

## **ORDINANCE NO. 225-11**

### **AN ORDINANCE TO AMEND CHAPTER 38, ARTICLE III, DIVISION 1 OF THE LUDINGTON CITY CODE TO ESTABLISH AMENDED PARK AND BEACH RULES TO DISALLOW COOKERS, GLASS CONTAINERS, ALCOHOL IN CONTAINERS OVER TWO LITERS AND ALCOHOL AFTER 9 O'CLOCK PM, TO DISALLOW WINDSURFING, SURFBOARDING OR JET SKIING IN CERTAIN AREAS, REGULATE USE OF THE NORTH AND SOUTH BREAKWATERS, REGULATE CERTAIN ANIMALS, AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH**

#### **THE CITY OF LUDINGTON ORDAINS:**

**Section 1.** Chapter 38, Article III, Division 1, Section 38-70 is hereby amended to read as follows:

#### **Sec. 38-70. Swimming:**

In any city park or beach, no person shall:

- (1) Swim, bathe or wade in any public water or waterway in or adjacent to the city, except in such areas as may be designated for that purpose by the director of recreation. Such designated areas shall be conspicuously posted or otherwise designated by the city.
- (2) Dive, jump or swim from the United States Army Corps of Engineers North or South Breakwaters.
- (3) Enter into any swimming pool attired in other than bathing apparel in violation of any regulation of the state or county health agency or the city director of recreation.
- (4) Use, operate, launch or retrieve any wind or wave surfing device, surfboard, jet ski or other personal watercraft in any area designated for swimming under subsection (1) above, or within one hundred fifty (150) feet north of the United States Army Corps of Engineer North Breakwater.
- (5) Launch from or retrieve unto any beach any jet ski or other motorized personal watercraft except in such areas as may be designated for that purpose by the director of recreation; small sailboats, wind and wave surfing devices may be launched or retrieved anywhere except in a designated swimming area under subsection (1) or within one hundred fifty (150) feet north of the United States Army Corps of Engineers North Breakwater.

**Section 2.** Chapter 38, Article III, Division 1, Section 38-71 is hereby amended to read as follows:

**Sec. 38-71 Weapons and explosives.**

No person except a law enforcement officer shall bring onto park or beach property or have in his possession on park or beach property any firearm or ammunition, any explosive, dynamite cap, fireworks, that leave the ground, explode, or propel anything other than sparks into the air, any air gun, pellet gun, or any device by means of which a projectile can be propelled, any incendiary bomb or material; any smoke or stink bomb; any tear gas or other disabling chemical or agent; any inflammable liquid except fuel in a fuel tank of a vehicle, vessel, camp stove or camp heater; any lighter fluid or starter fluid expressly manufactured for lighting charcoal or other cooking fuel in a designated picnic area only and but no more than one quart of such, which shall be kept in its original container. In approved camping areas, an amount of fuel not to exceed one gallon in a closed container may be in the possession of a registered camper for a lantern, camp stove or heater other than that contained in the unit's fuel tank.

**Section 3.** Chapter 38, Article III, Division 1, Section 38-72 is hereby amended to read as follows:

**Sec. 38-72. Camping.**

- (a) No person shall utilize any public park or any parking lot or parking area adjacent thereto as a sleeping place or overnight parking place or overnight camping place, except in designated camping grounds and then subject to the regulations of the camping grounds.
- (b) No person shall kindle or build fires in any park or beach except in fireplaces or grills provided for that purpose. Camp stoves, cookers or personal grills are not allowed in any beach or park except in designated picnic areas. Upon leaving such fire, the person last using it shall have the duty to see that the fire is extinguished.

**Section 4.** Chapter 38, Article III, Division 1, Section 38-73 is hereby amended to read as follows:

**Sec. 38-73. Restriction on animals in parks.**

Except as may be otherwise authorized by a permit issued by the City Manager, no owner or person in charge of any dog or any other animal shall permit such dog or animal to be upon any beach in a city park, in any portion of Stearns Park (except as provided herein), or within the playground area in the waterfront park, which park is located south of Loomis Street and west of Rath Avenue. This section does not apply to

guide dogs or service dogs if failure to allow such dog on the beach or in the park would constitute an offense under section 502c of the Michigan Penal Code (MCL 750.502c). Dogs, but not other animals, are permitted subject to rules adopted pursuant to section 38-63 on that portion of Stearns Park described as follows:

The north boundary of the dog park is the seawall located just south of the Loomis Street boat ramps. The south boundary is the end of the seawall located at the southern boundary of the parking lot. The east boundary is the seawall located along the west side of the portion of the parking lot, which is south of the boat ramps. The west boundary is Lake Michigan.

A violation of this section shall be a municipal civil infraction.

**Section 5.** Chapter 38, Article III, Division 1, Section 38-74 is hereby amended to read as follows:

**Section 38-74 Possession or consumption of alcoholic beverages.**

- (a) No person shall bring into or consume alcoholic beverages in a park or beach except beer and wine, provided however, the beer and or wine is in a container not larger than two liters.
- (b) No glass containers are allowed in any playground, beach or in Stearns Park between Ludington Ave. on the south and the North line of Stearns Park on the north.
- (c) No beer, wine or other alcoholic beverage may be consumed at Oriole Field or any other athletic diamond, tennis court or other area designated or used for active athletic competition.
- (d) Except as provided in section 38-75, no alcoholic beverages shall be sold in any park.
- (e) The use of alcoholic beverages, including but not limited to beer, wine, spirits or mixed drinks in any park, beach, recreational area or in any parking lot adjacent to these areas may be suspended by the mayor for periods not to exceed 72 hours to protect the public health, safety and welfare. Extensions of such restrictions upon the use of alcoholic beverages in excess of 72 hours shall require approval by the city council at a regular or special meeting. In the absence of the mayor, such authority shall be vested in the mayor pro-tem or in the absence of both the mayor and mayor pro-tem, in the city manager.
- (f) Except as specifically provided in a permit issued pursuant to section 38-75, the use or possession, whether in an open or closed container, of alcoholic beverages of any kind is hereby prohibited on any beach, or in any park or recreational area, or in any parking lot or parking area adjacent to any beach, park or recreation area in the City between the hours of 9:00 p.m. and 7:00 a.m.
- (g) No person shall bring into, be in possession of or consume any beer, wine or other alcoholic beverages in Cartier Park during the following periods of time:

(1) From 12:00 noon on Friday through 5:00 p.m. on Monday of Memorial Day weekend.

(2) From 12:00 noon on June 29 through 5:00 p.m. July 9.

(3) From 12:00 noon on Friday through 5:00 p.m. on Sunday on the weekends on which the Gus Maker Tournament is held in the city.

(4) From 12:00 noon on Friday through 5:00 p.m. on Monday of Labor Day weekend.

Cartier Park shall mean that property lying south of Lincoln Lake, east of M-116, north of the city cemetery and west of Rath Avenue.

(h) As used in this section and section 38-75, beer and wine, and spirits shall have the meanings as defined in the Michigan Liquor Control Code of 1998 or any successor code, including any amendments to such code..

**Section 6.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 7.** This ordinance shall be become effective 20 days after its adoption and publication is required by the city charter.

Dated: \_\_\_\_\_

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Deborah L. Luskin  
City Clerk