

W. T. A.

## Social Host Ordinance

### What are Social Host Ordinances?

Social Host Ordinances:

- Hold individuals responsible for underage drinking *events* on property they own, lease, or otherwise control.
- Differ from the current enforcement options which require proof of the provision of alcohol.
- Focus on preventing underage drinking on private property without regard to who furnishes the alcohol.
- Recover the cost of law enforcement, fire, and other emergency response services for repeated response to the same party location.  
\*A basic Law Enforcement response is roughly \$50 per hour per unit (Each unit includes officer, benefits, car, etc.) and includes travel time to and from the location.

### Why a Social Host Ordinance in Lane County?

According to the Oregon Healthy Teens 2007 survey:

- 82% of 11<sup>th</sup> graders in Lane County say alcohol is "sort of easy" or "very easy" to get.  
(NOTE: 45% of youth report getting alcohol from home with or without a parent's permission – SAMHSA)
- Nearly 1/2 of 11<sup>th</sup> grade youth and about 1/3 of 8<sup>th</sup> graders drink alcohol on one or more occasions each month.
- About 1/3 of 11<sup>th</sup> grade youth and about one of every seven 8<sup>th</sup> graders binge drink, consume 5 or more drinks within a couple hours, on one or more days each month.
- Of the youth that begin drinking before the age of 14, nearly 45 percent will later develop alcohol dependence, compared with only 10% of those who wait until they are 21 or older to start drinking.
- One common way that underage drinkers access alcohol is by attending parties, often times large gatherings of youth in a home or on private property.

## ORDINANCE NO.

### SOCIAL HOST ORDINANCE

This ordinance prohibits, and establishes penalties for, any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one (21) years of age.

Be it enacted by the Chaska City Council, as follows:

**Subd. 1. Purpose and Findings.** The Chaska City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Chaska City Council finds that:

- (a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.
- (e) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- (f) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

**Subd. 2. Authority.** This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

**Subd. 3. Definitions.** For purposes of this ordinance, the following terms have the following meanings:

(b) A person is criminally responsible for violating Subdivision 4(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

**Subd. 5. 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 retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd.1(a)(1).

(d) 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.

**Subd. 6. Enforcement.** This ordinance can be enforced by any police officer or sheriff's deputy in the county.

**Subd 7. Severability.** If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

**Subd. 8. Penalty.** Violation of Subdivision 4 is a misdemeanor.

**Subd. 9. Effective Date.** This ordinance shall take effect thirty (30) days following its final passage and adoption.

ORDINANCE NO. O-463**AN ORDINANCE AMENDING TITLE 5, OFFENSES, CHAPTER 5.08, GENERAL OFFENSES, ADDING SECTION 5.08.045, OF THE YAMHILL MUNICIPAL CODE.**

**WHEREAS**, the Yamhill City Council has considered the idea of amending the general offenses rules and regulations, in response to community input from youth groups; and

**WHEREAS**, it is important to the City that the community involvement and support are handled in a proactive fashion; and

**WHEREAS**, in order to support certain types of sponsored grant funds; **NOW THEREFORE**;

**THE CITY OF YAMHILL ORDAINS AS FOLLOWS:**

**SECTION 1.** Yamhill Municipal Code Chapter 5.08, General Offenses, is hereby amended to add the following section:

**5.08.045 - Failure to supervise a child.**

(A.) A person commits the offense of failing to supervise a child if the person is the parent, lawful guardian or other person lawfully charged with the care or custody of a child under eighteen (18) years of age and the child:

(1.) Commits an act that brings the child within the jurisdiction of the juvenile court under ORS 419.005;

(2.) Violates the curfew ordinance of the city;

(3.) Fails to attend school as required under ORS 339.010; or

(4.) Allows the child to keep stolen property or controlled substances, as defined by state of Oregon law, which are obtained without a legal prescription.

(5.) Allows or permits such persons property or rented premises to be used for, or fails to take reasonable steps to prevent a gathering of persons under the age of twenty-one at which alcohol, or other illegal substances are is available to those at such gathering.

(B.) Nothing in this section applies to a child-caring agency as defined in ORS 418.205 or to foster parents.

(C.) In a prosecution of a person for failing to supervise a child under subsection (A)(1) of this section, it is an affirmative defense that the person:

(1.) Is the victim of the act that brings the child within the jurisdiction of the juvenile court; or

(2.) Reported the act to the appropriate authorities.

(D.) In a prosecution of a person for failing to supervise a child under subsection (A) of this section, it is an affirmative defense that the person took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

(E.) In a prosecution of a person for failing to supervise a child under subsection (A)(1) of this section, the municipal court may order the person to pay restitution under ORS 137.103 to 137.109 to a victim for pecuniary damages arising from the act of the child that brings the child within the jurisdiction of the juvenile court. The amount of restitution ordered under this subsection may not exceed two thousand five hundred dollars (\$2,500.00).

(F.) If a person pleads guilty or is found guilty of failing to supervise a child under this section and if the person has not previously been convicted of failing to supervise a child, the court:

(1.) May warn the person of the penalty for future convictions of failing to supervise a child and may suspend imposition of sentence;

(2.) May not order the person to pay restitution under this section.

(G.) If a person pleads guilty or is found guilty of failing to supervise a child under this section and if the person has only one prior conviction for failing to supervise a child, the court, with the consent of the person, may suspend imposition of sentence and order the person to complete a parent effectiveness program approved by the court. Upon the person's completion of the parent effectiveness program to the satisfaction of the court, the court may discharge the person. If the person fails to complete the parent effectiveness program to the satisfaction of the court, the court may impose a sentence authorized by this section. There may be only one suspension of sentence under this subsection with respect to a person.

(H.) Failing to supervise a child is an offense punishable by a fine of not more than one thousand dollars (\$1,000.00), a portion of which may be assessed as a restitution charge to defray the reasonable costs incurred by the enforcement agency responding to the violation. (Ord. 95-6 ' 1, 1995)

**SECTION 2.** This Ordinance hereby amends Yamhill Municipal Code Chapter 5.08, General Offenses, by adding section 5.08.045. All remaining portions of Yamhill Municipal Code, Title 5, General Offenses, are hereby reaffirmed in their entirety.

**INTRODUCED AND ADOPTED** by the City of Yamhill Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

**CITY OF YAMHILL, OREGON**

**FIRST READING:** 11/14/01

**SECOND READING:**                   

By:

Charles P. Mitchell  
Mayor - City of Yamhill

**ATTEST:**

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

By:

Sandi Wodarczak  
City Recorder/Treasurer