

**CITY OF ALBION  
ORDINANCE #2019-06**

**AN ORDINANCE TO AMEND ORDINANCE 58-165, CONSUMPTION OF  
ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

**Purpose and Finding:**

Currently the consumption of alcoholic beverages is prohibited in public within the City of Albion except as permitted in Ordinance 58-168 (Victory Park) and 58-169 (Ismon House). There is increasing interest in allowing for outside sales by businesses and non-profit entities during special events, holidays, and fundraisers. As such, modification of the current ordinance is being sought to allow for sale and consumption in public under limited circumstances after approval from the City is obtained.

THE CITY OF ALBION ORDAINS:

**Sec. 58-165. CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

1. No person shall consume any beer, wine, or alcoholic beverage while on or in any city street, sidewalk, park, alleyway, parking lot, school property or other property open to the general public, except as set forth in this ordinance.
2. The City Council may permit the sale and consumption of beer, wine, or alcoholic beverages in designated areas of the city in conjunction with events that are sponsored by nonprofit organizations and/or businesses only.
3. A non-profit organization or business that desires to sell and/or consume beer, wine, or alcoholic beverages at an event in a public location shall make written application for the event to the City Clerk. The application shall be on forms provided by the City Clerk and shall include the following:
  - a. Name, signature, phone number, email contact and address of the applicant;
  - b. Location of the event, including a diagram of the location;
  - c. Information regarding the type of event, the dates and times of the event, and the purpose of the event;
  - d. A detailed description of the security measures proposed for the

event, including compliance with regulations of the Michigan Liquor Control Commission;

- e. Evidence of general liability insurance coverage, including a copy of the proof of insurance, with minimum liability of \$300,000 for injury or death to one person or more than one person, and \$100,000 in property damage, with the City of Albion listed as an additional insured, and insurance coverage for liquor liability under the Michigan Liquor Control Code, Act 58 of 1998, as amended.
  - f. An application fee as set by resolution of the Council;
- 4. The application shall be accompanied by a copy of the special licenses for such events obtained from the Michigan Liquor Control Commission;
  - 5. The City Clerk shall forward the completed application to the Albion Department of Public Safety; Department of Public Services and Department of Finance for review and approval before submission to the City Council.
  - 6. Nothing in this ordinance shall be deemed to relieve the applicant of any other obligation to comply with any other applicable federal, state, or local law or regulation.
  - 7. The applicant shall be responsible for ensuring the area used for the event is restored to its pre-event condition. The applicant shall be responsible for trash removal and any damage caused to public property.
  - 8. As used in this ordinance, the following words and phrases shall be defined as follows:
    - a. "Alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission according to alcoholic content as belonging to 1 of the varieties defined in the Michigan Liquor Control Code.
    - b. "Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, or other cereal in potable water.
    - c. "Wine" means the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit

with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including cider made from apples or pears, or both, which contains at least 1/2 of 1% of alcohol by volume, or mead or honey wine made from honey, fermented fruit juices other than grapes, and mixed wine drinks.

9. A violation of this Ordinance shall be deemed to be a misdemeanor as set forth in Section 1-26 of the Albion Code of Ordinances.

The provisions of this Ordinance are severable and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance;

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. Specifically, ordinance 58-186 and 58-169 are hereby repealed and reserved.

This Ordinance shall take effect on September 19, 2019 after publication.

First Reading:

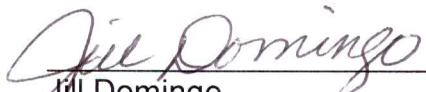
Second Reading & Adoption:

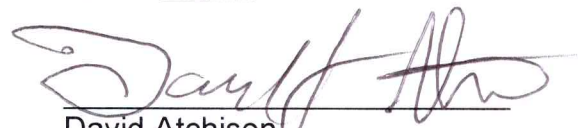
August 5, 2019

August 19, 2019

Ayes 7  
Nays 0  
Absent 0

Ayes 6  
Nays 1 (Reid)  
Absent 0

  
Jill Domingo,  
Clerk

  
David Atchison,  
Mayor.