

BRUCE TOWNSHIP

MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 163

BRUCE TOWNSHIP HOUSE PARTY ORDINANCE

TITLE

AN ORDINANCE regulating the use or possession of alcohol or drugs by minors at house parties, establishing a standard of conduct for persons having control of premises upon which house parties occur, providing a penalty for a violation thereof and repealing any and all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF BRUCE,
COUNTY OF MACOMB, MICHIGAN, ORDAINS:

SECTION 1. TITLE

This Ordinance shall be know and cited as the "Bruce Township House Party Ordinance."

SECTION 2. ENABLING AUTHORITY

This Ordinance is adopted pursuant to and in accordance with the provisions of Act 246, Public Acts of 1945, as amended.

SECTION 3. DEFINITIONS

For the purpose of this Ordinance, the following terms shall be defined as follows:

(A) Alcoholic Beverage. "Alcoholic beverage" means any beverage containing more than one-half (1/2) of one percent (1%) of alcohol by volume. The percentage of alcohol by volume 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.

(B) Control. "Control" means any form of regulation or dominion including a possessory right.

(C) Drug. "Drug" 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 Sections 333.7101 to 333.7544 of the Michigan Compiled Laws.

(D) House Party. "House party" means a social gathering of persons at a residence, other than the owner, tenant, land contract vendee or their immediate family members.

(E) Minor. "Minor" means 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.

(F) Residence. "Residence" means a home, apartment, condominium or other dwelling unit and includes the curtilage of such dwelling unit.

SECTION 4. PROHIBITION

(A) Minors Possess/Consume Alcohol/Drugs. No person having control of any residence shall allow a house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where;

(1) Person Responsible Knew. The person having control of the residence knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and

(2) Person Responsible Failed to Prevent. The person having control of the residence failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at said residence.

(B) Religious Observances Excluded. The provisions of this Section shall not apply to legally protected religious observances.

SECTION 5. VIOLATION; PENALTY

Any person, corporation, partnership or any combination thereof who violates any provision of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not exceeding Five Hundred (\$500.00) Dollars, or incarceration in the Macomb County Jail for a period not more than ninety (90) days, or by both such fine and imprisonment.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 7. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 8. PUBLICATION

This Ordinance or a summary thereof shall be published in full in the Romeo Observer, a newspaper of general circulation in the Township of Bruce, within thirty (30) days after its adoption.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after publication as heretofore provided in Section 6.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Bruce Township, Macomb County, Michigan, at a meeting held on the 10th day of June, A.D., 1991.

I hereby further certify that the following Township Board members were present at said meeting:

Schocke, Regius, Obrecht, Guimond, and Palmer

and the following Township Board Members were absent:

None

I further certify that Member Obrecht moved for the adoption of said Ordinance, and that motion was supported by Member Palmer.

I further certify that the following Bruce Township Board Members voted for the adoption of said Ordinance:

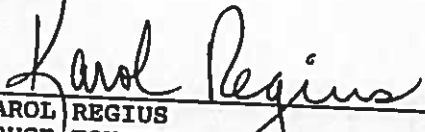
Schocke, Regius, Obrecht, Guimond, and Palmer

and that the following Bruce Township Board members voted against adoption of said Ordinance: None

Karol Regius
KAROL REGIUS
BRUCE TOWNSHIP CLERK

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Bruce, do hereby certify that on June 19, 1991, the foregoing Ordinance was duly published in the Romeo Observer, a newspaper having general circulation within said Township.




KAROL REGIUS
BRUCE TOWNSHIP CLERK

SUMMARY OF BRUCE TOWNSHIP HOUSE PARTY ORDINANCE

ORDINANCE NO. 163

The Bruce Township House Party Ordinance establishes responsibility of any person having control of any residence who shall permit the consumption of alcoholic beverages and/or drugs by any minor, at a party held in said residence, a violation thereof being deemed a misdemeanor. The Ordinance was adopted by the Bruce Township Board at a regular meeting of April 8, 1991 and shall become effective thirty (30) days from and after the publication of this within summary.

A copy of the Bruce Township House Party Ordinance may be purchased or examined at the Bruce Township Offices, 223 E. Gates, Romeo, Michigan 48065 during regular business hours.



KAROL REGIUS
BRUCE TOWNSHIP CLERK

Published: April 17, 1991
April 24, 1991