

ERIE TOWNSHIP ORDINANCE NO. 101  
MINOR IN POSSESSION OR CONSUMING ORDINANCE

An Ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945, as amended in order to regulate the purchase, consumption or possession of alcoholic liquor by minors and to provide for the public health, safety and general welfare of the persons and property of the Township of Erie.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE,  
STATE OF MICHIGAN, ORDAINS:

Section 1 - Short Title

This Ordinance shall be known and referred to as the “Erie Township Minor in Possession or Consuming Ordinance”.

Section 2 - Violation and Penalties

1. A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor or possess or attempt to possess alcoholic liquor except as provided in this section.

2. A minor who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions:

A. For the first violation of this Ordinance a fine of not more than \$100.00, and the minor may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being MCL 333.6107, and designated by the administrator of substance abuse services and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection 2-4.

B. For a violation of this Ordinance following a prior violation of this Ordinance or another local ordinance or statute substantially corresponding to this Ordinance, a fine of not more than \$200.00 and the minor may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection 2-4.

C. For a violation of this Ordinance following two or more prior violations of this Ordinance, or another local ordinance or statute substantially corresponding to this ordinance, a fine of not more than \$500.00, and the minor may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of the Public Health Code, Act No. 368 of the Public Acts of 1978 being MCL 333.6107 and designated by the administrator of substance abuse services to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection 2-4.

3. A person who furnishes fraudulent identification to a minor or notwithstanding subsection 2-1, a minor who uses fraudulent identification to purchase alcoholic liquor is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00 or both.

4. The court may order the person convicted of violating this Ordinance to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in subsection 6103 of the Public Health Code, Act No. 368 of Public Acts of 1978, being MCL 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

5. The Secretary of State shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection 2-1 or 2-3 as provided in Section 319 of the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being MCL 257.319.

6. A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or part upon the results of the preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00.

7. A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated pursuant to Act No. 293 of the Public Acts of 1968, being MCL 722.1 to 722.6, allegedly consumed, possessed, purchased or attempted to consume, possess, or purchase alcoholic liquor in violation of subsection 2-1 or 2-3 shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection 2-1 or 2-3 is less than 18 years of age and not emancipated under Act No. 293 of the Public Acts of 1968, being MCL 722.1 to 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice

including, but not limited to, notice in person, by telephone, or by first class mail. If an individual less than 17 years of age is incarcerated for violating subsection 2-1 or 2-3, his or her parents or legal guardians shall be notified immediately as provided in this subsection.

8. This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by Michigan Liquor Control Code of 1998, Act 58 of the Public Acts of 1998, by the Liquor Control Commission, or by and agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her own personal consumption.

9. This Ordinance does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent or employee for a violation of the Michigan Liquor Control Code of 1998, Act 58 of the Public Acts of 1998.

10. The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this Ordinance if the purpose of the consumption is solely educational and is a requirement of the course.

11. The consumption by a minor of sacramental wine in connection with the religious services at a church, synagogue or temple is not prohibited by this ordinance.

12. Subsection 2-1 does not apply to a minor who participates in either or both of the following:

A. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

B. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the State police, the Liquor Control Commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the State police, the Commission or a local police agency and was not part of the undercover operation.

13. The State police, the Liquor Control Commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1).

14. As used in this section:

A. "Alcoholic Liquor" means any spirituous, vinous malt or fermented liquor as defined by the Michigan Liquor Control Code of 1998, Act 58 of the Public Acts of 1998.

B. "Probate Court disposition" means an order of the disposition of the Probate Court or the Family Division of the Circuit Court for a child found to be within the provisions of Chapter XHIA of Act No. 288 of the Public Acts of 1939, being MCL 712A.1 to 712A.32.

C. "Work Location" means, as applicable, either the specific place or places of employment, or the territory or territories regularly visited by the person in pursuance of the person's occupation, or both.

D. "Minor" means an individual who has not reached 21 years of age.

E. "Vendor" means a person licensed by the Liquor Control Commission to sell alcoholic liquor.

### Section 3 - Publication

The Erie Township Clerk shall publish this Ordinance in the manner required by law and a complete copy of the Ordinance is available at the office of the Township Clerk for inspection by the public at all times.

### Section 4 - Repealed

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

### Section 5 - Severability

This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance in each part, sentence, paragraph, section, subsection, phrase and clause thereof, irrespective of the fact that either one or more parts, sentences, paragraphs, sections, phrases or clauses are declared invalid.

### Section 6 - Effective Date

This Ordinance shall become effective on the 31<sup>st</sup> day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY OF  
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

AUTHENTICATED:

Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Erie, and do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 14th day of March, 2000.


The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

Member's Last Name


Voting in Favor:	<u>Bonkoski</u>	<u>Cousino</u>
	<u>Burlen</u>	<u>Grodi</u>
	<u>Baum</u>	
Voting Against:	<u>0</u>	
Abstained:	<u>0</u>	
Absent:	<u>0</u>	

I, Gayle A. Burlen, the Township Clerk of the Township of Erie, do hereby certify that this Ordinance or a summary of it, and the supplementary notice of said Ordinance, a copy of which is inserted following the Ordinance, was published on the 23rd day of March, 2000 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: March 14, 2000

  
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Gayle A. Burlen,  
Erie Township Clerk

ATTEST:

  
\_\_\_\_\_  
Daniel J. Bonkoski,  
Erie Township Supervisor

ADOPTED: 03/14/00  
PUBLISHED: 03/23/00  
EFFECTIVE: 04/23/00

TOWNSHIP OF ERIE  
MONROE COUNTY MICHIGAN

NOTICE OF ORDINANCE ADOPTION  
MINOR IN POSSESSION OR CONSUMING ORDINANCE #101

TO: The residents and property owners of the Township of Erie, Monroe County Michigan,

and any other interested persons.

PLEASE TAKE NOTICE that at a regular meeting held on March 14, 2000, the Township Board adopted Ordinance #101. The summary of the Ordinance appears below.

**MINOR IN POSSESSION OR CONSUMING ORDINANCE NO. 101.**

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945, as amended in order to regulate the purchase, consumption or possession of alcoholic liquor by minors and to provide for the public health, safety and general welfare of the persons and property of the Township of Erie.

**SECTION 1 - Short Title** - This Ordinance shall be known and referred to as the "Erie Township Minor in Possession or Consuming Ordinance".

**SECTION 2 - Violation and Penalties** - Defines the types of violations and the penalties for each violation.

1. Minors shall not purchase, consume or possess alcoholic liquor except as provided in this section.
2. Violators guilty of misdemeanor punishable by fines and sanctions as listed in A-B and C of this section.
3. Refers to furnishing or using fraudulent identification.
4. Court may order screening and assessment as defined in subsection 6103 of Public Health Code, Act No. 368 for determination.
5. Suspension of operator or chauffeur license.
6. Refers to chemical breath analysis and fine for refusal.
7. Notification of parents, custodians, or guardian of minor; time requirement for notification; type of notification.
8. Refers to when minor may possess alcoholic liquor.
9. Vendor's civil or criminal liability.
10. Minor enrolled in course and consumption is solely educational and course requirement.
11. Sacramental wines
12. Subsection 2-1 not applicable as listed in 12-A and 12-B.
13. Refers to when minors may not be recruited by specific authorities
14. Definitions of "Alcoholic Liquor"; "Probate Court Disposition"; "Work Location"; "Minor"; "Vendor".

**SECTION 4 - Repealed** - All Ordinance or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

**SECTION 5 - Severability** - Tells parts, sentences, paragraphs, sections, subsections and clauses that are declared to be severable.

**SECTION 6 - Effective Date** - This Ordinance shall become effective on the 31st day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance will be available for inspection and may be purchased at the office of the Township Clerk during regular business hours of regular business days from the date of this publication.

  
Gayle A. Burlen, Clerk