

VILLAGE OF FAIRGROVE  
TUSCOLA COUNTY, MICHIGAN

**ORDINANCE NO. 18A**

MINOR POSSESSION

THE VILLAGE OF FAIRGROVE ORDAINS:

Sec. 1. "ALCOHOLIC LIQUOR" shall include any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one percent or more of alcohol by volume which are fit for use for beverage purposes.

Sec. 2. A person less than 21 years of age shall not purchase alcoholic liquor, consume alcoholic liquor in licensed premises, or possess alcoholic liquor.

Sec. 3. This ordinance shall not apply to situations involving a person less than 21 years of age knowingly transporting or possessing in a motor vehicle, alcoholic liquor.

Sec. 4. This ordinance shall not be construed to prohibit a person less than 21 years of age from possession of alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the Michigan Control Commission, or by an agent of The Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

Sec. 5. The consumption of alcoholic beverages by a person under 21 years of age 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 shall not be prohibited by this act if the purpose is solely educational and a necessary ingredient of the course.

Sec. 6. A person less than 21 years of age who violates this ordinance is liable for the following civil fines:

- a. For the first violation a fine of not more than \$25.00
- b. For a second violation a fine of not more than \$50.00
- c. For a third or subsequent violation a fine of not more than \$100.00

Sec. 7. A Village Marshall or a member of the Village Police Department who witnesses a person violating this ordinance, for which a civil fine is prescribed, may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic beverages and issuing an appearance ticket.

Sec. 8. As used in this ordinance, "appearance ticket" means a complaint or written notice issued and subscribed by a law enforcement officer, directing a designated person to appear in a designated District Court at a designated time in connection with the alleged violation for which a civil fine is prescribed. The appearance ticket shall consist of the following parts:

- a. The original which shall be a complaint or notice to appear by the officer and filed with the Court.
- b. The first copy which shall be the abstract of the court record.
- c. The second copy which shall be delivered to the alleged violator.
- d. The third copy which shall be retained by the law enforcement agency.

Sec. 9. A Judge may accept an admission of the allegations of an appearance ticket by defendant and the Judge shall direct the civil sanction imposed by this ordinance. If the defendant denies the allegations of appearance ticket the Judge shall set a date for trial. If a person fails to appear on the date specified on the appearance ticket, the Judge shall then enter a default judgment against the defendant.

Sec. 10. Each section of the ordinance and each provision of any section shall be considered separable and the invalidity of any portion of this ordinance shall not affect the validity and enforcement of any other portion.

Sec. 11. Effective date. This ordinance shall be effective after publication and expiration of the time prescribed by law.

ADOPTED: April 2, 1979

VERNON F. GEHRLS, PRESIDENT

ATTEST:

BARBARA LOU ALDRICH, CLERK