
CHAPTER 126. OPEN HOUSE PARTIES

9.191. Finding of Fact. The City Council of the City of Frankenmuth finds that the unregulated use of alcohol and drugs by minors creates social problems in many communities throughout the United States, including the City of Frankenmuth.

Furthermore the use of alcohol and drugs by minors can have devastating effects on not only the minors but on the public at large, including, but not limited to, injuries caused by vehicles operated by persons under the influence of alcoholic beverages or drugs.

The City Council of the City of Frankenmuth further finds that adults could significantly alleviate alcohol and drug problems by assuming the responsibility for open house parties which occur at their residences.

9.192. Definitions. For the purpose of this Chapter, the following terms shall be defined as follows:

- (1) "Adult" means a person 17 years of age or older.
- (2) "Alcoholic Beverage" means any beverage containing more than 1/2 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.
- (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 Section 333.7104 of the Michigan Compiled Laws.
- (7) "Control" means any form of regulation or dominion including a possessory right.

9.193. Regulation. No adult having control of any residence shall knowingly 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 failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at said residence.

9.194. Exception. The provisions of this Chapter shall not apply to:

- (1) The consumption, use or possession of alcoholic beverages by a minor in the presence of his or her
 - (a) parent or legal guardian or a person placed in the position of a parent by such parent or legal guardian;
 - (b) grandparent;

- (c) aunt or uncle who is not a minor;
- (2) The consumption, use or possession of a drug by a minor pursuant to a lawful prescription of such drug;
- (3) Religious observances, educational activities and medical treatment;
- (4) The possession of alcoholic beverages or lawfully prescribed drugs by a minor during the course of an errand for a person described in section 9.194(1) hereof, or such possession as may be incidental to the lawful employment of such minor.

9.195. Violation; Municipal Civil Infraction. A person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. Any police officer is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

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