



**Ohio Attorney General's Office**  
**Bureau of Criminal Investigation**  
 Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron, Ohio 44312, Summit County

Investigative Activity: Interview of Involved Officer  
 Involves: Chief Jack Simone (S), BCI (O)  
 Activity Date: 10/14/2022  
 Activity Location: BCI – 4055 Highlander Parkway, Richfield, Ohio 44286  
 Authoring Agent: SA Charles Moran #67

**Narrative:**

On Friday, October 14, 2022, at 1008 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chuck Moran (Moran) and BCI SA Todd Clark (Clark) interviewed Springfield Township Police Department (STPD) Chief Jack Simone (Simone). The interview took place at BCI and the interview was audio and video recorded.

Chief Simone read, understood and signed the BCI Criminal Investigation Notification form.

**Preliminary and Demographic Information:**

<b>Name:</b> Jack Simone	<b>Rank:</b> Chief
<b>Badge Number:</b> 218	<b>Cruiser/Vehicle Number:</b> 907
<b>Radio Call Sign:</b> 218	<b>Immediate Supervisor:</b> N/A
<b>Radio Channel Utilized:</b> Main police channel, SWISSCOM dispatch	<b>Mobile Data Terminal:</b> Present; Not Used
<b>Cruiser Description:</b> White colored, red and blue lights, overhead light bar, STPD markings	<b>Occupants of Cruiser and Seating Positions:</b> Board of Trustee Kellie Chapman in front passenger, works with Chief Simone on property maintenance issues, generally on Friday
<b>Assignment:</b> On-duty, chief of police duties, property maintenance/junk vehicles	<b>Normal Shift:</b> 0730-1600 hours
<b>In-Car Camera:</b> Not Present	<b>Spotlight:</b> Present; Not utilized
<b>Emergency Lights:</b> Present; Not Utilized	<b>Siren:</b> Present; Not Used
<b>Shift Day of Incident:</b> 0730-1600 hours	<b>Duty Status:</b> On-Duty
<b>Days Off:</b> Saturday and Sunday prior	<b>Prior Overtime or Extra Details within Preceding 48 Hours:</b> None
<b>Hours of Sleep Prior to Incident:</b> Average hours of sleep 7-8 hours, believed that he obtained that amount of sleep before work on	<b>Consider Self Well Rested?:</b> Yes

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Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
 Ohio 44312, Summit County

10/14/22.	
<b>Total Length as Officer:</b> 27 ½ years	<b>Length at Current Agency:</b> 2 ½ years at STPD, 25 years prior at Copley Township PD
<b>Physical Disabilities (to include hearing aid):</b> None	<b>Corrective Lenses:</b> Glasses, worn during incident
<b>Uniform Worn:</b> Blue uniform shirt, 5 stars for years of service on sleeves, gold badge, nameplate, blue uniform pants	<b>Equipment and Less-Lethal Options Carried on Person/Belt/Vest:</b> Belt – (clockwise from front center, right side) keys, pistol, (continuing clockwise, left side) handcuffs, radio, magazine pouches. No less-lethal devices carried.
<b>Ballistic Vest:</b> Concealed Armor	<b>Body Worn Camera:</b> Not Present
<b>Other Recording Devices:</b> None	<b>Partner:</b> None
<b>Injuries:</b> None	<b>Equipment Damage:</b> None
<b>Training or Areas of Specialty:</b> SWAT team w/ Copley Township PD for 5 years, SWAT training	<b>OPOTC Certification:</b> Current and valid, attended academy through SACS, Tallmadge in 1993
<b>Military Experience/Training:</b> None	<b>Use-of-Force Training:</b> Online training and police with STPD, UOF training with Copley Township PD
<b>Prior Shooting Incidents:</b> None w/ subject. Shooting incident with dog in Lakemore in 2021.	<b>Prior Discipline or Use-of-Force Complaints:</b> None
<b>Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident:</b> None	<b>Medications, Prescriptions, or Drugs that might Impair You Now for Interview:</b> None
	<b>Last Consumed Alcohol Prior to Incident:</b> Saturday prior to incident on Wednesday, 10/14/22

**Officer's Firearm(s):**

<b>Make:</b> Smith & Wesson	<b>Model:</b> M&P
<b>Caliber/Gauge:</b> .45 caliber	<b>Serial:</b> [REDACTED] (from Matrix Evidence Item 010)
<b>Type:</b> Semi-Auto Handgun	<b>Method of Carry:</b> Holster on right side of

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 Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
 Ohio 44312, Summit County

	belt, one round in chamber, does not top off magazine in pistol
<b>Magazine Capacity:</b> Holds more than 10 in magazine, carries each magazine with 10 rounds due to spring pressure	<b>Total Rounds as Carried (including chamber):</b> 30
<b>Extra Magazines:</b> 2	<b>Number of Rounds in Extra Magazines:</b> 10 rounds in each
<b>Discharged During Incident?</b> Yes	<b>Primary or Backup Weapon:</b> Primary
<b>Rounds Remaining After Incident:</b> Did not know	<b>Number of Rounds Fired:</b> Believed fired 4 rounds
<b>Right/Left-Handed Carry:</b> Right-Handed	<b>Ownership:</b> Department Owned
<b>Last Qualification Date:</b> Fall 2021	<b>Type of Holster, if any:</b> Level III holster, unknown brand

**Summary of Interview:**

SA Moran asked Chief Simone to provide details of the incident that occurred on Wednesday, October 5, 2022.

Chief Simone said Springfield Township had been “dealing with” the owner and the junk vehicle for “quite a while.” On October 14, 2022, Chief Simone and Trustee Kellie Chapman (Chapman) were driving around, and since the weather was nice, they decided to make arrangements to tow the junk vehicle off the property.

Chief Simone used the overhead map and drew where he parked his cruiser and his path of travel. He marked that he parked on Margaret Street, and the junk vehicle was located in the yard on the north side of 2347 East Waterloo Road. Chief Simone said he exited the cruiser with Trustee Chapman.

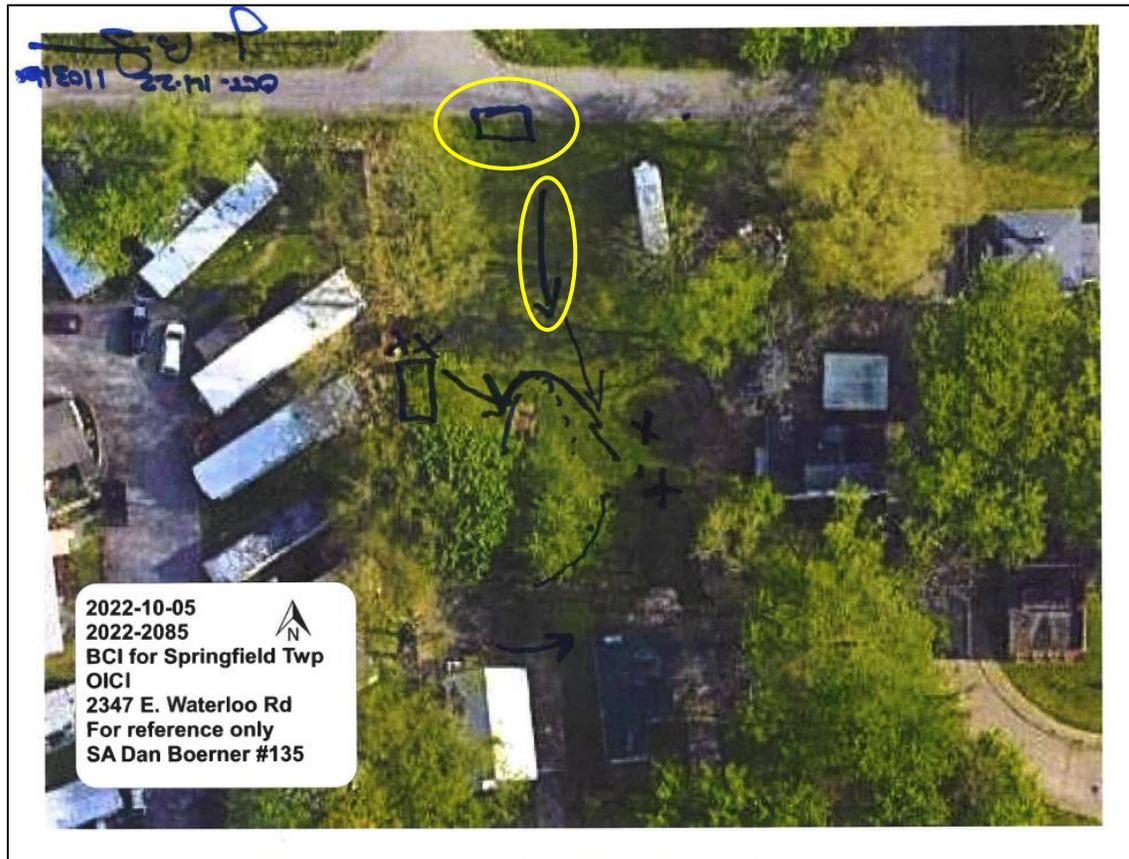


**Ohio Attorney General's Office**  
**Bureau of Criminal Investigation**  
Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County



*Source: Overhead map marked by Chief Simone during interview. (Yellow circles added by SA Moran for demonstration.)*

Chief Simone said he had been to the property “several times” in the past to check on the junk vehicle. He said he recently noticed that someone placed plywood around the junk vehicle. Chief Simone said he walked “down there maybe weekly or every other week” to make sure the vehicle was still there behind the plywood.

Chief Simone said he parked on Margaret Street and called the towing company, Akron Coach, to check if they were available. Akron Coach indicated they were available and were heading to the location. Chief Simone said about two weeks before the incident, on October 14, 2022, he called Akron Coach to respond and tow the vehicle, but they were unavailable.

Chief Simone said he walked down to the area near the junk vehicle with Trustee Chapman. The vehicle was still there. Chief Simone walked back to the area near his cruiser, and a short time

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Investigative Report



2022-2085

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Ohio 44312, Summit County

later, Akron Coach arrived and the tow truck driver, Justin Knox, parked the tow truck behind Chief Simone's cruiser.

Chief Simone and Justin Knox walked to the area near the junk vehicle and had to remove some of the plywood surrounding three sides of the vehicle. Chief Simone said that during the time between his last visit and the date of the incident, someone stacked logs near the rear of the junk vehicle. Chief Simone and Justin Knox removed the logs and plywood surrounding the junk vehicle. They also removed some concrete blocks from the top of the junk vehicle. They also removed the black tarp covering the junk vehicle, but realized someone had "tie wired" the tarp to the vehicle.

Chief Simone said he believed the house at 2347 East Waterloo Road was vacant and had been vacant for some time. Chief Simone said Justin Knox went back to his tow truck, obtained some wire cutters, and walked back to the junk vehicle to remove the wires from the tarp. They noticed the vehicle's trunk was ajar.

Chief Simone stated (19:59), "And then that's when I heard the shots fired. I was shocked and honestly, for a minute, it didn't register that this guy was actually shooting at us." Chief Simone said the male was standing on the back porch of the residence. Chief Simone saw the male was wearing a red shirt and had a gun and was shooting at them.

Chief Simone knelt down and Justin Knox "dropped to ground" near the rear of the junk vehicle. Chief Simone recalled firing "two shots at him" while he was on the porch. The male left the porch and moved to his right. Chief Simone said there were shrubs, grass and trees between him and the male subject at that time. Chief Simone yelled at Justin Knox and told him to run toward Margaret Street.

Chief Simone saw Sergeant (Sgt.) Gaffney running into the yard from Margaret Street. Chief Simone marked on the overhead map where he was standing and where Sgt. Gaffney moved to. Chief Simone heard Sgt. Gaffney radio about the incident. Sgt. Gaffney moved to an area to the left of Chief Simone and asked, "Where is he?" Chief Simone told Sgt. Gaffney where he saw the male subject moving. Chief Simone marked on the overhead map the direction that the subject moved.



**Ohio Attorney General's Office**  
**Bureau of Criminal Investigation**  
Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County



*Source: Overhead map marked by Chief Simone during interview. (Yellow circle and red circle added by SA Moran for demonstration.)*

Sgt. Gaffney moved left, and Chief Simone left cover and moved left. Chief Simone could see the subject's red shirt as he moved behind the bushes. Chief Simone stated (22:03), "So I know I fired once at least, maybe twice, at his, at him going through the bushes 'cause, like I said, I could see his red shirt."

Chief Simone moved left and saw the male subject lying on the ground. Chief Simone marked on the overhead map where he saw the subject on the ground. Chief Simone said he handcuffed the subject. The male subject was still "breathing" and "moaning." Chief Simone rolled the male subject onto his right side and could see a bloodstain near the subject's right abdomen.

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**Ohio Attorney General's Office**  
**Bureau of Criminal Investigation**  
Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County



*Source: Overhead map marked by Chief Simone during interview. (Red circle added by SA Moran for demonstration.)*

Chief Simone heard the ambulance sirens in the area. Sgt. Gaffney stayed with the subject, and Chief Simone moved to the area near Margaret Street to direct the ambulance into the scene.

SA Moran asked Chief Simone about the moments when he was near the trunk and he “heard” the gunshot. Chief Simone said when the male subject fired the first shots, he was looking at the trunk of the vehicle and he did not see them, but he heard them. SA Moran asked Chief Simone about what he saw when he observed the male subject on the porch. Chief Simone demonstrated by raising both arms and hands in front of him, as if holding and pointing a pistol (24:09). See image below:

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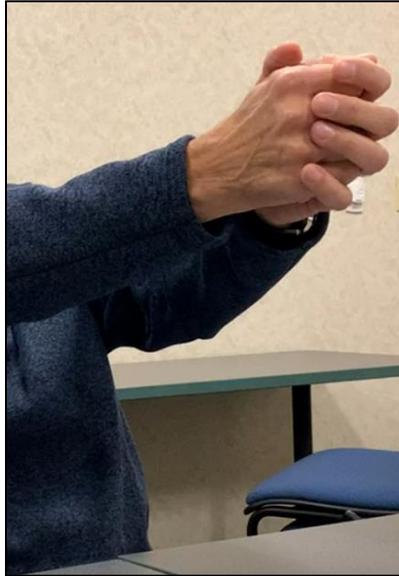


**Ohio Attorney General's Office**  
**Bureau of Criminal Investigation**  
Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County



*Source: Cropped image from video-recorded interview of Chief Jack Simone.*

Chief Simone said the male subject was holding a “large firearm.” Chief Simone continued (24:16), “I could see both hands on the gun and pointed at me from the porch.”

SA Moran asked Chief Simone about the moments when the subject moved off the porch, how he could see the subject’s red shirt through the bushes, and if he could see what the subject was doing at that time. Chief Simone said he saw a “red silhouette” moving through the bushes, but he could not see the male subject nor the gun clearly. SA Moran asked Chief Simone (25:13), “But when you, when you fired, did, did you still think that he had that, the gun at that point?” Chief Simone answered, “Of course, yes.”

SA Moran asked Chief Simone if he knew if Sgt. Gaffney fired during the incident. Chief Simone said he remembered hearing gunshots during the incident, but he did not know who was firing.

SA Moran asked Chief Simone if he heard the subject say anything during or after the incident. Chief Simone answered, “No.”

SA Moran asked Chief Simone about the arrival of the ambulance, and if the paramedics rendered medical aid to the subject. Chief Simone said the paramedics rendered medical aid to the subject and transported him to the hospital. Chief Simone said he checked on Trustee Chapman and checked on Justin Knox. Chief Simone said he waited by his cruiser until

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Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County

Detective Scherer arrived. Chief Simone provided his pistol to Captain Moore and he was transported back to the STPD.

SA Moran asked (26:53), "What, what did you, I guess, what did you think this person was trying to, to do to you?" Chief Simone responded, "Um, I thought he was trying to kill me. Yeah, absolutely. One, honestly, it didn't register right away 'cause it wasn't a situation where I thought there would be deadly force used. Or, I would expect, I would have thought he would have yelled at us, or came out here, get off my property, some engagement, didn't say a word, just heard shots fired."

SA Moran asked Chief Simone if having the trustee and the tow truck driver at the scene factored into the scenario or added anything to the incident and what the subject was trying to do. Chief Simone confirmed that Trustee Chapman and Justin Knox were not armed during the incident. SA Moran asked (27:57), "So having them there with you does that add to any level of danger that you sensed or perceived?" Chief Simone answered, "After he started shooting? Of course. My primary thought at that time was getting Justin to safety. Because Justin was with me, he can't protect himself. That's one of the reasons I left cover behind the car exposing myself because I wanted to make sure Justin was off and safe. And I didn't know where Kellie was." Chief Simone last recalled that Trustee Chapman was near Margaret Street, while talking on her cell phone.

SA Clark asked Chief Simone how Sgt. Gaffney knew to respond to the scene. Chief Simone said Sgt. Gaffney was "just stopping by" the area.

SA Moran asked Chief Simone what his point-of-aim was during the incident. Chief Simone stated (29:32), "I was just aiming in his direction at him. Yeah, it happened so fast, I guess I just, I just reacted and I wanted to fire some down there to stop him from shooting back at us so, um, I just remember kneeling down, I really didn't, I didn't use my sights, I just, I remember seeing the top of the gun for whatever reason, no, my gun, I remember seeing the top of the gun. I don't know why I remember that, but I remember seeing the top of the gun when I fired. I know I didn't use the sights because it happened so quick. I just wanted react and get some rounds in his direction." Chief Simone said he did not recall drawing his pistol from the holster. He recalled firing two shots at the male subject while he was on the porch and fired again as the subject moved to his right.

SA Moran asked Chief Simone if he experienced any "perceptual phenomena" during the incident. Chief Simone said the gunshots "weren't loud." He explained that if he fired a gun at

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**Bureau of Criminal Investigation**  
Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County

the firing range without ear protection, they are "ear piercing." He said the shots during the incident "weren't ear piercing loud."

SA Moran asked Chief Simone if he collected any evidence or took any photographs after the incident. Chief Simone responded, "No."

Chief Simone said he believed his actions were consistent with his training and experience. He believed that Sgt. Gaffney's actions were consistent with his training and experience.

SA Moran asked Chief Simone if he discussed the incident directly with Sgt. Gaffney. Chief Simone said he has not spoken with Sgt. Gaffney directly about the incident. He explained that they spoke with Safety Support Services for a debriefing.

SA Moran asked Chief Simone if he believed that his shots struck the subject. Chief Simone responded, "I have no idea."

SA Moran asked Chief Simone if he provided any verbal commands during the incident. Chief Simone said he believed that he told the subject, "Put the gun down. Go in the house." The subject did not comply. Chief Simone said he provided the verbal commands twice after the subject fired the initial shots.

SA Moran asked Chief Simone if he knew if the subject fired any more shots after the initial shots. Chief Simone replied, "I don't know for sure." He explained that the initial shots could have been two, three or four because Chief Simone fired back at him, and he could not see the subject other than his red shirt. He believed he heard two shots initially.

SA Moran asked Chief Simone about prior contact with the subject, Jeremy McCracken. Chief Simone said he was unaware that Jeremy McCracken and Josh McCracken were twin brothers until after the incident. Chief Simone explained that when he became the STPD Chief, he assumed junk vehicle issues and property maintenance issues with the zoning department. Chief Simone said the zoning department provides him with a list of issues in the township. He said the initial property issues with the McCracken's occurred at 417 Edith Avenue. He said the zoning department had been communicating with the McCracken's about property issues since 2017.

Chief Simone said he authorized two vehicles to be towed from 417 Edith Avenue in 2021. He said the property was in terrible condition. Chief Simone described an orange placard that provides notice of the property issues to the owner's of the residence. He placed placards on the

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Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County

residence at 417 Edith Avenue but did not receive a response, so both vehicles were towed. Chief Simone said he was initially unaware of Jeremy McCracken because most of the correspondence was to his father, Larry McCracken.

Chief Simone said in February 2022, he placed an orange placard on Jeremy McCracken's residence at 2347 East Waterloo Road about the junk vehicles. A letter was also sent to the residence. Nothing occurred because it was winter and they did not want to damage the property. The Spring season was too wet to tow the vehicle. Akron Coach was contacted a few times, but they were unavailable to tow the vehicle.

Chief Simone said a certified letter was sent in the Spring of 2022, indicating that the vehicle was to be removed within 10 days, and if not, it would be removed by the STPD. There was an option of a hearing with the zoning department, and Jeremy McCracken responded and communicated with the zoning department.

Chief Simone said the zoning administrator, Alan Swift, was communicating with Jeremy McCracken and possibly an attorney representing him. Jeremy McCracken attended a zoning meeting on September 18, 2022, for a hearing about the junk vehicle at the property. Chief Simone said since the certified letter was sent to the residence, the plywood appeared around the vehicle.

Chief Simone said during the meeting on September 18, 2022, he met Jeremy McCracken for the first time. The Board of Trustees explained to him the Summit County Ordinance regarding junk vehicles that is utilized by the township. They explained that the vehicle needs to be operable, it has to have license plates or it has to be in enclosed storage. They explained that the plywood around the vehicle does not count as an enclosed storage space. The zoning administrator, Alan Swift, told Jeremy McCracken the same thing.

Chief Simone stated (39:39), "And then Jeremy asked me, the only communication I had with Jeremy was, he says, 'Well, how do you know it's a vehicle? 'Cause it's covered in a tarp.' I'm like, 'Cause it's a vehicle.' He said, 'Did you remove the tarp?' He was really, it seemed like that to me he was focused on that, 'Did you remove the tarp?' I'm like, 'No, I didn't remove the tarp.' 'Well, then how did you know it was a vehicle?' I said, 'Cause it looks like a vehicle.' The tires were exposed. The bottom half of the vehicle was exposed. So, that was really all the communication." Chief Simone said the Board of Trustees allowed for two more weeks to remove the vehicle at the meeting.

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Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County

SA Moran asked Chief Simone about the legal authority to remove the vehicle. Chief Simone said junk vehicles fall under law enforcement and not zoning. Chief Simone said there were two laws that could be used. One was in the Ohio Revised Code and the other was a Summit County Ordinance. Chief Simone said the Summit County Ordinance “seemed to work better” for the junk vehicle issues in Springfield Township.

Chief Simone said the Summit County Ordinance provided authority for the sheriff or the chief of police to “go on people’s property and inspect junk vehicles.” The ordinance also provides protocol for how to remove the junk vehicle if it is not addressed. If the issue is not handled, a certified letter must be sent and the owner is given “five days” to handle the junk vehicle issue and after the five days expires, the sheriff or chief of police has the “authority to go on the property and remove the vehicle.”

SA Moran asked about the vehicle being in a yard, a fenced yard or a garage. Chief Simone explained that the ordinance requires the vehicle to be operable, have a current registration, or be in an enclosed structure. Chief Simone said if the vehicle was in an enclosed garage, the ordinance could not be enforced. He said if the vehicle was in a fenced yard, but not in an enclosed garage, the ordinance could still be enforced.

SA Moran asked Chief Simone about the junk vehicle being covered with the tarp and plywood, and if he believed that Jeremy McCracken was trying to “circumvent the ordinance for that.” Chief Simone replied, “I believe so initially.” He explained when they met with Jeremy McCracken at the meeting, they explained that the plywood did not constitute an enclosed structure.

SA Moran asked Chief Simone about Jeremy McCracken’s behavior at the meeting. Chief Simone responded (42:56), “He did seem strange.” Chief Simone said that Trustee Chapman believed Jeremy McCracken was “acting strange.” Chief Simone said Jeremy McCracken was not threatening at the meeting and seemed intelligent. Chief Simone said the letter that Jeremy McCracken wrote was intelligent and he was quoting law. Chief Simone said another board member, Terry Robinson, “seemed uncomfortable with Jeremy there that day.”

SA Moran asked Chief Simone about the Summit County Ordinance, and if the vehicle could be removed by a tow truck if it did not meet the three requirements. Chief Simone replied, “Yes.”

SA Clark asked Chief Simone about the Summit County Ordinance. Chief Simone said he brought a copy of the ordinance. He provided the copy to BCI agents.

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Investigative Report



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron,  
Ohio 44312, Summit County

Chief Simone said that no one asked him to lie or tried to influence his statement to BCI agents.

The interview ended at 1054 hours.

At 1534 hours, Chief Simone sent two emails to SA Moran indicating that he recalled taking several photos prior to the shooting and one photo after the paramedics arrived. Chief Simone attached the photos to the emails. SA Moran saved the photos, placed them in Matrix and attached them to this report.

Reference Items:

The video-recorded interview of Chief Simone was copied to a disc and was submitted to the BCI SIU case file as Reference Item C.

Attachments:

The BCI Criminal Investigation Notification form signed by Chief Simone was attached to this Investigative Report. The overhead map that Chief Simone marked was attached to this Investigative Report. The audio-recorded interview of Chief Simone was attached to this Investigative Report. The photos sent via email by Chief Simone were attached to this Investigative Report. The copy of the Summit County Ordinance provided by Chief Simone was attached to this Investigative Report.



### Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is not a "Garrity" interview (where you could be required to answer).

JACK B. SIMONE  
Printed Name of Interviewee

10/14/22  
Date / Time

[Signature]  
Signature of Interviewee

SA CHARLES MORAN #67  
BCI Agent (Printed)

[Signature]  
BCI Agent (Signature)

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OCT. 14.22  
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2022-10-05  
2022-2085  
BCI for Springfield Twp  
OICI  
2347 E. Waterloo Rd  
For reference only  
SA Dan Boerner #135



**CHAPTER 355****Abandoned and Junk Vehicles**

- 355.01 Definitions.**
- 355.02 Junk motor vehicles on private property.**
- 355.03 Unlicensed motor vehicles on private property.**
- 355.04 Collector's vehicles on private property.**
- 355.05 Abandoned vehicles on private property.**
- 355.06 Abandoned and junk vehicles on public property.**
- 355.07 Disposition of abandoned motor vehicles.**
- 355.08 Disposition of abandoned junk motor vehicles.**
- 355.09 Disposition of vehicles on private property.**
- 355.10 Removal of vehicles on private property.**
- 355.11 Right of entry.**
- 355.12 Disposal of unclaimed motor vehicles.**
- 355.13 Nonapplicability to commercial enterprises.**
- 355.99 Penalty.**

**CROSS REFERENCES**

Disposition of unclaimed vehicles - see Ohio R.C. 4513.62 et seq.  
 Impounding vehicles - see TRAF. 303.08 et seq.

**355.01 DEFINITIONS.**

As used in this chapter, certain terms are defined as follows:

- (a) "Abandoned motor vehicle" means any motor vehicle which is left on private property for more than seventy-two (72) hours without the permission of the person owning or having possession of the property, or any motor vehicle which is left on public property for forty-eight (48) hours or longer without notifying the County Sheriff or chief of police having territorial jurisdiction thereof.
- (b) "Collector's motor vehicle" means any motor vehicle twenty-five (25) years or older having a fair market value of three hundred dollars (\$300.00) or more, whether operable or not, 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.
- (c) "Junk motor vehicle" means any motor vehicle three (3) years old or older; extensively damaged, such as missing a wheel, tire, motor, or transmission; apparently inoperable; and having a fair market value of three hundred dollars (\$300.00) or less.
- (d) "Unlicensed motor vehicle" means any motor vehicle, whether operable or not, required to be licensed pursuant to Ohio R.C. Chapter 4503 when used on public roads or highways, but not so licensed, or any motor vehicle whose license has expired for longer than thirty (30) days.
- (e) "Private property" means any real property within the County which is privately owned or used for solely private operations.
- (f) "Public property" means any public street, highway, road, alley, sidewalk, bikeway and the right of way thereof; any property open to the public for purposes of vehicular travel or parking; and any property owned or operated by the County, any township and any municipality.

(Ord. 88-273. Approved 5-18-88.)

**355.02 JUNK MOTOR VEHICLES ON PRIVATE PROPERTY.**

(a) No person shall leave any junk motor vehicle, whether attended or not, for longer than forty-eight (48) hours upon any private property within the County, unless such vehicle is completely enclosed within a building, garage or carport.

(b) No person in charge or control of any private property within the County, whether as owner, tenant, occupant, lessee or otherwise, shall allow any junk motor vehicle to remain upon such property for longer than forty-eight (48) hours, unless such vehicle is completely enclosed within a building, garage or carport.

(Ord. 88-273. Approved 5-18-88.)

**355.03 UNLICENSED MOTOR VEHICLES ON PRIVATE PROPERTY.**

(a) No person shall park or leave any unlicensed motor vehicle, whether attended or not, for longer than forty-eight (48) hours upon any private property within the County, unless such vehicle is completely enclosed within a building, garage or carport.

(b) No person in charge or control of any private property within the County, whether as owner, tenant, occupant, lessee or otherwise, shall allow any unlicensed motor vehicle to remain upon such property for longer than forty-eight (48) hours, unless such vehicle is completely enclosed within a building, garage or carport. (Ord. 88-273. Approved 5-18-88.)

**355.04 COLLECTOR'S VEHICLES ON PRIVATE PROPERTY.**

(a) No person shall park or leave any unlicensed collector's motor vehicle, whether attended or not, for longer than forty-eight (48) hours upon any private property within the County, unless such vehicle is completely enclosed within a building, garage or carport.

(b) No person in charge or control of any private property within the County, whether as owner, tenant, occupant, lessee or otherwise, shall allow any unlicensed collector's motor vehicle to remain upon such property for longer than forty-eight (48) hours, unless such vehicle is completely enclosed within a building, garage or carport or entirely covered and secured with a tarpaulin or other waterproof covering and located so as not to be able to be seen from any public stream, highway or road. (Ord. 88-273. Approved 5-18-88.)

**355.05 ABANDONED VEHICLES ON PRIVATE PROPERTY.**

No person shall park or leave, whether attended or not, any abandoned motor vehicle on private property. (Ord. 88-273. Approved 5-18-88.)

**355.06 ABANDONED AND JUNK VEHICLES ON PUBLIC PROPERTY.**

No person shall park or leave, whether attended or not, any abandoned motor vehicle or junk motor vehicle on public property.

(Ord. 88-273. Approved 5-18-88.)

**355.07 DISPOSITION OF ABANDONED MOTOR VEHICLES.**

(a) The County Sheriff or chief of police of a municipality or township, within his respective territorial jurisdiction, may order into storage any motor vehicle which has been left on public property for forty-eight (48) hours or longer without notification of the County Sheriff or chief of police of the reasons for leaving the motor vehicle in such place. The County Sheriff or chief of police shall designate the place of storage of any motor vehicle removed by him and make disposition of such motor vehicle in the manner provided by Ohio R.C. 4513.61.

(b) The County Sheriff or chief of police of a municipality or township, within his respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor vehicle which has been left on private property for more than seventy-two (72) hours without the permission of the person having right of possession of the property. The County Sheriff or chief of police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, which has been left at the garage or place of storage for a period longer than that agreed upon. The County Sheriff or chief of police shall designate the place of storage of any motor vehicle removed by him and make disposition of such motor vehicle in the manner provided by Ohio R.C. 4513.61.

(Ord. 88-273. Approved 5-18-88.)

**355.08 DISPOSITION OF ABANDONED JUNK MOTOR VEHICLES.**

The County Sheriff or chief of police of a municipality or township, within his respective territorial jurisdiction, may order any abandoned junk motor vehicle located on private or public property to be disposed of in the manner provided by Ohio R.C. 4513.63.

(Ord. 88-273. Approved 5-18-88.)

**355.09 DISPOSITION OF VEHICLES ON PRIVATE PROPERTY.**

When any motor vehicle is found upon private property in violation of Sections 355.02, 355.03 and 355.04, the County Sheriff or chief of police shall serve written notice, by personal service or certified mail with return receipt requested, upon the registered owner of the motor vehicle, the person in charge or control of the property upon which the vehicle is located, or both of them, that such motor vehicle violates the provisions of this

chapter, and that within five (5) days the motor vehicle is to be removed to a place of lawful storage or to be housed or stored in conformity with such chapter. If no person in charge or control of such private property can be found, notice may be served by advertisement published once a week for two (2) consecutive weeks in a newspaper of general circulation within the County.

(Ord. 88-273. Approved 5-18-88.)

### **355.10 REMOVAL OF VEHICLES ON PRIVATE PROPERTY.**

In addition to and not in lieu of any other procedure or penalty prescribed in this chapter, if the registered owner or person in charge or control of private property notified pursuant to Section 355.09, fails, neglects or refuses to remove, house or store such motor vehicle in accordance with the notice given, the County Sheriff or chief of police may remove and dispose of such motor vehicle in accordance with the provisions of this chapter. The owner of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage upon presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle. If the motor vehicle remains unclaimed by the owner for ten (10) days, it may be disposed of in the manner provided by Sections 355.08 and 355.12.

(Ord. 88-273. Approved 5-18-88.)

### **355.11 RIGHT OF ENTRY.**

The County Sheriff, chief of police and any employee of either of them, and any contracting agent of the County, township or municipality, and any employee of such contracting agent, and each of them, are hereby expressly authorized to enter upon private property, other than within any private structure, for the purpose of enforcing the provisions of this chapter. No person shall hinder or interfere with any law enforcement officer or contractual agent or employee in the inspection or removal of any motor vehicle under the provisions of this chapter.

(Ord. 88-273. Approved 5-18-88.)

### **355.12 DISPOSAL OF UNCLAIMED MOTOR VEHICLES.**

Unclaimed motor vehicles ordered into storage pursuant to Sections 355.07 and 355.10, shall be disposed of at the order of the County Sheriff or chief of police at public auction, after giving notice thereof by advertisement published once a week for two (2) consecutive weeks in a newspaper of general circulation within the County. Any motor vehicle not receiving a bid shall be disposed of to a motor vehicle salvage dealer. Any moneys accruing from the disposition of such unclaimed motor vehicles that are in excess of the expenses resulting from the removal, storage and sale of the vehicle shall be credited to the general fund of the County, township or municipality, as the case may be.

(Ord. 88-273. Approved 5-18-88.)

### **355.13 NONAPPLICABILITY TO COMMERCIAL ENTERPRISES.**

Sections 355.02, 355.03 and 355.04 shall not apply to bona fide and currently operating commercial garages, automobile repair or body shops, tow yards, licensed car dealers or licensed junk yards and scrap metal processing facilities operated in a lawful manner and properly zoned for such activity, where the presence of such motor vehicle is connected with and necessary to the operation of the business enterprise.

(Ord. 88-273. Approved 5-18-88.)

### **355.99 PENALTY.**

(a) Whoever violates Sections 355.02, 355.03 or 355.04 is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree. For every day such violation shall thereafter exist it shall be deemed to constitute a separate offense. In addition to any other penalty imposed by the court, an offender shall also be assessed any costs incurred by the County, township or municipality in disposing of such vehicle, less any money accruing to the County, township or municipality from such disposal.

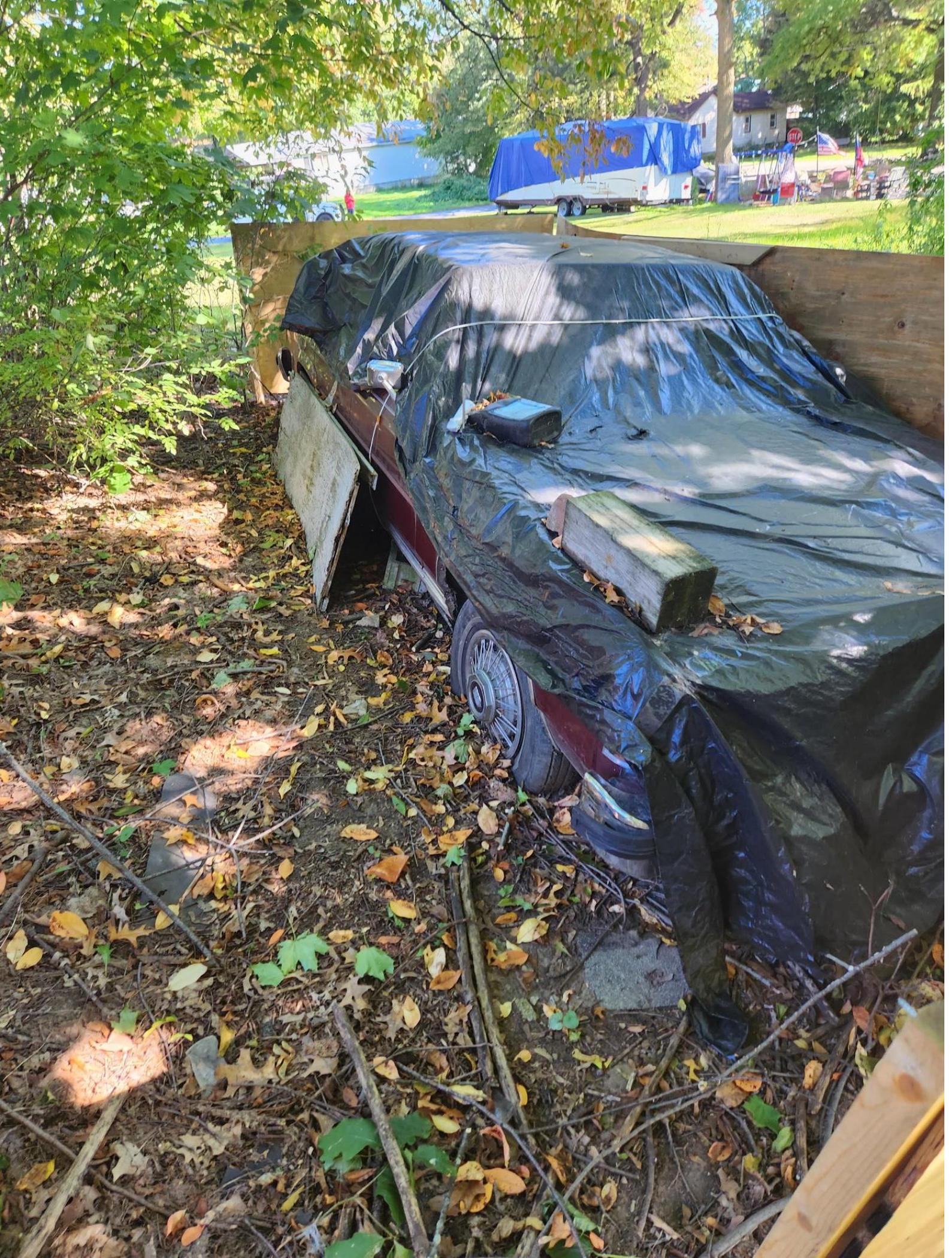
(b) Whoever violates Sections 355.05 or 355.06 is guilty of a misdemeanor of the fourth degree on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree. For every day such violation shall thereafter exist it shall be deemed to constitute a separate offense. In addition to any other penalty imposed by the court, an offender shall also be assessed any costs incurred by the County, township or municipality in disposing of such vehicle, less any money accruing to the County, township or municipality from such disposal.

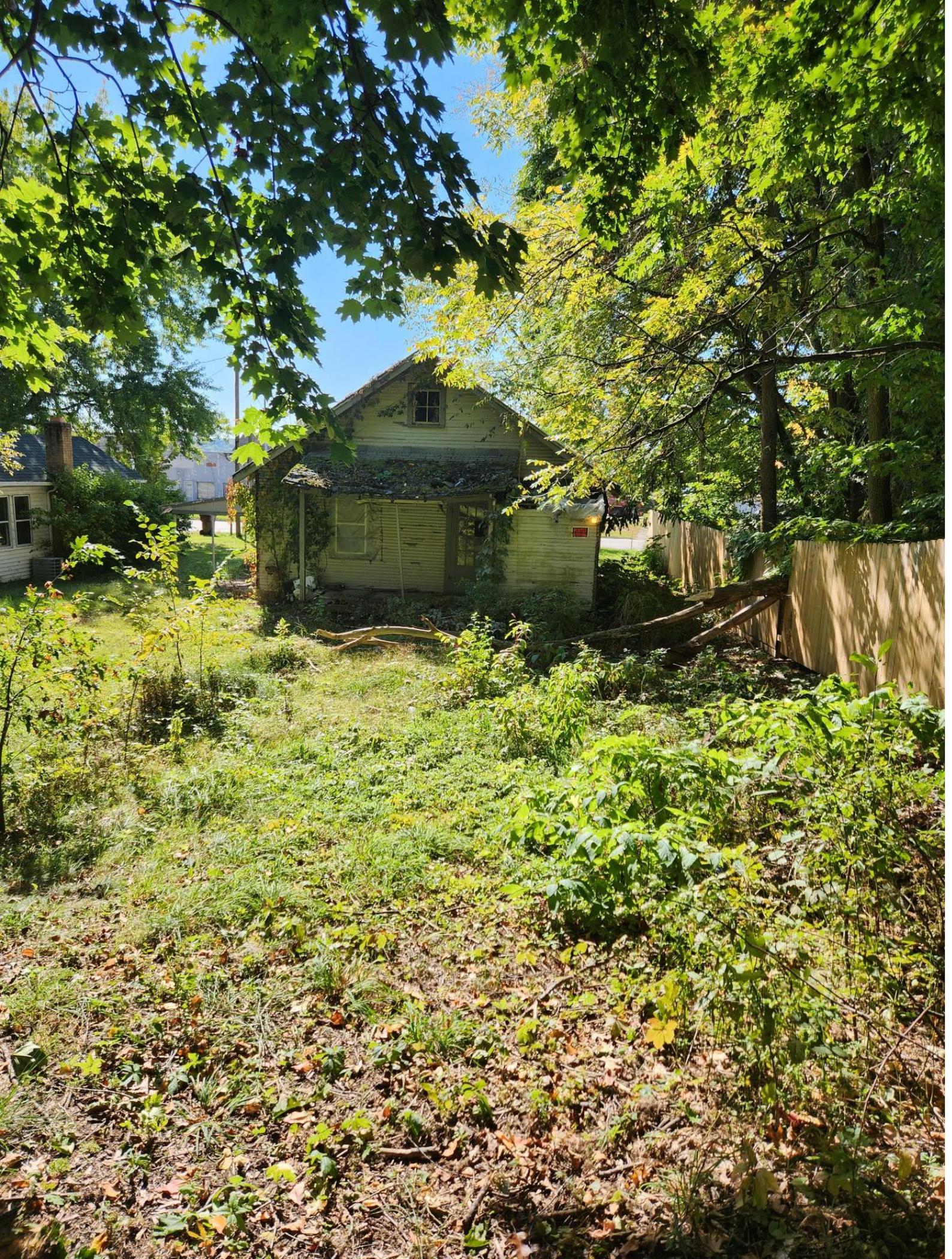
(c) Whoever violates Section 355.11 is guilty of a misdemeanor of the second degree.



03-26 12/06/21 S2



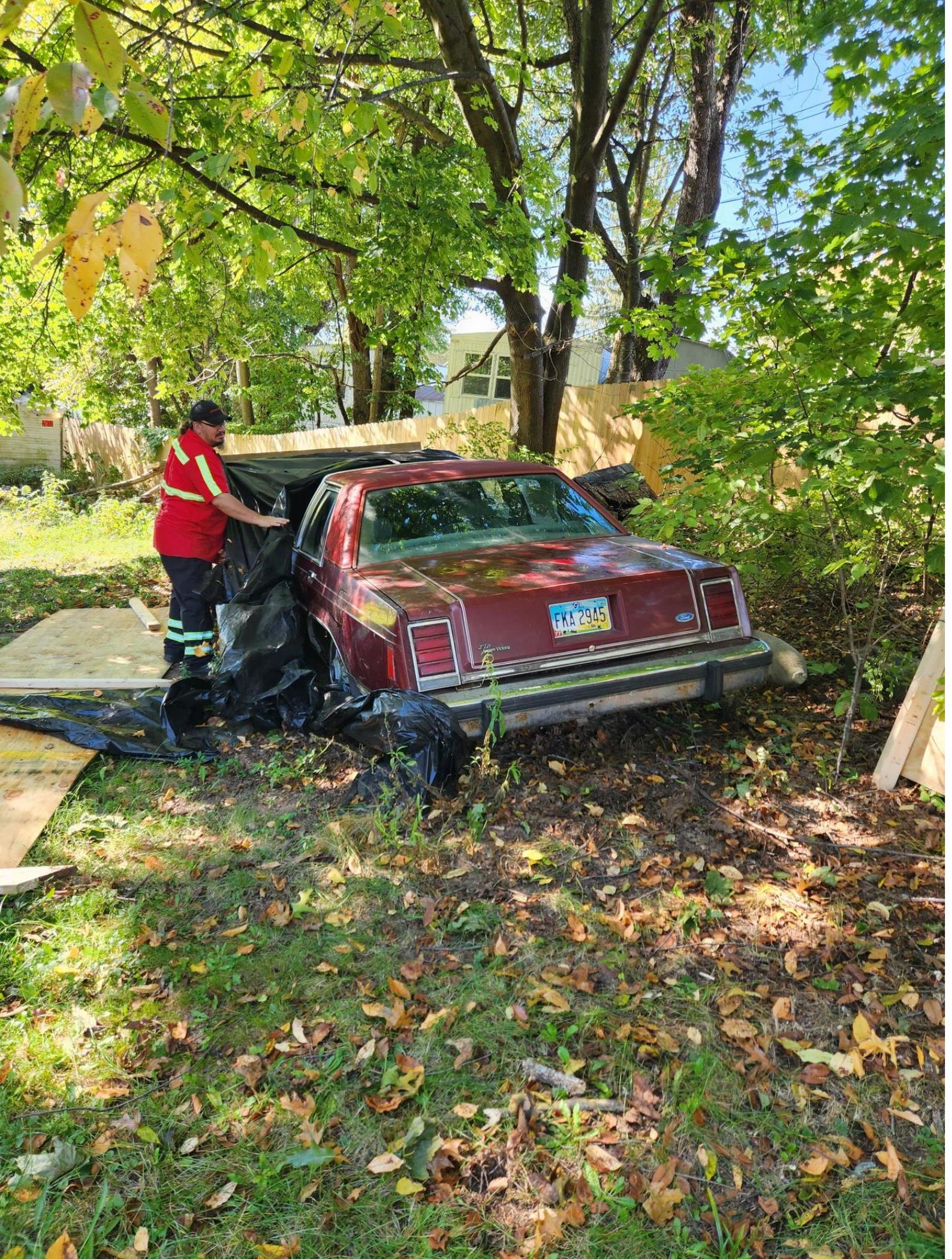


















# WARNING

**THIS JUNK AND/OR UNLICENSED VEHICLE MUST BE REMOVED BY**

**Date:** \_\_\_\_\_

**IF THIS MOTOR VEHICLE IS NOT VOLUNTARILY REMOVED WITHIN THE NEXT TEN (10) DAYS, IT WILL BE TOWED BY THE SPRINGFIELD TWP. POLICE DEPARTMENT AND IMPOUNDED.**

**THIS POSTING SHALL SERVE AS OFFICIAL NOTICE OF THE VIOLATIONS NOTED BELOW**

VEHICLE LOCATION: \_\_\_\_\_

VEHICLE DESCRIPTION: \_\_\_\_\_

(Approximate year/make/model/color)

LICENSE #: \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRES MO/YR. \_\_\_\_\_ VIN# \_\_\_\_\_

Pursuant to: Summit County Ordinance Chapter 355

"Abandoned junk motor vehicle" means any motor vehicle meeting the following requirements:

1. \_\_\_ Left on private property for forty-eight hours or longer without the permission of the person having the right to the possession of the property, on a public street 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 forty-eight hours or longer;
2. \_\_\_ (a) Three years old, or older;  
 \_\_\_ (b) Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;  
 \_\_\_ (c) Apparently inoperable;  
 \_\_\_ (d) Having a fair market value of three hundred dollars or less
3. \_\_\_ "Unlicensed motor vehicle" means any motor vehicle, whether operable or not, required to be licensed pursuant to Ohio R.C. Chapter 4503 when used on public roads or highways, but not so licensed, or any motor vehicle whose license has expired for longer than thirty (30) days.

THE MOTOR VEHICLE IS UNLICENSED AND/OR INOPERABLE:

You are hereby advised that if said vehicle is not removed from the property with ten (10) days of the date of this notice that the Springfield Township Police Department will order said vehicle removed and towed to storage.

If you disagree with the determination that this vehicle should be removed pursuant to the Summit County Ordinance reference above, you must file a Request for Hearing with the Springfield Township Board of Trustees within five (5) days of your receipt of this Notice. The Request for Hearing must be in writing and delivered to the Springfield Township Clerk in person or by certified mail service within the period stated above. Upon receipt of a timely Request for Hearing, the Board of Trustees will schedule the matter for hearing at its next regularly scheduled meeting.

DATE OF POSTING: \_\_\_\_\_

**Springfield Township Board of Trustees**  
**2459 Canfield Road**  
**Akron, OH 44312**  
**330-794-1739**