

CITY OF IONIA
IONIA COUNTY, MICHIGAN
ORDINANCE NO. 595

AN ORDINANCE TO AMEND PART SIX, CHAPTER 606, SECTION 606.01 ENTITLED "OPEN CONTAINERS"; PART EIGHT, TITLE TWO, CHAPTER 804 ENTITLED "SIDEWALK CAFES"; PART TEN, TITLE TWO, CHAPTER 1020, SECTION 1020.17 ENTITLED "PARADES AND PROMOTIONS; CLOSURE OF STREETS"; AND PART TEN, TITLE SIX, CHAPTER 1062, SECTION 1062.13 ENTITLED "ALCOHOLIC BEVERAGES" OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA.

THE CITY OF IONIA HEREBY ORDAINS:

Section 1. Amendment of Section 606.01.

That Part Six, Chapter 606, Section 606.01 entitled "Open Containers" of the Codified Ordinances of the City of Ionia, is amended to read in its entirety 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, except as follows:

(1e) Special Permit. ~~This section shall not apply to any~~ 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 alcohol possession or consumption has been issued, is allowed on the property ~~which that~~ is subject to the special permit for the purpose of attending the event, or is associated with the individual, club, organization or association ~~which that~~ received the special permit. ~~A~~ Participant shall not include any person who has been asked to leave the event by the club, organization or association ~~which that~~ received the special permit; or-

(2) Social District. Any person who possesses or consumes alcoholic beverages within a designated area within the boundaries of the City's established Social District, and such activity complies with all applicable provisions of state law, the rules and regulations of the Michigan Liquor Control Commission, and the City's approved Social District Marketing, Management, and Maintenance Plan.

Section 2. Amendment of Chapter 804.

That Part Eight, Title Two, Chapter 804 entitled "Sidewalk Cafés" of the Codified Ordinances of the City of Ionia, is amended to read in its entirety as follows:

CHAPTER 804 Sidewalk Cafés

- 804.01 Definitions.
- 804.02 Licensing required.
- 804.03 Licensing procedure.
- 804.04 General standards.
- 804.05 Operating standards.
- 804.06 Revocation.
- 804.99 Penalty.

804.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the meanings of the terms used in this chapter shall be as follows:

- (a) "City manager" shall mean the City Manager of the City or his or her designee.
- (b) "Sidewalk" shall mean the paved surface provided for the exclusive use of pedestrians in the public right-of-way and situated between and extending from any building to the curb of any street (excluding therefrom any unpaved area).
- (c) "Sidewalk café" shall mean an outdoor dining area located on a public sidewalk that is public through an easement, dedication, or right-of-way; that provides wait staff service or counter service; that contains readily removable tables and chairs. It is unenclosed by fixed walls and is open to the air, except that it may have umbrellas.
- (d) "Sidewalk café district" shall mean the area in which a business owner may operate a sidewalk café. The district shall consist of Depot Street (Adams Street to Washington Street); Kidd Street (Adams Street to Washington Street); Main Street (Dexter Street to Kidd Street); and, Steele Street (Adams Street to Washington Street).

(e) "Social District" shall mean a geographic area designated by the City Council in which multiple licensed establishments (e.g., bars, restaurants) with Social District Permits, as required

by the Michigan Liquor Control Commission, may sell alcoholic beverages in specially marked containers to be consumed within a contiguous commons area.

804.02 LICENSING REQUIRED.

No person shall operate a sidewalk café within the City without first obtaining a sidewalk café license and satisfying all of the requirements of this chapter.

804.03 LICENSING PROCEDURE.

(a) The City Manager is authorized to issue a revocable seasonal license to operate a sidewalk café within the sidewalk café district, provided the applicant has complied with the standards set forth in this chapter.

(b) The applicant must ~~hold a valid business license at the time of applying for a sidewalk café license and~~ be licensed as a food service establishment in accordance with Public Act 92 of 2000, as amended from time to time, and other applicable sState and county food service licensing requirements prior to applying for a sidewalk café license.

(c) Before issuing a license, the City Manager shall confirm with the City Treasurer and County Treasurer that the applicant is up-to-date with all income tax, personal property tax and real property tax payments.

(d) The seasonal license shall permit operation of a sidewalk café from April 1 up to and including October 31 of any calendar year. A license may also be issued for less than a full season or for a stipulated number of operating days.

(e) The fees for a license, if any, shall be those fees set by the City Council by resolution or ordinance from time-to-time. If a fee is established, no license shall be issued until all fees have been paid.

(f) The applicant shall indemnify and hold harmless the City against loss, including costs and expenses, resulting from injury to person(s) or property occurring on the premises occupied by the café. The applicant shall provide a certificate of insurance as evidence of the required policy to the City, and name the City as an additional named insured, in the amount of not less than one million dollars (\$1,000,000).

(g) Application and site plan.

(1) No sidewalk café shall be established on public property except in conformance with a site plan approved by the City Manager.

(2) The application for a sidewalk café license ~~which~~ shall at minimum include the following:

- A. Name of the individual and business;
- B. Address of the sidewalk occupancy;

C. ~~Property owner~~ information, if other than applicant (~~if not the owner~~, written authorization for submitting the application from the property owner is required);

D. Dates and hours of occupancy;

E. Dimensions and area of occupancy (in square feet);

F. Indication if the application is a new application or a renewal.

~~(3) A sidewalk café site plan which shall contain such information as:~~

(h) Prior to acting on an application, the City Manager shall solicit the input of the ~~Community Development Director~~, DDA Director, Public Safety Director, Public Works Director and any other City staff determined necessary. Upon ~~receiving~~soliciting input, the City Manager may approve, approve with conditions, refer the application back to the applicant for modification, or deny the request. If the application is denied, the applicant may appeal the denial in writing to the City Council within 14 days of the denial.

(i) Sidewalk café licenses may be renewed for additional seasons subject to review by the City Manager.

804.04 GENERAL STANDARDS.

(a) The sidewalk café shall not reduce the pedestrian travel area of any sidewalk to less than that required by the Americans with Disabilities Act. The pedestrian travel area shall not include trees, benches, bushes, walls, fire hydrants, tree grates or any other fixture permanently located within the right-of-way.

(b) The sidewalk café shall not impede on a fire hydrant, utility box, or other public service facility.

(c) Sidewalk cafés shall only be located adjacent to the establishment with which they are associated.

(d) Furnishings of a sidewalk café shall be limited solely to umbrellas, chairs, tables and trash containers within the permitted area. All objects shall be of quality construction and design to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of downtown. No furnishings shall be attached to the sidewalk, street trees, light pole or any structure.

(e) Furniture or other items used in connection with the sidewalk café shall be placed on the sidewalk no more than thirty minutes prior to the opening of the business and shall be removed within thirty minutes after the closing of the business.

(f) Signs, banners, flags, pennants, balloons, blow-ups or other similar decorations or advertising devices are prohibited. Umbrellas may contain the name of the business or other advertising so long as the product being advertised is utilized by the business.

(g) All food preparation shall be performed inside the business. No outside storage of food is permitted including hot or cold buffet tables.

(h) Sidewalk café areas shall remain clear of litter, food scraps, and soiled dishes at all times. The business shall clean the entire area of encroachment and all other adjacent sidewalk areas by removing debris and trash, and sweeping and washing the sidewalk each day.

(i) Operation of a sidewalk café shall not adversely impact adjacent or nearby residential, religious, educational or commercial properties, and shall be operated in accordance with all applicable codes and regulations.

(j) Electric powered lights shall not be used for the sidewalk café. The use of tabletop candles is permitted.

(k) Music, either acoustical or via external building speakers, is permitted but shall be kept at such a level so as to not interfere with the activities of neighboring businesses or residences. Music shall also be kept at such a level as to comply in all respects with the provisions of other applicable ordinances.

804.05 OPERATING STANDARDS.

(a) ~~SAI~~ sidewalk cafés shall not begin sales or service before 6:00 a.m. ~~each morning~~ and shall cease sales or service by ~~9:00~~10:00 p.m. ~~each night~~.

(b) ~~Alcohol shall not be sold or consumed at a sidewalk café.~~ Alcohol Sales, Service and Consumption:

(1) A restaurant/bar establishment with a sidewalk café may sell and serve alcohol at a sidewalk café if that area is within the scope of the establishment's Michigan Liquor Control Commission liquor license for on-premises sales and consumption.

(2) A restaurant/bar establishment with a sidewalk café that is not within the scope of the establishment's Michigan Liquor Control Commission liquor license for on premises consumption, may not sell or serve alcohol at the sidewalk café. However, if such sidewalk café is located within the City's designated Social District, establishments with liquor licenses may sell alcohol from inside the premises for customers to remove the alcohol from the premises to be consumed in the Social District's commons area.

(c) The sidewalk café permit for each business shall be ~~prominently displayed and displayed in a location which shall be viewed easily~~available for inspection by the general public.

~~(d) The business shall not serve food or beverage to a patron at a sidewalk café unless that patron is seated at a table. "To go" service shall not be covered by this prohibition.~~

804.06 REVOCATION.

(a) The City Manager shall be authorized to revoke a sidewalk café license granted per this chapter if the City Manager determines that, in his or her reasonable discretion, revocation of the license

~~is in the best interests of the general health, safety, and welfare of the city residents or if with or without just cause or explanation upon the recommendation of any of the City departments that participated in the license review process makes the same determination and recommends that the City Manager revoke the license. The City Manager may also revoke a sidewalk café license or~~ for non-payment of fees or charges owed to the City or County. All revocations under this section shall be in writing with the reasons set forth therein and issued to the license holder.

(b) Upon revocation of a license, the licensee shall immediately cease operation or any use of the encroachment upon written ~~or oral~~ notice by the City Manager or his or her representative. All furnishings and fixtures shall be immediately removed from the sidewalk café.

(c) The licensee may appeal the revocation to the City Council within 14 days of the revocation, however, until action is taken by the City Council regarding the appeal the license shall remain revoked.

804.99 PENALTY.

Any person who operates a sidewalk café outside of the sidewalk café district, or any person who operates a sidewalk café within the sidewalk café district without a license or who violates any of the standards or operating provisions contained in this chapter shall be responsible for guilty of a municipal civil infraction, punishable per the provisions of Section 202.99 of these Codified Ordinances. A second violation event within the license period shall result in the immediate termination of the license agreement for the remainder of the license period.

Section 3. Amendment of Section 1020.17.

That Part Ten, Title Two, Chapter 1020, Section 1020.17 entitled “Parades and Promotions; Closure of Streets” of the Codified Ordinances of the City of Ionia, is amended to read in its entirety as follows:

1020.17 PARADES AND PROMOTIONS; CLOSURE OF STREETS.

(a) Any person, individual, club, organization or association (the “applicant”) seeking to hold a parade or other promotional event (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 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.

(b) In addition to the requirements of Subsection (a), above, an applicant ~~that intendings~~ to allow participants to possess or consume the sale or consumption of alcoholic beverages outside of the City’s Social District, during the event, must file an application for a “special permit;” ~~as required under Section 606.01(e)~~, 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 provide the following 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. All events approved for a special permit under this subsection must comply with all permitting requirements and rules and regulations of the Michigan Liquor Control Commission.

If an event does not receive a special permit for alcohol, the possession and consumption of any alcoholic beverages must occur within the designated area within the boundaries of the City's established Social District, and such activity must comply with all applicable provisions of state law, the rules and regulations of the Michigan Liquor Control Commission, and the City's approved Social District Marketing, Management, and Maintenance Plan.

(c) If an application for a permit or special permit submitted under this section is denied by the City Manager, within 14 days of the denial, the applicant may appeal to the City Council, which shall have ultimate authority for issuance.

Section 4. Amendment of Section 1062.13.

That Part Ten, Title Six, Chapter 1062, Section 1062.13 entitled "Alcoholic Beverages" of the Codified Ordinances of the City of Ionia, is amended to read in its entirety as follows:

1062.13 ALCOHOLIC BEVERAGES.

~~No person shall possess or consume alcoholic beverages in a park at any time, unless he or she is a participant in an event for which an individual, or a club, organization or association has received a special permit for alcoholic possession or consumption, as described in Section 1062.07, or similar ordinance. "Participant" is defined in Section 606.01 of this Code of Ordinances.~~

No person shall possess or consume any alcoholic beverage in a City park, except as follows:

(a) The individual is a "participant," as defined in Section 606.01, in an event for which an individual, or a club, organization or association has received a special permit for alcoholic possession or consumption, as permitted in this Code of Ordinances, and such possession or consumption complies with all applicable provisions of state law, the rules and regulations of the Michigan Liquor Control Commission; or

(b) When the possession and consumption of alcoholic beverages occurs within a designated area of a City park that lies within the boundaries of the City's established Social District, and such activity complies with all applicable provisions of state law, the rules and regulations of the

Michigan Liquor Control Commission, and the City's approved Social District Marketing, Management, and Maintenance Plan.

Section 5. Repealer

That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 6. Severability

Should any section, portion or part of this Ordinance be declared to be invalid by a court of competent jurisdiction, such declaration does not void or render inoperable any other part of this Ordinance.

Section 7. Publication and Effective Date

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect immediately upon publication of a summary thereof as permitted by law, along with the date of its adoption, in the *Daily News*, a newspaper of general circulation in the City.

CITY OF IONIA

Dated: 8/6/25


By: Jonathan T. Bowman, City Clerk

Introduction and First Reading:	July 2, 2025
Notice of Public Hearing:	July 16, 2025
Public Hearing, Second Reading, Adoption:	August 6, 2025
Effective (upon publication):	August 13, 2025