



Madison Heights Police Department

280 West Thirteen Mile Road
Madison Heights, Michigan 48071
248-585-2100 Fax 248-585-8090

REQUEST FOR PARTY PARKING APPLICATION (When Alcoholic Beverages are being served) **YOU MUST BE 21 YEARS OF AGE TO APPLY**

This application needs to be completed **ONLY** if **alcohol** will be present at your party. If you are requesting both sides of the street parking where alcohol is **NOT** present, please call the Police Department at 248-585-2100 press "0" on the **MORNING** of your party and notify the dispatcher of your name, the street/streets you are requesting additional parking, the time of the party. NO PRIOR approval is required for parties without alcohol.

FULL NAME: _____
(First) (Middle) (Last)

ADDRESS: _____

EMAIL ADDRESS: _____

MICHIGAN DRIVER'S LICENSE # OR STATE ID #: _____

AGE: _____ DATE OF BIRTH: _____ PHONES: () ()
(Home) (Cell)

DATE OF PARTY: _____ TIME OF PARTY: _____
(From/To)

ESTIMATE TOTAL GUESTS: _____ TYPE OF PARTY: _____ LIVE BAND: Y N

NAME OF THE STREET YOU ARE REQUESTING TO PARK ON BOTH SIDES: _____

THE ABOVE STREET IS LOCATED BETWEEN STREET: _____ AND _____

REMEMBER!

DO NOT BLOCK anybody's driveway. **DO NOT BLOCK** any sidewalks. **DO NOT BLOCK** any Fire Hydrant (15ft either side of a hydrant). Violators may be issued tickets and/or have their vehicles impounded for these violations.

This form must be completed and returned to the Madison Heights Police Department at least **FIVE (5) days** prior to the requested dates and times so we may notify the proper Police Department personnel and the proper emergency equipment operators about your request. (i.e., Fire Department, Fire Rescue, the ambulance service in your area.)

SIGNATURE OF APPLICANT: _____ DATE: _____

This Request Is: APPROVED DENIED BY: _____
Brent S. LeMerise, Chief of Police

IMPORTANT---READ AND SIGN NEXT PAGE---IMPORTANT

PARTY RULES
AND
HOST/HOSTESS RESPONSIBILITY

1. This form is to be filled out by the Homeowner where the party is to be held. This person will have the responsibility for controlling the party guests, including but not limited to NOISE AND DRINKING. This person must see that all requests from a Police Officer dispatched to the scene on a complaint are obeyed completely. The Homeowner is responsible for prompt obedience to all requests from the Madison Heights Police Department.
2. Permission to park on both sides of the street **MUST** be applied for at least FIVE (5) days in advance of the party. Permission must be granted at least twenty-four (24) hours in advance of the party.
3. Parking and traffic laws MUST BE OBEYED. Any violators will be ticketed and their vehicles subject to impound.
4. **ABSOLUTELY NO DRINKING BY ANYONE UNDER 21 YEARS OF AGE.** The homeowner could be issued a violation for serving alcohol to minors. In addition, the homeowner is now subject to Civil Liability under Michigan's Dramshop Law which would hold you responsible for injuries or damages sustained or caused by a person who has become intoxicated on your premises.
5. The use of any controlled substance will result in the arrest of anyone using such a substance and the party will be closed down. The homeowner could be subject to arrest or issued violations for such use on his property.
6. All loud music and/or noises must cease at 11:00 pm.
7. In the event of any complaint or problems, the homeowner will be contacted by the Police Department and advised to make the necessary corrections to resolve the complaint or problem.
8. THE MADISON HEIGHTS POLICE DEPARTMENT SUGGESTS ALL PARTIES BE BY "INVITATION ONLY." OPEN PARTIES WITHOUT INVITATIONS MAY RESULT IN UNWANTED PERSONS "CRASHING" THE PARTY AND CREATING CROWDS MUCH TOO LARGE FOR THE HOMEOWNER TO CONTROL. REMEMBER, YOU CAN BE HELD RESPONSIBLE FOR ANY ACTIONS YOU FAIL TO TAKE TO CONTROL YOUR PARTY.

I have read and understand the above rules and will comply with them as stated.

SIGNATURE OF APPLICANT: _____ DATE: _____

ORDINANCE NO. 825
CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN
AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending, in part, Chapter 16, Article IV, to prohibit any adult seventeen (17) years of age or older having control of any residence or premises from beverages or drugs are consumed by any minor and providing a penalty of Five Hundred (\$500.00) Dollars and/or a jail term of Ninety (90) days or both for violation of the provisions of the ordinance.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 16, Article IV of the Code of Ordinances, City of Madison Heights, Michigan is hereby amended, in part, to add Section 16-60 directly after 16-59 to read as follows:

Sec. 16-60. Regulating the use of alcoholic beverages and drugs at open house parties.

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

- (1) **Adult** means a person 17 years of age or older.
- (2) **Alcoholic beverage** means any beverage containing more than one-half of one percent of alcohol by volume. The percentage of alcohol by volume shall be determined in accordance with the provisions of Section 2 of Act No. 8 of the First Extra Session of the Public Acts of Michigan of 1922 (MCL 439.1 et seq.; MSA 18.971 et seq.), as amended.
- (3) **Minor** means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to Section 33b of Act No. 8 of the First Extra Session of the Public Acts of Michigan of 1933 (MCL 436.33b; MSA 18.1004(2), as amended.
- (4) **Residence or premises** means a motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of the dwelling unit, or a hall, meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether owned, leased, rented or used with or without compensation.

(5) **Open house party** means a social gathering of persons at a residence or premises, other than the owner or those with rights of possession or their immediate family members.

(6) **Controlled substance** means a controlled substance as defined now or hereafter by Article 7 of Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq.; MSA 14.15(7101) et seq.).

(7) **Control** means any form or regulation or dominion including a possessory right.

(b) **Prohibition**. No adult having control of any residence or premises shall allow an open house party to take place at the residence or premises if any alcoholic beverage or controlled substance is possessed or consumed at the residence or premises by any minor where the adult knew or reasonably should have known that any alcoholic beverage or controlled substance was in the possession of or being consumed by a minor at the residence or premises, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or controlled substance at the residence or premises.

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

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

(1) For the first violation, a fine not exceeding \$500.00 or imprisonment for a term not to exceed 30 days or by both such fine and imprisonment.

(2) For subsequent violations, a fine not exceeding \$500.00 or imprisonment in jail for a term not to exceed 90 days or by both such fine and imprisonment.

(Ord. No. 825, #1, 5-9-88) Secs. 16-61--16-70. Reserved.

Madison Heights Police Department

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Madison Heights, Michigan 48071
248-585-2100 Fax 248-585-8090

Brent S. LeMerise
Chief of Police

Jeffrey M. Filzek
Deputy Chief of Police

Dear Host/Hostess:

On your behalf, I have consulted with Madison Heights Attorney regarding your potential civil liability for money damages as pertaining to serving alcoholic beverages at a "social event" such as graduation parties, block parties and open house parties. What I have learned has caused me concern for you.

Under the "Dram Shop Act", a host/hostess can be held liable for injuries or death to a minor who was served alcoholic beverages at a "social event". Should the minor injure or kill someone, this third part, or "their survivors", could also sue the host/hostess. The current leading case is "Longstreth v Gensel" (1985), in which a nineteen (19) year old male was served alcoholic beverages at a wedding and was killed in an automobile mishap, the host and hostess lost the case.

The City Attorney further advises there are many different theories of law where social hosts serving alcohol are potentially civilly liable for money damages. For this reason, the City Attorney advises you to consult with your attorney prior to holding your social event. We concur with this advice.

Have a happy time at your planned event and protect yourself from problems. Persons under twenty-one (21) years of age must not be served alcoholic beverages at your event. And an intoxicated person should never be allowed to drive.

Having "designated drivers" available to drive guests home is always a wise decision. Previous hosts/hostesses have found it practical for guests to turn in their car key upon arrival and return them as "sober" guest leave. Intoxicated guests would be driven home or they would stay overnight. What solutions do you have to offer?

With your best interests in mind,



Brent S. LeMerise
Chief of Police
City of Madison Heights