

Chapter 75

PARKS AND RECREATION AREAS

ARTICLE I Richardi Park Regulations

§ 75-1. Definitions

§ 75-2. Prohibited conduct.

§ 75-3. Feeding of waterfowl.

§ 75-4. Penalties.

[**HISTORY: Adopted by the Village Council of the Village of Bellaire as indicated in article histories. Amendments noted where applicable.**]

GENERAL REFERENCES

Bicycles, scooters and skateboards — See Ch. 8.

Vehicles and traffic — See Ch. 114.

ARTICLE I Richardi Park Regulations

[**Adopted 12-3-1992 by Ord. No. 27-1992; Amended 03-19-08 by Ord. No. 6-2008; Amended 09-03-2014 by Ord. No. 4-2014; Amended 10-2-2019 by Ord. No. 2019**]

§ 75-1. Definitions. [Amended 09-03-2014 by Ord. No. 4-2014]

The following definitions shall apply in the interpretation of this article:

ALCOHOLIC LIQUOR — Any spirituous, vinous, malt or fermented liquor, 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 which are fit for use for beverage purposes, and include but are not limited to beer, wine, distilled alcoholic beverages and brandy.

MOTOR VEHICLE — Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

PET — any domesticated animal, including but not limited to dogs, cats, snakes, mice, rats, gerbils, hamsters and horses. A pet shall not include an identifiable service dog while assisting an impaired person.

RICHARDI PARK — The following property located in the Village of Bellaire, State of Michigan and described as: Commencing on the east side of N. Bridge Street 58.6 feet south of the S 1/8 line; thence east to Intermediate River; thence northerly along the river to the extended south line of Lot 8, Block "C," Hastings Addition to the Village of Bellaire; thence west to a point due south of the southeast corner of Lot 14, Block "C," Richardi and Bechtold's Addition to said Village; thence north to the south line of Antrim Street; thence west to the east line of N. Bridge Street; thence southerly to the point of beginning.

SPECIAL EVENT — Any event sponsored by an organization, non-profit or otherwise, that is open to the general public. [Added 09-03-2014 by Ord. No. 4-2014]

VEHICLE — Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used

exclusively upon stationary rails or tracks and excepting a mobile home as defined in Section 2 of Act No. 419 of the Public Acts of 1976, as amended, being Section 125.1102 of the Michigan Compiled Laws.

§ 75-2. Park Rules. [Amended 10-02-2019 by Ord. No. 2-2019]

All persons within Richardi Park shall comply with all of the following park rules:

A. Except as provided in this subsection, no person shall possess or consume alcoholic liquor within Richardi Park. In addition, no person shall bring alcoholic liquor into Richardi Park, except the person to whom a permit is issued pursuant to this subsection.

1. A person 21 years of age or older may possess and consume alcoholic liquor within 25 feet of the Richardi Park Pavilion, but only when such possession and consumption is authorized pursuant to a permit issued by the Bellaire Police Chief under the terms and conditions of this subsection.

2. A person who desires to obtain a permit for the possession and consumption of alcoholic liquor pursuant to this subsection shall file an application for the permit with the Bellaire Police Chief and shall pay a fee as determined from time to time by the Village Council. The application shall contain all of the following information:

a. The date(s) and times desired for the possession and consumption of the alcoholic liquor.

b. A description of the group of individuals who will be allowed to possess and consume alcoholic liquor pursuant to the permit.

c. A description of the types of alcoholic liquor that will be distributed pursuant to the permit.

d. The name, address, and telephone number of the person applying for the permit.

e. The name, address, and telephone number of each person responsible for distributing the alcoholic liquor pursuant to the permit.

f. Written proof of the age of each person responsible for distributing the alcoholic liquor pursuant to the permit (state issued driver's license or identification card).

g. A valid certificate of host liquor liability insurance that names the Village of Bellaire as an additional named insured and with limits of liability no less than \$1,000,000.

3. The Police Chief shall issue the permit when he or she finds that all of the following standards and requirements are met:

- a. The date(s) and times desired for the possession and consumption of the alcoholic liquor are available. (The Pavilion has not been rented to another person.)
 - b. The person(s) responsible for distributing the alcoholic liquor are 21 years of age or older and at least one such person will remain in the Pavilion at all times alcoholic liquor is distributed pursuant to the permit.
 - c. The person applying for the permit has obtained a valid certificate of host liquor liability insurance that names the Village of Bellaire as an additional named insured and with limits of liability no less than \$1,000,000.
 - d. The person applying for the permit has demonstrated that the individuals who will possess and consume the alcoholic liquor pursuant to the permit will be limited to the group described in the application.
4. The person who obtains a permit pursuant to this subsection shall comply with all of the following:
- a. He or she shall post the permit in a conspicuous location within the Pavilion.
 - b. He or she shall not distribute, nor allow another person to distribute, alcoholic liquor to any person who is not within the group described in the application.
5. The Bellaire Police Chief and other police officers of the Bellaire Police Department may revoke a permit issued pursuant to this subsection and evict individuals from Richardi Park when any of the following occur:
- a. Alcoholic liquor is possessed or consumed by any person who is not within the group described in the application.
 - b. Alcoholic liquor is possessed or consumed pursuant to the permit by any person more than 25 feet from the Richardi Park Pavilion.
 - c. Alcoholic liquor is possessed or consumed pursuant to the permit by any person who is less than 21 years of age.
 - d. Any individual within the group described in the application who are authorized to possess and consume alcoholic liquor pursuant to the permit creates any nuisance within Richardi Park, including but not limited to, excessive noise that annoys or disturbs another person's reasonable use of Richardi Park or causes litter within Richardi Park.
- B. No glass containers shall be brought into Richardi Park, except pursuant to a permit as issued under subsection A above.
- C. Pets are allowed only on the paved portion of the walking path, so long as they are on a six 6) foot leash and under the custody and control of their owner or handler;

and the owner or handler shall place feces dropped by the animal in a proper receptacle. No horses are permitted on the paved walking path. [Added 09-03-2014 by Ord. No. 4-2014]

- D. No person shall park a motor vehicle in that portion of the park enclosed by the park fence; provided, however, that temporary parking of a motor vehicle within the area enclosed by the park fence is permitted in association with an event taking place in Richardi Park where the motor vehicle is necessary to transport items to or from the event and where the event has been approved by the Village or its designated representative.
 - 1. Special events involving motor vehicles may be allowed upon authorization and issuance of a permit by the Village Council.
- E. No person shall be in Richardi Park after it closes each day at 10 p.m. [Added 6-1-1991]
- F. Special event requests must be approved by the Village Council. [Added 09-03-2014 by Ord. No. 4-2014]

§ 75-3. Feeding of Waterfowl [Added 03-19-08 by Ord. No. 6-2008]

No person shall feed or allow to be fed any waterfowl within the Village limits.

§ 75-4. Penalties. ¹

- A. Municipal civil infractions; penalties. Any person who violates any provision of this article shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 to 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500. Each day this article is violated shall be considered as a separate violation.
- B. Enforcement officials. Officers of the Bellaire Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue municipal civil infractions under this article directing offenders to appear in court.
- C. Nuisance per se. A violation of this article is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- D. Civil remedies. In addition to enforcing this article through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this article.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).