

★ Roll Call Number

Agenda Item Number

40

Date November 4, 2013

Request to speak from Judy Watt, 6980 Cody Drive, # 24, West Des Moines, regarding animals at the Des Moines Farmers Market.

Moved by _____ to _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk

REGISTRATION FORM TO SPEAK AT CITY COUNCIL MEETING

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To: The Honorable Mayor
and
Members of the City Council
City of Des Moines, Iowa
c/o City Clerk

CITY CLERK
DES MOINES, IA

2013 OCT 23 PM 12:07

FILED

I/We Judy Watt
(Please Print)

hereby request permission to speak at the Des Moines City Council meeting of NOV 4 2013, regarding

Animals at Metro DSM FARMERS MKT
I will have signed Petitions and
Copy of Madison WI Ordinance - My Request
to Speak is primarily to turn the petitions over to
City Council. An attached letter will also
be presented. Sgt Butler of DSM Animal Control also holds
The ordinance from Wisconsin

Name: Judy Watt
(Signature)

Address: 6980 Cody dr #24

Daytime Phone: 515-537-6986

PROCEDURAL RULES OF DES MOINES CITY COUNCIL:

Part III. Agenda

Rule 16. Citizen Agenda Requests. Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meeting.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council. Persons other than Council Members shall be permitted to address the Council only upon specific Agenda Items.



City of Madison

To City

HD

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 19042

File ID: 19042	File Type: Ordinance	Status: Passed
Version: 2	Reference:	Controlling Body: DOWNTOWN COORDINATING COMMITTEE
		File Created Date : 06/29/2010
File Name: Animals prohibited		Final Action: 08/03/2010
<p>Title: AN AMENDED SUBSTITUTE ORDINANCE. Creating Sections 10.056(5)(h) and 23.315 of the Madison General Ordinances to prohibit animals from specified street use events, require notice of prohibition and establishes a penalty for violations of this ordinance.</p>		
<p>Notes: 4730animalsprohbtd MP(2) MAYOR APPROVAL DATE: 08/04/2010</p>		
Sponsors: Michael E. Verveer		Effective Date: 08/12/2010
Attachments: 19042 Version 1.pdf, Registration Forms 8-3-10.pdf		Enactment Number: ORD-10-00079
Author: Marci Paulsen		Hearing Date:
Entered by: dalthaus@cityofmadison.com		Published Date: 08/12/2010

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	06/29/2010	Referred for Introduction				
	Action Text:		This Ordinance was Referred for Introduction				
	Notes:		Downtown Coordinating Committee (7/15/10); Street Use Staff Commission (7/7/10); Common Council 8/3/10 Meeting				
1	COMMON COUNCIL	07/06/2010	Referred	DOWNTOWN COORDINATING COMMITTEE		07/15/2010	
	Action Text:		This Ordinance was Referred to the DOWNTOWN COORDINATING COMMITTEE				
	Notes:		Additional Referral: Street Use Staff Commission.				
1	DOWNTOWN COORDINATING COMMITTEE	07/06/2010	Refer	STREET USE STAFF COMMISSION		07/21/2010	
	Action Text:		This Ordinance was Refer to the STREET USE STAFF COMMISSION				
	Notes:						
1	DOWNTOWN COORDINATING COMMITTEE	07/15/2010	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER				

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Master Continued (19042)

Action Text: This Ordinance was RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

Ald. Verveer reported this ordinance was prepared at the request of large event organizers who were unable to get voluntary compliance with requests to not bring animals to their events. It would cover annual events that want to be covered that have 10 or more food vendors. It would not cover neighborhood block parties. Members added that they had seen many instances where animals were in distress because of hot weather and being pulled along on leashes. It was also brought out that it is not a conducive atmosphere for animals because of hot pavement, small children and the availability of food that can create aggressive behavior.

A motion was made by Verveer/Miller to approve Ordinance ID#19042 creating Section 10.056(5)(h) and 23.315 of the Madison General Ordinances to prohibit animals from specified street use events, require notice of prohibition and establishes a penalty for violations of this ordinance. MOTION CARRIED UNANIMOUSLY.

Notes:

1	STREET USE STAFF COMMISSION	07/21/2010	Return to Lead with the Recommendation for Approval	DOWNTOWN COORDINATING COMMITTEE	Pass
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Action Text: A motion was made by Barica, seconded by Kummerow, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

Notes:

2	COMMON COUNCIL	08/03/2010	Adopt With Friendly Amendment		Pass
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Action Text: A motion was made by Ald. Clear, seconded by Ald. Cnare, to Adopt Substitute With Friendly Amendment to create an exemption for police animals. The motion passed by voice vote/other.

Notes:

Text of Legislative File 19042

Fiscal Note

There may be a minor increase in General Fund revenues derived from fines and forfeitures.

Title

AN AMENDED SUBSTITUTE ORDINANCE. Creating Sections 10.056(5)(h) and 23.315 of the Madison General Ordinances to prohibit animals from specified street use events, require notice of prohibition and establishes a penalty for violations of this ordinance.

Body

DRAFTER'S ANALYSIS: This ordinance creates Sec. 10.056(5)(h), MGO, which provides when a street use permit is granted and there are more than ten licensed food vendors, animals are prohibited from the event. It requires that the applicant provide notice to the public that animals are prohibited at the event. It also creates Sec. 23.315 which prohibits animals at the above-mentioned events and establishes a penalty for violations of this ordinance. It also creates an exception for service animals, animals that are part of a parade and animals that are owned by exhibitors.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (h) entitled "Animals Prohibited" of Subsection (5) entitled "Application Process and Permit Requirements" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is created to read as follows:

"(h) Animals Prohibited. Under Sec. 23.315, MGO, animals are prohibited in all areas within the perimeter of a street use event when there are a total of ten (10) or more food vendors participating in the event. For purposes of this paragraph and Sec. 23.315, a "food vendor" is any vendor selling food or beverage and required to hold a temporary or permanent food and drink license from the City under Chapter 7. A food vendor is "participating" in the event if the vendor is either included in event sponsor's special event umbrella vending license, or holds a city street vending license and is allowed to remain within the perimeter of the event. If animals are prohibited under this paragraph,

the event sponsor shall provide notice to the public at the entrance to the event that animals are prohibited at the event under Sec. 23.315.”

2. Section 23.315 entitled “Animals Prohibited During Street Use Permit” of the Madison General Ordinances is created to read as follows:

“23.315 ANIMALS PROHIBITED DURING STREET USE PERMIT EVENT.

1. When a street use permit has been issued under Sec. 10.056.MGO, and there are ten (10) or more food vendors participating in the event as defined in Sec. 10.056(5) (h), it shall be unlawful for the owner or keeper of any animal to allow an animal to be in any area within the perimeter of the event as described on the street use permit.

2. Exceptions. This Section does not apply to ~~service animals as defined under Wis. Stat. § 106.52(1)(fm).~~ the following animals:

(a) Service animals as defined by Wis. Stats. Sec. 106.52(1)(fm).

(b) Animals that are participating in a parade that is authorized by Sec. 12.87, MGO.

(c) Animals that are owned by exhibitors authorized by the event sponsor, provided that the animal is leashed according to the requirements found in Sec. 23.32(1), MGO or confined at all times while in the perimeter of the event and are kept a distance of at least fifty (50) feet from all food vendors.

(d) Animals in service to law enforcement.

3. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating and amending therein the following:

<u>Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Animals prohibited during Street Use Permit.	23.315	\$100”

EDITOR’S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.

(5) Duties; Powers; Collections of Tax.

The Weed Commissioner or Superintendent of Streets shall carefully investigate concerning the existence of noxious weeds in his district; and if any person therein neglects to destroy any weeds as required by this section, he shall, without giving written notice, destroy or cause all such weeds to be destroyed, in the manner deemed to be the most economical method and present to the Treasurer his account therefore verified by his oath and approved by the appointing officer. Such account shall specify by separate items the amount chargeable to each piece of land described the same, and shall, after being paid by the Treasurer, be filed with the City, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "For the Destruction of Weeds", as a tax on the lands upon which such weeds were destroyed, which tax shall be collected as other taxes are, or as taxes are collected on personal property pursuant to Wis. Stat. §74.11, except in case of lands which are exempt from taxation in the usual way. In case of railroad or other lands not taxed in the usual way the amount chargeable against the same shall be certified by the City to the State Treasurer with the request that he add the amount designated therein to the sum due from the company owning, occupying or controlling the lands specified and that he collect the same therefrom as prescribed in Wis. Stat. ch. 76, and return the amount collected to the City. Any Weed Commissioner may, without giving written notice, enter upon any lands upon which any of the weeds mentioned in this section are growing, and cut or otherwise destroy them, without being liable to an action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty hereby imposed.

23.30 MAINTENANCE OF BARBED WIRE FENCES. It shall be unlawful for any owner or occupant of land in the city of Madison to build or maintain any fence constructed wholly or in part of barbed wire along any public street adjacent to any sidewalk.

23.31 ANIMALS NOT TO BE PERMITTED TO RUN AT LARGE.

- (1) Notwithstanding Sec. 23.32, it shall be unlawful for the owner or keeper of any nonhuman, warm-blooded, vertebrate or reptile to permit the same to run at large at any time within the limits of the City of Madison. (Am. by Ord. 5394, 3-1-76)
- (2) No person, firm or corporation shall keep, harbor, or have in their possession, custody, or control any pig, hog, boar, or swine within the limits of the City of Madison provided, however, that the prohibition contained in this section shall not apply to operators of slaughterhouses or packing plants, and areas zoned "Agricultural."

23.315 ANIMALS PROHIBITED DURING STREET USE PERMIT EVENT.

- (1) When a street use permit has been issued under Sec. 10.056, MGO, and there are ten (10) or more food vendors participating in the event as defined in Sec. 10.056(5)(h), it shall be unlawful for the owner or keeper of any animal to allow an animal to be in any area within the perimeter of the event as described on the street use permit.
- (2) Exceptions. This section does not apply to the following animals:
 - (a) Service animals as defined by Wis. Stats. § 106.52(1)(fm).
 - (b) Animals that are participating in a parade that is authorized by Sec. 12.87, MGO.
 - (c) Animals that are owned by exhibitors authorized by the event sponsor, provided that the animal is leashed according to the requirements found in Sec. 23.32(1), MGO, or confined at all times while in the perimeter of the event and are kept a distance of at least fifty (50) feet from all food vendors.
 - (d) Animals in service to law enforcement.

(Cr. by ORD-10-00079, 8-12-10)

PETITION FORM

Date: 11.4.13

The Honorable Mayor
And
Members of the City Council
Des Moines, Iowa

We, the undersigned, hereby petition the Des Moines City Council for the following: ORDINANCE BANNING ANIMALS AT COURT STREET DSM SAT FARMERS MARKET.

SIGNATURE	PRINTED NAME	ADDRESS AND ZIP
<i>Judy Watt</i>	JUDY WATT	6980 Cody Dr #24 50266
<i>Marilyn Magel</i>	Marilyn Magel	6980 Cody Dr #24 50266
<i>Sue Tyler</i>	SUE TYLER	6980 Cody Dr #49 50266
<i>Judy Oggero</i>	Judy Oggero	13564 Village Ct 50325
<i>Lynne Wright</i>	Lynne Wright	4400 E.A. Tree Aaway #32 W.D.M. 50266
<i>Manjorie Jordan</i>	Manjorie Jordan	5920 Vista Dr - WDM 50266
<i>Jan Campbell</i>	Jan Campbell	205-51 st 50312 DSM
<i>Vicki Miller</i>	Vicki Miller	515-233-8831 WDM
<i>Brenda Moww</i>	BRENDA Moww	515-279-5018 1105 44 th St W.D.M. 5031
<i>Haje Brown</i>	B+Diane Brown	515 279-5502 5505 Reuntem D.M. 50312
<i>Kay Trager</i>	Kay Trager	854 78 th PL WDM, IA 50266
<i>Judy Burgus</i>	Judy Burgus	23124 River Valley Dr. Adel, IA 50003
<i>Susan Holliday</i>	Susan Holliday	3724 River Oaks Dr DSM IA 50312
<i>Joan Clark</i>	Joan Clark	3001 Sherry Lane Unbandale, IA 50322
<i>Camille Calhoun</i>	Camille Calhoun	3410 Star Ridge WDM 50265
<i>Susan Wirtz</i>	Susan Wirtz	2022 So. 41 CT. WDM 50265
<i>Sally Bowman</i>	Sally Bowman	4501 Woodland Ave #3 WDM IA 50266
<i>Magrin Zech</i>	Magrin Zech	4508 Parkview Dr
<i>Chad Cronk</i>	Chad Cronk	4509 81st Ct.

PETITION FORM

Date: 11/4/13

The Honorable Mayor
And
Members of the City Council
Des Moines, Iowa

We, the undersigned, hereby petition the Des Moines City Council for the following: Ordinance Banning Animals at Court Street Farmers Market

SIGNATURE	PRINTED NAME	ADDRESS AND ZIP
<i>[Signature]</i>	RICH SCHULTE	174 S. 58 th CT WDM, IA
<i>[Signature]</i>	Kari Schulte	" "
<i>[Signature]</i>	Sam Schulte	" "
<i>[Signature]</i>	Wes Jordan	15136 Clearview Ln Urbandale
<i>[Signature]</i>	Stehruta Ida	16570 R45 Hwy
<i>[Signature]</i>	W. Des Moines	5928 Vista Dr
<i>[Signature]</i>	to the River	5504 Vista Pr.
<i>[Signature]</i>	Bob Krueger	5900 Vista WDM IA
<i>[Signature]</i>	Jan McLaren	1369 NW 137 th Ct. Clive
<i>[Signature]</i>	Sharon Koenen	5928 Vista Dr. WDM, IA 50266
<i>[Signature]</i>	Barbara Bell	304 52 nd St DSM, 50312
<i>[Signature]</i>	James R. Bell m.D	304 52 nd St DSM 50312
<i>[Signature]</i>	Tom Fisher	8701 Sunflower Cir
<i>[Signature]</i>	Stan Williams	12227 Madison Ave
<i>[Signature]</i>	ANNE NOAH	3021 Rhett Circle
<i>[Signature]</i>	DAVID NOAH	3021 RHETT CIRCLE
<i>[Signature]</i>	Susan W. Pelhous	WDM
<i>[Signature]</i>	Jan McMurray	495 S 34 th CT WDM
<i>[Signature]</i>	FAT McMURRAY	495 S 34 th CT WDM

PETITION FORM

Date: 11/4/13
~~8/27/13~~

The Honorable Mayor
And
Members of the City Council
Des Moines, Iowa

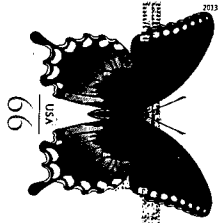
We, the undersigned, hereby petition the Des Moines City Council for the following: ORDINANCE BANNING ANIMALS AT DSM
SAT DOWNTOWN FARMERS MARKET

SIGNATURE	PRINTED NAME	ADDRESS AND ZIP
<i>Ruth DeVries</i>	Ruth DeVries	4710 Mills Civic Pkwy #1401 WDM 50265
<i>Virginia Johnson</i>	VIRGINIA JOHNSON	4904 Cedar Drive WDM 50266
<i>Kathy Lillis</i>	Kathy Lillis	14121 Wilden Dr. Urb. 50323
<i>Gail McCabe</i>	Gail McCabe	3000 Eula Dr, Urb 50322
<i>Barbara Nunn</i>	Barbara Nunn	3825 Sherry Ln, Urb 50322
<i>Jean Linder</i>	Jean Linder	8933 Stonegate Ln, John 50131
<i>Elaine Anderson</i>	Elaine Anderson	4901 Dahlia WDM 50265
<i>Patti Kommer</i>	Patti Kommer	4806 Pommel Pl 50265
<i>Jane Moulton</i>	Jane Moulton	13190 Elmerest Circle DM 50325
<i>Valerie Leuck</i>	Valerie Leuck	760-46 th St WDM 50265
<i>Michael Leuck</i>	Michael Leuck	" " "
<i>Margaret Christiansen</i>	Margaret Christiansen	4800 Pommel Pl - WDM 50265
<i>Hedy Moulton</i>	Hedy Moulton	13190 Elmerest Circle Clive
<i>Dennis Kommer</i>	Dennis Kommer	4806 Pommel Pl WDM 50265
<i>Charles J Conrad</i>	Charles J Conrad	13621 Bay Hill Court Clive 50325
<i>Joan Conrad</i>	Joan Conrad	13621 Bay Hill Ct. Clive 50325
<i>Dorothy Williams</i>	Dorothy Williams	12227 Madison Ave Urbandale 50325
<i>Rebecca Deardorff</i>	REBECCA DEARDORFF	20681-290 th St. Adel, IA 50003
<i>Marcia Fisher</i>	Marcia Fisher	8701 Sunflower Urbandale 50325

J. W. HART
1980 Cedar Dr # 24
Des Moines, IA 50326

City Clerk's Office
City Hall
400 Robert Ray Drive
Des Moines, IA 50309

DES MOINES IA 50309
22 OCT 2013 PM 11



50309#1873

