

AGENDA REPORT

To: Mayor Pat Humphrey & the Clare City Commission
From: Ken Hibl, City Manager
Date: April 10, 2019
RE: Ordinance 2019-005 - Chapter 28 (Offenses)

For the Agenda of April 15, 2019

Background. Based on the City Staff's request to the City Attorney to incorporate drug impairment as a source of disorderly intoxication and inclusion of language regarding open alcoholic containers in public places, our City Attorney modified Sec 28-124 and Sec 28-209 of the City's current ordinance codes. These changes are outlined in Ordinance 2019-005 (*copy att'd*) for the City Commission's consideration.

All ordinance code changes or amendments require the approval of the Clare City Commission. And all ordinances require two readings and approval of the Clare City Commission subsequent to a public hearing. The required public notice (*copy att'd*) announcing the hearing has been published. Subsequent to the conduct of the hearing, the Commission has the option of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the proposed new ordinance.

The City Commission is asked to conduct the required public hearing and approve or deny a First Reading of the proposed Offences ordinance.

Issues & Questions Specified. Should the City Commission hold the requisite public hearing and allow a First Reading of the proposed disorderly intoxication and open intoxicants in our Offenses ordinance?

Alternatives.

1. Hold the hearing and allow a First Reading of the proposed ordinance.
2. Hold the hearing and allow a First Reading with amendments or modifications to the proposed ordinance.
3. Hold the hearing and deny the First Reading, thereby rejecting the proposed new ordinance.
4. Set aside the decision regarding this matter to a later date.

Financial Impact. None.

Recommendation. I recommend the City Commission hold the requisite public hearing and allow a First Reading of the proposed Offenses ordinance.

Attachments.

1. Ordinance 2019-005.
2. Public Notice.

ORDINANCE NO. 2019 - 005

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY amending the City Code, Chapter 28, Articles V, VII.

Short Title: CITY OF CLARE – ORDINANCE AMENDMENT

Chapter 28, Article V, Section 124, of the Clare City Code is hereby revoked and restated as follows:

Sec. 28-124. - Disorderly intoxication.

No person shall be intoxicated in a public place by an alcoholic beverage or under the influence of drugs and either endanger directly or indirectly the safety of themselves, another person or property, or act in a manner that causes a public disturbance.

(Code 1985, § 9.102(2))

State Law reference— Similar provisions, MCL 750.167(1)(e).

Chapter 28, Article V, Section 125, of the Clare City Code is hereby revoked.

Chapter 28, Article VII, Section 209, of the Clare City Code is hereby revoked and restated as follows:

Sec. 28-209. - Consumption of alcoholic beverage in public.

No alcoholic beverage shall be open, uncapped, or consumed on the public streets, parks or any other public places, including any store or establishment doing business with the public and not licensed to sell alcoholic beverages for consumption on the premises; nor shall any person who owns, operates or controls any such public establishment or store permit the consumption of alcoholic beverages therein.

A permit from the City of Clare and the Liquor Control Commission may be granted for possession of open intoxicants on City property for special events.

(Code 1985, § 9.162)

Cross reference— Streets, sidewalks and other public places, ch. 40.

State Law reference— Similar provisions, MCL 436.1915.

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 _____, 2019.

Signed: _____, Chair.

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 _____, 2019, 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.

Diane Lyon, Clerk

NOTICE OF PROPOSED ORDINANCE AMENDMENTS

CITY OF CLARE PUBLIC NOTICE

The City of Clare City Commission will hold a public hearing on Monday, April 15, 2019, at 6:00 p.m. at Clare City Hall, 202 W. Fifth Street, to receive public comments pertaining to an amendment of the City of Clare Code of Ordinances regarding Chapter 22, Article III, Sections 22-50 & 22-51, Fireworks; Chapter 26, Article IV, Marihuana Civil Infractions; Chapter 28, Article V, Section 124 & 28-125, Disorderly Intoxication and Section 28, Article VII, Section 209, Consumption of alcoholic beverages in public; Chapter 30, Article III, Section 30-75, Camping in Pettit Park; Chapter 41, Special Events, Sections 41-1, thru 41-11 and 41-20; . A copy of the proposed Ordinance amendment is 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. The City of Clare is an equal opportunity employer and provider.

Diane Lyon
Clare City Clerk

