

✓ Sec. 24-38. Regulating the use of alcoholic beverages and drugs at open house parties.

(a) *Definitions.* For the purpose of this section, the following terms shall be defined as follows:

- (1) *Adult* means a person seventeen (17) years of age or older.
- (2) *Alcoholic beverage* means any beverage containing more than ½ 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.
- (3) *Minor* means 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.
- (4) *Residence* means a home, apartment, condominium or other dwelling unit and includes the curtilage of such dwelling unit.
- (5) *Open house party* means a social gathering of persons at a residence other than the owner or those with rights of possession or their immediate family members.
- (6) *Drug* means 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.
- (7) *Control* means any form of regulation or dominion including a possessory right.

(b) *Responsibility of adult having control of residence.* No adult having control of any residence shall allow an open 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 reasonably 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.

(c) *Exception.* The provisions of this section shall not apply to legally protected religious observances or legally protected educational activities.

(d) *Penalties.* The penalties for violation of this section shall be as follows:

- (1) For the first violation, a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for a term not to exceed thirty (30) days or by both such fine and imprisonment.
- (2) For subsequent violations, a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for a term not to exceed ninety (90) days or by both such fine and imprisonment.

(e) *Repealer.* All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this section full force and effect.

(f) *Severability.* Should any section, subdivision, clause or phrase of this section be declared by the courts to be invalid, the same shall not affect the validity of the section as a whole or any part

Please publish the enclosed ordinance, to be known as:

ORDINANCE TO REGULATE USE OF ALCOHOLIC BEVERAGES AND DRUGS AT
OPEN HOUSE PARTIES

This Ordinance was passed at the regular Mussey Township Board meeting held on 1/13/88. Vote: Ayes-5.

This Ordinance to take effect 30 days after publication in the Tri-City Times.

By: Julia Hofert, Clerk
Julia Hofert, Clerk