

Memo

To: Councilmember Hines
Council Liaison: Ordinance Review Committee

Date: July 14, 2023

From: Jim Miller
Ordinance Review Committee Chairman

Re: Revised Text: Chapters 90,93 & 94

Debra,

Enclosed are the final revised Ordinances as approved and voted by this Committee. I will resubmit these utilizing the new "form" format designated by staff (and I assume mandated by Council) once I receive those documents.

As voted and agreed in our July 11th meeting, you are asked to obtain agreement from Council on two points:

1. The Committee would like to work on the issue of parking within the City. We feel this issue needs modernizing.
2. Confusion has been introduced as to the purpose and *operandi* of the Committee. We seek clarification on this from Council.

On this second point, we have heard the argument that we as common citizens are not capable of writing Ordinances; it is the "whereas" argument. This is a misdirection of what our committee does. We do not write law in the sense that we are careful not to change law. We are a citizens' committee that adds our input and opinion as to how the wording of existing law could be made more understandable to the property owners. We simply clarify the ordinances based upon our opinion.

The results of our work are put in a format (red text for deletions, green for additions or substitutions) that make it easy for the Council to see what we have done. We fully understand that our work is not a final document and assume that Council may seek opinion from legal if they embrace the changes. We approach each sentence in a paragraph that we work on with the question, "Do I fully understand what this sentence means?" In that respect, we hope that we are a resource for Council, representing a sampling of homeowners' reaction to an ordinance.

An example of how we are careful not to change the law would be in Chapter 94, Fireworks: several members of the committee felt that sparklers should not be banned. I pointed out that they are currently banned, therefore if we remove them from the prohibited paragraph, we would be writing law. Instead, we simply advise Council that this should be considered, but we did not change the prohibition.

We have suspended meeting in August allowing time for clarification on these issues.



NOTES ON THE ORDINANCES AS REVISED

Chapter 93: FIRE PREVENTION AND PROTECTION

It was felt by several committee members that the City should emphasize to the citizens that during a burn ban there can be no outside burning of any kind, including fire pits, etc.

Chapter 94: FIREWORKS

There seemed to be a divided opinion among the committee that “sparklers” should be considered as allowed within the City. This was not changed in our revision, but the Council is asked to address this.

Chapter 90: ANIMALS

While it is certainly agreed by the committee that feeding “wild or exotic animals” should be prohibited, it was felt that the City should do a better job of explaining why to the citizens. It was suggested that a handout should be made available such as the examples attached. Further, it is recommended that a notice not to feed should be placed on the website as well as an explanation as to why.