

**LAW COMMITTEE MEETING**  
**November 12, 2011**  
**MINUTES**

The Law Committee met this date to discuss changes in the maintenance code and in Mayor's Court.

Chairman, Louis Katz presented the Memo from Anna Shaw to Scott Lahrmer, dated August 26, 2011 with recommended changes to the Maintenance Code of the Village based upon experiences they are having with the Code that went into effect in 2007.

The first issue was the discussion of Notice to be given to property owners under 150.59. The Village is having an issue with regard to notifying owners of vacant homes because certified mail is taking a great deal of time and under the present code, they are unable to send out regular mail or post notice, until the certified letter is received or it comes back unclaimed. Upon discussion, it was determined that the 150.59 would be amended to provide for Notice by Certified Mail and by posting of the Notice on the home.

The second matter to come before the Law Committee was the proposed change in the grass height as regulated by Code 150.79.4. It was determined that the height of grass of ten (10) inches is too high based upon the time that inevitably passes and the grass would continue to grow. It was determined that the ten (10) inches requirement should be reduced to eight (8) inches. The second component of this Section to be modified was the need for an administrative fee. It was determined that there should be a minimum \$50.00 administrative fee or fifteen (15%) percent, whichever is greater, for violations of this Section.

The third item was the time for correction of violations. The current code allows manager discretion. It was agreed that the time allowed for correction, should be manager discretion with the exception of grass cutting, which requires remedy within five (5) days of the date of Notice.

The next item to be discussed was dead trees, bushes and landscaping. It was determined that there should be a provision in the code addressing issues of safety only. The Committee is recommending the additional provision that provides that dead or damaged trees, bushes, landscaping, etc., should be covered in the Maintenance Code in the event that such is determined to be a hazard to the safety of the Village as determined by the Village Manager.

The next item was the storage of boats under 154.16. It was determined that this Section should be updated with a new definition of recreational vehicles.

The next item was yard waste. It was determined that this was already covered under removal of garbage or rubbish 150.83 and no changes needed to be made.

The last item with regard to the maintenance code was the need for a repeat offender section. It was determined that a fine should be levied after the first offense each year. It was therefore determined that the Code should be modified to provide that after every resident who has received one maintenance code violation in any given year thereafter be charged \$150.00 per notice of offense during that calendar year.

Upon motion by Eddie Hattenbach and seconded by Louis Katz, the motion to recommend to Council these modifications as set forth above in the Maintenance Code was unanimously approved.

The next item to come before the Committee was discussion of the Mayor's Court operations. The Chief of Police presented statistics involving the Mayor's Court. He stated that he believes that the court costs of \$20.00 are too small and further, that the fees for fines should be reviewed. Thereupon, it was moved and seconded and unanimously approved that the Chief of Police be given authority to increase court costs, fine charges and payouts.

It was then discussed making Mayor's Court two (2) times a month. The Chief believes that based upon the need for speedy trials and the need to have police officers in to testify, he can handle the Mayor's Court twice a month much more efficiently for the benefit of the Village. It was unanimously approved to recommend to council the changing of Mayor's Court from one time a month to two times per month.

The final issue to come before the Law Committee was the discussion of DUI and DUS citations. The Chief stated that the DUS citations are now unclassified misdemeanors and should be heard in Mayor's Court. He stated that the DUI's should still be sent downtown, as they create a level of complication that would make hearing of DUI's very costly and more difficult in Mayor's Court. Stacy Lefton, the Prosecutor agreed with the Chief's assessment.

It was therefore moved and seconded and unanimously approved that the Law Committee should recommend to Council passing of an ordinance allowing the hearings on Mayor's Court of driving under suspension cases.

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Louis Katz, Chairman Law Committee