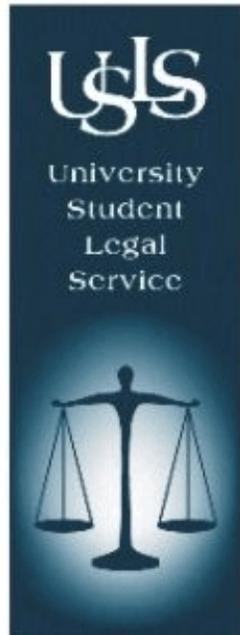


# The Party Pamphlet

UNIVERSITY OF MINNESOTA



## University Student Legal Service

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### When planning a party...

Be sure to check your lease. Does it prohibit parties? If so, any gathering could result in adverse action by your landlord, including eviction. Owner/managers of rental property are under increasing pressure from city officials, police, and neighborhood organizations to control their tenants' conduct. A number of state and local organizations are concerned about parties, underage drinking, and related problems. A good rule of thumb for renters, particularly in areas around campus, is to proceed with extreme caution if you intend to host or attend a party. You will most likely fall under close scrutiny by neighbors and police. When the police receive a complaint and make a visit to rental property, the landlord is usually notified. Your landlord may be compelled to take action against you, whether or not the police call resulted in criminal citations. In addition to possible civil action such as eviction, be aware of the following:

### CRIMINAL PENALTIES

#### **NOISY ASSEMBLY**

Most cities, including Minneapolis and St. Paul, regulate noise levels and social gatherings that could be considered a nuisance. These ordinances prohibit a person from participating in, visiting, permitting, or remaining at a noisy assembly. This is commonly defined as a gathering of more than one person in a residential area between the hours of 10:00 p.m. and 6:00 a.m. that would be likely to cause significant discomfort or annoyance to a person of normal sensitivities. There could be a violation whether you entertain two friends or fifty; whether or not there is alcohol involved, and whether or not you are the host. Violation is a misdemeanor punishable by a fine of up to \$1000 and / or 90 days in jail.

#### **DISORDERLY CONDUCT**

This is commonly defined as engaging in conduct that is likely to alarm, anger, or disturb others, provoke an assault, or disturb the peace. It includes fighting or engaging in offensive, obscene, or abusive language or in boisterous and noisy conduct that may arouse alarm, anger, or resentment in others. Violation of this state statute is a misdemeanor, punishable by a fine of up to \$1000 and / or 90 days in jail. NOTE: This law is broadly

interpreted; police will often charge individuals who they believe are being "uncooperative."

### **ALCOHOL-- UNDER-AGE CONSUMPTION, PURCHASING, OR POSSESSION**

Anyone who violates the following provisions may be charged with a misdemeanor and subject to a fine of up to \$1000 and / or 90 days in jail.

#### **Consumption**

It is unlawful for anyone under age 21 to consume alcohol outside of his/her parent's or guardian's home.

#### **Fake ID**

It is unlawful to give a fictitious name or fake ID to a police officer who is acting within his/her duties. It is also unlawful to present a fake ID to purchase alcohol.

#### **Purchasing**

It is unlawful for someone under the age of 21 to buy or attempt to buy any alcoholic beverage.

#### **Possession**

It is unlawful for a person under 21 to possess an alcoholic beverage with intent to consume it outside his/her parent's or guardian's home.

#### **Furnishing alcohol to persons under the age of 21**

Anyone who buys or furnishes alcohol for a person under age 21 is subject to gross misdemeanor charges and a fine of up to \$3000 and/or one year in jail.

### **DRIVING HOME FROM A PARTY? Think again if you've been drinking.**

#### **Driving while intoxicated**

It is a misdemeanor (\$1000 fine/90 days) to drive, operate, or be in control of a motor vehicle while under the influence of a controlled substance or with an alcohol concentration above .10%. It is also a crime to refuse chemical testing if you are stopped by police. Refusal results in loss of license for 1 year. Test results over .10% results in loss of license for 90 days.

### **Zero tolerance**

It is unlawful for anyone under age 21 to drive, operate, or be in control of a motor vehicle after consuming any amount of alcoholic beverage. Violation will result in loss of driving privileges for 30 days (2<sup>nd</sup> offense – 180 days) and will become a permanent part of your driving record.

### **CIVIL ACTION / SOCIAL HOST LIABILITY**

A civil lawsuit may be brought against anyone who is 21 or older who furnished, sold, gave, or purchased alcohol for a person under age 21 whose consumption of alcohol resulted in injury or harm to an innocent third person.

### **PARTY TIPS:**

- ✓ **Before the party:** Plan ahead. Try to limit the number of potential guests. It is really inviting trouble to have a party open to all comers. Be considerate of neighbors; inform them of the party, and have them contact you first about any problems.
- ✓ **During the party:** Make yourself available to answer the phone or respond to neighbors' concerns. From time to time check the noise level from outside to see if it could be bothering others. Keep the party inside. Control parking; do not let your guests park in the yard or block driveways.
- ✓ **What to serve:** Have alternative beverages to alcohol, and label your beverages. Stop serving alcohol at least one hour prior to the expected end of the party. Serve some non-salty foods that don't promote thirst. Accept each person's decision to decline alcohol; do not promote overindulgence with drinking games, etc. Take steps to limit consumption, such as designating a responsible person as bartender.
- ✓ **Be responsible:** Do not allow drinking to become the primary focus of the party. Make sure only those of legal age are drinking alcoholic beverages. Do not allow excessive consumption. Have phone numbers available for emergency health care, police, and taxi service. Have designated drivers available.

Stop friends from driving under the influence of any controlled substance.

- ✓ **After the party:** Do not allow anyone to leave with an open container of alcohol. Do not allow anyone to use the great outdoors as a restroom. Clean up any litter as soon as possible. Call your neighbors to thank them for their cooperation.
- ✓ **If police arrive at the door:** Do cooperate; do take them seriously. Answer all questions truthfully. Although you have the right to refuse them entry unless they have a search warrant. be aware that most police officers will enter forcibly if given provocation or reason to believe unlawful activity is occurring. If you are ticketed or arrested, do not argue or resist. Try to consult with an attorney as soon as possible.

**This information should not be considered legal advice. Consult with an attorney regarding your rights and responsibilities in a particular situation.**

**Remember: The law changes often and each case is different. This brochure is meant to give you general information, not specific legal advice.**

### **IN BRIEF**

USLS has a full-time staff of attorneys, legal assistants, and support staff to help students with legal problems. Any University of Minnesota Twin Cities student who is currently paying the student services fee is eligible. USLS can handle cases in the seven-county metro area.

USLS can help with the following:

- ▶ Landlord/Tenant
- ▶ Collection
- ▶ Consumer Problems
- ▶ Employment
- ▶ Immigration
- ▶ Family Law
- ▶ Misdemeanors/DUI
- ▶ Name Changes
- ▶ Power of Attorney
- ▶ Wills

To make an appointment, please call our office at 612/624-1001. The receptionist can explain our eligibility requirements, answer questions about the scope of our practice areas, and refer you to other services or agencies that might be able to help.

Please note that USLS cannot take cases where the adverse party is the U of M or any of its departments, staff, or students.

Please see the *USLS Handbook* for the full text of all USLS client policies.

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