

## CHAPTER 112: ALCOHOL

Section

### *General Provisions*

- 112.01 Definitions
- 112.02 Dance and/or entertainment (on-premises) permit; questionnaire prerequisite to Council recommendation

### *Prohibitions and Restrictions*

- 112.15 Consumption in public; possession prohibited in certain places
- 112.16 General prohibitions on sale premises
- 112.17 Sale during prohibited hours
- 112.18 Sale or furnishing to minors and intoxicated persons
- 112.19 Sale or service by minors
- 112.20 Minors in establishment licensed for on-premises consumption; exception
- 112.21 Purchase, consumption by minors on licensed premises; possession; false representation
- 112.22 Possession or transportation by minors in a motor vehicle
- 112.23 Premises licensed for on-premises consumption
  
- 112.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 112.01 DEFINITIONS**

The meaning of “alcoholic liquor”, “license” and other terms, as used in this chapter, shall be as defined in the Liquor Control Code, M.C.L. §§ 436.1101 et seq., as amended. (1989 Code, § 2.000) (Ord. passed 2-26-1985)

#### **112.02 DANCE AND/OR ENTERTAINMENT (ON-PREMISES) PERMIT; QUESTIONNAIRE PREREQUISITE TO COUNCIL RECOMMENDATION**

(A) *LCC forms to be provided to Council.* Any person who has applied to the State Liquor Control Commission for a license to serve alcoholic beverages on the premises within village limits shall concomitantly provide the Village Council with copies of all forms submitted to the LCC.

(B) *Required for recommendation.* The completed application (and any subsequent amendments)

## **Port Sanilac - Business Regulations**

shall be filed with the Village Public Safety Department before the Village Council makes recommendation to the State Liquor Control Commission. Failure to comply with the section shall result in a negative recommendation.

(C) *Additional information.* The Council may require responses to additional inquiry prior, during or after the meeting at which the application is reviewed.

(D) *Hearing.* Prior to any recommendation by the Village Council to the State Liquor Control Commission, the Village Council shall also afford the procedural safeguards of notice and hearing before the Village Council to the applicant.

(1989 Code, § 2.020) (Ord. passed 2-26-1985) (Ord. 08-6 passed 1-20-2009)

### ***PROHIBITIONS AND RESTRICTIONS***

#### **§ 112.15 CONSUMPTION IN PUBLIC; POSSESSION PROHIBITED IN CERTAIN PLACES**

(A) No alcoholic liquor shall be consumed on the public streets or in any other public places not appropriately licensed, included any store or establishment doing business with the public and not licensed to sell alcoholic liquor for consumption of the premises; nor shall anyone who owns, operated or controls and such public establishment or store permit the consumption of alcoholic liquor therein.

(B) No person shall possess or have under his or her control or custody in any public place any alcoholic liquor in a container of any kind which is open, uncapped or upon which the seal is broken unless such possession, control or custody has been authorized by lawful authority.

(1989 Code, § 2.011) (Ord. passed 2-26-1985) Penalty, see § 112.99

#### **§ 112.16 GENERAL PROHIBITIONS ON SALE PREMISES**

A person holding a license pursuant to the Liquor Control Code shall not permit on the licensed premises:

(A) Spirits to be consumed, if licensed to sell only beer and/or wine;

(B) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood;

(C) Any consorting of thieves, prostitutes or other disorderly persons;

(D) Any gambling or placing or using of any gambling apparatus or paraphernalia therein, unless authorized by law;

## **Alcohol**

(E) Any lewd, obscene or immoral exhibition or entertainment, or other conduct likely to corrupt the public morals; and/or

(F) Any employee to fraternize or drink alcoholic liquor with any of the patrons during working hours

(1989 Code, § 2.012) (Ord. passed 2-26-1985; Ord. 08-6, passed 1-20-2009) Penalty, see § 112.99

### **§ 112.17 SALE DURING PROHIBITED HOURS**

(A) No person licensed pursuant to the Liquor Control Code, either by himself, herself or another, shall sell, furnish, give or deliver any alcoholic liquor to any person on any day during the hours not permitted by state law or the State Liquor Control Commission.

(B) Any person, corporation or co-partnership who (or which) shall conduct, operate or maintain or cause to be conducted, operated or maintained any place or places where beer, wine and/or liquor is sold within the corporate limits of the village under a license from the State Liquor Control Commission shall close such place or places to the public not later than 2:00 a.m. In all cases, the premises shall be vacated and the public excluded therefrom not later than one-half hour after the closing time designated herein and shall remain closed until 6:00 a.m. the following morning.

(C) Except officers of the Village Police Department will not cite or violate the establishment for violations to division (B) above in the event that an intoxicated party is waiting inside for his, her or their transportation to arrive.

(1989 Code, § 2.013) (Ord. passed 2-26-1985; Ord. 13-01, passed 10-1-2013) Penalty, see § 112.99

### **§ 112.18 SALE OR FURNISHING TO MINORS AND INTOXICATED PERSONS**

(A) *Minors.* No person, either directly or indirectly, by himself or herself or his or her clerk, agent, servant or employee, shall at any time sell, furnish, give or deliver any alcoholic liquor to any person shall have attained the legal age to buy or consume alcoholic beverage.

(B) *Intoxicated persons.* No person whether directly or indirectly, by himself or herself or his or her clerk, agent, servant or employee, shall at any time, sell, furnish, give or deliver any alcoholic liquor to any person who is so intoxicated as not to be in control of his or her faculties.

(C) *Exception.* Nothing herein contained shall prohibit the sale of any alcoholic beverage to a minor upon authority of and pursuant to a prescription of a duly licensed physician.

(1989 Code, § 2.014) (Ord. passed 2-26-1985) Penalty, see § 112.99

## **Port Sanilac - Business Regulations**

### **§ 112.19 SALE OR SERVICE BY MINORS**

A licensee shall not allow any person under the age authorized by M.C.L. §§ 436.1101 et seq., to sell or serve alcoholic liquor on this license's premises.  
(1989 Code, § 2.015) (Ord. passed 2-26-1985) Penalty, see § 112.99

### **§ 112.20 MINORS IN ESTABLISHMENT LICENSED FOR ON-PREMISES CONSUMPTION; EXCEPTION**

No person under the age of 18 years shall be permitted on the premises of a liquor establishment licensed for on-premises consumption unless accompanied by his or her parent or guardian.  
(1989 Code, § 2.016) (Ord. passed 2-26-1985; Ord. 08-6, passed 1-20-2009) Penalty, see § 112.99

### **§ 112.21 PURCHASE, CONSUMPTION BY MINORS ON LICENSED PREMISES; POSSESSION; FALSE REPRESENTATION**

(A) *Purchase, consumption or possession.* No person under the legal age to buy or consume alcoholic beverages shall at any time purchase alcoholic liquor, consume alcoholic liquor in licensed premises or possess alcoholic liquor, except as possession is authorized by this chapter.

(B) *False representation as to age.*

(1) No person, in order to procure the sale and furnishing of alcoholic beverages, shall at any time purchase alcoholic liquor, consume alcoholic liquor in licensed premises, or possess alcoholic liquor, except as possession is authorized by this chapter.

(2) Nor shall any person under the legal age to buy or consume alcoholic beverages furnish any false information regarding his or her age or make any false representations to his or her age to any law enforcement officer, or to any person in charge of or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining the sale of any alcoholic liquor to himself or herself.

(3) Nothing herein contained shall prohibit the purchase of an alcoholic beverage by a minor under authority of and pursuant to a prescription of a duly licensed physician.  
(1989 Code, § 2.017) (Ord. passed 2-26-1985) Penalty, see § 112.99

## **Alcohol**

### **§ 112.22 POSSESSION OR TRANSPORTATION BY MINORS IN A MOTOR VEHICLE**

No person under the legal age to buy or consume alcoholic beverages shall knowingly possess or transport any alcoholic liquor, or knowingly possess, transport or have under his or her control any alcoholic liquor in any motor vehicle, unless such person is employed by a license under the Liquor Control Code and is possessing, transporting or having such alcoholic liquor in a motor vehicle under his or her control during regular working hours and in the course of his or her employment.

(1989 Code, § 2.018) (Ord. passed 2-26-1985) Penalty, see § 112.99

### **§ 112.23 PREMISES LICENSED FOR ON-PREMISES CONSUMPTION**

No person holding a license pursuant to Liquor Control Code for on-premises consumption shall engage in or permit on the licensed premises any of the following conduct:

(A) The performance of acts, or stimulated acts of sexual intercourse, fellatio, cunnilingus, masturbation, sodomy, bestiality, flagellation or any other act by the person involving the touching or contacting of the genitals;

(B) The erotic caressing or fondling of the breast, buttocks, pubic region or genitals;

(C) The actual or simulated displaying or exposure of the pubic hair, pubic region, anus, vulva or genitals; and

(D) The exposure of the post-pubertal female breast by any person. For the purpose of this division (D), a female breast is considered exposed if any portion of the areola is exposed.

(1989 Code, § 2.019) (Ord. passed 2-26-1985) Penalty, see § 112.99

### **§ 112.99 PENALTY**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any minor in violation of § 112.20 of this chapter, any parent or guardian who is notified of a child's presence on such premises and fails to timely accompany and supervise or remove such minor and any bartender, owner, licensee, manager or other person or agent in charge of the licensed premises at the time of such occurrence shall be guilty of a misdemeanor and subject to the penalty provisions of § 10.99(A) of this code of ordinances.

(1989 Code, § 2.016) (Ord. passed 2-26-1985; Ord. 08-6, passed 1-20-2009)

## **Port Sanilac - Business Regulations**