

CITY OF MOUNT PLEASANT

ORDINANCE NO. 1018

AN ORDINANCE TO AMEND SECTIONS 130.01, 131.10, 132.03, AND 132.04 OF THE MOUNT PLEASANT CITY CODE, AND TO REPEAL SECTION 130.99, TO CLARIFY AND ELIMINATE REDUNDANT MAXIMUM-PENALTY PROVISIONS FOR VARIOUS OFFENSES

It is Hereby Ordained by the People of the City of Mount Pleasant:

Section 1. Amendment. Sections 130.01, 131.10, 132.03, and 132.04 of the Mount Pleasant City Code are amended to read as follows:

§ 130.01 GENERAL PENALTY.

Any person violating a provision of this title for which no specific penalty is otherwise provided shall, upon conviction thereof, be fined in an amount not exceeding \$500, or imprisoned for a term not exceeding 90 days, or both, unless the provision substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days, in which case the person may be fined an amount not exceeding \$500, or imprisoned for a term not exceeding 93 days, or both.

§ 131.10 LARCENY.

(A) A person who commits larceny by stealing any of the following property of another person is guilty of a misdemeanor:

- (1) Money, goods, or chattels.
- (2) A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate.
- (3) A book of accounts for or concerning money or goods due, or to be delivered.
- (4) A deed or writing containing a conveyance of land or other valuable contact in force.
- (5) A receipt, release, or defeasance.
- (6) A writ, process, or public record.

§ 132.03 PURCHASE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES BY MINORS PROHIBITED.

(A) A person less than 21 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, or have any bodily alcohol content, except as provided in subsection (B).

(B) This section does not prohibit a person less than 21 years of age from engaging in any of the following:

- (1) Possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed to sell or transport alcoholic liquor, if the alcoholic liquor is not possessed for his or her personal consumption;
- (2) Consuming alcoholic liquor 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 if the purpose of the possession or consumption is solely educational and is a necessary ingredient of the course;
- (3) Consuming alcoholic liquor, including sacramental wine, in connection with religious services at a place of worship;

- (4) Possessing alcoholic liquor in an undercover operation under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer sponsored internal enforcement action;
 - (5) Possessing alcoholic liquor in an undercover operation under the direction of the state police, the liquor control commission, or a local police agency as part of an enforcement action.
- (C) A person who violates this section shall be guilty of a misdemeanor punishable as follows:
- (1) For the first violation of fine of not more than \$100 plus community service and substance abuse screening and assessment at his or her own expense.
 - (2) For a second violation a fine of not more than \$200, plus substance abuse prevention or substance abuse treatment and rehabilitation services as defined in MCL 333.6107, and community service, and substance abuse screening and assessment at his or her own expense, and sanctions against his or her operator's or chauffeur's license as provided below.
 - (3) For a third or subsequent violation a fine of not more than \$500, plus substance abuse prevention or substance abuse treatment and rehabilitation services as defined in MCL 333.6107, and community service, and substance abuse screening and assessment at his or her own expense, and sanctions against his or her operator's or chauffeur's license as provided below.

§ 132.04 FURNISHING OR USING FRAUDULENT IDENTIFICATION.

- (A) A person who furnishes fraudulent identification to a person less than 21 years of age is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500 or both.
- (B) A person who uses fraudulent identification or provides any false representation to purchase alcoholic liquor, or to enter a business where alcoholic liquor is sold, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both.
- (C) The court shall order the secretary of state to suspend, pursuant to MCL 357.3190, for a period of 90 days the operator or chauffeur license of a person who is convicted of furnishing or using fraudulent identification in violation of this section. The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator or chauffeur license.

Section 2. Repeal. Section 130.99 of the Mount Pleasant City Code is repealed.

Section 3. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

Kathleen Ling, Mayor

Jeremy Howard, City Clerk

Introduced: September 26, 2016
 Adopted: October 12, 2016
 Published: October 18, 2016
 Effective: November 11, 2016