

Village of Bellaire

PUBLIC SAFETY COMMITTEE

Anne Wendling, Chairman

Butch Dewey

David Schulz

MEETING MINUTES

November 7, 2012 at 6:00 p.m.

1. **Call to Order:** Chair Wendling called the meeting to order at 6:00 p.m.

2. **Roll Call Attendance**

Present: Chair Wendling, Butch Dewey & David Schulz

Absent: None

Staff Present: Chief of Police Brad Rowe, Janet Koch, Clerk

Also Present: Kevin Keiser

3. **Approval of Agenda:** The agenda was approved.

Motion by Schulz, seconded by Dewey, to approve the agenda as presented. Motion carried by unanimous voice vote.

4. **Approval of Minutes:** The minutes were approved.

Motion by Dewey, seconded by Schulz, to approve the minutes of the September 5, 2012 meeting as presented. Motion carried by unanimous voice vote.

5. **Public Comment on Agenda Items:** None presented.

6. **Old Business**

a) **ORV Ordinance**

At the October 3, 2012 village council meeting, council had requested that the Public Safety Committee continue discussions in adopting an ordinance for ORVs. The committee reviewed a draft version of the ordinance prepared by village staff.

Dewey suggested that the definition of an ATV's engine size be changed from "50cc to 500cc." Koch and Wendling asked if a number even needed to be included. Keiser said he'd seen a 976cc ATV advertised for sale.

Dewey wondered if 3-wheeled ATVs needed to be included because he understood that building or selling them had been illegal for years. Chief Rowe said that while 3-wheeled ATVs are old and unsafe, they're still being used.

Koch asked if the committee wanted to include golf carts in the definition of ORVs. The committee agreed that golf carts should be included. Koch wanted to expand the definition of Walking Path. The draft definition stated the path as asphalt, and it is wood in two sections.

Age restrictions were discussed. Koch pointed out that the draft Section 4(b)(4) referring to operators 16 or older but less than 18 is not in the Antrim County ordinance. This section allows someone of that age to operate an ORV with a driver's license or state ID card and a safety certificate OR having a safety certificate and be in direct visual supervision of a parent or guardian. Wendling said she liked that section.

Koch asked about the draft Section 4(a). As proposed, that section restricted operations of an ORV to one-half hour before sunrise until one-half hour after sunset. Chief Rowe said it's enforceable. Keiser said no one else in the county has a restriction like that. A restriction of a specific hours was discussed. Schulz asked about hours of operation for snowmobiles. Chief Rowe said the village complies with state law, which doesn't restrict hours of operation for snowmobiles.

Schulz asked if the ordinance could be changed in the future. Koch said yes, by amendment. Wendling said it would be difficult to take away privileges once they've been granted. Keiser said he operates his ORV in the Upper Peninsula and that the villages where he's ridden allow operation at all hours.

Chief Rowe suggested that Sections 4(b)(14) and 4(b)(15), regarding noise, be revised to a more general statement. He also suggested that Section 7, regarding the deposit of ORV fines, be revised. He suggested instead that monies from any ORV violations be deposited into the general fund or the public safety fund. Koch said she'd check with the Village Treasurer about what would be most appropriate.

Motion by Schulz, seconded by Dewey, to recommend that council accept the draft of the ORV ordinance with the following changes:

Section 2, definition of ATV; that the phrases "50cc to 500 cc" and "of comparable size" be struck.

Section 2, definition of Walking Path; that the phrase "its bridges, and boardwalks" be inserted after the phrase "8' to 10' wide asphalt path".

Section 4(a). Permitted ORV Operations be changed to: "A person may operate an ORV on the far right of the maintained portion of the roadway on all streets within the Village except as restricted under Section 3."

Sections 4(b)(14) and (15) be replaced with the following language: "The ORV shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device" and Section 4(b)(16) will become Section 4(b)(15).

That Section 7 be replaced with the following language and become Section 5(c): "The Village Treasurer shall deposit all fines and damages received by the Village from the Courts in this section of this Ordinance into the Public Safety Fund," and Section 8 becomes Section 7 and Section 9 becomes Section 8.

Motion carried by unanimous voice vote.

7. **New Business:** None presented.
8. **Discussion:** Chief Rowe updated the committee on police activity inside the village.

- 9. Communication/Informational:** Koch informed the committee of an anonymous letter that had been received by the village regarding the ORV ordinance. The letter writer urged that the village have safety inspections for ORVs. Chief Rowe said the police department isn't certified to do inspections of that type.
- 10. Closing Member/Public Comments:** Kevin Keiser thanked the committee for taking the time to consider an ORV ordinance.
- 11. Adjourn:** Meeting adjourned at 6:42 p.m.

Compiled by Janet Koch, Clerk

Approved: _____

Date: _____