

16



AGENDA CHECKLIST

Account Code _____

AGENDA INFORMATION TO BE SUBMITTED TO THE BOARD OFFICE:

One Title Memo
(See APM CH.1, Sec. 2) (Photocopy of Agenda Checklist is acceptable)

Agenda Packet
One Original/Hard Copy plus
One As-Complete-As-Possible copy e-mailed to Lane County Agenda Review mailbox

Material Due
Due by 5 pm Wednesday preceding the week it will be **approved for inclusion** on the agenda. (Check Future Agenda for due dates.)

AGENDA TITLE: **ORDINANCE NO. 5-09/ IN THE MATTER OF AMENDING CHAPTER 6 OF THE LANE CODE TO ADD SOCIAL HOST ORDINANCE (LC 6.900)**

DEPARTMENT Legal Counsel

CONTACT Liane Richardson EXT 3738

AGENDA DATE: 2 December 2009

THIS ITEM WILL INVOLVE:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Consent Calendar | <input type="checkbox"/> Report | <input type="checkbox"/> Appointments | <input type="checkbox"/> Committee Reports |
| <input type="checkbox"/> ORDER/Resolution | <input type="checkbox"/> Discussion & Action | <input type="checkbox"/> Discussion Only | |
| <input checked="" type="checkbox"/> Ordinance/Public Hearing | <input checked="" type="checkbox"/> 1st Reading | <input type="checkbox"/> 2nd Reading | <input type="checkbox"/> 3rd Reading |
| Public Comment Anticipated? | <input type="checkbox"/> Yes <input type="checkbox"/> No | Estimated Time | <u>30 min</u> |

NOTE: DEPARTMENT MANAGER MUST SIGN OFF BEFORE SUBMITTING TO BOARD OFFICE

Department Manager: [Signature] Date 11/23/09

Legal Staff-Review by: [Signature] Date 11/29/09

Management Staff-Review by: [Signature] Date 11/24/09

Human Resources-Review by (if required): _____ Date _____

<input type="checkbox"/> Yes <input type="checkbox"/> No	File Note Attached?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Information for Agenda Setting Committee Only?
<input type="checkbox"/> Yes <input type="checkbox"/> No	To be Distributed with Packets

INDICATE OTHER DIVISIONS/DEPARTMENTS THAT REQUIRE COPIES OF APPROVED ORDER

W. 8. b.

AGENDA COVER MEMO

AGENDA DATE: December 2, 2009
Memorandum Date: November 3, 2009

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPARTMENT: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Liane I Richardson, County Counsel

AGENDA ITEM TITLE: FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING IN THE MATTER OF AMENDING CHAPTER 6 OF THE LANE CODE TO ADD SOCIAL HOST ORDINANCE

I. MOTION

No motion at this time; this is a First Reading and setting of a Public Hearing and Second Reading of the proposed Social Host Ordinance.

II. AGENDA ITEM SUMMARY

The Board had asked County Counsel and others to work on an ordinance that would amend Chapter 6 of the Lane Code by adding provisions relating to a social host ordinance, which would cover only unincorporated Lane County unless adopted by incorporated cities within Lane County.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History The Lane County Board of Commissioners has heard testimony from citizens and staff regarding under-age parties in unincorporated Lane County. These parties are being hosted or otherwise supported by adults, and are causing great concern to area residents. One young man died after attending such a party in 2008. The Board directed staff to work together on drafting an ordinance that would prohibit such events and would establish penalties for those hosting such events. This item was first presented to the BCC on October 20, 2009. The Board suggested several changes, which have been made to the proposed ordinance.

B. Policy Issues Protection of Lane County's citizens is the policy at issue.

C. Board Goals The Board is committed to protecting its citizens and the quality of life in Lane County. It is also committed to efficiently utilizing the resources it has at its disposal.

D. Financial and/or Resource Considerations The Social Host ordinance, as written, allows for the reimbursement of expenses for responding agencies when tasked to respond to such events after an initial warning to the owner(s) and occupant(s) of the property where the event occurred.

E. Analysis The proposed ordinance addresses the concerns raised by the citizens, staff and the Board.

F. **Alternatives/Options** The Board could adopt this ordinance as written, suggest changes to the proposed ordinance, or decide not to adopt a social host ordinance.

IV. **TIMING/IMPLEMENTATION** There needs to be at least two (2) public readings held at least 13 days apart. If a social host ordinance is approved by the Board, it will become effective 30 days after it is enacted.

V. **RECOMMENDATION** I recommend that unless changes are suggested to the proposed social host ordinance, the Board set a second reading for December 16th at 1:30.

VI. **ATTACHMENTS** Board Order with Lane Code pages attached.

SOCIAL HOST ORDINANCE

6.900 Social Host Ordinance.

(1) For purposes of this section, the following words or terms have the following meanings:

(a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(b) "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(c) "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(d) "Host" means to aid, conduct, allow, entertain, organize, supervise, control or permit a gathering or event.

(e) "Parent" means any person having legal custody of a juvenile:

- (i) As natural adoptive parent or step-parent;
- (ii) As a legal guardian; or
- (iii) As a person to whom legal custody has been given by order of the court.

(f) "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals. "Residence" or "premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with permission or compensation.

(g) "Underage person" means any individual under twenty-one (21) years of age.

(2) All persons are prohibited from:

(a) Hosting or allowing any event or gathering at any residence, premises, or on any other private or public property where alcohol or illegal, controlled, or intoxicating substances are present when the person knows or reasonably should know that an underage person will or does

(i) Consume or ingest any alcohol, alcoholic beverage, or illegal, controlled substance; or

(ii) Possess any alcohol, alcoholic beverage, or illegal, controlled substance with the intent to consume it; and

(iii) The person fails to take reasonable steps to prevent possession, ingestion or consumption by the underage person(s).

(b) This ordinance also applies to all persons who intentionally aid, advise, hire, counsel or conspire with or otherwise procure another to commit the prohibited act outlined in (a) above.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be in violation of this ordinance.

(3) Exceptions

(a) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

(b) This ordinance does not apply to legally protected religious observances.

(c) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(d) This ordinance does not apply to owners of property who were not present at the location during the planning or occurrence of the event, unless they had knowledge of the event and consented or acquiesced to the occurrence of the event.

(4) Enforcement and Penalties

(a) This ordinance can be enforced by any police officer or sheriff's deputy within Lane County.

(b) Violation of the Social Host Ordinance is a violation, punishable as follows:

(i) First response within a three (3) year period:

The occupant(s) and owner(s) of the property shall receive notice of the event and a warning that if another event occurs involving the same occupants and owners within 3 years, the ordinance requires payment of response fees and fines.

(ii) Second and subsequent responses within a three (3) year period:

(A) The actual cost for law enforcement, fire and other emergency response providers to respond to the location and conduct the investigation and/or emergency care that is deemed necessary by the responding agencies.

(B) For each subsequent response in a three year period, the actual cost for law enforcement, fire and other emergency response providers to respond to the location and conduct the investigation and/or emergency care that is deemed necessary by the responding agencies, and an additional \$1,000 fine shall be charged.

(5) Effective Date. This ordinance shall take effect thirty (30) days following its final passage and adoption.

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At right margin indicates changes
Bold indicates material being added
Strikethrough indicates material being deleted

LEGISLATIVE
FORMAT

~~6.900.900~~

Lane Code

~~6.900.900~~

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