

# **Charter Township of Orion**

**Ordinance No. 155**

**Minor In Possession**

Adopted April 2, 2018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF ORION BY ADDING ORDINANCE NUMBER 155, ADOPTING BY REFERENCE SECTION 703 OF PUBLIC ACT 58 OF 1998, MCL 436.1703, AS AMENDED AT THIS DATE OR AS MAY BE AMENDED IN THE FUTURE, REGARDING THE REGULATION OF PURCHASE, CONSUMPTION, OR POSSESSION OF ALCOHOLIC LIQUOR BY MINOR; ATTEMPT; VIOLATION; FINES; SANCTIONS; FURNISHING FRAUDULENT IDENTIFICATION TO MINOR; USE OF FRAUDULENT IDENTIFICATION BY MINOR; PRIOR VIOLATION; SCREENING AND ASSESSMENT; CHEMICAL BREATH ANALYSIS; NOTICE TO PARENT, CUSTODIAN, OR GUARDIAN; EXCEPTIONS; DEFINITIONS.

### **Section 1. Adoption of Ordinance Number 155 of the Orion Charter Township Code of Ordinances**

Ordinance Number 155 of the Orion Charter Township Code of Ordinances is hereby created to read as follows:

Section 1. Adoption of Section 703 of Public Act 58 of 1998, MCL 436.1703.

- a) Purpose and intent. This is an ordinance to adopt Section 703 of Public Act 58 of 1998, MCL 436.1703, as amended at this time or as may be amended in the future, by reference, for the purpose of regulating purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; use of fraudulent identification by minor; prior violation; screening and assessment; chemical breath analysis; notice to parent, custodian, or guardian; exceptions; definitions.
- b) Adoption by reference. Section 703 of Public Act 58 of 1998, MCL 436.1703, as amended at this time or as may be amended in the future, is hereby adopted by reference.
- c) Definition of minor. As defined in Section 109 of Public Act 58 of 1998, MCL 436.1109, as amended, "minor" means an individual less than twenty-one (21) years of age.
- d) Limitations. Violations of Section 703 of Public Act 58 of 1998, MCL 436.1703, as amended at this time or as may be amended in the future, for which the maximum period of imprisonment is greater than ninety-three (93) days shall not be enforced by the Township of Orion as an ordinance violation.
- e) Penalties. The penalties provided in Section 703 of Public Act 58 of 1998, MCL 436.1703, as amended at this time or as may be amended in the future, are adopted by reference, subject to the limitations stated in subsection (d) above.
- f) Repealer. All ordinances or parts of ordinances, including Orion Charter Township Ordinance No. 129, in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

### **Section 2. 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 3. 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 4. Effective Date**

This Ordinance shall be published in a newspaper of general circulation in the Township of Orion, and shall become effective upon publication, as provided by law.

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