

## AGENDA REPORT

TO: Mayor & City Commission  
FROM: Jeremy Howard, City Manager  
DATE: September 29, 2022  
RE: Second Reading & Adoption of Ordinance 2022-002

For the Agenda of October 3, 2022

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Background. A public hearing and a first reading of the proposed Ordinance 2022-002, which includes amendments to our existing ordinance codes, was conducted by the City Commission at the scheduled meeting of September 19, 2022. No public comment was offered or received during the course of the public hearing regarding the proposed Ordinance amendment.

The City Commission is now asked to consider approving Ordinance 2022-002. The Ordinance amendment is attached for final review. Highlights of the proposed amendment are outlined herein:

- Chapter 30, Parks & Recreation. These proposed changes result predominantly from complaints and concerns, and it establishes authority for the City's enforcement agencies to control criminal, inappropriate or publicly disruptive behavior in all city parks; and establishes specific camping rules for Pettit Park.

The Commission now has the option of allowing a Second Reading of the proposed Ordinance 2022-002 or denying the conduct of a Second Reading, thereby rejecting the proposed new ordinance.

The Commission is now asked to allow a Second Reading and either approve or deny the adoption of the proposed Ordinance.

Issues & Questions Specified. Should the City Commission approve Ordinance 2022-002?

Alternatives.

1. Approve the proposed ordinance in its entirety.
2. Approve the proposed ordinance with aforementioned minor corrections or changes.
3. Remove specific elements of the proposed ordinance and approve the remainder.
4. Do not approve the proposed ordinance.
5. Defer or delay decision on this matter to a subsequently scheduled City Commission meeting.

Financial Impact. There is no immediate fiscal impact related to the proposed ordinance.

Recommendation. I recommend the City Commission allow a Second Reading and approve proposed Ordinance 2022-002 by adoption of Resolution 2022-090.

Attachments.

1. Ordinance 2022-002.
2. Resolution 2022-090.

ORDINANCE NO. 2022 - \*\*\*

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY amending the City Code, Chapter 30.

Short Title: CITY OF CLARE – ORDINANCE AMENDMENT

**Chapter 30, Article III, Section 30-75, of the Clare City Code is hereby revoked and restated as follows:**

Sec. 30-75. - Camping in Pettit Park.

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

- (1) *Designated camping areas.* Camp in any city park on city owned lands without written permission. Pettit Park is a state licensed campground and camping is permitted only in a designated number of campsites.
- (2) *Camping fees.* Camping without having paid the camping fee on the date of stay and for each day of stay is hereby designated as unlawful.
- (3) *Visitors.* Be in Pettit Park after curfew 11:00 p.m. to 6:00 a.m. without a proper receipt of payment for camping.
- (4) *Registration.* Each camper shall properly register for each night's camping in accordance with the City procedures then established.
- (5) *Quiet hours.* Between the hours of 11:00 p.m. to 6:00 a.m. it shall be unlawful for persons who are not registered campground users to be in the campground or day use area.
- (6) It shall be unlawful for individuals to wash dishes at the water pumps or water supply.
- (7) It shall be unlawful for park users to fail to clean up their camp site daily.
- (8) It shall be unlawful for camp users to discharge waste of any type except into designated containers or the dump station.
- (9) It shall be unlawful for unsupervised children to occupy a campsite. Supervision must be provided by a parent or legal guardian eighteen years of age or older.
- (10) It shall be unlawful for a person to occupy the campground as a permanent or semi-permanent residence or to operate a business from the premises.
- (11) *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 scat 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. It shall be unlawful for pet owners to relinquish control and supervision of their pet(s) at all times,

- (12) The City Commission may adopt additional rules and regulations, as required from time to time, without the necessity of amending this ordinance.
- (13) The delegated authority of the City Commission, being the City Manager, and/or Parks and Recreation Department Head, and/or the City Police Chief, in their sole discretion, may issue any individual(s) a trespass (for involvement in any park rule violation, ordinance violation, or criminal law violation), for a period of up to one year at a time, prohibiting that individual from entering any City Park. Upon violation of any ban so issued, the individual shall be guilty of trespass.

Passed by the City Commission of the CITY OF CLARE on \_\_\_\_\_, at its regular meeting with \_\_\_\_\_ commissioners in attendance, \_\_\_\_\_ voting aye, \_\_\_\_\_ nay. Adopted by the City Commission of the City of Clare this \_\_\_\_\_ day of August 2022.

Signed: Patrick Humphrey, Mayor

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I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of CITY OF CLARE, Michigan, at its regular meeting on the \_\_\_\_\_ of August 2022, that of \_\_\_\_\_ members of the City Commission, \_\_\_\_\_ were in attendance and \_\_\_\_\_ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

#### 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.

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Diane Lyon, Clerk

## **RESOLUTION 2022-090**

### **A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING ORDINANCE AMENDMENT 2022-002, CHAPTER 30, PARK RULES.**

**WHEREAS**, the Clare City Staff, City Attorney, and the Parks and Recreation Advisory Board have recommended a change to the exiting Park Rules Ordinance of the City of Clare; and

**WHEREAS**, the Clare City Commission, at a scheduled public meeting on the 19<sup>th</sup> day of September, 2022, held an appropriately noticed public hearing related to said change request; considered the comments offered at the aforementioned public hearing; and directed the first reading of City Ordinance 2022-002, an ordinance to amend the Chapter 30 of the Code of Ordinances of the City of Clare; and

**WHEREAS**, the Clare City Commission again considered said request to amend said Ordinance at a scheduled public meeting on the 3<sup>rd</sup> day of October, 2022 and subsequently directed a second reading of Ordinance 2022-002.

**NOW THEREFORE BE IT RESOLVED THAT** the Clare City Commission hereby approves Ordinance 2022-002, thereby amending Chapter 30 of the City's Codes of Ordinance.

**BE IT FURTHER RESOLVED THAT** said Ordinance shall become effective on the 6<sup>th</sup> day of November, 2022.

**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 3<sup>rd</sup> day of October, 2022.

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Diane Lyon, City Clerk