

# Open House Assembly

## Why is regulating social gatherings important?

- Youth often obtain alcohol at parties held at private residences or at rented spaces (such as hotel rooms, meeting halls and other similar places).
- The adult owner or renter is often not held responsible for underage drinking that occurs at the party.
- Adults who believe they will be held responsible for allowing underage drinking may be more likely to supervise such parties on property under their control.

## **SUMMARY: OPEN HOUSE ASSEMBLY ORDINANCE**

The proposed ordinance holds adults responsible for underage drinking at parties on their property or on premises under their control. This ordinance applies to parties at hotels and motels, as well as at private homes, in meeting rooms or other rented facilities.

This ordinance is based on a Farmington Hills, MI Ordinance §80.455.

## **Proposed Ordinance**

### **OPEN HOUSE ASSEMBLY**

#### **Section 1. Definitions.**

"Adult" - A person 18 years of age or older.

"Alcoholic Beverage" - Any beverage containing more than one-half of one percent alcohol by volume.

"Residence or Premises"- A hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall, meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions, and whether owned, leased, rented or used with or without compensation.

"Open House Assembly" - A social gathering of three (3) or more persons at a residence, other than the owner or those with rights of possession or their immediate family members.

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

## **Section 2. Prohibition.**

1. No adult having control of any residence or premises shall allow an open house assembly to take place or continue at this residence or premises if:
  1. at the open house assembly any person under the age of twenty-one (21) years possesses or consumes any alcoholic beverage, in violation of Minnesota Statute section 340A.503,
  2. the adult knows or reasonably should know that a person under the age of twenty-one (21) years will or does possess or consume any alcoholic beverage at the open house assembly, in violation of Minnesota Statute section 340A.503, and
  3. the adult fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage by such persons under the age of twenty-one (21) years in violation of Minnesota Statute section 340A.503.

## **Section 3. Presence of Adult.**

Whenever an adult having control of a residence or premises is present in that residence or premises at the time of the violation of Section 2, it shall be prima facie evidence that such person knew of this violation.

## **Section 4. Protected Activities.**

The provisions of this section shall not apply to legally protected religious observances.

## **Section 5. Repealer.**

All ordinances or parts of ordinances are repealed only to the extent necessary to give this ordinance full force and effect.

## **Section 6. Penalties.**

The penalties for violation of this section shall be as follows:

1. For the first violation, a fine not exceeding fifty dollars (\$50).
2. For subsequent violations a fine not less than one hundred dollars (\$100) and not exceeding seven hundred dollars (\$700).

This ordinance shall take effect immediately.