

SAFETY COMMITTEE MINUTES

June 16, 2009

The Safety Committee meeting was held on June 16, 2009, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:30 p.m.

PRESENT: Committee Members: Chair Dan Kasaris, Gary Petrusky, John Nickell; Council: Vince Gentile, Larry Antoskiewicz, Mike Farrell, Don Willey; Administration: Mayor Robert Stefanik, Police Chief Paul Bican, Fire Chief Mike Fabish, Safety Director Bruce Campbell, City Engineer Mark Schmitzer, Service Director Kris Kamps.

APPROVAL OF MINUTES

Moved by Mr. Nickell, seconded by Mr. Petrusky **to approve the May 19, 2009 Minutes.** Yeas: 3.

Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Cady Road/Ridge Road Intersection

No Update.

2. Mile markers in the North Royalton part of the Metroparks walkway

No Update.

NEW BUSINESS

1. ATV Noise/Nuisance

Mr. Kasaris said Mr. Nickell and Mayor Stefanik received several complaints regarding ATV noise. Mr. Kasaris said last year Council had an ordinance in front of them that they could take baby steps in enacting. Mr. Kasaris asked Chief Bican if he feels there is an enforcement problem with this ordinance. Chief Bican said his officers feel trapped by the current ordinance. He said the officers respond to complaints, issue warnings and pass out the ordinance and the residents complain that they are meeting all of the criteria in the ordinance.

Chief Bican said this problem is going on all over the country. He suggested the following changes to the current ordinance: rural residential and industrial only, 5 acre minimum, 500 feet from a dwelling, 200 feet from a property line and no more than 2 at a time, and ATV's are banned between 8 p.m. and 10 a.m. Mr. Gentile suggested a time limit for ATV riders. Chief Bican does not feel we can regulate that.

Chief Bican printed off ATV ordinances that are enforced in other cities. Mr. Antoskiewicz suggested looking at Strongsville's ATV ordinance. Chief Bican said their ordinance is subjective as far as the type of property. Chief Bican said he would like to get rid of the subjectivity in the ordinance along with forcing one resident against another.

Mr. Willey agreed with Chief Bican's suggestions with the exception of allowing ATV's in industrial areas.

Mr. Nickell said that a local retailer suggested mandating a spark arrester muffler which would be quieter. Chief Bican said the city could enforce decibel readings off of the tailpipe when the vehicle is idling.

Mr. Gentle feels that the problem is that the residents who ride the vehicles are riding from morning until evening. He does not feel the proposed changes will solve the problem. He feels we need a time limit of one hour per day.

Mr. Kasaris said he believes ATV's are meant to be driven in rural areas.

Mr. Gentile said he does not feel we are fixing this problem by moving ATV use to different areas of the city. He said some day homes will be built in those areas. He suggested banning ATV's citywide. Mr. Nickell said he would like to see us take another step before we outlaw ATV's altogether.

Mr. Petrusky suggested having ATV owners have a muffler inspection to limit the decibel noise and also set a decibel limit on the muffler. Mr. Petrusky said if their vehicle does not meet both of these requirements, the driver will be cited. Chief Bican said no matter how quiet ATV's are, if they are riding around and around it is annoying to other residents.

Mr. Gentile suggested requiring a permit for an ATV and one of the requirements would be the tailpipe inspection that Mr. Petrusky discussed above. Chief Bican said in order to do this a licensing system for ATV's would have to be established and monitored.

Chief Fabish said he likes the idea of restricting the muffler noise. He said when the exhaust is muffled, you lose a lot of power. He said if the city eliminates ATV's completely, it will be very controversial and also very restrictive.

Chief Bican said the last time the city used the decibel meters it became a hassle in court.

Mr. Petrusky said the operator of the decibel meter does not have to be an expert. The operator will just have to make sure the machine is calibrated correctly.

Mr. Gentile said there are residents who use their ATV's for snow plowing. He said if we limit these to rural residential, we will take away snow plows for some residents. Chief Bican said there would be exceptions for that type of use.

Mr. Farrell said as long as ATV's are legal in the city, there will always be residents who abuse them.

Chief Bican said he feels if we limit the number to 2, it will help with mobs of ATV's racing. Mr. Gentile said the current ordinance is being abused, it is disturbing the peace and feels that if residents are not using ATV's for construction purposes or plowing snow, they should be banned in the city.

Mr. Kasaris said there are areas in the city where riding ATV's are appropriate and asked why we should restrict ATV's in those areas. Mr. Nickell said that there are four points the committee may be able to agree on. Those four points are: 2 ATV's at a time on property, spark arrester muffler, set a decibel for sound meter, and a three hour rest period. Mr. Gentile asked about the electric ATV's. Mr. Nickell said he believes the electric ATV's are quieter.

Mr. Antoskiewicz agrees with Mr. Nickell's points above, but feels we should also shorten the time frame of when ATV's are allowed to operate.

Mr. Kasaris asked for a consensus on proposed changes to the current ordinance. The proposed changes include widening the property line portion of the current ordinance from 10 feet to 100 feet, changing the time for riding ATV's to 10 a.m. to 7 p.m., mandating that the muffler device must be a spark arrester, ATV's cannot operate within 250 feet of a dwelling, and the number of ATV's allowed will be limited to 2 per piece of property. Mr. Nickell suggested including the three hour rest period for situations where none of the above circumstances apply, but residents are still bothered by and complaining about the noise.

Chief Bican will put this information together and email it to the committee and to Mrs. Haller. He will also check on the noise decibel level as well.

Mr. Farrell asked if the spark arrester is going to muffle the sound. Mr. Kamps said a spark arrester is a device that disallows any chance of a spark to help prevent a forest fire. He said it will do nothing for the sound. Mr. Kamps said there are silencers that are available on the market and they are at a certain level

of decibels that are acceptable. Chief Bican will go to Breyley Yamaha to see what muffler systems are available.

Mr. Gentile suggested including in the ordinance that on the second offense the ATV will be impounded.

Mr. Kasaris asked what level misdemeanor we want to make this offense. Chief Bican will see what level this offense is in other cities.

Mr. Kasaris said after the committee members receive the information from Chief Bican, he would like to review it again at the next Safety Committee meeting. Mr. Gentile suggested placing this on the July 7th Council agenda so the public is aware this is up for consideration. Mr. Gentile said this can be discussed at the July 7th R&O meeting prior to the Council meeting if necessary and continue to be discussed in the Safety Committee and possibly vote on this at the July 21st Council meeting.

ADJOURNMENT

Moved by Mr. Petrusky, seconded by Mr. Nickell **to adjourn the meeting**. Yeas: 3. Nays: 0. **Motion carried.**

Meeting adjourned at 7:19 p.m.