

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 09-114

INTRODUCED BY: Kasaris, Petrusky, Nickell

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 4 TRAFFIC CODE, CHAPTER 476 SNOWMOBILES AND ALL-PURPOSE VEHICLES, SECTION 476.045 ENTITLED OPERATION OF ALL-PURPOSE VEHICLES ON PRIVATE PROPERTY, AND DECLARING AN EMERGENCY

WHEREAS: Council adopted Ordinance 08-71 which created Section 476.045 of the Codified Ordinances entitled Operation of All-Purpose Vehicles on Private Property in response to the proliferation of complaints received regarding the nuisance created by All Terrain vehicles (ATV's); and

WHEREAS: Due to continued complaints regarding the nuisance created by these vehicles, it has been determined to be necessary to amend the regulations pertaining to these vehicles to help protect the health, safety, and welfare of the residents of North Royalton; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 4 Traffic Code, Chapter 476 Snowmobiles and All-Purpose Vehicles, Section 476.045 entitled Operation of All-Purpose Vehicles on Private Property; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part 4 Traffic Code, Chapter 476 Snowmobiles and All-Purpose Vehicles of the Codified Ordinances of the City of North Royalton, Section 476.045 entitled Operation of All-Purpose Vehicles on Private Property is hereby amended to read as follows:

476.045 OPERATION OF ALL-PURPOSE VEHICLES ON PRIVATE PROPERTY.

- (a) For purpose of this section an "All-Purpose Vehicle" shall mean an all-purpose vehicle as defined by Section 476.01 of this Chapter.
- (b) No all-purpose vehicle shall be operated on any private property within the city unless all of the following conditions and limitations have been complied with by the operator:
 - (1) When the operator does not reside or own the ~~property residences~~ said vehicle is being operated on, the operator shall possess written permission of the owner of the ~~residences or the lessee of said residence~~ **property**;
 - (2) The all-purpose vehicle shall not be operated within **one hundred (100) feet of any public sidewalk or within one hundred twenty (120) feet of any public street where a sidewalk does not exist; ten feet of any adjoining property line or any public sidewalk or public street, and**
 - (3) **The all-purpose vehicle shall not be operated within two hundred fifty (250) feet of any residential dwelling not on the property upon which the ATV is being operated upon; The all-purpose vehicle shall not be operated between the hours of 9:00 p.m. and 9:00 a.m.**
 - (4) **The all-purpose vehicle shall only be operated within the Municipal limits of the City of North Royalton:**
 - (a) **Between the hours of 9:00 am and 7:00 pm Monday through Friday, and**
 - (b) **Between the hours of noon and 7:00 pm Saturday, and**
 - (c) **Between the hours of noon and 6:00 pm on all legal holidays and Sundays.**
 - (5) **There shall be no more than three (3) all-purpose vehicles operating on any property at a time;**
 - (6) **Noise and/or Dust. The operator shall not unreasonably make, cause to be made or continue to be made any noise, or dust which disturbs the reasonable peace of the area within which the operator is operating any ATV.**
- (c) No owner of the property wherein the all purpose vehicle is being operated shall recklessly permit an individual to violate **subsection (b)(1) of this section. No owner of property wherein an all-purpose vehicle is being operated shall knowingly permit an individual to violate subsections (b)(2)-(6).**
- (d) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on the second offense within one year after conviction of the first offense the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the second offense within one year the person shall be guilty of a misdemeanor of the third degree.
- (e) **When an operator of an ATV is arrested twice within two years for this offense the ATV shall be impounded.**

- (f) *This section does not apply to a person operating an ATV under the following circumstances:*
- (1) *Medical or health emergencies*
 - (2) *Grass cutting or field plowing*
 - (3) *Snow plowing*
 - (4) *Commercial establishments who build, sell, or repair ATV's or any agricultural related activity*
 - (5) *Moving the ATV onto a trailer for purposes of transportation or removing said ATV from a trailer for parking or storage purposes*
 - (6) *Repairing such ATV in an enclosed structure.*
- (g) *As used in this section legal holiday means any federal or state holiday wherein the U. S. Postal Service does not deliver mail.*

Section 2. Section 476.045 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 476 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that Council has determined that it is immediately necessary to amend the regulations pertaining to these vehicles to help protect the health, safety and welfare of the residents of North Royalton.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: November 4, 2009

DATE APPROVED: November 4, 2009

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading November 4, 2009

YEAS: Gentile, Nickell, Petrusky, Willey,
Farrell, Antoskiewicz, Kasaris

NAYS: none