

AGENDA REPORT

TO: Mayor & City Commission
FROM: Diane Schmidt, City Clerk
DATE: December 30, 2009



RE: Adoption of Ordinance 2009-006 (Revision of Chapter 8 (Animals) and Chapter 30 (Parks and Recreation) of the Ordinance Codes of the City of Clare)

For the Agenda of January 04, 2010

Background. The Parks and Recreation Board has recommended a change to the City's current ordinance codes to prohibit animals and pets from sporting events overseen by the City on City property. The recommended change was prompted by incidents involving pets at this past fall's soccer games that caused disruption to the games and created a potential safety hazard to spectators and participants. The proposed change was discussed with and reviewed by our City Attorney; the recommended change is considered to be reasonable and was determined to have the minimal wide-range effect on City residents while simultaneously achieving the desired results of the Parks and Recreation Board.

The City Commission conducted a public hearing and a first reading of the proposed ordinance amendment at the scheduled meeting of December 21, 2009. No public comment was received.

In order to complete the process to adopt the proposed ordinance (Ordinance 2009-006), the City Commission is required to direct a second reading (all first and second readings of ordinance amendments are Consent Agenda items of the Clare City Commission unless properly removed from the Consent Agenda). Thereafter, the City Commission may adopt the proposed ordinance.

Issues & Questions Specified. Should the City Commission direct a second reading of the proposed ordinance and thereafter take formal action to adopt the ordinance?

Alternatives.

1. Direct a second reading and adopt the new ordinance.
2. Direct the second reading but do not adopt the ordinance.
3. Do not direct the second reading, thereby disapproving the ordinance in its current form.
4. Set aside decision regarding this matter to a later date.

Financial Impact. There is no direct fiscal impact to the City other than the administrative costs of publishing the public notice.

Recommendation. I recommend that the City Commission approve the proposed ordinance by adoption of Resolution 2010-001 (*copy att'd*).

Attachments.

1. Ordinance 2009-006.
2. Resolution 2010-001.

ORDINANCE NUMBER 2009- 006

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE.

Chapter 8, Article I, Section 8-15 of the Code of Ordinances, City of Clare, Michigan, is hereby added as follows:

Section 8-15. It shall be unlawful for any person to permit or to bring any animal to a sporting event overseen by the City which occurs on City property. All animals or pets, apart from service animals, are banned at all sporting events overseen by the City occurring on City property.

Chapter 30, Article III, Section 30-73 of the Code of Ordinances, City of Clare, Michigan, is hereby revoked and restated as follows:

Sec. 30-73. Animals and pets.

It shall be unlawful to do any of the following acts upon city park lands:

- (1) *Wildlife*. Take from the park, disturb, injure or kill any wildlife within park boundaries without written permission.
- (2) *Pets*. Possess any animal considered a pet, unless such pet is on a leash no longer than six feet, or allow a pet to disturb or annoy other park users, or fail to clean all droppings and other messes created by a pet in such person's possession. Running a pet for the purpose of relieving itself is unlawful, except in designated pet runs.
- (3) *Horses*. Ride horses any place upon park lands, except on designated roadways, without permission, or fail to clean up all droppings of the horse within the park. Every horse must be under the control of the rider at all times.
- (4) To allow or bring any animal to a sporting event overseen by the City upon City property. All animals or pets, apart from service animals, are banned from sporting events overseen by the City held on City property.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted by the City Commission of the City of Clare this 4th day of January, 2010.

Diane Schmidt, Clerk

2010-001

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A REVISION TO CHAPTER 8 (ANIMALS) AND CHAPTER 30 (PARKS AND RECREATION) OF THE ORDINANCE CODES OF THE CITY OF CLARE.

WHEREAS, the City Commission held a public hearing to consider comment related to said Ordinance and receiving none, approved the first reading of said proposed Ordinance, and

WHEREAS, the City Commission approved a second reading of said proposed Ordinance at a scheduled meeting and subsequently considered said Ordinance and determined that adoption served the best interests of the City of Clare and its citizens.

THEREFORE IT IS HEREBY RESOLVED by the Clare City Commission that Ordinance 2009-006, a Ordinance amendment to prohibit animals and pets, with exception to service animals, from sporting events overseen by the City on City property, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 4th day of January 2010.

DIANE SCHMIDT
City Clerk