

**CITY OF LUNA PIER**

**ORDINANCE NO. 204**

AN ORDINANCE TO ESTABLISH RULES FOR THE USE OF THE CITY’S PARKS, BEACHES, PIER, RECREATION AREAS AND PARKING AREAS, AND TO AUTHORIZE ADDITIONAL REGULATIONS, AND TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO REPEAL ORDINANCES 56 AND 69 AND RESOLUTIONS 187, 413, 472, 504, 550, 561, 606 AND 618, AND REPEAL ALL OTHER ORDINANCES, RESOLUTIONS AND PARTS THEREOF, IN CONFLICT.

**THE CITY OF LUNA PIER ORDAINS:**

**SECTION 1.**

TITLE.

This ordinance shall be referred to as the Luna Pier Parks, Beaches and Recreation Ordinance.

**SECTION 2.**

DEFINITIONS.

- A. For the purposes of this ordinance, the term “beaches” includes the shorewall and land between the shorewall to the water’s edge from Meaders Bend south to the southerly end of the First Street Park, and the end of East Erie Road.
- B. As used in this ordinance, the term “dusk” means the time of day that is one half hour after sunset.
- C. For the purposes of this ordinance, “parks and beaches” shall include all public parks, beaches, play areas, sports fields and courts, boat ramps, parking areas and other recreation areas in which the City of Luna Pier has ownership, possession, littoral or riparian interests. The phrase “parks and beaches” excludes the pier and the municipal building parking lot.
- D. As used in this ordinance, “pier” means the Clyde R. Evans Municipal Pier and the “B Wall”.

**SECTION 3.**

USE OF PARKS, BEACHES AND PIER.

The City of Luna Pier welcomes public use of its parks and beaches and pier in accordance with the terms of this ordinance and the resolutions and regulations adopted hereunder.

The parks and beaches are available for public use between the hours of 6:00 a.m. and dusk, and any such additional times authorized by resolution of City Council. The parks and beaches are closed between dusk and 6:00 a.m. unless otherwise provided by resolution of City Council.

The pier is available for public use 24 hours a day unless otherwise posted.

HOLIDAYS.

In addition to the normal hours the parks and beaches are open and available for public use, the parks and beaches shall remain open and available for public use during and for one hour after (a) the fireworks display sponsored by the City or the Fire Department on the Independence Day celebration, (b) the Christmas tree lighting ceremonies and (c) the Kid's Day evening dances, and such other events designated by the Mayor, City Administrator, Chief of Police or Fire Chief.

AUTHORITY OF OFFICIALS.

The City Council shall have the authority to adopt resolutions adding, amending and deleting all or part of the rules and regulations for the parks and beaches and pier.

Nothing in this ordinance should be interpreted to limit in any way the authority of the Mayor, Chief of Police, Fire Chief or City Administrator to temporarily close an area to all public use if, in the official's sole discretion, such action is reasonably required for the protection of the public health and safety.

**SECTION 4.**

PROHIBITED ACTS.

1. It shall be unlawful for any person to use, visit, occupy, travel, or remain in any part of the city parks and beaches at a time when such area is not open and available for public use.
2. It shall be unlawful for any person to lead, take or allow any animal he or she owns, possesses or controls onto the pier or any beach. This section does not preclude the use of any service animal that is reasonably necessary for a person's health or safety.
3. It shall be unlawful for any person to drive, use or park any motorized vehicle in any area not designated as a driveway or parking lot. This section shall not exclude the use of a motorized wheelchair or similar device that is reasonably necessary for the user's health or safety.
4. It shall be unlawful for any person to use the parks and beaches or pier at any time or in any manner that violates any rule, regulation or orders conspicuously posted in the area, or in any manner that violates an order or barricade by the Chief of Police, Fire Chief, City Administrator or Mayor.
5. It shall be unlawful for any person to remove, conceal, move, damage or deface any sign, rule, regulation, order or barricade related to the use of the pier or any park, recreation area or beach.
6. The consumption of alcoholic or intoxicating beverage is prohibited on the pier and in the parks and beaches.
7. The possession of open containers of alcoholic or intoxicating beverage is prohibited on the pier and in the parks and beaches.

8. Open fires are prohibited on the public beaches.
9. No glass containers are allowed in the parks and beaches or the pier.
10. It shall be unlawful for any person to ride or use any bicycle, skateboard, scooter, skates, roller blades, carts, or any similar device on the pier.
11. It shall be unlawful for any person to tie, moor or keep a boat at the pier at any time between dusk and 6:00 a.m. except as authorized by resolution of City Council and posted at the pier. No person shall moor a boat in a manner that endangers any person, property or the pier. This section does not prohibit the safe mooring of a boat during emergency conditions, such as a storm or dangerous weather or water conditions, or, provided the police are promptly notified, malfunction of the boat.
12. It shall be unlawful for any person to enter the water from the pier.

**PENALTY.**

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Hundred (\$100.00) Dollars or imprisonment for not more than ninety (90) days or both, in the discretion of the court. Each day that a violation continues is a separate offense that is subject to a separate penalty.

**SECTION 5.**

**REPEAL.**

Ordinances 56, Ordinance 69 and Resolutions 187, 413, 472, 504, 550, 606 and 618, and all other ordinances, resolution and parts thereof in conflict with this ordinance are hereby repealed.

**SECTION 6.**

**SEVERABILITY.**

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 7.**

**SAVINGS.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

**SECTION 8.**

EFFECTIVE DATE.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Luna Pier, Luna Pier, Michigan held on the 12th day of March, 2009.

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P. Michelle Cureton, City Clerk

Published: May 19, 2009  
Effective Date: June 8, 2009