12.275  REMOVAL OF ABANDONED JUNK MOTOR VEHICLES
AND OVERTIME PARKED VEHICLES

References:
Ohio Revised Code 4513.63 – Photograph and Record of Information as to Abandoned
Junk Vehicles
Ohio Revised Code 4513.64 – Willfully Leaving Abandoned Junk Motor Vehicle
Ohio Revised Code 4513.65 – Willfully Leaving Junk Motor Vehicle
Cincinnati Municipal Code 508-12 – Parking Unreasonable Time
Cincinnati Municipal Code 511-31 – Storage of Unlicensed or Inoperable Vehicles in
Residence or Commercial Districts
Cincinnati Municipal Code 512-26 – Penalty for Violation of Section 511-31; Impoundment
Cincinnati Municipal Code 758-7 – Removal and Disposal of Junk Motor Vehicles
Procedure 12.215, Cincinnati Parking Infraction (CPI)
Procedure 12.265, Wrecker and Towing
Procedure 12.270, Impounding, Moving and Release of Vehicles

Definitions:
Ohio Revised Code defines an abandoned junk motor vehicle as a motor vehicle
which meets all the following requirements:

1. Remains on private property for more than 48 hours without the permission of the
   property owner; remains on a public street over 48 hours
2. Three years old or older
3. Extensively damaged or missing functional parts
4. Apparently inoperable
5. Has a fair market value of $1,500.00 or less

Cincinnati Municipal Code defines a nuisance junk motor vehicle as a motor vehicle
which meets all of the following requirements:

1. Has been left on private property for more than 72 hours or left on a public street,
   public way, or other property open to the public for purposes of vehicular travel or
   parking, or upon or within the right-of-way of any road or highway, for more than
   48 hours
2. Three years old or older
3. Extensively damaged, including but not limited to any combination of the following
types of damage: deflated, wrecked, or missing tires or rims; missing or wrecked
   body parts; broken or missing headlights, taillights, or brake lights; broken,
   cracked or missing windows or windshields; missing all or part of the motor or
   transmission; missing or invalid license plate(s); or a vehicle that is otherwise
   apparently inoperable and
4. Has a fair market value of $1,500.00 or less
**Overtime-parked vehicle** – any vehicle parked upon a highway longer than 24 hours and not moved, unless otherwise restricted. Overtime parked vehicles that are also junk vehicles will be processed as junk vehicles. Any vehicle which displays a valid handicapped placard, license plate or license plate validation sticker may park upon a highway for up to but not more than 36 hours, unless otherwise restricted.

**Inoperable vehicle** - any vehicle missing wheels, tires, windshield, motor, or transmission or which has been so damaged as to appear not safely operable. Any vehicle that remains parked in one location for more than 30 days is presumed to be inoperable. Inoperable vehicles parked on expressways can be towed immediately.

**Purpose:**

To assure proper classification of abandoned/nuisance junk and overtime parked vehicles under provisions of state and local laws and to provide a procedure for the removal and/or disposal of such vehicles.

**Policy:**

Officers will promptly and thoroughly investigate abandoned nuisance, abandoned junk, overtime, and inoperable vehicles.

The Police Department will work together with the community, the Health Department, the Department of City Planning and Buildings, and the Department of Public Services to maintain safe traffic patterns by removing unsafe and unsightly vehicles from the streets, public ways and private properties.

**Procedure:**

A. Officers receiving complaints concerning junk or overtime parked vehicles will:
   1. Query the vehicle by license plate and vehicle identification number
   2. Make a reasonable attempt to have the owner move the vehicle
   3. Mark the tires
   4. Enter the following information into the District Overtime Parking Book:
      a. Date of entry and name and badge number of the officer making the entry
      b. Location of vehicle
      c. Make, model, and color of the vehicle
      d. License plate and VIN of the vehicle
      e. Badge number of the officer that checked NCIC and RCIC
      f. Date, time, and badge number of the officer that marked the tires
a. Place one completed sticker on the driver side door window. Place the other sticker on the rear window. When windows are missing, place the stickers as close to these windows as possible.

b. Officers may choose to covertly mark the position of a vehicle rather than applying the Form 368 if they believe a violator is attempting to avoid towing.

6. Follow Procedure 12.265, Wrecker and Towing, if vehicles do not move within the allotted time.

B. The District Overtime Parking Enforcement Officer has the responsibility for inspecting the District Overtime Parking Book and completing the investigation and required reports.

1. Tow overtime parked vehicles meeting all requirements to the Impound Unit.
   a. Tow overtime parked vehicles between 0630 and 2130 hours only
   b. Complete the Tows/OT Recovery Module (Tow Mod) in Records Management System (RMS)
      1) Under the Impound tab, select “Overtime Parking” as the Reason For Tow.
      2) Select the officer in the Junk/Abandoned Vehicles Tires Marked By drop down box.
      3) Enter the date and time the tires of the vehicle were marked in the Marked Date box.
   c. In the Comments or Recovery Details box, enter that the vehicle was marked with two Forms 368.
   d. Make the appropriate disposition entry in the District Overtime Parking Book.

2. Tow abandoned junk vehicles meeting all requirements to the Impound Lot within seven days of the initial investigation.
   a. Use a rotational wrecker when towing these vehicles.
   b. Select “Junk/Abandoned” as the Reason for Tow.
   c. In the Comments or Recovery Details box, enter that the vehicle was marked with two Forms 368.
   d. Note the appropriate disposition and badge number of the investigating officer in the District Overtime Parking Book.

C. Vehicles Parked on Expressways
   1. Immediately tow vehicles creating a traffic hazard
   2. Allow up to three hours for owners/operators to move vehicles that are legitimately disabled on the side of expressways not in a hazardous location
3. Vehicles legitimately disabled and claimed within 48 hours of impoundment are not subject to impoundment fees. Impound Unit personnel will make this determination.

D. Towing of Junk Vehicles pursuant to Health Department Orders

1. All requests for enforcement of CMC Chapter 758, Junk Motor Vehicles will be forwarded to the Health Department.

2. The Health Department will disseminate junk vehicle complaints in the following manner:
   a. Junk vehicles on private property will be investigated by the Health Department utilizing the following guidelines:
      1) Respond and inspect (making nuisance determination)
      2) Issue civil notice
      3) Allow 168 hours for appeal request
      4) If vehicle is not moved, notify Impound Unit to schedule tow.
         a) Impound Unit does not need to obtain a court order or consent of the owner to tow from private property upon referral from the Health Department under CMC 758-7.
      5) Impound Unit will notify the Health Department upon completion of the tow
      6) Health Department will issue a fine
   b. Public Property/City Streets
      1) All complaints will be forwarded to the Police Department
      2) Appropriate enforcement action will be initiated utilizing the guidelines set forth in this procedure.

E. Towing of Unlicensed/Inoperable Vehicles in Residence or Commercial Districts

1. Enforce violations of CMC 511-31 on a complaint only basis. Officers must obtain a search warrant before entering onto private property for enforcement action without the consent of the property owner.

2. Impound Unit maintains a log of CMC 511-31 violations including the status.

3. Initial Investigation Process
   a. Enter complaints of unlicensed or inoperable vehicles on private property in the District Overtime Parking Book.
   b. District officers investigate all reported violations of CMC 511-31.
   c. Visually inspect the premises before entering onto the property.
1) Close the complaint unfounded if the vehicle is not visible from
the sidewalk, street, a public place, or a neighboring property and
no further action is needed.

2) Vehicles visible from the sidewalk, street, a public place or a
neighboring property require further investigation.

d. An officer, locating a vehicle that is subject to towing, will attempt to
locate the property owner or vehicle owner.

1) Officers can enter on private property and question persons found
there when attempting to locate a vehicle owner.

2) Officers may question persons found on the property and attempt
to determine the ownership of the vehicle or property.

3) Officers locating owners of the property or vehicle will explain the
nature of the complaint and request permission to inspect the
vehicle. Officers will leave the location immediately when consent
for a search is denied.

4) Officers obtaining consent will verify current registration and
inoperable status. In determining inoperable status use the
Definitions section of this procedure as a guide.

e. Advise owners of vehicles determined to be unlicensed and/or
inoperable they are in violation of CMC Section 511-31. The owners
have 72 hours to move the vehicle or be cited.

1) Officers will first issue a warning citation to the owner of the
vehicles or property.

2) Vehicles removed within 72 hours require no further action.

3) When vehicles are not removed, contact the Impound Unit to find
out if the violator has a prior conviction for CMC 511-31.

a) Issue a Notice to Appear (NTA).

b) When violators have a prior conviction, the second offense
is a misdemeanor of the 4th degree. Complete a criminal
complaint and issue a NTA with a mandatory court date.

c) After a conviction in court is obtained, the investigating
officer will request a court order authorizing towing,
impounding and immediate disposal of the vehicle.

d) Vehicles will only be towed and impounded with a court
order.

f. Officers will notify the Impound Unit with results of investigations for
violations of CMC 511-31.

1) Send a copy of the citations to the Impound Unit.
4. When violator denies consent to investigate the officers will:
   a. Notify the Impound Unit
      1) Impound Unit will investigate all cases where the initial
         investigation by district officers is incomplete because consent to
         enter the property was denied
      2) Impound Unit personnel will obtain a search warrant when
         necessary for completion of an investigation
      3) Impound Unit will inspect the vehicle to determine if a violation of
         CMC 511-31 exists and issue citations where necessary. An
         Impound Unit and district officer will appear in court on contested
         cases.
   b. After a conviction in court is obtained, Impound Unit personnel will
      request a court order authorizing towing, impounding, and the
      immediate disposal of the vehicle
   c. Vehicles will only be towed and impounded with a court order