

## **ORDINANCE NO. 257-13**

### **AN ORDINANCE TO AMEND CHAPTER 38, ARTICLE III, SECTION 38-64 AND SECTION 38-73 OF THE LUDINGTON CITY CODE TO CORRECT STREET NAMES REFERRED TO IN WATERFRONT PARK, TO AMEND SECTION 38-75 TO REGULATE THE SALE OF ALCOHOLIC BEVERAGES IN CITY PARKS, AND TO REPEAL ALL ORDINANCES IN CONFLICT HERewith**

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

**Section 1.** Chapter 38, Article III, Section 64(c) Closing of City Park, Lewis Street and Playground in Waterfront Park, is hereby amended to correct the following street locations:

(c) Playground in Waterfront Park.

No person shall occupy, use, loiter in or trespass in or upon the playground equipment or in the playground area in Waterfront Park, which park is located south of West Filer Street and west of South Robert Street, between the hours of 10:00 p.m. and 8:00 a.m. daily, without written consent of the city manager.

**Section 2:** Chapter 38, Article III, Section 73, Restriction on animals in parks, is hereby amended to correct the following street locations:

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 Waterfront Park, which park is located south of West Filer Street and west of South Robert Street. 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 3:** Chapter 38, Article III, Section 74, Possession or consumption of alcoholic beverages, is hereby amended to read as follows:

- (a) Except as provided in section 38-75, no person shall bring into or consume alcoholic liquor in a park except beer and wine, provided however, the beer and/or wine is/are in a container not larger than two liters.

- (b) No glass containers are allowed in any playground, beach or in Stearns Park between Ludington Avenue on the south and the north line of Stearns Park on the north.
- (c) No alcoholic liquor 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 liquor shall be sold in any park.
- (e) The use of alcoholic liquor 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 liquor 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 where notice of such restriction is posted at such area, 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 liquor 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 Macker 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, alcoholic liquor, beer, wine, mixed spirit drink, mixed wine drink 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 4:** Chapter 38, Article III, Section 75, Sale of alcoholic beverages, is hereby amended to read as follows:

Beer, wine, mixed spirit drinks, mixed wine drinks and those alcoholic liquors that are mixed with non-alcoholic beverages at a city park to produce a drink with the same alcoholic content by volume of a mixed spirit drink or a mixed wine drink may be sold in a city park only by a nonprofit organization holding a valid, unexpired license for such activity issued by the Michigan Liquor Control Commission and a permit issued by the

city pursuant to this section. The licensed nonprofit organization shall sell alcoholic liquor only in accordance with the following conditions and requirements and in compliance with the permit issued pursuant to this section. No alcoholic liquor may be sold without a permit in any city park or upon any city property. In no event shall the city issue a permit that would allow a nonprofit organization to sell spirits.

(1) Such nonprofit organization shall obtain all necessary licenses for the sale of such alcoholic liquor, and shall apply for a permit from the city manager under this section.

(2) No sale of alcoholic liquor shall be permitted unless food is sold or provided in connection with the sale of such alcoholic liquor.

(3) Such sale of alcoholic liquor shall be allowed only when done for the purpose of raising funds for or as part of a recognized and regularly conducted or scheduled special events open to the general public in the city, and conducted in the city, such as the Fourth of July Freedom Festival, Lakestride Marathon, fishing tournaments, or similar events.

(4) Such organizations shall provide general liability insurance in an amount of not less than \$1,000,000.00, naming the city as an additional insured.

(5) Such sale of alcoholic liquor may take place only between the hours of 7:00 a.m. and 10:00 p.m., except that such sales may take place in that portion of Stearns Park lying between the westerly extensions of the North and South rights-of-way of Ludington Avenue until 12:00 a.m. (midnight) and in the North James Street Plaza until 2:00 a.m.

(6) No alcoholic liquor sold pursuant to a permit issued under this Section 38-75 may be consumed, nor may any person be in possession of such alcoholic liquor, whether in an open or closed container, more than one-half hour after the time for sales to end under subsection (5) above. For areas outside of the specifically designed area as provided in subsection (8) below, hours of consumption and possession of alcoholic beverages shall be governed by section 38-74.

(7) Such nonprofit organizations shall provide the city with assurances of adequate security and adequate regulation of such alcoholic liquor to ensure compliance with all applicable laws.

(8) Service and consumption of alcoholic liquor shall be done only in a specific area designated in the permit, the boundaries of which shall be marked and defined by a fence or other enclosure as required by the permit. No person shall be allowed to leave such enclosure in possession of such alcoholic liquor.

(9) All other sections of this article, including but not limited to other requirements of obtaining a park permit, shall be complied with by such nonprofit organization.

(10) The city manager may deny a requested permit where, in the reasonable judgment of the city manager, the sale of such alcoholic liquor would be inconsistent with the use

of a park by the general public or contrary to the health, safety and welfare of residents or persons using the park under such permit or other persons using the park.

**Section 5:** Repeal all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 6:** This ordinance shall be become effective 20 days after its adoption and publication is required by the city charter.

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

\_\_\_\_\_  
Deborah L. Luskin  
City Clerk