

CODIFIED ORDINANCES OF PERRY
PART SIX - GENERAL OFFENSES CODE

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GENERAL OFFENSES CODE

CODIFIED ORDINANCES OF PERRY
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CHAPTER 610
Alcoholic Beverages

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CROSS REFERENCES

Intoxicating liquors generally - see M.C.L.A. Secs.
436.1 et seq.

Liquor licenses - see BUS. REG & TAX Ch. 896

Sales on Sundays and municipal election days - see
M.C.L.A. Sec. 436.19e

DUI - see TRAF. 410.03(UTC 5.15 et seq.)

Operation of motor vehicles with impaired ability - see
TRAF. 410.03(UTC 5.15b)

Drugs - see GEN. OFF. Ch. 622

1. 610.0 DEFINITIONS.

As used in this chapter, "alcoholic liquor," "beer," "wine," "spirits" and "alcohol" shall have the same meanings as set forth in the Michigan Liquor Control Act, Act 8 of the Public Acts of 1933, as amended, being M.C.L.A. 436.1 et seq. (Ord. 195. Passed 4-2-85.)

2006 Replacement

610.02 POSSESSION BY MINORS; PROHIBITIONS AND MISREPRESENTATIONS.

(a) Sales; Signs. No alcoholic liquor, beer, wine, spirits or alcohol shall be sold or furnished to a person unless such person has attained twenty-one years of age. No person shall knowingly sell or furnish alcoholic liquor, beer, wine, spirits or alcohol to a person who is less than twenty-one years of age, or fail to make diligent inquiry as to whether the person is less than twenty-one years of age. A suitable sign describing this provision and the penalties for a violation hereof shall be posted in a conspicuous place in each room where alcoholic liquor, beer, wine or spirits are sold in the City. Such sign shall be approved and furnished by the Michigan Liquor Control Commission.

(b) Possession in Motor Vehicle. No person less than twenty-one years of age shall knowingly transport or possess in a motor vehicle alcoholic liquor, beer, wine, spirits or alcohol unless such person is employed by a licensee under State law, by the Michigan Liquor Control Commission or by an agent of the Commission and is transporting or having the alcoholic liquor, beer, wine or spirits in a motor vehicle under such person's control during regular working hours and in the course of the person's employment.

(c) Fraudulent Identification. No person shall furnish fraudulent identification to a person less than twenty-one years of age. No person shall use fraudulent identification to purchase alcoholic liquor, beer, wine, spirits or alcohol.

(d) Purchase, Consumption or Possession. A person less than twenty-one years of age 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 that a person employed by a licensee under State law, by the Michigan Liquor Control Commission, or by an agent of the Commission, may transport alcoholic liquor, or have it in his or her control, in a motor vehicle under such person's control during regular working hours or in the course of such person's employment, and except as may be otherwise provided in this chapter. (Ord. 195. Passed 4-2-85; Ord. 245. Passed 10-24-96.)

1998 Replacement

2. 610.0 CONSUMPTION ON PUBLIC PROPERTY.

No person shall consume alcoholic liquor, beer, wine, spirits or alcohol or offer alcoholic liquor, beer, wine, spirits or alcohol to another person on or in any street, sidewalk, alley, public building, except as provided in Section 610.06, public park, public beach, school grounds, church property, public parking lot, private parking lot open to the public, business property not authorized to sell alcoholic liquor, beer, wine, spirits or alcohol, motorized vehicle while parked or being driven on any street in the City or private property which is open to the general public and is not licensed to sell alcoholic liquor, beer, wine, spirits or alcohol for consumption on the premises.

(Ord. 247. Passed 10-21-97.)

3. 610.0 OPEN CONTAINERS IN MOTOR VEHICLES.

No person shall transport or possess alcoholic liquor, beer, wine, spirits or alcohol in a container which is open or uncapped, or on which the seal is broken, within the passenger compartment of a vehicle on the streets or highways of the City. (Ord. 195. Passed 4-2-85.)

4. 610.0 OPEN CONTAINERS IN PUBLIC.

1. No person shall possess alcoholic liquor, beer, wine, spirits or alcohol in a container which is open or uncapped, or on which the seal is broken, on or in any street, sidewalk, alley, public building, except as provided in Section 610.06, public park, school grounds, church property, public parking lot, private parking lot open to the public or business property not authorized to sell alcoholic liquor, beer, wine, spirits or alcohol for consumption. (Ord. 247. Passed 10-21-97.)

2. This section is not intended to regulate or prohibit office or business parties. "Possession," as used in this section, is not prohibited if a person has the express consent of the business owner and if the person remains on the business property. (Ord. 195. Passed 4-2-85.)

5. 610.0 FURNISHING, POSSESSION AND CONSUMPTION IN THE COMMUNITY CENTER ROOM; RESPONSIBILITIES OF APPLICANT-RENTER.

Alcoholic beverages may be furnished, possessed and consumed at events in the City of Perry Community Center Room at 203 W. Polly Street, Perry, Michigan, by permit granted by the City to an applicant-renter of the Community Center Room.

2. No alcoholic beverage may be sold on or in said Community Center Room, and no tickets or other form of cost-sharing arrangement may be sold or collected in conjunction with the event or celebration at which alcoholic beverages are furnished, possessed or consumed during the usage of the Community Center Room.

3. The applicant-renter of the Community Center Room shall be held personally responsible for any underage drinking of alcoholic beverages and for any and all illegal actions of intoxicated persons in said Community Center Room.

4. The applicant-renter furnishing alcoholic beverages hereunder must provide a security guard for the duration of the event or celebration at the Community Center Room.

5. The applicant-renter must provide, at his or her sole expense, a policy of liability insurance to the extent of two hundred fifty thousand dollars (\$250,000) minimum liability coverage for such rental event, listing the City as an additional named insured thereon, and shall show proof thereof. Further, the applicant-renter must agree in writing to hold the City harmless from any and all claims of whatever kind and nature arising out of the rental of the Community Center Room.

6. The applicant-renter must comply with all rules and regulations propounded by the City with regard to the usage of the Community Center Room.
(Ord. 247. Passed 10-21-97.)

610.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates Section 610.02(d) is liable for the following civil fines and sanctions and shall not be subject to the penalties prescribed in Section 202.99:

- a. For the first violation, a fine of not more than one hundred dollars (\$100.00), and the offender may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense.
- b. For a second violation, a fine of not more than two hundred dollars (\$200.00), and the offender 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 368 of the Public Acts of 1978, being M.C.L.A. 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. The person shall also be subject to sanctions against his or her operator's or chauffeur's license as imposed by State law.

- c. For a third or subsequent violation, a fine of not more than five hundred dollars (\$500.00), and the offender may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of Act 368 of the Public Acts of 1978, 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. The person shall also be subject to sanctions against his or her operator's or chauffeur's license as imposed by State law.

A peace officer who has reasonable cause to believe a person less than twenty-one years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A legal presumption shall be made by the court that the person less than twenty-one years of age has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis or other acceptable blood alcohol test indicates the person's blood contained .02 percent or more by weight of alcohol. A person less than twenty-one years of age who refuses to submit to a preliminary chemical breath test analysis as required herein shall be responsible for a civil fine.

(Ord. 245. Passed 10-15-96.)