

Minutes of the Ordinance Committee Meeting  
**Sheffield Lake, Ohio**  
December 1, 2011

The regular meeting of the Ordinance Committee was held Thursday, December 1, 2011. Chairperson Huska called the meeting to order at 7:12 PM.

**ROLL CALL OF MEMBERS:**

Present: Huska, Elliott, Kovach

Attending: Councilwoman Stark, Law Director Graves, Service Director Smith,  
Concerned Citizens

**READING OF THE MINUTES:**\*Motion by Kovach/Second by Elliott to accept the minutes of the November 3, 2011 meeting with any corrections. Yeas All.

**PRESENTATIONS: None.**

**CORRESPONDENCE: None.**

**OLD BUSINESS:**

*Chapter 7* – Chairperson Huska advised this is business regulations. Law Director Graves advised it is part 7 of the code, I haven't really gone through and scrutinized any of this. Chairperson Huska stated I kind of got so far up to snowplow. The first one deals with abortion, isn't there a new state regulation on that that would supersede anything that we had on the books. Law Director Graves answered I am not even sure what the regulations are regarding that. I just have to tell this, much of this series – 700 series of this part of the code has not been revised since it was written and it almost all was written long ago. Chairperson Huska stated I know. Councilman Kovach asked what have you found that you think could use revisions. Councilman Elliott stated this is all dated 1975 in fact. Councilman Kovach explained I understand that, you said you reviewed everything up to snowplowing – what have you found that you want to go over? Chairperson Huska stated that is what I was just telling him, chapter by chapter/section by section. So I know I did say they enacted something new about abortions state wide. Law Director Graves advised I don't have anything pertinent to add at this point on where our abortion law is. Now if you want me to specifically look at that, I can do that. Chairperson Huska stated no, I am just going section by section – that is all I am doing. Law Director Graves advised you know this all came about several months back and I think you said does anyone have any or we want to start reviewing the entire code – does anyone have any ideas of where we could start. I think I throw out well I know that part 7 – a lot of that is probably outdated but is as far as we have gotten. We haven't gotten into any specifics. I know a few years ago we repealed chapter 784 which was the taxi cab regulations. We had a

gentleman that wanted to start a taxi service and this is from like 1958 and it was talking about .25 (25 cents) for a ride to public square or something ridiculous and so we repealed all that. Now some of this is newer, I know for our fair housing and our internet café are pretty new. Amusement goes back to 1958. Chairperson Huska stated I thought the fee of \$25.00 was maybe. Law Director Graves advised I would recommend that we take a look chapter by chapter. Part 7 is broken down into chapters and then sections, so you have parts, chapters, sections. I would say that if we are going to focus on part 7 then you would look at specific chapters and maybe try to revise some of that. So which one would you like? Chairperson Huska stated I think we should start chapter by chapter from the beginning and see if any of us see anything. Law Director Graves recommended why don't we start with 706? I will take a look at that. Chairperson Huska stated then could you look at 748, I was wondering if that also included STC's because 748.06 says prizes and awards. Law Director Graves stated computerized internet sweepstakes cafes are under chapter 750, I think that we are not classifying those as mechanical amusement devices. Councilman Elliott clarified this would be more like Community Days, correct Dave? Law Director Graves answered yes. This probably needs to be revised as well. There has been a lot of change in the state law over the years in regard to amusement devices, games of skill versus games of chance. There has been a lot of litigation and changes in the code in that regard. When you talk about games of skill, if there is any element of chance to the game then it is considered a game of chance. The code used to say if it was more skill than chance then it was a game of skill but if there is any element of chance whatsoever that it is considered a game of chance. Games of skill are the carnival games and they are limited to non-cash prizes under a \$10.00 value. When you talk about internet sweepstake cafes, first of all I don't think they are mechanical – they are electronic or digital. Anyway they are games of chance, there is no question about it. The games that you play on there are games of chance, not games of skill. However it is not gambling because the other necessary elements are not present, that is that the consideration – there is no consideration as the players money is not put at risk in a traditional café. You purchase an item and then you are allowed to play a sweepstakes as a bonus. The value you purchase is yours whether you play the game or you don't play the game or whether you win/whether you lose. All that being said I think that 748 should be looked at a little here regarding the mechanical amusement devices since this looks like this was mostly written in 1964 with some modifications in 1980 – probably needs to be updated. Councilman Elliott stated I was under the impression that this is for more like amusement rides and obviously that is not what this deals with, this deals with like you said games. I just wonder what our past practice is. Law Director Graves stated I think it is both, in 748.01 it does define mechanical amusement device which he read. Steve – I was just wondering do you have a lot of contact or do you have your own regulations as far as what Community Days goes? Councilman

Kovach advised I have contact with it but we haven't tried to regulate anything because actually the only thing that ever fit the description of this mechanical amusement device would have been the old bulldozer and that hasn't been there in years. I guess you could revise it if that particular equipment came back but I think those have started to become prohibitive to run. Like I say it was only the one woman that had one and we haven't had that in there in about 4 years now. It was quite popular and it was technically – there was no chance there, not in that game. If you look at 712 it actually goes more towards carnivals and amusement park – that type of thing and it specifically says in there; you are talking about licensing fees and stuff like that but it says this requirement for licensing shall not apply to entertainments, exhibitions and shows conducted by schools, churches or patriotic organizations which the schools and churches aren't putting on but do participate and I guess for the lack of better words Community Civic Counsel would fall under I would assume the patriotic organizations. In other words you are bringing this in as a fund raiser – we are not really running this as a day-to-day business, an annual thing – it is not something that stays in the city. I don't know if 712 would be combined with 748 in regards to what any concerns or you know issues might be involved regarding that – the actual carnival. Like I say the only game of chance they have is that is technically put on by the church that is not ours which is the bingo – they apply annually for their license from the state. The woman just called for the dates for Community Days because they have to apply for that license and for their nights at the races – that type of thing. So that takes us out of the ballgame. Just like when we used to have the beer booth there, it was put on by the firemen's union but they had to apply for the liquor license and that type of thing which is a separate entity from us. So I guess the only issue then would be actually if you want to review and revise the issue of what points of interest are on the cafes. Chairperson Huska stated in 712 there is an amusement fee of \$25.00 and that hasn't been updated. Law Director Graves advised 712 looks like it was put in 1958 when they first built this code and nobody had touched it since. Chairperson Huska stated I actually wrote pertinent notes, most of it didn't look too bad as I read through it. Of course I am not a lawyer. Fire fighting is 718 and if you could look at that, what is the fee for the misdemeanor first degree? Law Director Graves answered first degree misdemeanor is punishable by up to 6 months in jail and/or \$1000.00 fine. Chairperson Huska asked snowplow – do we have a fee when they come to get a snowplow permit? Councilman Elliott answered actually we revised that not long ago. Law Director Graves asked you are looking at what chapter now? Chairperson Huska answered 780. Councilman Elliott asked don't they have to register with you right? Service Director Smith answered yes. Law Director Graves advised it looks like they repealed the permit and lights back in 1996, the only code section .03 which says that they shall not cause any accumulation of snow to cause obstructions in the streets. Councilman Elliott stated I could swear that we just went through this 2 years ago - that is not updated. Service Director

Smith advised I was just reviewing because I am going to be putting strobes on my personal vehicle for going on scene because I use my personal truck a lot. I was reviewing the state law and the requirements on plowing vehicles and road service vehicles and everything and Ohio's law from what I understand – David can check it and verify it from everything that I have read this last week, any vehicle that is stopping in and out of traffic for whatever reason whether it is plowing, pushing or whatever has to have yellow amber flashing or rotating lights. From what I understand the white strobes that the Gas Company uses on their trucks are illegal. The only ones that can use white strobes on their vehicles is Police Department/Safety Forces. This is something that I have just started looking into myself because of the Service Department vehicles making sure that we are lighted properly with ODOT's requirements which are yellow and white. I think that you have to have a light ordinance, if it is required by traffic or whatever. Chairperson Huska advised as I am looking at this 780.02 lights on vehicles was repealed. Law Director Graves stated if you look at the top cross references traffic code chapter 311 and 337.10 which talks about lights on slow moving vehicles. Why don't we for the next meeting focus on some up to date language for 706, 712 and 748, I think that is plenty to look at.

***Chapter 1383; accessory buildings*** – Chairperson Huska advised we are not going to discuss this tonight because this is going to Worksession and David is going to have something really good written up for Worksession.

**NEW BUSINESS:**

***Hoarding*** – Service Director Smith advised Kay had pulled a whole bunch of information on what city's are doing in trying to deal with hoarding situations. Then they get into the hoarding situations so that everybody who is passing laws understands what is actually going on and then they have things to look for; they classify them and I think it is very, very good information – about ½ inch thick and I think the intent was to get to you guys. Councilman Elliott requested packets on hoarding for next Ordinance meeting for review.

***Ordinances before Council at this time:***

Council#057 – THIRD READING – an ordinance establishing Chapter 910 of the codified ordinances of the City of Sheffield Lake regarding streetlawns and treelawns.

Council#059 – EMERGENCY – an ordinance amending Chapter 105 of the codified ordinances of the City of Sheffield Lake regarding wards and boundaries and the declaring of an emergency.

**CITIZENS COMMENTARY: None.**

**Service Director Smith thanked Councilwoman Huska for all her 10 years of service and dedication to the City of Sheffield Lake. As a citizen I want to say**

**thank you very, very much.**

**MEETING ADJOURNED:** With no further business before this committee,  
\*Motion by Kovach/Second by Elliott to adjourn at 8:01pm. Yeas all.

**CLERK OF COMMITTEE AFFIRMATION:** This Meeting Of The City Committee Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council's office.

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CLERK OF COUNCIL

*Kay Fantauzzi*

I, Kay Fantauzzi, duly appointed Clerk of Committees of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Committee of Ordinance for December 1, 2011.

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CHAIRPERSON OF COMMITTEE

*Diana Huska*

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COUNCIL PRESIDENT

*Edward R Podmanik*

*and/or*

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COUNCIL PRO TEM

*Richard Rosso*