

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 1 - 11 | IN THE MATTER OF AMENDING CHAPTER 6 OF LANE CODE  
TO MODIFY AND ADD PROVISIONS OF THE 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 removing, substituting and adding new sections as follows:

**REMOVE THESE SECTIONS**

6.900  
located on pages 6-14 through 6-16  
(a total of 3 pages)

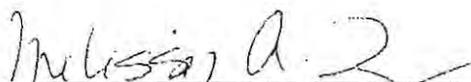
**INSERT THESE SECTIONS**

6.900  
located on pages 6-14 through 6-15  
(a total of 2 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to modify and add provisions of the existing Social Host Ordinance (LC 6.900).

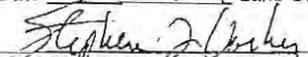
ENACTED this 13<sup>th</sup> day of July 2011

  
\_\_\_\_\_  
Chair, Lane County Board of Commissioners

  
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 4-15-2011 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

## SOCIAL HOST ORDINANCE

### 6.900 Social Host Ordinance.

(1) For purposes of LC 6.900, 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 a natural or 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.

(h) "Knowledge and consent" of a host is presumed if the owner(s) and/or occupant(s) of the residence or premises has been informed that an underage party was held at their residence or premises within the past three years.

(i) "Response" includes, but is not limited to: the time spent on the call by responding deputy sheriffs or other law enforcement or medical/emergency response personnel including response time from dispatch until the law enforcement officers or medical/emergency response personnel are cleared from the call. Response will also include necessary report writing related to the call for all responders.

(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) The prohibitions of LC 6.900(2)(a) also apply to all persons who intentionally aid, advise, hire, counsel or conspire with or otherwise procure another to commit the prohibited act outlined in LC 6.900(2)(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 LC 6.900.

(3) Exceptions

(a) The provisions of LC 6.900(2) do not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

(b) The provisions of LC 6.900(2) do not apply to legally protected religious observances.

(c) The provisions of LC 6.900(2) do not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(d) The provisions of LC 6.900(2) do not apply to owners of large tracts of non-residential timber and agricultural land over 50 acres in size, and/or rental income property owners, unless they had knowledge of the event and consented to the occurrence of the event.

(4) Enforcement and Penalties

(a) The provisions of LC 6.900(2) can be enforced by any police officer or sheriff's deputy within Lane County.

(b) Violation of the Social Host Ordinance, LC 6.900, is an unclassified violation requiring a mandatory appearance and is punishable upon conviction as follows:

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

(A) 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 provisions of LC 6.900 require payment of response fees and enhanced fines.

(B) The occupant(s) and owner(s) of the property shall be fined \$500.

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

(A) For the second response, the occupant(s) and owner(s) shall be assessed 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 a fine of \$750.

(B) For each subsequent response in a three (3) year period, the occupant(s) and owner(s) shall be assessed 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) Fees and fines can be collected through either a collection agency, through civil action or through a request for restitution through the appropriate court handling either the violation proceeding or related proceedings. Responding entities may formulate intergovernmental agreements as to the handling of response fee assessments. *(Revised by Ordinance No. 5-09, Effective 2.4.10)*

## SOCIAL HOST ORDINANCE

### 6.900 Social Host Ordinance.

(1) For purposes of ~~this section~~ LC 6.900, 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 a natural or 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.

(h) "Knowledge and consent or acquiescence" of a host is presumed if the owner(s) and/or occupant(s) of the residence or premises is a parent or guardian of an underage person and has been informed that an underage party was held at their residence or premises within the past three years.

(i) "Response" includes, but is not limited to: the time spent on the call by responding deputy sheriffs or other law enforcement or medical/emergency response personnel including response time from dispatch until the law enforcement officers or medical/emergency response personnel are cleared from the call. Response will also include necessary report writing related to the call for all responders.

(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

At right margin indicates changes  
**Bold** indicates material being added  
~~Strike through~~ indicates material being deleted

LEGISLATIVE  
FORMAT

6.900 Lane Code 6.900

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

(b) The **prohibitions** of LC 6.900(2)(a) ~~is 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 LC 6.900(2)(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~~ LC 6.900.

(3) Exceptions

(a) The **provisions** of LC 6.900(2) ~~is ordinance~~ does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

(b) The **provisions** of LC 6.900(2) ~~is ordinance~~ does not apply to legally protected religious observances.

(c) The **provisions** of LC 6.900(2) ~~is 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) The **provisions** of LC 6.900(2) ~~is ordinance~~ does not apply to owners of large tracts of **non-residential** timber and agricultural land over 50 acres in size, and/or rental income property owners, unless they had knowledge of the event and consented ~~or acquiesced~~ to the occurrence of the event.

(4) Enforcement and Penalties

(a) The **provisions** of LC 6.900(2) ~~is ordinance~~ can be enforced by any police officer or sheriff's deputy within Lane County.

(b) Violation of the Social Host Ordinance, LC 6.900, is an **unclassified violation requiring a mandatory appearance and is**, punishable upon conviction as follows:

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

(A) 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 ~~provisions of LC 6.900 ordinance~~ requires payment of response fees and **enhanced** fines.

(B) The occupant(s) and owner(s) of the property shall be fined ~~\$250~~**\$500**.

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

(A) For the second response, the occupant(s) and owner(s) shall be assessed 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 a fine of ~~\$500~~**\$750**.

(B) For each subsequent response in a three (3) year period, the **occupant(s) and owner(s) shall be assessed** 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.~~ Fees and fines can be collected through either a collection agency, through civil action or through a request for restitution through the appropriate court handling either the violation proceeding or related proceedings. Responding entities may formulate intergovernmental agreements as to the handling of response fee assessments. *(Revised by Ordinance No. 5-09, Effective 2.4.10)*

## SOCIAL HOST ORDINANCE

### 6.900 Social Host Ordinance.

(1) For purposes of this LC 6.900, 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 a natural or 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.

(h) "Knowledge and consent" of a host is presumed if the owner(s) and/or occupant(s) of the residence or premises has been informed that an underage party was held at their residence or premises within the past three years.

(i) "Response" includes, but is not limited to: the time spent on the call by responding deputy sheriffs or other law enforcement or medical/emergency response personnel including response time from dispatch until the law enforcement officers or medical/emergency response personnel are cleared from the call. Response will also include necessary report writing related to the call for all responders.

(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) The prohibitions of LC 6.900(2)(a) also apply to all persons who intentionally aid, advise, hire, counsel or conspire with or otherwise procure another to commit the prohibited act outlined in LC 6.900(2)(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 LC 6.900.

(3) If money is collected at the event from attendees, the provisions of LC 6.900(5)(c) shall apply.

(4) Exceptions

(a) The provisions of LC 6.900(2) do not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

(b) The provisions of LC 6.900(2) do not apply to legally protected religious observances.

(c) The provisions of LC 6.900(2) do not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(d) The provisions of LC 6.900(2) do not apply to owners of large tracts of non-residential timber and agricultural land over 50 acres in size, and/or rental income property owners, unless they had knowledge of the event and consented to the occurrence of the event.

(54) Enforcement and Penalties

(a) The provisions of LC 6.900 can be enforced by any police officer or sheriff's deputy within Lane County.

(b) Violation of the Social Host Ordinance, LC 6.900, is an unclassified violation requiring a mandatory appearance and is punishable upon conviction as follows:

(i) First response within a three (3) year period for an event that is free to all attendees:

(A) 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 provisions of LC 6.900 require payment of response fees and enhanced fines.

(B) The occupant(s) and owner(s) of the property shall be fined \$500.

(ii) Second and subsequent responses within a three (3) year period for an event that is free to all attendees:

(A) For the second response, the occupant(s) and owner(s) shall be assessed 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 a fine of \$750.

(B) For each subsequent response in a three (3) year period, the occupant(s) and owner(s) shall be assessed 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.

(c) Violation of the Social Host Ordinance, LC 6.900, in situations where money is collected from attendees is an unclassified violation requiring a mandatory appearance and is punishable upon conviction as follows:

(i) For a first response to the same location or for an event hosted by same hosts, the occupant(s) and owner(s) and host of the event shall be assessed 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, as well as a maximum fine of \$20,000.

(ii) For any second and subsequent responses to the same location or for an event hosted by same hosts, the occupant(s) and owner(s) and host of the event shall be assessed 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, as well as a maximum fine of \$50,000.

(65) Fees and fines can be collected through either a collection agency, through civil action or through a request for restitution through the appropriate court handling either the violation proceeding or related proceedings. Responding entities may formulate intergovernmental agreements as to the handling of response fee assessments.