

**CITY OF IONIA
NOTICE OF PUBLIC HEARING
Ordinance No. 540**

PLEASE TAKE NOTICE: That the City Council will hold a Public Hearing on Tuesday, May 7, 2019 at 7:00 PM in the Council Chamber of City Hall, 114 North Kidd Street, Ionia, 48846, for the purpose of receiving comments on proposed Ordinance No. 540 which, if approved, permits the City Manager to issue permits for the consumption of alcohol at a special event being held on a City street as defined in the amendment. Currently, the issuing of such permits is limited to special events held at City parks.

Comments regarding the proposed ordinance may be offered at the Public Hearing or may be mailed to Jason Eppler, City Manager, at the above address or via e-mail to jeppler@ci.ionia.mi.us prior to the Public Hearing. Questions about the amendment may be directed to Mr. Eppler at 527-5776.

Following the Public Hearing the City Council will be asked to approve the ordinance on Second Reading. The ordinance will become effective upon publication.

AN ORDINANCE TO AMEND:

**SECTION 606.01 OF THE GENERAL OFFENSES CODE OF THE
CODIFIED ORDINANCES OF THE CITY OF IONIA REGARDING
OPEN CONTAINERS;**

AND TO AMEND:

**SECTIONS 1020.01 AND 1020.17 OF THE STREETS, UTILITIES AND
PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE
CITY OF IONIA REGARDING DEFINITIONS AND PERMITS.**

THE CITY OF IONIA HEREBY ORDAINS:

1. **Section 606.01 (“Open Containers”) is amended to read as follows:**

606.01 OPEN CONTAINERS.

(a) Transportation or Possession in Vehicles. No person shall transport or possess any alcoholic liquor in a container which is open or uncapped, or upon which the seal is broken, within the passenger compartment of a vehicle on any street or highway. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open, uncapped, or upon which the seal is broken, shall be encased or enclosed. This section shall not apply to any chartered passenger vehicle licensed by the Michigan Public Service Commission.

(b) Possession in Other Places. No person shall be inside or outside of a motor vehicle upon any public park, grounds or street, or upon any vacant land not owned by such person, in any parking lot, or in any non-residential building (other than a bar, tavern or eating establishment which has been duly licensed by the State of Michigan for serving alcoholic beverages for consumption on the premises), having

in such person's possession an open receptacle or container containing any alcoholic beverage.

(c) Special Permit. This section shall not apply to any person who is a participant in an event for which a special permit for alcohol possession or consumption has been issued by the City Manager, pursuant to Section 1062.07, Section 1020.17, or similar section. A “participant” is a person who has been invited to the event for which a special permit for the possession or consumption alcoholic beverages has been issued, is allowed on the property which is subject to the special permit for the purpose of attending the event, or is associated with the individual, club, organization or association which received the special permit. Participant shall not include any person who has been asked to leave the event by the club, organization or association which received the special permit.

2. Section 1020.01 (“Definitions”) is amended to read as follows:

Unless the context specifically indicates otherwise, as used in this chapter:

(a) "City Manager" shall mean the City Manager of the City of Ionia.

(b) "Street" shall mean all of the land lying between property lines on either side of all streets, alleys, city-owned parking lots, and boulevards in the City, and includes lawn extensions and sidewalks and the area reserved for future streets but not yet constructed.

3. Section 1020.17 (“Parades and Promotions; Closure of Streets”) is amended to read as follows:

(a) Any person, individual, club, organization or association (the “applicant”) ~~Persons~~ seeking to hold a parades or other promotional events (the “event”) on any “street,” as that term is defined in this Chapter, shall notify the City and receive a permit for such event. The ~~applicant person or party sponsoring the event~~ shall provide the necessary information for justifying closure of a street or streets with the final action subject to approval by the City Manager. In the case of major streets, closure shall be limited and emergency access provided to abutting properties at all times. ~~If a permit to hold such an event is denied by the City Manager, the applicant may appeal to the City Council which shall have ultimate authority for issuance.~~

(b) In addition to the requirements of Subsection (a), above, an applicant that intends to allow participants to possess or consume alcoholic beverages during the event must file an application for a “special permit,” as required under Section 606.01(c), with the Director of Public Safety, and pay an additional application fee at City Hall, as established from time to time by the City Council. The application for the special permit must designate, among other information, (1) the expected number of participants, (2) the hours during which alcoholic beverages will be served during the event, (3) the hours during which alcoholic beverages will be allowed to be possessed or consumed during the event, and (4) the methods used to prevent possession or consumption by minors and non-participants. The Director of Public

Safety shall then submit a recommendation regarding the approval of the application for the special permit to the City Manager. Upon receipt of the application and recommendation, the City Manager may approve or deny the special permit. No special permit shall be issued for possession or consumption of alcoholic beverages having a higher alcoholic content than that of beer or wine. In addition to the application fee, the City Manager may require reimbursement for law enforcement and other City services related to the event. The method of collecting and calculating this fee shall be described in the special permit.

(c) If an application for a permit or special permit submitted under this section is denied by the City Manager, the applicant may appeal to the City Council, which shall have ultimate authority for issuance.

3. All other ordinances, or parts of ordinances, inconsistent with this ordinance, are hereby repealed.

CITY OF IONIA

Dated: _____

By: _____
Ally H. Cook, City Clerk