



Meeting Date: 03 / 06 / 07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input checked="" type="checkbox"/> Ord. No(s). _____	<input checked="" type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other	<input type="checkbox"/> Other

Prepared By: Clifford A. Waer Agenda Item No. 0-2

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: February 28, 2007

TO: City Council

FROM: Clifford A. Waer, Senior Alcohol Compliance Officer
Police Department [Signature]

SUBJECT: Ordinance Regulating Underage Drinking on Private Property

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance adding sections 7-148 through 7-148.13 to the Oxnard City Code regulating underage drinking on private property.

DISCUSSION

For many years, the City of Oxnard Police Department has worked together with public health experts to more effectively reduce and prevent alcohol-related community problems. This partnership originally came about through a grant collaboration which was seeking to decrease the number of alcohol related problems in the City and has evolved and strengthened since then. The Police Department has partnered with a local non-profit organization, the Community Action Resource Exchange (CARE-VC) that specializes in environmental prevention and has helped the Police Department assess the community needs and to organize our strategies. From that partnership and community assessment, CARE-VC proposed to the Police Department that we work together to develop an ordinance, commonly referred to as "social host", that may help reduce youth access to alcohol in social settings.

Increasingly, young people under age 21 are reporting that they most often consume alcoholic beverages in their own homes or in that of a friend. Current policies that are in place in the City of Oxnard effectively help reduce youth access to alcohol in commercial settings but do not address the social settings most preferred by youth. The proposed social host ordinance will focus directly on these social settings by holding non-commercial individuals responsible for underage drinking events occurring on property they own, lease or otherwise control.

The Social Host liability ordinance:

- Recognizes that the occurrence of events, gatherings or parties on private property where alcoholic beverages are served to, or consumed by, underage persons is harmful to the underage persons themselves, is a threat to public health, safety, quiet enjoyment of the residential property and general welfare, and constitutes a public nuisance.
- Recognizes that persons responsible for the occurrence of these events on private property over which they have possession or control have a duty to ensure that alcoholic beverages are not served to, or consumed by, underage persons at these parties.
- Recognizes that landlords have a duty to prevent the occurrence of such parties, including those where alcoholic beverages are served to, or consumed by, underage persons, on private property they lease to tenants, even if they do not have day-to-day, physical control of the property.
- Recognizes that law enforcement, fire, or other emergency responders often need to respond multiple times to disperse underage drinking parties, resulting in a disproportionate expenditure of the public safety resources on these parties, delaying police responses to regular and emergency calls, and reducing police calls to the rest of a community.
- Recognizes that cities and counties require a variety of enforcement strategies to abate underage drinking parties under varying circumstances and that present law constrains the ability of law enforcement to deter underage drinking parties and other gatherings.

As a primary strategy for deterring underage drinking parties on private property, our proposed social host ordinance assesses a civil liability when an unruly party or public nuisance is found to exist. In addition it can impose a civil fee against social hosts (including tenants) and/or landowners (including landlords) for a fine and the recovery of specified costs associated with providing law enforcement, fire, or other emergency response services to the scene where alcoholic beverages are served to, or consumed by, underage persons. Some other components of the ordinance include:

1. A progressive fine structure that begins at \$250 for the first offense and can climb to \$500-\$1,000 for subsequent violations that occur within a year of the most recent violation.
2. All violations are handled as a civil case and as a debt owed to the City rather than a criminal offense. The offender will still have a right to a hearing and due process.
3. The ordinance is specific to underage drinking and does not involve (or require) a loud or unruly party to be taking place; only that two or more minors are present and consuming alcohol.
4. Fines can also include cost recovery fees to pay direct costs of police or EMS response which are in addition to the fine.
5. The ordinance allows us to cite property owners or managers who may or may not be present at the time of the violation as long as there is evidence of negligence or that they should have taken reasonable measures to prevent the event.

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Current research is clear that implementing strategies like the social host ordinance that shift community norms and reduces youth access to alcohol is the most effective way to reduce the rates of high risk drinking as well as related problems in youth and adults. The social host ordinance is a powerful policy approach to reducing underage binge drinking and related problems and will provide the Police Department with another tool to use when responding to events or parties on private property where underage drinking is taking place.

FINANCIAL IMPACT

The fines imposed by this ordinance and the cost recovery component will add an unknown amount to the city budget and will help offset some of the expenses associated with city services related to alleviating nuisance events.

Attachment #1 - Ordinance

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