



cityofnovi.org

# CITY of NOVI CITY COUNCIL

Agenda Item 6  
March 22, 2010

**SUBJECT:** Consideration of Adoption of City Code Amendments 10-149.10 and 10-113.02, to clarify rules regarding consumption of alcohol on certain publicly-owned properties. **Second Reading**

**SUBMITTING DEPARTMENT:** Facility Operations/William McCusker

**CITY MANAGER APPROVAL:**

**BACKGROUND INFORMATION:**

At its March 8, 2010 meeting, City Council approved first reading of two ordinance amendments relating to the use of alcohol at certain City facilities.

The proposed ordinance amendments involving Chapter 3 of the City Code, "Alcoholic Liquor," are primarily a change to the definition of "public place," to both allow the use of alcohol at these facilities if a resolution is adopted and to more clearly **prevent** the use at other public facilities. Changes to Chapter 25, "Parks and Recreation," reverse the way the ordinance now works. Currently, consumption is prohibited if the park is "posted" to prohibit alcohol. The proposed amendment would provide that consumption is generally prohibited unless the park is posted to allow consumption. The intention would be to allow through the attached Policy and Rules document the consumption of alcohol only at Lakeshore Park, under posted rules.

**RECOMMENDED ACTION:**

- a. Approve adoption of City Code Amendment 10-149.10, to change to the definition of "public place," in order to allow the use of alcohol at certain public facilities if a resolution of City Council is adopted and to prohibit the use at other public facilities; and
- b. Approve adoption of City Code Amendment 10-113.02, to prohibit alcohol consumption in parks except where authorized by City Council resolution.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI

ORDINANCE NO. 10-149.10

AN ORDINANCE TO AMEND CHAPTER 3, "ALCOHOLIC LIQUOR," OF THE CITY OF NOVI CODE OF ORDINANCES, TO CHANGE TO THE DEFINITION OF "PUBLIC PLACE," IN ORDER TO ALLOW THE USE OF ALCOHOL AT CERTAIN PUBLIC FACILITIES IF A RESOLUTION OF CITY COUNCIL IS ADOPTED AND TO PROHIBIT THE USE AT OTHER PUBLIC FACILITIES

THE CITY OF NOVI ORDAINS:

**PART I**

That Chapter 3, "Alcoholic Liquor," Article I, "In General," Section 3-1, "Definitions," definition of "Public place," is hereby amended to read as follows:

**Sec. 3-1. Definitions.**

*Public place* means any street, alley, park, public building, publicly-owned or administered area, or public place of amusement, or any place of business or assembly open to or frequented by the public, or to which the public has access. *Public place* does not include places either licensed to sell alcohol under the Michigan Liquor Control Code or for which a temporary permit is granted by the Michigan Liquor Control Commission for consumption on the premises; provided, however, that consumption of alcohol in publicly-owned buildings and in parks or other publicly-owned or administered areas, or public places of amusement, shall be permitted only pursuant to a policy and rules adopted by resolution by the City Council.

**PART II**

That Chapter 3, "Alcoholic Liquor," Article I, "In General," Section 3-2, "Possession in public places," is hereby amended to read as follows:

**Sec. 3-2. Possession in public places.**

It shall be unlawful for any person in any public place, as defined in Section 3-1, or upon any public street or highway to have in his possession any bottle, vessel or container which contains alcoholic liquor, where it is open or the seal has been broken thereon, or in a container from which the contents can be used without breaking a seal.

**PART III**

That Chapter 3, "Alcoholic Liquor," Article I, "In General," Section 3-3, "Consumption in public places," is hereby amended to read as follows:

**Sec. 3-3. Consumption in public places.**

It shall be unlawful for any person in any public place, as defined in Section 3-1, or upon any public street or highway to consume any alcoholic liquor, unless it be excepted by definition in section 3-1.

**PART IV**

**Savings Clause.** That the amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**PART V**

**Severability.** That should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART VI**

**Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART VII**

**Effective Date: Publication.** That the provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

**CERTIFICATION**

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY OF NOVI**

By: \_\_\_\_\_  
Maryanne Cornelius, City Clerk

**ADOPTED:**

**EFFECTIVE:**

**PUBLISHED:**

1387668

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI

ORDINANCE NO. 10-113.02

AN ORDINANCE TO AMEND CHAPTER 25, "PARKS AND RECREATION," TO PROHIBIT ALCOHOL CONSUMPTION IN PARKS EXCEPT WHERE AUTHORIZED BY CITY COUNCIL RESOLUTION

THE CITY OF NOVI ORDAINS:

**PART I**

That Chapter 25, "Parks and Recreation," Article IV, "Parks and Recreation Protection," Division 1, "Generally," Section 25-59, "Conduct within parks," is hereby amended to read as follows:

**Sec. 25-59. Conduct within parks.**

It shall be unlawful within a park for any person to:

(1) and (2) [Unchanged]

(3) Consume alcoholic liquor unless authorized by resolution of City Council and the property is posted with a notice that such consumption is permitted pursuant to certain rules and requirements; or

(4) [Unchanged]

**PART II**

**Savings Clause.** That the amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**PART III**

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**CITY OF NOVI**

By: \_\_\_\_\_  
Maryanne Cornelius, City Clerk

**ADOPTED:**

**EFFECTIVE:**

**PUBLISHED:**

1387670