

ORDINANCE NO. 1242

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 608, SECTION 608.04 OF THE LANSING CODIFIED ORDINANCES BY ALLOWING SALE AND CONSUMPTION OF ALCOHOL AT THE SOUTH WASHINGTON OFFICE COMPLEX (SWOC) ON A SINGLE DATE, SUBJECT TO RESTRICTIONS ON SALE AND CONSUMPTION OF ALCOHOL IN PARKS.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 608.04 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

608.04. Restrictions on sale and consumption on public property.

(a) No person shall:

(1) Sell, consume or possess in an open container alcoholic beverages in the public streets, public places, parks, alleys, sidewalks, City-owned parking facilities or the Turner-Dodge House, except as provided in this section; or

(2) Sell, consume or possess in an open container alcoholic beverages in a private parking lot or facility, including, but not limited to, shopping center parking lots or parking areas adjacent to commercial establishments which are utilized by patrons of the commercial establishment, unless such person has in his or her possession, in writing, the express permission or consent of the owner or lessee, or the lawful agent of the owner or lessee, of such lot or facility. This paragraph shall not apply to any event sponsored or authorized in writing by the owner or lessee of such premises.

(b) Beer or wine may be sold and/or consumed in City parks, upon approval of the Mayor, if:

(1) For sales of beer and wine, a special license for such sale is obtained from the Michigan Liquor Control Commission and if the Mayor approves the license application prior to the issuance of the license. Approval by the Mayor shall be granted only if the license is to be utilized in conjunction with a City-approved cultural, ethnic or community activity open to the public or if the license is to be utilized in conjunction with a City-approved tourist or convention activity; or

(2) For consumption only, where no sales occur, approval is granted for the consumption of beer and wine at a City-approved cultural, ethnic or community activity open to the public, or in conjunction with a City-approved tourist or convention activity, provided that with respect to either the sale of beer and wine, or consumption, where no sales occur, the requirements set forth in subsections (g), (h) and (i) hereof are met.

(3) Prior Mayoral approval shall not be required for the sale and/or consumption of beer and wine at the Turner-Dodge House, Scott Park, Cooley Gardens, South Washington Office Complex, and Fenner Nature Center, however, with regard to the South Washington Office Complex such sale and/or consumption of beer and wine may only occur at non-profit events held on May 8, 2018 AND NOVEMBER 29, 2018.

(c) Notwithstanding the limitations set forth in subsection (b) hereof, beer or wine may be sold for consumption at Kircher Field or Ranney Field if a special license for such sale is obtained from the Michigan Liquor Control Commission and if the Mayor approves the license application prior to the issuance of the license. Approval of the Mayor shall be granted for the sale and/or consumption of beer and wine at Kircher Field or Ranney Field only in conjunction with City-approved district, State, regional or national adult athletic tournaments and if the requirements set forth in subsections (g), (h), and (i) hereof are met.

(d) Notwithstanding the limitations set forth in subsection (b) hereof, beer or wine may be sold for consumption, and may be consumed, within the grounds of the Turner-Dodge House, Scott Park, OR Cooley Gardens, provided that all permits required by the Department of Parks and Recreation have been obtained, a special license, if applicable, has been obtained from the Michigan Liquor Control Commission, and the requirements set forth in subsections (g), (h), and (i) hereof are met. Rental fees for the Turner-Dodge House, the Scott Park, OR Cooley Gardens, shall be set by resolution of Council. Use of the Turner-Dodge House, Scott Park, OR Cooley Gardens in conjunction with the sale of beer or wine for consumption shall not be limited to public events, but may also include private events.

(e) Sale and consumption of alcoholic beverages is allowable within the concession area or any other area within the perimeter of the Groesbeck Golf Course and Hope Soccer Complex, provided that, if sold, a license for such sale has been obtained from the Michigan Liquor Control Commission, and provided, further, that any such consumption or sale shall be contingent upon approval by the Department of Parks and Recreation and subject to such rules or restrictions as the Department may establish.

(f) Sale and consumption of alcoholic beverages may occur within the concession area or any other area within the City Market or its environs, provided that, if sold, a license for such sale has been obtained from the Michigan Liquor Control Commission and the sale and for consumption occurs within a clearly demarcated area in compliance with the license, and provided, further, that any such sales for consumption shall be contingent upon approval by the Lansing Entertainment and Public Facilities Authority (LEPFA) and subject to such rules or restrictions as LEPFA may establish. Notwithstanding section (i) herein, any such applicant shall file with the City Clerk proof of a personal injury and property damage insurance policy insuring

such applicant against any liability imposed on such applicant or the City arising out of the sale or consumption of alcoholic beverages, and naming the City and LEPFA as additional insureds. Such policy shall provide for payment in the event of injury to or death of one person or more than one person, and for the payment for property damage in amounts set by Council resolution on the basis of recommendations by the Finance Department. This requirement may be waived or the amounts of such required insurance reduced by resolution of Council finding that such a reduction or waiver is in the public interest.

(g) Beer or wine may be sold for consumption within the streets, alleys, sidewalks and public places within the boundaries of the Downtown Mall and environs, as defined in Section 812.01 of the Business Regulation and Taxation Code, provided that the following conditions are satisfied:

- (1) The request has been approved by the Mayor.
- (2) The individual, group or organization making the application obtains a special license for such sale and consumption from the Michigan Liquor Control Commission.
- (3) The individual, group or organization has complied with subsections (g), (h), (i) and (j) hereof.
- (4) Any other conditions which the Mayor may require have been met.

(h) The City Clerk shall provide a form on which the applicant shall provide the following information:

- (1) The name and address of the applicant;
- (2) The name of the organization, if applicable;
- (3) The type of event;
- (4) The date of the application;

- (5) The date and time of the event planned;
- (6) The purpose of the event;
- (7) The estimated number of persons attending;
- (8) The name of the insurance company, if applicable, from which the necessary public liability policy will be or has been obtained;
- (9) Proof that the proper rental fee has been paid, if applicable; and
- (10) The security measures which the applicant proposes to utilize.

Upon the applicant's payment of an application fee, as determined by resolution of Council, the City Clerk shall forward the completed application form to the Police Department and to the Department of Parks and Recreation for review.

(i) Whenever a special license for the sale and/or consumption of beer or wine in City parks, or within the Downtown Mall and environs or upon the grounds of the Turner-Dodge House, Scott Park, Cooley Gardens, or Fenner Nature Center is required, the applicant shall file with the City Clerk proof of a personal injury and property damage insurance policy insuring such applicant against any liability imposed on such applicant or the City arising out of the sale or consumption of beer or wine. Such policy shall provide for payment in the event of injury to or death of one person or more than one person, and for payment for property damage in amounts set by Council resolution on the basis of recommendations by the Finance Department. Such policy shall have a provision to the effect that the insurance company shall notify the City Clerk at least ten days prior to the expiration of such policy. However, this requirement may be waived or the amounts of such required insurance reduced by resolution of Council finding that such a reduction or waiver is in the public interest.

(j) The applicant shall be solely responsible for providing adequate security, in the form of adequate personnel and fencing, as determined by the Department of Parks and Recreation. Approval by the Department of the applicant's plan for security shall be obtained prior to any application being approved or any event being scheduled.

(k) No person shall sell or dispense beer or wine for consumption in City parks, in any container other than a paper or plastic container. No person shall sell or dispense beer or wine for consumption within the Turner-Dodge House in any container other than a paper or plastic container unless prior written permission has been received from the Department of Parks and Recreation.

(l) (1) Notwithstanding any provision set forth in this Section 608.04 to the contrary, beer or wine may be sold for consumption on the premises, and may be consumed, at public or private events or functions within the grounds of the Potter Park Zoo Exploration and Discovery Center and Plaza, provided:

- a. Dispensing of beer or wine shall be conducted by persons or entities not affiliated with Potter Park Zoo or any of its auxiliary organizations;
- b. No beer or wine may be sold or dispensed during hours when the Potter Park Zoo is open to the general public;
- c. For sales of beer or wine for consumption on the premises an appropriate license shall be obtained from the Michigan Liquor Control Commission; furthermore, prior mayoral approval is required, which approval shall only be granted in conjunction with a City-approved cultural, ethnic or community activity open to the public, or in conjunction with a City-approved tourist or convention activity;

d. Intoxicating liquors (i.e. distilled rather than fermented alcoholic beverages) may not be sold on the premises.

(2) Commencing July 1, 2001, rental fees for the Potter Park Zoo Exploration and Discovery Center and Plaza shall be set by resolution of City Council.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall automatically expire 60 days from the date of enactment.

Section 5. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

Section 6. This ordinance is enacted pursuant to Charter Section 3-308 to address the emergency posed to health and property by the inability to raise funds for survivors of childhood sexual abuse, as set forth on the record at the meeting of the Committee of the Whole on November 26, 2018.