



City of CHARLOTTE

MEMORANDUM

TO: Mayor Lewis and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: New Ordinance Regarding Minor in Possession

DATE: September 21, 2017

The agenda includes the introduction and first reading of an ordinance regarding minors in possession. The following is from City Attorney Tom Hitch's email transmitting the ordinance:

Please find a proposed ordinance (in Word) to bring into conformance the minor in possession of alcoholic beverages code section (Section 6-10 of article 1 chapter 6) with recent changes to state law. In December, 2016, the legislature adopted PA 357 of 2016 so that the first offense for minor in possession would be treated as a state civil infraction rather than a misdemeanor. The act provided that it would be effective January 1, 2018.

In July of this year, the legislature further amended the minor in possession legislation but significantly, and without much fanfare, changed the effective date of the ordinance so that it would be October 10, 2017. We had planned, in the normal course to make the amendment, but noted the change in the effective date and have now submitted this ordinance, so that it will become effective closer to, if not on, the October date.

The essence of the initial change in the amendment is to make the first offense for a minor in possession a civil infraction. Unless we change the ordinance to conform with state law, the city is precluded from enforcing a minor in possession ordinance as presently written.

I recognize that under the standard language for the adoption of ordinances in the city, 20 days after the second reading would be later than October 10. Our office will work with the chief regarding the issuance of tickets for that offense during the time period when our ordinance [will] not be in effect.

