

# **Charter Township of Orion**

## **Ordinance No. 83**

### **House Party Responsibility**

Adopted November 18, 1985

#### **AMENDED**

November 20, 1989

December 18, 1989

**AN ORDINANCE REGULATING THE USE OF ALCOHOLIC BEVERAGES AND DRUGS AT HOUSE PARTIES, PROHIBITING THE DISPENSING OF SAME TO MINORS, AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.**

### **Section 1 - Title**

This Ordinance shall be known and cited as the Charter Township of Orion "House Party Responsibility Ordinance", and it shall be deemed sufficient, in any action for enforcement of the provisions hereof, to define the same by such short title and by reference to the number hereof.

### **Section 2 - Purpose**

The purpose of this Ordinance shall be:

- A. To regulate the use of alcoholic beverages and other controlled substances at house parties.
- B. To prohibit the dispensing of alcoholic beverages and other controlled substances to minors.
- C. To provide penalties for violation of the provisions of this Ordinance.

### **Section 3 - Definitions**

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this Section:

**Adult** - A person 17 years of age or older. *(amended 11.20.89, 12.18.89)*

**Alcoholic Beverage** - Any beverage containing more than 2 of 1% of alcohol by weight. The percentage of alcohol by weight 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.

**Control** - Any form of regulation or dominion, including a possessory right.

**Drug** - A controlled substance as defined now or hereafter by the Public Acts of the State of Michigan. Currently such controlled substances are defined by Act No. 196 of the Public Acts of 1971, as amended, being Sections 335.301 to 335.367 of the Michigan Compiled Laws.

**House Party** - A social gathering of persons at a residence, other than the owner or those with rights of possession or their immediate family members.

**Minor** - 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.

**Residence** - A home, apartment, condominium or other dwelling unit, including the curtilage of such dwelling unit.

### **Section 4 - Prohibition**

An adult having control of any residence shall not 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 the adult knew or reasonable should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at said residence.

### **Section 5 - Penalty**

Any person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the Oakland County Jail for not more than ninety (90) days or both such fine and imprisonment in the discretion of the Court.

**Section 6 - Severability**

In the event that any section, sentence, word, phrase or part of this Ordinance shall be held invalid, such holding shall not affect the balance of the provisions hereof.

**Effective Date**

This Ordinance shall be published in full in The Lake Orion Review, a newspaper of general circulation in the Charter Township of Orion qualified under State Law to publish legal notices, and shall become effective upon publication.

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