

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
May 4, 2021

This regular meeting of the Ordinance Committee was held Tuesday, May 4, 2021. Chairperson Radeff called the meeting to order at 7:07 PM.

ROLL CALL OF MEMBERS:

Present: Radeff, Wtulich, Cizl, Mayor Bring, Law Director Graves,
Superintendent Hastings.

Excused: None.

Attending: None.

MINUTES: April 6, 2021 *Motion by Wtulich/Second by Radeff to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

OLD BUSINESS: Chairman Radeff states we have the noise ordinance/disturbance. I have done some research and I was looking at Dayton's ordinance. I think they have done a really good job. They break it down specifically with different types of noises, i.e.: horns, radios, etc. Some have time frames, some have just decibels, and some have a general statement that any noise between certain hours can't go above 60, etc. Lorain's also seems to have a reasonable standard. Member Wtulich states I was thinking keep ours and maybe lower the decibels from like 7pm-9pm go from 60 to 55, then from 9pm-7am go to like 45. Law Director Graves states under ordinance 531.03 it does break it down and states things such as air conditioners, construction, domestic power tools, motor vehicles, etc. It also has a catchall provision that talks about in addition to the decibel prohibitions, no person shall unreasonably make, continue to cause/make or permit any noise, etc. That is under a heading called noise disturbances and the definitions define them as exceeding the decibel limits. We could work within that to keep a reasonable provision in there, but then under 531.04 we could look at the decibel readings. I don't know that the decibel readings during the day are particularly a problem, it's more at night. It does say exceeds the limits set across a real property line or if the source of noise is from property inhabited by multiple families across an imaginary line separating one person's area from another. Does Dayton have a nighttime limit, or do they not use decibels? Chairman Radeff responds they use decibels. I believe nighttime was 50 and during the day was 60. Law Director Graves says we could just work within that reasonable language. A lot of noise that may not actually be loud, can be very annoying in the middle of the night because of its repetitive nature. For example: the teenager behind me likes to have friends over and play basketball in the driveway until 1 in the morning, and they aren't loud, but the constant dribbling of the basketball is pretty loud. I'm not sure decibels at night is the way to go, it's just more

the repetitive nature would annoy a person of reasonable sensibilities. Mayor Bring states like the truck driver who used to live on Lake Rd. and would start his engine and let it run all evening and night and early morning. It's a continuous noise, but we couldn't do anything. Law Director Graves says we do have that in 531.02. In addition to the specific prohibitions, no person shall unreasonably make, continue or cause to be made, continued or permitted, any noise. This section shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right of way. I think we can work with that language to come up with a reasonable standard for repetitive noise. Chairman Radeff says one thing we need to look at is we have specifics; we can always add to that as well. For example, they have yelling between 12-7am, then they use anything that annoys or disturbs the quiet of someone in a hotel. We could add specifics like radios and yelling and make it a more reasonable standard after a specific time. Member Cizl asks how often in the years do you get complaints of a noise that can't be enforced? Mayor Bring replies with these two on Erieview it's continuous, every week. Law Director Graves states we do get a lot of these calls, but fortunately most people when the police give them a warning, they tone it down. Member Cizl says noise is subjective in nature. I just want to make sure the police have a chance to do something. Mayor Bring responds they do. They use common sense. Member Cizl asks how did this come to us? Is it because of complaints or just needed updated? Law Director Graves replies it came because we had some complaints. There was a thought process about 10 years ago where we tried to get rid of the subjectivity by saying we wanted to have an objective reading that we would cite someone above this decibel. Now, we are getting unreasonable noise complaints, especially at night, where their hands are a little bit tied because it's not over the decibel reading. We have the same problem with barking dogs. Someone calls, the police go over, and the dogs aren't barking. You gotta catch them. Chairman Radeff asks one thing we were concerned with was someone making noise when they aren't even home, correct? The guy leaving his radio on. Law Director graves replies correct. He would turn the radio on in the garage and leave for hours with the radio still going. Chairman Radeff says I think one of our big concerns was if we wanted to keep an objective/subjective standard. One thing would be to have a lower decibel or reasonable standard after say 7pm. At that point, if the officer thinks it's unreasonable... I also like the idea to lower it the later it gets. Member Wtulich says with the 531.02, it looks like we have what we are looking for. Law Director Graves replies we need to clean up that language and change the definitions under 531.01(l): in no case will a noise disturbance be less than the decibel readings under maximum permissible sound level. Member Wtulich asks doing those two things should achieve what we are going for right? Law Director Graves replies I think cleaning up that language and looking at Dayton, we can come up with a lower decibel reading for nighttime. I can have a draft for next meeting.

NEW BUSINESS: Chairman Radeff states we have accessory structures, I believe this is the trampoline issue President Rosso brought to our attention. Member Wtulich says in section (e) it says non enclosed structures such as gazebos, children's playsets, pergolas, etc. should not be considered accessory buildings, but shall be limited to the rear yard. A trampoline wouldn't fall under a children's playset? Law Director Graves replies no, the building dept. has taken the position is that that particular type of apparatus is temporary in nature, whereas a playset is more permanent in nature. We all know that when someone puts up a trampoline, it more or less stays where they put it. They are movable, but I think the nature of them is that they are quasi-permanent. Chairman Radeff states I have no problem adding trampoline to that. Member Wtulich agrees. Chairman Radeff says if someone can't fit it in their backyard, they can always ask for a variance or some sort of exception. Then we could keep track of who has them in the front yard. Member Wtulich says so, we will add trampolines to 1151.06 (e), other accessory structures. Law Director Graves asks do you want to specifically say trampolines, or do you want some more general language? Member Cizl states I say just trampolines. Law Director Graves says I can say trampolines or similar children's play apparatus, etc. Chairman Radeff says if someone rents a trampoline for a party that's different. Mayor Bring replies yes, or a bouncy house. Chairman Radeff asks if we say it's a non-permanent structure, can't we ask them to take it down at that point? Superintendent Hastings says I am curious how that works. If somebody is in compliance with how the law is interpreted, then you add the phrase trampoline, making it illegal, can you go to that? Chairman Radeff responds I would say if it is supposed to be a non-permanent thing and taken down, so they are good for this year, but next year when they go to put it back up they have to comply. Law Director Graves says I think some of these stay up all winter. Chairman Radeff replies but they shouldn't, it is non-permanent. Law Director Graves reports you can't impose a criminal penalty on something that was legal at the time that it was done. Mayor Bring says I don't think it is any different from the pool ordinance we revised. Member Wtulich says I have been thinking to carry two part-time jobs like the law director/prosecutor or mayor/safety director or part-time service director/grant writer to make them eligible for permanent part-time benefits. Chairman Radeff says I know in Lorain they are characterized as permanent part-time. They don't necessarily have an hour requirement. I know their permanent part-time have a salary, but then also benefits. There's not really a legal requirement on the hours. I know city council receives benefits even though they are only part-time. I know that is why we have increased pays for some of these positions that don't get benefits like the mayor, etc. We want to encourage people to go for these types of jobs. Member Wtulich says my thing was you could carry two part-time positions like mayor/safety director, and then say someone retires, and we end up with a part-time service director, etc. they would be eligible for benefits. Superintendent Hastings asks are you looking at administrative only? Member Wtulich replies just those three positions really. Chairman Radeff

says if you want more qualified people in a part-time job, you need to offer benefits. Member Cizl says you are thinking three positions, what other potential positions would be saying what about us? What benefits are you thinking in terms of? Member Wtulich replies I think those are the only three that don't get benefits as part-time. Superintendent Hastings says administratively those are the only three, not the only ones in the city. This does make sense to do to attract qualified people. If you did it, it would not take effect until another election, correct? Chairman Radeff replies correct. Law Director Graves says that is for elected, you can't do it mid-term. For appointed positions, it would need a prohibition.

CITIZEN'S COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

MEETING ADJOURNED: With no further business before this committee, *Motion by Cizl/Second by Wtulich to adjourn at 7:40 pm. Yeas All.

CLERK OF COMMITTEE AFFIRMATION:

This Meeting of the City Committee of the City of Sheffield Lake, Ohio, was 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.

CLERK OF COUNCIL/COMMITTEES

Brandy Randolph

I, Brandy Randolph, duly appointed Clerk of Committee Of Sheffield Lake DO HEREBY CERTIFY that this

Is a true and exact copy of the Minutes of the Ordinance Committee of May 4, 2021.

CHAIRPERSON

Rocky Radeff

COUNCIL PRESIDENT

Rick Rosso