



The Complete Party Guide: Hosting and Attending Parties Safely and Legally

Hosting a Party

When you host a party you are responsible for your own behavior AND you can be held responsible for the behavior of your guests.

Should I Serve Alcohol?

If you choose to serve alcohol, you must comply with the Ohio University Student Code of Conduct, local, state and federal laws and any lease restrictions.

To minimize risks when hosting a party:

- **Review your lease** to determine if any party restrictions exist. Some prohibit parties or the number of guests. Some leases contain “no keg” restrictions. If you violate the lease, your landlord may have grounds to evict you, to sue you for breach of contract, or both.
- **Contact your neighbors** and request that they direct complaints to you rather than the police. Leave them your name and telephone number. During the party be available to answer any calls.
- **Determine the size and nature of your party.** To avoid having a public party, you should plan to monitor those who attend and/or have a guest list. Further, if you do not monitor your party then an undercover police officer could enter the premises. If your party is private, then the police may not enter your dwelling without a warrant or your consent. **Post a sign** that reads “Guests Only-No Trespassing” to discourage police harassment. Here are examples (LINK) to post on the outside and inside of your door.
- **Set limits** on the quantity of alcohol available to avoid excessive consumption. Provide alternate beverages for guests who do not wish to consume alcohol.
- Ensure that **sufficient restrooms** are available so your guests are not using the outdoors. Partygoers can be cited for public urination.
- **Do not permit drugs;** permitting drug use is a crime.

You may also consider doing the following:

- Serve food or snacks
- Measure when making mixed drinks
- Place waste containers around to prevent littering and promote recycling
- Your guests may not park on grass areas so review your parking availability
- Be prepared to call the police if guests become unruly or if an underage person demands access to the alcohol
- Take the car keys of guests who are driving when they arrive

What Criminal Violations are Common?

The most common citation given at parties is noise violations. BUT, there are many more serious criminal charges you could face if you don't obey the law as a party host.

1) Furnishing alcohol to an underage person: You may serve alcohol only to persons 21 years old or older. You will be held responsible if you serve someone you know to be underage or you serve someone you **should know** is underage. If you fail to take precautions to prohibit access to alcohol, you may be **criminally liable** for furnishing alcohol to an underage person. If convicted, you face maximum penalties of 6 months in jail a \$1,000 fine, or both.

To minimize risk when you are the host:

- **Check a driver's license** at the place where alcohol is served, as well as monitor the premises to ensure that underage persons are not avoiding your efforts. Use a method to identify underage persons, such as a wristband or permanent marker.

2) Alcohol permit violations: It is illegal to sell alcohol to persons of any age without a permit or license. You may not sell any commodity to recover the cost of alcohol, nor take up a collection, nor charge an admission.

3) Open container: Open containers of alcohol are not permitted on **public property**. Thus, you may not have an **open** glass, bottle or can of alcohol on public streets, public sidewalks or other public areas. Open containers of alcohol should be kept on private property, preferably in the house. An open container of alcohol on public property is a minor misdemeanor subject to a maximum fine of \$150 plus court costs.

To minimize risk when you are the host:

- Insist that your guests **leave all open containers of alcohol at the door**. If your guests carry open containers of alcohol on city sidewalks or streets, they will be cited. Clean up all litter immediately. Make arrangements to get intoxicated guests home safely.

4) Excessive noise: To avoid noise control violations, keep doors and windows shut. Both state and city laws prohibit noise pollution. Fines or costs for noise violations increase with repeat offenses. Police are not required to give you a warning first and they may give you a citation even if no one has complained that you are creating noise after the permitted time.

To minimize risk when you are the host:

- **Monitor the loudness** of your party by periodically checking the level of noise at your property lines. Your party will be quieter if you can keep your guests inside. Closing windows and doors will also reduce the noise levels.

5) Underage possession: A person who purchases, possesses or consumes alcohol prior to his or her 21st birthday is guilty of a first degree misdemeanor. If convicted of this crime, the maximum penalties are 6 months in jail, a \$1,000 fine, or both. You can be cited with underage possession even if you are just **holding** alcohol. Undercover liquor agents will target anyone consuming OR holding alcohol.

6) False identification: Possession or display of a fictitious operator's license is a first degree misdemeanor. The offense exists when the driver's license is altered or when you present someone else's valid license as your own. The maximum penalties associated with this offense are 6 months in jail, a \$1,000 fine, or both. Moreover, you may forfeit your driving privileges for one year. Merely holding someone else's valid ID is not illegal if you do not use it.

7) Driving under the influence: The maximum penalties for first offense OVI (Operating a Vehicle while Intoxicated) includes 6 months in jail (you must serve at least 3 days in jail or in a treatment program), and up to a \$1,000 fine, or both. Operating a vehicle while intoxicated does not necessarily mean a *motor* vehicle. You can be stopped by the police while riding a bicycle, scooter or skateboard. Furthermore, you will forfeit your driver's license for a minimum of 6 months and will have to pay \$475 to have it reinstated.

To minimize risk when you are the host:

- Stop serving alcohol about an hour before the party is scheduled to end .
- Have everyone "check-in" their car keys at the door when they arrive. Don't let an obviously intoxicated person have their keys. Have a designated driver.
- Let someone who is too intoxicated to drive sleep on your couch or somewhere else that is safe and where they can be monitored.

Civil Liabilities Involved in Hosting a Party

Civil liability is when a person is held responsible for causing harm to another person or the person's property. If held civilly liable, a person must pay for the damages caused.

How Can I Be Held Civilly Liable? A host may be liable for damage caused by an underage person served alcohol at a party or by a person who is allowed to get too intoxicated. For example, if a host serves alcohol to an underage person who then causes a traffic accident which kills someone, the host may be liable for wrongful death damages, as well as the damage to the automobiles and other property.

Attending a Party

- As a guest you have an obligation to be considerate to the host and the host's neighbors.
- Avoid damaging property or trespassing on other people's property. If you answer the telephone or the door while at a party, contact the host.
- Be aware of the noise levels, especially when you are traveling to or from a party or hanging around on the porch after hours
- Leave all alcohol at the party.
- Refrain from urinating anywhere other than in a proper receptacle to avoid disorderly conduct, public urination and/or indent exposure charges. Remember, drinking in moderation reduces your risks.

When Things go Wrong

What do you do if someone does something stupid that puts everyone at risk, or you find yourself in the middle of a party that has turned ugly?

The excuse of "I was only watching," may lead to your arrest, conviction and expulsion if things get out of hand at a street party. If someone starts a street fire or things get out of hand, the excuse that you were "not doing anything" may not work to prevent your arrest and conviction. **If you are told to leave or get inside by the police, you may be arrested if you don't comply. Here's what you may face:**

Aggravated Riot: If you participate with four or more people in disorderly conduct, including any offense of violence (ARSON, THROWING BOTTLES OR CANS).

Riot: If you participate with four or more people in disorderly conduct and your purpose is to commit a misdemeanor, or to hinder or impede a government function OR to act with unlawful force or violence (THROWING BOTTLES, NOT LEAVING SCENE)

Failure to Disperse: If five or more persons participate in disorderly conduct, and you are present and the police order you to disperse, and you fail to obey the order (NOT LEAVING OR OBEYING A POLICE ORDER).

Misconduct at an Emergency: If you hamper the actions of or disobey the orders of police officers, firefighters, or emergency medical persons at the scene of a fire, accident, riot or emergency. (REFUSING TO LEAVE OR OBEY AN ORDER).

Disorderly Conduct: Causing inconvenience or alarm, engaging in fighting or violent behavior, insulting or taunting which provokes violence, hindering or preventing movement, or while intoxicated engaging in conduct causing a risk of harm to persons or property. (Fighting, yelling insults, refusing to move, damaging property, threatening behavior, throwing things, being so intoxicated that you are a danger to yourself)

All of the above can result in jail and heavy fines. It could result in expulsion from the university and result in your ineligibility for financial aid.

For more information, download our flier: "What to Do When the Party Turns Ugly" from www.studentlegalrights.org.

Police Intervention

If the police visit your party, be courteous to them and obey their orders, including orders to disperse. If you do not cooperate with the police, you increase your chances of receiving a citation for disorderly conduct, failure to disperse, resisting arrest, or obstruction of justice. **Be aware that the police may issue a citation without any prior warning.**

If you have complaints regarding police procedure or conduct, do not aggravate the situation with aggressive or boisterous behavior. Instead, take notes and present this information to the Center for Student Legal Services. Remember names of officers and witnesses and write a detailed account of the incident as soon as possible.

If your **party is private**, the police need a search warrant or your consent to enter your residence. If the police arrest you, stay calm and polite. You should not resist, flee, or evade the officers. Remember, you do have **the right to remain silent**, so inform the police that **you do not wish to answer any questions** until your attorney is present. This right is important because any admissions or statements you make to the police will be used against you. **The law only requires that you identify yourself by providing your name and address.** You **do not** have to show them a driver's license or other form of identification with your date of birth or social security number and you do not need to provide that information yourself. The police may yell at you, make threats or act angry. Remain calm and cooperate but do not give up your legal rights!

THE CENTER FOR STUDENT LEGAL SERVICES DOES NOT ENCOURAGE ANYONE TO VIOLATE THE LAW. WE DO NOT CONDONE OR ENCOURAGE UNDERAGE OR HIGH RISK DRINKING OR DRUG USE. WE DO BELIEVE THAT YOU SHOULD KNOW YOUR LEGAL RIGHTS AND BE FREE FROM UNDUE HARASSMENT. THIS INFORMATION DOES NOT CONSTITUTE LEGAL ADVICE, NOR IS IT INTENDED AS A SUBSTITUTE FOR LEGAL ADVICE.

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