

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
June 1, 2021

This regular meeting of the Ordinance Committee was held Tuesday, June 1, 2021. Chairperson Radeff called the meeting to order at 7:23 PM.

ROLL CALL OF MEMBERS:

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

Excused: None.

Attending: President Rosso.

MINUTES: May 4, 2021 *Motion by Wtulich/Second by Cizl to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

OLD BUSINESS: Law Director Graves states a very simple approach under 531.01(k), we changed disturbs humans to a person of ordinary sensitivities/sensibilities. We took out section 4 where it said in no case would be less than the decibel reading. This creates the catchall, general unreasonable noise language. We still have the decibel reader and time frames. I changed the maximum decibels between 9pm and 7am from 50 to 40. Then in section c, I deleted where it says 15 decibels or more to 5 decibels. It used to say 5 if continued more than 5 minutes. Now if it's over 5 decibels they can be cited. I think it will accomplish what we need. Chairman Radeff asks is the measurement from the real property line then? Law Director Graves replies yes, they have to be able to hear it across the property line. Chairman Radeff asks is that any property line? Like a sidewalk, etc. Law Director Graves replies I think they go to the next yard and see if they can hear it. It's disturbing the neighbors. If the committee is in agreement, we can move it on. Law Director Graves asks President Rosso when legislation is referred out of a committee, do you prefer it go to work session or first reading? President Rosso replies normally work session. In this case, work session is right after the first reading. I'm ok if you want to put it as a first reading, but not ok if you want to try to pass it as an emergency. Law Director Graves says we can make it go three readings. As it currently reads, the maximum number of decibels permitted from 7am-9pm is 60 and the maximum permitted from 9pm-7am is 50. We reduced that number to 40 throughout the night and kept it 60 during the day. We also have a more catchall provision that talks about any noise that would annoy a person of normal sensibilities can be a noise disturbance. Several years ago, we made it so that any noise disturbance by definition, had to exceed that decibel level. We have come to the conclusion that there can be noises that just by their nature and duration may not exceed the decibel level, but they are still unreasonable noise. Then it would be

a question of fact when it would go to court. It is the same kind of standard we have with animal noise. It would be for the judge or jury to decide. Chairman Radeff says so when you cite them, just make sure it's under the correct section. *Motion by Wtulich/Second by Cizl to move legislation onto a first reading. Yeas All. Chairman Radeff states next is trampolines. Law Director Graves states the legislation tonight simply adds trampolines to the list of things that are not considered accessory buildings but are limited to the rear yard. Chairman Radeff asks do accessory structures count towards the square footage of your back yard, or no? Law Director Graves replies no. Member Cizl says I agree it looks terrible in the front yard. President Rosso states even if they are in the front yard, as long as they aren't broken down, etc. Chairman Radeff states Leanna asked me about her ward, and I think the concern was some houses without big enough back yards for a trampoline. Mayor Bring responds I find that hard to believe. Law Director Graves says it's only 3 ft. off the line. Mayor Bring says it's a 50ft. lot, they should have plenty of room, except for corner lots. Chairman Radeff says I think the big concern is they aren't supposed to stay up and they are. Law Director Graves says once they are up, they are pretty much up. Chairman Radeff says I am in agreement with adding trampolines. *Motion by Wtulich/Second by Cizl to move trampoline ordinance to first reading. Yeas All. Chairman Radeff says we just passed an ordinance for driveways and maybe we need to consider if someone puts in a gravel driveway, can they also put in a gravel apron? Superintendent Hastings replies often if it is concrete or asphalt, usually a utility is digging through it, so it would be easier to restore gravel. Chairman Radeff says my understanding is he put in an addition of concrete last year, but didn't do the apron because of cost, now he just wants to put in rock, can he? Mayor Bring responds the building inspector came to me and I said he should put the whole thing in the same. He did ask me about that. Chairman Radeff asks so our intent would be to say it has to be the same? Mayor Bring replies yeah, because it was brand new. Superintendent Hastings says that was installed during the previous ordinance, that's why. It was done incorrectly. Member Wtulich asks about the pool ordinance, that covers any pool whatsoever that is deemed unsafe? Mayor Bring replies it has to be a certain height I believe. Some of the blow-up ones are not deemed unsafe. Member Wtulich says I saw a blow up one, a smaller one, but it is unsafe for sure. Law Director Graves says it reads that it has to be at least 36in. by manufacturer specifications, which includes inflatable pools, for location and fence requirements. The only exception would be true kiddie pools that you fill, drain and put back up. On the issue of benefits, I talked to Tammy and asked her to contact the county, she is still waiting to hear back.

NEW BUSINESS: Mayor Bring states Mr. Rosso brought up the issue of high grass and complaints over by Cedar Rd. and Lake Rd. The lady is back in town and wanted to go natural. What Mr. Graves ruled on before was that if the lot had not had a previous house on it, we could do that. I had the building inspector look into it and he found in the general offenses criminal code that if it's an abutting piece of

property, they do have to take care of it. Law Director Graves says that ordinance actually says whether it has been improved or unimproved. It is a poorly written ordinance going back to the 80's. Arguably, you could use that to make every lot in town required to be mowed, even if it has always historically been woods. The general approach is still good, if it ever had a house on it, it must continue to be maintained. However, in this case, the lots in question have been under common ownership and are abutting a lot with a house on it. In other words, they're treated as part of the overall yard, as more or less a zoning lot. They have always been maintained together. When the prior owner was there, he mowed those. Now, she wants to let those go. In this case, I think we would treat that as a zoning lot and say that house that is there is under common ownership, and you have to maintain those as part of your yard. Tony did send a letter out and she called and promised to get it cut. I just didn't know if you guys wanted to leave it like that. Member Wtulich says if the law covers it, it makes sense to leave it the way it is. Chairman Radeff says unless you can make it more clear. Law Director Graves says we should probably clear up that language that says any unimproved lot in the city, you gotta keep the grass below 6in. It is utterly unenforceable.

CITIZEN'S COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

MEETING ADJOURNED: With no further business before this committee, *Motion by Wtulich/Second by Cizl to adjourn at 7:50 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 June 1, 2021.

CHAIRPERSON

Rocky Radeff

COUNCIL PRESIDENT

Rick Rosso