

ORDINANCE NO. 9

MINOR IN POSSESSION ALCOHOL

Statement of Purpose: An Ordinance to regulate transportation or possession of alcoholic beverages by individuals less than 21 years of age.

BE IT ENACTED by the Saginaw Chippewa Tribal Council as follows:

SECTION 1. Alcoholic Beverages; Transport, Possession, Control, in Motor Vehicle by Minor. A person less than 21 years of age shall not knowingly transport or possess, in a motor vehicle any alcoholic beverage.

SECTION 2. Complaint Impounding of Vehicle. Within 30 days after the conviction of a person for the violation of Section 1, which conviction has become final, a complaint may be made by the arresting officer or officer's superior before Tribal Court, which complaint shall be under oath and shall contain a description of the motor vehicle in which the alcohol was possessed or transported by the person less than 21 years of age in committing the offense and be impounded as provided in this Section. Upon the filing of the complaint the Court shall issue an order to the owner of the motor vehicle to show cause why the motor vehicle shall not be impounded. The order to show cause shall not be less than 10 days after the issuance of the order and shall be served by delivering a true copy to the owner not less than three (3) full days before the date of the hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner.

SECTION 3. Order Impounding Vehicle. If the Court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the offense the motor vehicle was being driven by the person less than 21 years of age with the expressed or implied consent or knowledge of the owner, and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment or the actual operation of the owner's business, the Tribal Court shall authorize the impounding of the vehicle for a period to be determined by the Court, of not less than 15 days nor more than 30 days. The Court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle.

SECTION 4. Purchase, Consumption or Possession by a Minor; Fines; furnishing or use of fraudulent identification. A person less than 21 years of age shall not purchase any alcoholic beverage, consume alcoholic beverage in a licensed premises, or

possess alcoholic beverages. A person less than 21 years of age who shall violate this Section is liable for the following fines and penalties:

- (a) For first violation a fine for not more than \$25.00, and/or probation for not more than 60 days.
- (b) For a second violation a fine of not more than \$50.00, and/or probation for not more than 120 days and participation in substance abuse prevention program.
- (c) For a third or subsequent violation a fine not more than \$100.00, loss of driving privileges for a least 120 days, and/or probation for not more than one year and mandatory participation in substance abuse prevention program.
- (d) Any person who furnishes fraudulent identification to purchase alcoholic beverages shall be fined not more than \$100.00.

Legislative History

Enacted September 12, 1983 by Resolution L&O 10-83; approved by BIA September 27, 1983