

T. J. C.

AGENDA COVER MEMO

AGENDA DATE: October
Memorandum Date: October 5, 2009

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPARTMENT: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Liane I Richardson, County Counsel

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 6 OF THE LANE CODE TO ADD SOCIAL HOST ORDINANCE

I. MOTION
I MOVE TO APPROVE CHANGES TO THE LANE CODE RELATING TO ADDING A SOCIAL HOST ORDINANCE

II. AGENDA ITEM SUMMARY

The Board is being asked to approve amendments to Chapter 6 of the Lane Code to add 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.

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.

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 If the Board chooses to move forward with a Social Host Ordinance, there will need 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 if the Board chooses to move forward with a social host ordinance, it directs staff to have discussions with the various incorporated cities located within Lane County to determine if the proposed ordinance would be acceptable to them. I also recommend that public hearings be held, perhaps in the areas of the County most affected by acts prohibited by this proposed ordinance, to ensure it achieves what the citizens are hoping for. I recommend staff be instructed to report back to the Board after these conversations and public hearings have been held.

VI. ATTACHMENTS Board Order with Lane Code pages attached.

T. J. C.

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 5-09

IN THE MATTER OF AMENDING CHAPTER 6 OF THE LANE CODE TO ADD SOCIAL HOST ORDINANCE (LC 6.900)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 6 of Lane Code is hereby amended by adding a new section as follows:

DELETE THESE SECTION(S)

None

INSERT THESE SECTION(S)

6.900
as located on page 6-14
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this new section is add provisions relating to a social host ordinance, which would cover only unincorporated Lane County unless adopted by incorporated cities within Lane County. (LC 6.900).

ENACTED this _____ day of _____ 2006.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

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 or without 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.
- (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 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.

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

(A) The response fee as described in 4(b)(i) above, and a fine of \$500 shall be charged for the second response.

(B) For each subsequent response in a three year period, 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.