

AGENDA REPORT

TO: Mayor and City Commission
FROM: Ken Hibl, City Manager
DATE: December 16, 2009
RE: Revision of Chapter 8 (Animals) and Chapter 30 (Parks and Recreation) of the Ordinance Codes of the City of Clare

For the Agenda of December 21, 2009

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. ***Note: the only sporting event currently overseen by the City is the City's Soccer Program; the proposed change does not affect, restrict, or change the City's current codes in respect to other recreation events (e.g., concert in the park) or sporting events not overseen by the City (e.g., adult softball, Little League, Rocket Football, etc.).*** 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.

We have noticed (*see copy of att'd public notice*) the proposed ordinance change and the required public hearing to solicit comments regarding the proposed change; to date we have received no written comment. The Parks and Recreation Board received no public comment objecting to or supporting the proposed change when this topic was discussed at a scheduled public meeting.

The City Commission is asked to hold the required public hearing and allow a first reading of the proposed ordinance change.

Issues & Questions Specified. Should the City Commission hold the required public hearing and approve a first reading of the proposed ordinance?

Alternatives.

1. Hold the hearing and allow a first reading.
2. Hold the hearing and insignificantly change the proposed ordinance revision.
3. Do not hold the hearing and first reading, thereby essentially disapproving the proposed ordinance revision in its current form.
4. Set aside decision regarding this matter to a later date.

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

Recommendation. I recommend that the City Commission, by appropriate motion, conduct a public hearing and allow a first reading of the proposed ordinance revision.

Attachments.

1. Proposed Ordinance 2009-006.
2. Public Notice.

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 _____ day of _____, 2009.

Diane Schmidt, Clerk



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PUBLIC NOTICE

The City of Clare City Commission will hold a public hearing on Monday, December 21, 2009 at 6:00 p.m. at Clare City Hall, 202 W Fifth Street, to receive public comments pertaining to revisions to the City of Clare Code of Ordinances: Chapter 8, Article I, Section 8-15, Animals, and Chapter 30, Article III, Section 30-73, Park Rules and Regulation. A copy of the proposed Ordinance revisions are available for review in the Clerk's office, Monday through Friday, 8 am to 5 pm. The City Commission will accept comments at the hearing or in writing if the written comments are received by the City Clerk not later than 5 p.m. on the date of the hearing.

**Diane Schmidt
City Clerk**