

# **Safety Health & Service Committee Meeting**

**Tuesday, October 5, 2004**

The Safety Health and Service Committee met in council chambers at 6:00 P.M. to review Chapter 543 of the Codified Ordinances of the City of New Philadelphia. The chapter deals with storage of junk and junk vehicles. This was assigned to the Safety Health & Service Committee by council president after citizen Harry Robb complained at a previous council meeting about the chapter being outdated and unconstitutional. Present at the meeting were committee members Rob Maurer, Darrin Lautenschleger, alternate George Houston and Chairman Sam Hitchcock. Guests present were Councilperson Sandy Cox, Safety Director Greg Popham, Treasurer Mike Taylor, Police Chief Jeff Urban, Mayor Ron Brodzinski, citizen Harry Robb, and T.R. Reporter Ryan Karp

Chairman Hitchcock opened the meeting by explaining the request to review the current ordinance and to compare it to junk vehicle laws of other communities. Hitchcock explained that previous to the meeting he had furnished committee members with the current ordinance for the City of New Philadelphia in addition to similar laws of Dover, Xenia, Mason, all in Ohio, as well as two junk vehicle laws from Mount Vernon Mass. And Washington State Legislature.

Since the meeting was being held as a response to Harry Robb's previous complaints to city council, Mr. Robb was given the floor to voice his concerns to the committee. His first concern was with the definition of "property" as being described as having been discarded or having no intrinsic value. Mr Robb stated that he believed that the term "property" has a broader meaning. Hitchcock explained that the term "property" as it was being defined here pertains to it's usage within the chapter. After further discussion, Chairman Hitchcock polled the members of the committee as to whether they had any problems with the wording and intent of the definition of "property" as used in this chapter. Both Darrin Lautenschleger and Rob Maurer stated that they had no problem with the definition.

Chairman Hitchcock then asked Mr. Robb if he had any other concerns with the chapter. Mr. Robb stated that he also didn't agree with the definition of "junk" or "junk vehicle". He described vehicles on his property as not being worn out, cast off, or discarded and said that, while there were in running condition when he parked them there, they probably would need some "going over" to get them running again. Robb was asked if the vehicles were licensed and he said they were not and didn't need to be according to state law. Robb was advised that, according to city ordinance, the vehicles had to display current registered plates. Once again, the committee members were asked if they saw any problem with the definitions of "junk" or "junk vehicles" as used in this chapter. All committee members agreed that the present definitions were adequate.

After further discussion and some argument regarding the constitutionality of Section 543, Darrin Lautenschleger made a motion to recommend to full council that Chapter 543 remain intact due to the fact that the committee had reviewed the chapter as requested, heard arguments from Harry Robb, and had been made aware that Mr. Robb has been convicted of violating the junk vehicle ordinance, the conviction which the court system has determined does not violate the Constitution. Rob Maurer seconded the motion and the motion passed on a unanimous vote.

At 6:45 P.M., with no further business to consider, the meeting was adjourned.

Respectfully submitted,  
Sam R. Hitchcock, Chairman  
SAFETY, HEALTH & SERVICE COMMITTEE  
CITY OF NEW PHILADELPHIA