and become a lien upon the property from the date of entry; and (5) a statement that the property owner may request a hearing before the Board within the fourteen (14) day notice period.
- D. If the property owner requests a hearing within fourteen (14) days, the Board shall schedule and conduct a hearing at its next regular or special meeting. The Board shall render a decision at or promptly following the hearing. If the Board determines that a violation exists, the property owner shall have an additional seven (7) days from the date of the Board's decision to comply.

## **SECTION 4. REMOVAL BY TOWNSHIP AND COST RECOVERY.**

- A. A junk motor vehicle located on public property may be removed immediately pursuant to Ohio Revised Code Section 505.871(B). For a junk motor vehicle located on private property, if the owner or occupant fails to remove or bring it into compliance within the fourteen (14) day notice period (or, if a hearing was held, within seven (7) days of the Board's decision), the Board shall provide for the removal and disposal of the junk motor vehicle(s) pursuant to Ohio Revised Code Section 505.871(C), and may employ the necessary labor, materials, and equipment to perform the task. In no event shall removal from private property occur sooner than fourteen (14) days after service of the notice.
- B. All costs incurred by the Township in providing for the removal and disposal of any junk motor vehicle(s), including but not limited to the Township's costs for its services, towing, storage, disposal, administrative costs, any fees or interest paid to borrow moneys, and the cost of providing notice, shall be paid out of the Township general fund from moneys not otherwise appropriated; except that, if the costs exceed five hundred dollars (\$500.00), the Board may borrow moneys from a financial institution to pay the costs in whole or in part, as permitted by Ohio Revised Code Section 505.871(D).

- C. Pursuant to Ohio Revised Code Section 505.871(E), the Board shall collect the total cost of removal and disposal. To do so, the Board shall make a written report to the Miami County Auditor of the Board's action. The Board shall include in the report a proper description of the property and a statement of all expenses incurred and the date of their incurrence in providing for the removal and disposal of the junk motor vehicle(s), including the Board's costs for its services, the costs incurred in providing notice, any fees or interest paid to borrow moneys, and the amount paid for labor, materials, and equipment to abate the nuisance contained on the property.
- D. On behalf of the Board, the Fiscal Officer shall prepare the report described in Section 4(C) above and provide such report to the Board for approval. Once approved by the Board, the Fiscal Officer shall deliver the report, along with a certified copy of this Resolution, any notices issued, and a certified copy of the Resolution approving the report, to the Miami County Auditor.
- E. The costs incurred, when allowed, shall be entered upon the tax duplicate, shall be a lien upon the property from the date of entry, shall be collected as other taxes, and shall be returned to the Township and placed in the Township general fund.

**SECTION 5. EXEMPTIONS.** This Resolution shall not apply to:

- A. A collector's vehicle stored on private property with the permission of the person having the right to possession of the property; provided, however, that any unlicensed collector's vehicle stored in the open shall be concealed by means of buildings, fences, vegetation, terrain, or other suitable screening. This exemption does not apply to a collector's vehicle that meets all of the junk motor vehicle criteria set forth in Section 1.A of this Resolution; pursuant to Ohio Revised Code Section 505.173(C), such a vehicle is a junk motor vehicle and is subject to this Resolution, whether licensed or unlicensed.
- B. A motor vehicle stored wholly within an enclosed building or structure.
- C. A motor vehicle on the premises of a business enterprise lawfully operated, to the extent necessary for the operation of such business.
- D. The operation of a scrap metal processing facility licensed under authority of Ohio Revised Code Sections 4737.05 to 4737.12.
- E. The operation as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool of a person licensed under Ohio Revised Code Chapter 4738.
- F. The provision of towing and recovery services conducted under Ohio Revised Code Sections 4513.60 to 4513.63.

**SECTION 6. PENALTIES.**

- A. Whoever violates any provision of this Resolution is guilty of a minor misdemeanor as provided in Ohio Revised Code Section 505.173. Each day that a violation continues constitutes a separate offense. Fines levied and collected under this Section shall be paid into the Township general revenue fund.
- B. In addition to the penalties set forth above, the Board may institute an action for injunction, mandamus, abatement, or any other appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, or abate any violation of this Resolution.
- C. The remedies provided herein are cumulative and are in addition to, and not in lieu of, any other remedies available to the Township under the Ohio Revised Code, including but not limited to the nuisance abatement procedures adopted pursuant to Ohio Revised Code Sections 505.86 and 505.87.

**SECTION 7. SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

**SECTION 8. EFFECTIVE DATE.**

This Resolution shall be in full force and effect immediately upon adoption. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Trustee REESE **seconded** the motion and the Board voted as follows upon roll call:

**Vote:** Trustee Kama Dick  
Trustee Julie Reese  
Trustee Josh Wilkerson

ABS  
yes  
yes

Julie Reese  
Joshua Wilkerson

Attest: Rhonda Ross

Rhonda Ross, Fiscal Officer  
Bethel Township, Miami County, Ohio