

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 97

**USE OF ALCOHOLIC BEVERAGES AND DRUGS BY
MINORS**

Section 97.01 – Definitions - The following definitions shall apply in the interpretation and enforcement of this article:

(Alcoholic beverage): "Alcoholic beverage" is hereby defined as any beverage containing more than three (3) percent of alcohol by volume which are used for beverage purposes. The percentage of alcohol by weight shall be determined in accordance with the provisions of Michigan Compiled Laws, Section 436.2, as the same may be amended from time to time.

(Control): "Control" is hereby defined as any form of regulation or domination including a possessory or management right or duty.

(Drug): "Drug" is hereby defined as a controlled substance as defined now or hereafter by the Public Acts of the State of Michigan. Currently, such controlled substances are defined by Act. no 196 of the Public Acts of 1971, as amended by Sections 335.301 to 335.367 of the Michigan Compiled Laws.

(Minor): "Minor" is hereby defined as a person not legally permitted by reason of age to possess alcoholic beverages pursuant to Michigan Compiled Laws, Section 436.33b, as the same may be amended from time to time.

Section 97.02 - Owners of premises permitting minors to consume alcoholic beverages or drugs guilty to misdemeanor: defense. A person who has the ownership, possession or control of any premises in the Township of Superior and who permits the consumption or use of alcoholic beverages or drugs in any form by any minor on said premises, or who fails to make diligent inquiry as to whether such person is a minor, is guilty of a misdemeanor. In an action for violation of this section, proof that the defendant demanded and was shown, before permitting such minor to consume such alcoholic beverages, a motor vehicle operator's license, or other bona fide documentary evidence that such person is not a minor, shall be a defense to any action under this article.

Section 97.03 - Owners of premises storing or displaying alcoholic beverages or drugs to prevent minors from obtaining. A person who has the ownership, possession or control of any premises in the Township of Superior and who stores or displays, or allows to be stored or displayed, alcoholic beverages or drugs in any form on said premises shall take reasonable steps to prevent any minor on said premises from obtaining possession of such alcoholic beverages or drugs for any purpose whatsoever: any such person who fails to take such reasonable steps shall be guilty of a misdemeanor.

Section 97.04 – Exceptions – The provisions of this article shall not apply to a person related to a minor as a parent or guardian, or to a person placed in the position of a parent by a parent or guardian or the minor,

or to legally protected religious observances, educational activities or medical treatments.

Section 97.05 - Penalties for violations. The penalties for violation of this article shall be as follows:

(a) For the first violation, a fine not exceeding three hundred dollars (\$300.00) or imprisonment in the county jail for a term not to exceed thirty (30) days, or by both such fine and imprisonment, and required attendance at a court approved substance abuse program at the expense of the defendant.

(b) For subsequent violations, a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for a term not to exceed ninety (90) days, or by both such fine and imprisonment, and required attendance at a court approved substance abuse program at the expense of the defendant.

Section 97.06 – Publication - This ordinance shall be published in a newspaper of general circulation within the Charter Township of Superior within thirty (30) days following adoption thereof.

Section 97.07 – Effective date - This ordinance shall become effective upon publication. All ordinances or parts thereof in conflict herewith are hereby repealed.

Dated February 21, 1989