

## 93.000 - HOUSE PARTIES; MINORS CONSUMING ALCOHOLIC BEVERAGES AND/OR CONTROLLED SUBSTANCES

Ord. No. 91-05 Adopted: May 20, 1991

An Ordinance to protect the citizens of Atlas Township from injuries to persons and property resulting from consumption of alcoholic beverages and/or controlled substances to persons under 21 years of age at house parties as well as providing definitions and penalties, a severability provision and effective date.

PREAMBLE

The Township of Atlas finds:

- (a) That the use of alcoholic beverages and controlled substances by persons under 21 years of age, though prohibited by state law, continues to occur within the Township.
- (b) The consumption of alcoholic beverages and controlled substances by persons under 21 years of age can and does result in injuries to property and persons because of motor vehicle accidents and other incidents.
- (c) The provision of penalties against adults who provide facilities and/or opportunities allowing or encouraging persons under 21 years of age to consume alcoholic beverages or controlled substances will assist the Township in reducing the occurrence of injuries.

THEREFORE, THE TOWNSHIP OF ATLAS ORDAINS:

*Footnotes:*

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**Cross reference**— *Liquor control, pt. 20; curfew, pt. 92; omnibus nuisance ordinance, pt. 94.*

93.001 - Adults held responsible.

Sec. I. Any adult having control over any residence or premises who allows a house party to occur at such residence or premises shall be guilty of a misdemeanor:

- (a) When the adult knows or reasonably should know that alcoholic beverages or controlled substances are possessed or being consumed by persons under 21 years of age at the residence or premises.
- (b) Such adult fails to take steps reasonably calculated to prevent such possession or consumption of the alcoholic beverage or controlled substance by such person under 21 years of age.

93.002 - Definitions.

Sec. II. *Definitions.* For the purpose of this Ordinance, the following definitions of terms shall apply, to wit:

- (a) *Adult* means a person 17 years of age or older.
- (b) *Alcoholic beverage* means any beverage containing more than one-half (½) of one percent of alcohol by weight. 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.
- (c) *Control* means any form of regulation or dominion including a possessory right.
- (d) *Controlled Substance* means 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, being Sections 335.301 to 335.367 of the Michigan Compiled Laws.
- (e) *House Party* means a social gathering of persons at a residence, or premises where such persons are not the owner or those with rights of possession or their immediate family members although the owner(s) or persons with right of possession may also be present.
- (f) *Residence* or *Premises* means a motel room, hotel room, home, apartment, condominium, or other dwelling unit, including the curtilage of such dwelling unit, or a hall, meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.

#### 93.003 - Exception.

Sec. III. The provisions of this Ordinance shall not apply to legally protected religious observances or legally protected educational activities.

#### 93.004 - Penalties.

Sec. IV. The penalties for violation of this Ordinance shall be as follows:

- (a) For the first violation, a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for a term not to exceed 30 days or by both such fine and imprisonment.
- (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 90 days or by both such fine and imprisonment.

#### 93.005 - Other provisions.

Sec. V.

- (a) *Repealer*. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.
- (b) *Severability*. Should any section, subdivision, clause or phrase of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so invalidated.
- (c) *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.
- (d) *Effective date*. The provisions of this Ordinance are hereby ordered to take effect 30 days after publication.