

## Ordinance Concerning Unruly Gatherings (Social Host)

### Property Owners' & Tenant Host Frequently Asked Questions

**What is the ordinance?** Ordinance Number 20504 (commonly known as Social Host ordinance) holds individuals and property owners accountable for unruly events or social gatherings. The ordinance does not target a particular group of people and applies equally to all, regardless of where one lives in the City. The Ordinance was passed by City Council and approved by the mayor on January 28, 2013.

**When does the ordinance go into effect?** The ordinance goes into effect on March 2, 2013. Eugene Police Department will educate violators through April 1, 2013, and will begin enforcement effective April 2, 2013.

**What is an unruly gathering under the ordinance?** Under the ordinance, an “unruly gathering” is:

- one where alcohol is served or consumed, **and**
- where any two or more of the following behaviors occur on the property where the gathering take place or on adjacent property: violations that involve laws relating to sale, service, possession or consumption of alcohol; assault, menacing, harassment, intimidation, disorderly conduct, noise disturbance, criminal mischief, public urination or defecation, littering

The ordinance will apply only when multiple violations of existing laws are taking place. A tenant or host would have to be breaking the law in more ways than one to be liable for penalties. The law does not prevent hosting parties or social gatherings. It just expects that the hosting will be done responsibly with respect to other neighbors.

### Who is potentially liable?

Individuals who host, or organize an unruly gathering will be liable for a fine on the first and subsequent events and the costs for police and other emergency personnel to respond to the event on the second and subsequent violations within a 12-month period. The Eugene Municipal Court has assigned a base fine of \$375 for criminal violations (maximum of \$1,000) and there can also be a civil penalty for recovery of actual response costs. The exact criminal penalty amount will be determined by the Municipal Court judge taking into consideration previous convictions under the ordinance and any other extenuating circumstances.

Property owners will not face criminal fines under the ordinance, but would potentially be liable for response costs after the fourth violation at the same address within a 12-month period. Penalties for property owners are limited to the civil penalty for recovery of the actual response costs. The ordinance offers specific measures property owners can take when each violation occurs to show they have made a good faith effort to do so. Whenever a violation of the ordinance occurs, the property owner will be notified that they could face future liability. The goal is to change behavior, not collect civil penalties.

**What are typical response costs?** Response costs include costs of law enforcement, fire and other emergency response providers, including but not limited to salaries and benefits for the amount of time spent responding to or remaining at the event, cost of medical treatment for personnel responding to the event, and cost of using or repairing city equipment or property used during the response. The actual response costs will vary depending upon the situation but the average police response cost has been calculated at more than \$800.

**Does the ordinance require property owners to evict tenants to avoid a penalty?** No, this ordinance has no authority over the landlord-tenant relationship.

**What if a property owner replaced tenants who were responsible for three previous violations and the new tenants are cited under the ordinance?** If the property owners can show that they have taken steps to correct the problem, they may avoid the penalty

**Are apartment complexes regulated differently under the ordinance?** The ordinance tracks violations by address to ensure it can be administered effectively. Unruly gatherings at different apartment units count as separate violations towards the threshold that results in property owner responsibility for response costs. However, in an appeal by an owner of property where 10 or more dwelling units are located, and in which no more than two of the violations occurred at the same dwelling unit, the city manager shall consider whether the owner or owner's agent implemented other measures to prevent or discourage unruly gatherings.

**What if under the proposed ordinance, I tried to have a responsible party but it just got out of hand?** The ordinance includes a provision that takes into account if an individual calls the police for help when things begin to get out of hand. However, responsibility begins during the planning and organizing of the event. Texting and use of social media can quickly turn a manageable gathering into an unruly one. The ordinance holds responsible those who organize or encourage attendance. It would mean thinking twice before activating all your social networks to invite "friends" to your party.

**What if I didn't know my roommates were having a party that got out of hand?** If you did not participate in hosting or organizing the event then you would not be held responsible. However, if you attended the event and did nothing to try and control it once it became unruly (by calling the police for example), then you might be liable. You also might be impacted if you had roommates who continued to host unruly gatherings if your landlord took action against those who live there.

**Why do we need this ordinance?** Oversize, disorderly gatherings and parties involving alcohol have been a continuing problem in our city, fostering criminal conduct, disturbing neighbors' peace, damaging their properties, creating unsafe conditions for visitors and residents, and necessitating costly police response to calls for service, particularly in the West and South University neighborhoods. A Social Host ordinance is an effective strategy, that has worked effectively at other university cities around the nation, and it is designed to address the root problem of unruly parties, rather than treat symptoms of the problem.