

2009

Arizona Guide: Drafting a Social Host Ordinance



A how-to guide for
developing local Social Host
and Unruly Gathering
ordinances for communities
in Arizona.



Governor's Office for Children, Youth and Families

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Why Social Host Liability? What is it?

In Arizona, 51% of students that drink alcohol obtained it from a party.¹

Some parents think their minor children and their friends will be safer if they allow underage drinking in their own homes. Some older friends don't see the harm in allowing their underage friends to drink in their apartment. Adult family members and friends are common sources of alcohol for youth in gatherings on private property. Social Host laws seek to restrict youth access to alcohol in these settings.

By allowing youth access to alcohol in private settings, Social Hosts can cause physical harm to our minors and have legal consequences.

Social Host ordinances focus on the setting where drinking occurs regardless of who provides the alcohol. These laws provide law enforcement with additional tools that go beyond the Arizona Revised Statute (ARS) Title IV laws that prohibit serving and providing (also known as furnishing) alcohol to minors (see page 21). When law enforcement arrives on the scene of an underage drinking party, it can be difficult to determine who furnished the alcohol. Social Host ordinances enable law enforcement to cite the individual who hosted the party, or who owns or controls the land where parties occur. Under Social Host laws, these responsible individuals include parents, landowners and tenants.

Underage drinkers often binge drink (meaning 5 or more alcoholic drinks in a short amount of time) which can lead to serious consequences for youth, including: violence (e.g. fighting, sexual assault), accidents, alcohol poisoning and even death. Social Host ordinances seek to prevent these negative consequences, while filling gaps in statutes and offering local communities an additional law enforcement tool.

Does a Social Host Ordinance make sense for your community?

Before pursuing a Social Host Ordinance, it is recommended that you understand the problems associated with underage drinking in your community. Conducting a community assessment and collecting information on youth substance use (how, when, where and what) from youth, parents, law enforcement, health care providers and other community members allows you to

¹ Source: 2008 Arizona Youth Survey

define the problem of underage drinking in your community. The CADCA Assessment Primer² is a good resource for conducting a community assessment. Once you have completed an assessment and are able to provide information on underage drinking and the associated problems for your community, you will be better able to know if a Social Host ordinance may be appropriate for your community. Social Host ordinances make sense for communities when assessment findings indicate that youth often obtain alcohol at parties on private property, such as in open lots in the desert, rental properties, residences, motels, etc. It is recommended that a needs assessment, logic model and strategic plan are developed prior to enacting strategies such as Social Host ordinances.

ORDINANCE NO. 1397.09.05

AN ORDINANCE OF THE CITY OF CASA GRANDE, ARIZONA ADOPTING SECTIONS 9.16.050 AND 9.08.010 OF THE CITY OF CASA GRANDE MUNICIPAL CODE TO INCLUDE A PROHIBITION AGAINST PERMITTING OR ENCOURAGING UNDERAGE DRINKING AND A PROHIBITION AGAINST UNRULY GATHERINGS AND SETTING A PUNISHMENT FOR VIOLATING THOSE SECTIONS; ESTABLISHING THE SEVERABILITY OF THE VARIOUS SECTIONS OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA:

Section 1: Section 9.16.050 of Chapter 9.16 of Title 9 of the Casa Grande Municipal Code is hereby adopted, to read as follows

9.16.050 Permitting or Encouraging Underage Drinking

(a) No person eighteen years or older who owns or occupies any premises shall knowingly permit or fail to take reasonable action to prevent illegal consumption of spirituous liquor or drugs by any person.

(b) A person who violates this section is guilty of a class 1 misdemeanor.

-Excerpt from the Casa Grande Social Host and Unruly Gathering Ordinance, 2009.

² CADCA Assessment Primer http://www.coalitioninstitute.org/SPF_Elements/Assessment/AssessmentHome.asp

Key Concepts in Social Host Law: Focus on the location where drinking occurs

Social Host laws hold **non-commercial individuals**, (e.g. older peers, parents, landowners, and tenants), responsible for underage drinking gatherings on property they own, lease, or otherwise control. Whereas laws prohibiting providing alcoholic beverages to underage persons target the act of **providing the alcoholic beverages** to underage persons, Social Host laws target the **location** where underage drinking takes place.

Social Hosts are individuals who hosted the party, or who own or control the land where parties occur. There are two main types of liability a Social Host faces when underage drinking occurs on the property they own or control:

- **Criminal Liability**
 - A Social Host may be held criminally liable by law enforcement for committing a misdemeanor. Misdemeanor crimes may be punishable with fines and jail time.
- **Civil Liability**
 - A Social Host may be found liable in a private lawsuit brought by someone injured by a guest allowed to drink on the host's private property. Civil liability on the local level may include monetary fines or other penalties.

Options Available Through Arizona State Law:

- **Social Host Criminal Liability**

Arizona law currently prohibits a person **knowingly** allowing underage drinking gatherings, but this Social Host law can be difficult to enforce.

Pursuant to Arizona Statute, *a person who is of legal drinking age and who is an occupant of unlicensed premises is guilty of a class 1 misdemeanor if both of the following apply:*

1. *Such person **knowingly** allows a gathering on such unlicensed premises of two or more persons who are under the legal drinking age and who are neither:
(a) Members of the immediate family of such person.
(b) Permanently residing with such person.*
2. *Such person **knows or should know** that one or more of the persons under the legal drinking age is in possession of or consuming spirituous liquor on the unlicensed premises (ARS §4-241. Q.)*

Law enforcement officers have found that the current state law is difficult to enforce because a person must have evidence that an adult knows that minors are drinking on their property. Several communities in Arizona have passed local Social Host ordinances in order to create underage drinking laws that can be enforced without requiring proof of knowledge that underage drinking is occurring. Local Social Host ordinances can be written to target adults that fail to use reasonable precaution to keep alcohol out of the hands of minors. The benefit of having a local ordinance is that it can be made specific to local conditions. Examples of local conditions include: towns with underage drinking problems with universities and fraternity houses or communities where law enforcement officers are repeatedly asked to respond to problem party sites, such as hotels, apartments, or desert locations.

“When you go to a party where there’s underage drinkers, there’s a pretty good chance that someone over 21 is helping them, but trying to establish it beyond reasonable doubt is difficult.”

Brett Wallace, Casa Grande City Attorney

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- **Social Host Civil Liability**

Civil liability can be developed through state statute or state court decisions. In Arizona, there is no state civil statute concerning liability for providing a location for an underage drinking event in a lawsuit between two parties, however, there are liability *limitations* when *those of legal drinking age* are served.

Pursuant to Arizona laws, Social Host **civil liability limitations** are in place for damages resulting by serving liquor to those over 21. *“...A Social Host is not liable in damages to any person who is injured, or to the survivors of any person killed, or for damage to property, which is alleged to have been caused in whole or in part by reason of the furnishing or serving of spirituous liquor to a person of the legal drinking age.” (Arizona Revised Statute §4-301).*

Although these liability limitations exist for Social Hosts regarding persons of legal drinking age, no civil liability exists at the State level for Social Hosts regarding underage drinkers.

³ Source: Casa Grande Dispatch, *“Landowners who let teens drink to be fined”*, 5/20/09

Since the 2007 passage of the City of Tucson Social Host ordinance "...violent crime has gone down. Sexual assaults are down. Aggravated assaults are down. There is a direct link between the victimization of our youth and underage drinking."

Lt. Mike Pryor, Tucson Police Department

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Options Available Through Local Laws

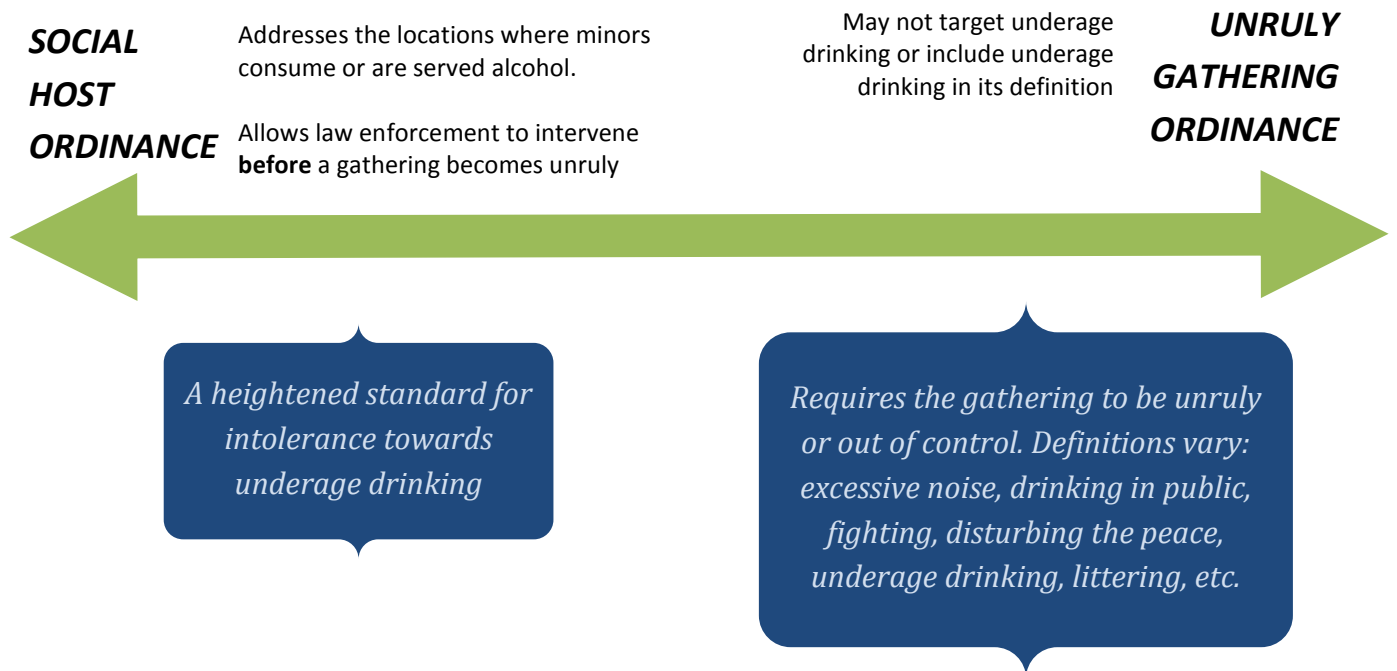
Local options include a combination of criminal and civil penalties such as fines, emergency response costs, administrative fines and jail time. Communities may choose to enact one or more of the following options:

- Social Host Criminal Liability, punishable by either criminal infractions (monetary fines) or criminal misdemeanors (jail time)
 - Holds adults responsible for underage drinking on property they own, lease or otherwise control. Adults can be charged even if they did not provide alcohol and even if they are not on the premises. See the City of Tucson City Code, "Permitting or encouraging underage drinking", page 31, violation of which is a class 1 misdemeanor.
- Social Host Civil Liability—through civil or administrative citations:
 - Response Cost Recovery—declares underage drinking parties on private property a public nuisance and hold Social Hosts civilly responsible for the costs of emergency response services (police, fire, and other emergency responders dispatched to parties, and court time necessary to settle a complaint) provided in response to unruly gatherings. See City of Flagstaff (page 24), which does not include specific underage drinking language.
 - Unruly Gathering Ordinances or "Red Tag" Ordinances—declare unruly gatherings unlawful and hold hosts civilly responsible by charging a fine that increases upon subsequent unruly gatherings. See the City of Tucson (page 31) and Eloy (page 35) for examples. Note: Unruly gatherings are defined many ways, such as loud, with occurrences of fighting, underage drinking, etc. However, some communities don't include underage drinking in their definition of "unruly".

⁴ Source: University of Arizona, DailyWildcat.com, 'Social Host' Law Passed, 4/2/09

What is the difference between Social Host and Unruly Gathering Ordinances?

The key question is: at what point as a community do we want law enforcement to intervene? How out of control does a party need to be before we want law enforcement to be involved? Social Host ordinances allow law enforcement to intervene when even a few underage drinkers are present and before the gathering becomes unruly.



Is Criminal Liability Too Harsh?

Prosecuting parents, older siblings and friends as criminals may not be an effective deterrent to underage drinking. Instead, communities may decide to focus on Civil Liability alone, such as Response Cost Recovery or Red Tag ordinances. Arguments for civil liability include:

- There is a lower **Standard of Proof** in civil cases than in criminal cases
- May not require **Proof of Knowledge** that Social Host knew of underage drinking
- Many municipalities have existing civil nuisance laws that can be modified to address underage drinking if they don't already. There is precedence for using nuisance laws in tobacco prevention work, as second hand smoke has been restricted by categorizing it as a public nuisance.⁵

⁵ Source for this entire section: CSLEP "Social Host Laws in a Nutshell"
<http://www.cslep.org/CSLEP/publications/SHNutshell.pdf>

Checklist for Drafting a Social Host Ordinance

✓ Identify the Problem(s) in Your Community

First, understand the local substance abuse problems by completing a community assessment. Next, employ a strategic planning process to logically connect the substance abuse problems with possible solutions. After completing this process, you may find that Social Host laws are an appropriate strategy to address circumstances such as:

- Teen drinking parties in private residences
- Desert parties and parties on rural land
- University or college drinking parties held in privately owned homes or apartment units
- Fraternity house parties
- Loud or unruly gatherings including underage and legal age persons in resort area settings (e.g., river resort areas, ski vacation rentals)
- Underage drinking parties held in warehouses or garages rented for that purpose, or in foreclosed homes
- Parties occurring in hotels or motels

To be most effective, the Social Host law should be tailored to a local community's day-to-day underage drinking problems.

✓ Locate Relevant Existing State and Local Laws

What are the existing state and local (city/county) laws on underage drinking, especially with regard to providing alcohol to minors, underage possession, underage consumption, and underage purchase applicable to your community? What are the existing local ordinances on public nuisances? What laws should be in place but are missing?

The Social Host ordinance should be drafted in light of existing state and local (city or county) laws on underage drinking and local laws on public nuisance. In drafting a Social Host ordinance, one needs to know how other laws may affect the validity and enforcement of the Social Host ordinance.

Examine existing local public nuisance laws. The city or county's existing public nuisance laws may be modified to address underage drinking parties; this may be easier to achieve than passing a new stand alone Social Host ordinance.

✓ Draft the Key Components of a Community’s Underage Drinking Party Ordinance

The following questions are provided as a guide as you consider which types of Social Host liability are most relevant in your individual community.

1. What is a “loud or unruly” gathering?

“Loud or unruly gathering” is defined many ways; in some cases, it’s a gathering of just “two or more persons.” With definitions like this, are residents subject to liability any time they decide to have a party of any kind? Does it include Thanksgiving Dinner with family and friends? Compare with other cities’ ordinances—in Arizona, for example, the cities of Flagstaff and Oro Valley define unruly as five or more persons.

2. What kinds of conduct constitute a “loud or unruly” gathering?

With certain exceptions, Arizona state statute prohibits alcohol consumption in public. “Loud or unruly” conduct addresses the activity of drinking in public itself and the consequences of drinking in public, such as: excessive noise, fighting, disturbing the peace, etc.

“Loud or unruly” conduct may or may not include the conduct of underage drinkers, but some ordinances include the service of alcohol to minors or consumption of alcohol by minors as a definition of an unruly gathering.

“Loud or unruly” conduct language can be expanded to include the use of controlled and illicit substances, see the Cities of Casa Grande and Coolidge (page 35) for examples.

For an example definition, see the "Red Tag" or Unruly Gathering Ordinance, Tucson City Code 16-32, example, page 31:

"...excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering."

3. Who is a “responsible person”?

Communities should define whether Social Hosts under 18 or 21 years will be deemed “responsible persons” under the ordinance.

See the example from the Flagstaff ordinance (page 24), in which "responsible person" means a person who is present and in charge of the premises or who organized the large party, gathering or event. If the Social Host is a minor, the minor's parent(s) or legal guardian(s) are also deemed responsible.

Communities should define whether absentee landlords and management agents are to be held liable under the ordinance.

The Cities of Oro Valley and Tucson include in their definitions of responsible persons “any sponsor of the event.” This may be helpful in holding “party crews” liable.

Communities should identify any exclusions to the ordinance. For example, the City of Oro Valley ordinance may not impose liability when the individual in possession of the property “could not reasonably foresee” or “reasonably control” the unruly gathering, as long as they have “taken all steps reasonably necessary to exclude the uninvited persons from the premises” (See page 26).

4. What kinds of private property should be included?

Think about the types of problem properties in your areas. Examples include open desert land, hotels, parks, empty lots, etc.

5. What is the time frame for imposing “response costs”? How frequently do first responders have to return to a party site for the fine to apply?

In some cases, fines can be applied when emergency responders are called to return within a twelve-month period of an initial warning.

Some cities have a much smaller time period for a return visit. In the City of Flagstaff, subsequent calls during a 12 hour period following the initial written notice may incur recovery costs. The City of Oro Valley uses a 120 day period for subsequent violations, Tucson uses a 180 day period. Smaller periods make it harder for law enforcement to respond to a problem household where the frequency of parties may be small, but the parties held there are loud or unruly.

6. How are response costs calculated and billed?

Some municipalities calculate according to a pre-determined schedule of costs.

Other municipalities calculate according to a schedule of penalties set forth in the ordinance itself (e.g., City of Tucson “Penalties”).

What should the costs be?

- Costs may be graduated, with increasing levels of penalties, depending on the frequency of responses.

- Costs may be tied to actual costs. For example, the City of Flagstaff costs include: “number of officers required (if “increased response” is required), overhead, related medical treatment, other loss or damages incurred to police department.”

What procedures exist now that could be used? (E.g., public nuisance enforcement.)

- Some localities’ public nuisance procedures have an administrative fine or abatement costs recovery procedure.
- Some localities’ public nuisance procedures are judicial, taking place entirely in court.

Setting out a billing procedure, with a right to appeal procedure, in the ordinance is important so that the community is placed on notice as to how costs will be billed and then collected. Describing procedure in law makes enforcement easier for law enforcement and fair to violators. See the City of Flagstaff ordinance for sample appeal procedure, Section F, Administrative Review. The City of Tucson ordinance includes a detailed appeals section.

7. Exceptions or defenses to limit liability for response costs:

We want to be careful about what behavior we encourage or discourage in a Social Host ordinance. For example, if there is a real emergency at an underage drinking gathering, we want youth to call for help. Communities may choose to include exceptions for an emergency, as in the Gilroy, CA ordinance. Sec. 19C.5.(b)(3) states that “...administrative cost recovery fees will not be imposed in those situations where those present at the gathering call for emergency services for an actual emergency at the premises.”

“A new, two-part city ordinance is putting a lot more accountability in the hands of property owners and parents in regards to underage drinking in Eloy.” – The Eloy Enterprise, New ordinance sends message, March 4, 2009



Rodolfo Calvillo, with the Eloy Governor's Alliance Against Drugs (EGAAD) Coalition, in front of Eloy City Council members. – *The Eloy Enterprise*

8. Does it make sense to include a criminal fine, in addition to the penalty of response costs recovery?

In some Social Host ordinances, a provision is included to fine wrongdoers in addition to the costs associated with emergency responders. For example, the wrongdoer is fined \$250 for the *first* time the emergency responders come out to a party, \$500 for second visit, and \$1000 for a third or subsequent visit.

A fine for an infraction can be imposed when the terms of the Social Host ordinance are violated. An infraction is not punishable by imprisonment, however. Unlike the situation with misdemeanors and felonies, a person charged with an infraction is not entitled to a jury trial or to counsel appointed at public expense. For an example involving civil infractions, see the City of Tucson Unruly Gathering Ordinance, sections e, f and g.

In criminal cases, the prosecution usually has the burden of proving that an individual intended to break the law. In the case of public offenses in Arizona, however, such offenses are known as *strict liability offenses*, which do not require proof that the responsible person knew or should have known that s/he allowed a loud or unruly gathering.

Working to Pass a Social Host Ordinance in your Community

✓ Stakeholder Involvement and Support

There are several key stakeholders that must be involved in order to gain support and develop a Social Host ordinance in your community. It is ideal to build these relationships in advance of pursuing a Social Host ordinance.

- Law enforcement- what is their assessment regarding enforcing underage drinking laws? Do they need an additional tool in order to intervene on underage drinking parties? Are they able to take action when called to underage drinking parties?
- Local government- whether the city, county, or other municipality, it is critical to include the decision-makers that would ultimately vote to enact such ordinances.
- Judicial System- the City or County Attorney and judges are key stakeholders as they are tasked with interpreting local ordinances.
- Parents- as these ordinances are primarily focused on parents and other adult enablers, they are key individuals to mobilize.
- Youth- should be a part of the process. In Pima County, a University of Arizona student was part of the effort and spoke about the need to enforce laws in the fraternity and sorority systems.

✓ Know the Community and the Nature of the Problem

Community coalitions can help mobilize residents and decision-makers by understanding the needs of the community and providing local statistics. Access to local data can help elected officials understand the problems with underage drinking and to justify taking a stand against underage drinking. Examples of persuasive local data include the Arizona Youth Survey results, focus groups with youth and parents, and key informant interviews.

It may also help to reframe the underage drinking issue as a health risk to our youth, such as by sharing research data about:

- The danger of underage drinking and its affect on adolescent brain development,
- Youth mortality rates, and,
- Increased risk of sexual assault and other violent crimes, etc.

Putting It into Practice

If your community has enacted a Social Host Ordinance- congratulations! You have made a significant accomplishment in protecting the health and safety of youth by using an environmental strategy that is durable and likely to be sustained because it has been enacted into law. Take time to celebrate your accomplishment and prepare for the work ahead. The next steps involve:

- **Educating** the public of the new ordinance
- **Enforcing** the law by working with law enforcement
- **Adjudicating** offenders and working with the judicial system
- **Evaluating** the effects of the ordinance on the prevalence and consequences of underage drinking in the community

Educational Strategies

Enacting a Social Host ordinance is just the beginning. For the ordinance to do its work and be a truly effective mechanism for reducing the incidence of and consequences associated with underage drinking, it is critical the community and local law enforcement understand what a Social Host ordinance does and who Social Hosts are. Educational efforts must take place at all levels from educating individuals to educating community systems. Examples of educational efforts include media advocacy and dissemination of educational materials.

Media Advocacy:

The purpose of media advocacy is to utilize the media outlets in your community to educate community members on who social hosts are, what the ordinance covers, and how the ordinance will be enforced. Media advocacy can include public service announcements, billboard advertisements, letters to the editor and editorial columns in addition to press conferences. Please see the appendix for the press release CPC issued to advertise the press conference in Pima County.



Governor Janice K. Brewer speaks at a press conference in support of the new Social Host Ordinance in Pima County, April 2009. –Courtesy of the Pima County Community Prevention Coalition (CPC).

Dissemination of Educational Materials:

You'll need to get the word out to the community overall and while media advocacy can be a great place to start, community members will want and need more detailed, focused information. Brochures, posters, etc. can be created to share the details of the new ordinance. Educational materials should be targeted to the people who need the education. It will be important to create educational materials specifically for law enforcement, parents, older siblings/friends, landlords and motel/hotel owners depending on the audience. Remember, educational materials at this point are focused on the specific ordinance your community passed and how it will affect community members. There may be a need for additional materials detailing the prevalence and consequences of underage drinking. Examples from the City of Tucson are included in the Appendix.

Enforcement Strategies

Law Enforcement members are skilled and highly trained individuals in the area of enforcement of existing laws. However, law enforcement members may not be aware of what Social Host ordinances mean, how they can be enforced, and what to do when they are issuing citations for violation of the ordinance. It is critical to work with your local law enforcement agency to provide any needed support when it comes to the enforcement of Social Host ordinances. Examples of how to work with local law enforcement include:

- **Train** law enforcement officers on the meaning and application of the new ordinance.
- **Develop a tip line** so community members can report underage drinking parties. Tip lines provide police with the information to prevent underage drinking parties or intervene sooner.
- **Educate** the local neighborhood watch group to help identify underage parties and train them to correctly notify law enforcement.
- **Collect data** to understand the application of the law and determine if any gaps exist.

Adjudication Strategies

Much like local law enforcement professionals, the legal system in your community is comprised of a highly trained and skilled workforce. However, the judicial professionals may

not be aware of or prepared to deal with violators of the Social Host ordinance. It is critical to work with the judiciary in your community and provide any support you can when it comes to adjudicating individuals found in violation of the Social Host ordinance. Examples of how you can work with the judiciary include:

- **Train judges** regarding the meaning and application of the new ordinance.
- **Examine the policies** of the judicial system to ensure that cases are handled consistently.
- **Collect data** to understand the application of the law and determine if any gaps exist.

Evaluation Strategies

It is critical to evaluate how the passage of a social host ordinance impacts the prevalence and consequences of underage drinking. You will need to determine what data sources in your community will indicate how underage drinking has changed as a result of the passage of a Social Host ordinance. Establish community level indicators prior to the passage of a Social Host ordinance to accurately demonstrate how the ordinance has impacted underage drinking. These indicators should be a part of community assessment information. Community-level indicators may include:

- **Arizona Youth Survey (AYS) Data** indicating the average age of initiation for first use of alcohol
- **Data** indicating the percent of minors engaging in underage drinking in the last 14 or 30 days
- **Local Law Enforcement Data** detailing the number of citations issued to minors in possession or minors caught underage drinking
- **Emergency Department (ED) Data** indicating the number of admissions to the ED where alcohol is the primary or secondary reason for admittance

For Further Reading:

Preventing Underage Drinking Using Getting To Outcomes™ with the SAMHSA Strategic Prevention Framework to Achieve Results, pages 245-258:

http://www.rand.org/pubs/technical_reports/2007/RAND_TR403.pdf

APPENDIX

State of Arizona Underage Drinking Laws Related to Social Hosting⁶

Area	Prohibited:	Exceptions:
Underage Possession (ARS 4-101, 4-244, 4-249)		<ul style="list-style-type: none"> ✓ One or more specified religious, educational, or medical purposes
Underage Consumption (ARS 4-101, 4-226, 4-244, 4-249)		<ul style="list-style-type: none"> ✓ One or more specified religious, educational, or medical purposes
Underage Purchase (ARS 4-101, 4-241, 4-244)		<ul style="list-style-type: none"> ✓ For law enforcement purposes
Furnishing of Alcohol to Minors (ARS 4-101, 4-226, 4-244, 4-249)		<ul style="list-style-type: none"> ✓ One or more specified religious, educational, or medical purposes
Prohibitions Against Hosting Underage Drinking Parties (ARS 4-241)	<ul style="list-style-type: none"> ✓ Knowingly (or should know) allows a gathering of two or more persons who are under the legal drinking age ✓ Underage possession, consumption ✓ Standard for hosts' knowledge or action regarding the party: negligence ✓ Property type(s) covered by liability law: residence, outdoor, other 	<ul style="list-style-type: none"> ✓ Members of the immediate family of such person. ✓ Permanently residing with such person.

⁶ Source: Alcohol Policy Information System <http://www.alcoholpolicy.niaaa.nih.gov/stateprofiles/StateProfile.asp>

Sample Social Host Ordinances Passed in Arizona

Municipality	Date Passed	Social Host-Criminal	Unruly Gathering-Civil	Response Cost Recovery-Civil
APACHE COUNTY				
City of Show Low	7/7/09	x		x
COCONINO COUNTY				
City of Flagstaff	2/18/97			x
GILA COUNTY				
Town of Miami	5/26/09	x		
MARICOPA COUNTY				
City of Phoenix	7/1/04			x
PIMA COUNTY				
Pima County	3/3/09	x		
City of Oro Valley	3/20/02		x	
City of Tucson	4/9/07	x	x	
PINAL COUNTY				
Pinal County	11/4/09	x		
City of Casa Grande	5/19/09	x	x	
City of Coolidge	7/13/09	x	x	
City of Eloy	2/23/09	x	x	
City of Superior	8/6/09	x		
YAVAPAI COUNTY				
City of Cottonwood	11/3/09		x	

Apache County Ordinances

City of Show Low, Social Host and Response Cost Recovery Ordinance

Chapter 10, Offenses.

Sec. 10-1-23. Consumption of alcohol by minor prohibited in public place, place open to public, or place not open to public.

(A) Except as permitted by state law, it is unlawful for any minor to:

- (1) Consume any spirituous liquor at any public place or any place open to the public; or
- (2) Consume any spirituous liquor at any place not open to the public, unless the consumption of the spirituous liquor is exclusively as part of a religious service.

(B) Spirituous liquor has the same meaning as defined in Title 4 of the Arizona Revised Statutes.

(C) Any person who violates this section is guilty of a class one misdemeanor.

Sec. 10-1-24. Hosting, permitting, or allowing a party, gathering, or event where minors consuming alcohol beverages prohibited.

(A) It is unlawful for any person to permit, allow, or host a party, gathering, or event at his or her place of residence or other private property, place, or premises under his or her control where any spirituous liquor is being consumed by any minor. All reasonable action must be taken by the owner to prevent the consumption of spirituous liquor by any minor at the party, gathering, or event. Reasonable steps are controlling access to spirituous liquor, controlling the quantity of spirituous liquor present, verifying the age of persons attending by inspecting driver's licenses or other government-issued identification cards to ensure minors do not consume any spirituous liquor while at the premises, and supervising the activities of minors.

(B) This section shall not apply to any location or place regulated by the Arizona Department of Liquor Licenses and Control.

(C) Spirituous liquor has the same meaning as defined in Title 4 of the Arizona Revised Statutes.

(D) This section shall not apply to the consumption of spirituous liquor that is exclusively part of a religious service.

(E) Violations; penalties.

(1) Any person in violation of this section shall be guilty of a class one misdemeanor and upon conviction therefore shall be punished as provided in Section 1-8-1(b) of this Code.

(2) The actual cost of the enforcement services used to address any violations of this section shall be deemed a debt owed to the City of Show Low by the person responsible for the event and if juveniles, their parents, or guardians are responsible. Any person owing such debt shall be liable in a civil action brought in the name of the City of Show Low for recovery of the same. This, however, does not waive the right for the City of Show Low to seek reimbursement for actual costs of enforcement services associated with the enforcement through other legal remedies or procedures.

(a) Enforcement services include the salaries and benefits of law enforcement personnel for the amount of time actually spent in responding to and remaining at the party, gathering, or event; the administrative costs attributable to the incident; the actual cost of any medical treatment to injured law enforcement personnel; the cost of repairing any damaged equipment or property; and the cost of the use of any such equipment in responding to, remaining at, or leaving the scene of a party, gathering, or event.

(Ord. No. 2009-11, §1, 7-7-09; Ord. No. 2009-12, §1, 7-7-09)

Coconino County Ordinances

City of Flagstaff, Recovery of Costs for Police Services

TITLE 6- POLICE REGULATIONS

SECTION 6-08-001-0005 LARGE PARTIES, GATHERINGS OR EVENTS:

A. DEFINITIONS

"Large party, gathering or event" means a party, gathering or event of five (5) or more persons who have assembled or are assembling for a social activity or for a special occasion;

"Special security assignment" means the police services provided during a second or subsequent call during a twelve (12) hour period to the location of a large party, gathering or event after a written notice has been given that a police service fee may be imposed for costs incurred by the City for any return or subsequent police response.

"Increased response" means the response of more than two uniformed officers to the scene of a large party, gathering or event where necessary to restore the public peace, health, safety and/or general welfare.

"Police service fee" is that fee which shall be imposed for a special security assignment or increased response. The fee shall be according to a schedule adopted by the Police Chief which is based on the number of officers and units per hour. Said schedule may also include appropriate overhead, the cost of any medical treatment to injured officers, and any other loss or damage incurred by the Police Department in the course of a special security assignment or increased response. The fee may also include the cost or loss incurred by any other law enforcement agency or City department responding at the request of the Flagstaff Police Department.

"Responsible person" means a person who is present at the large party, gathering or event and who is in charge of the premises or who organized the large party, gathering or event. If the responsible person is a minor, the term "responsible person" includes, in addition to the minor, the minor's parent(s) or legal guardian(s).

B. WRITTEN NOTICE

When a police officer responds to a large party, gathering or event for the purpose of restoring the public peace, health, safety or general welfare, the officer shall issue a written notice to any responsible party that a second or subsequent response to that same location or address within

twelve (12) hours of the first response shall be deemed a special security assignment and that any responsible party may be liable for a police service fee for such special security assignment.

C. RECOVERY OF COSTS FOR POLICE SERVICES

1. If, after written notice is given pursuant to subsection B. above, a second or subsequent police response is necessary to the same location or address within twelve (12) hours of the first response, such response shall be deemed a special security assignment and any responsible person(s) shall be subject to the police service fee as provided in this Section.

2. In the event an increased response to the scene of a large party, gathering or event is necessary to restore the public peace, health, safety and/or general welfare, any responsible person(s) shall be subject to the police service fee as provided in this Section.

D. POLICE SERVICE FEE

1. The police service fee for a special security assignment or increased response shall not exceed one thousand dollars (\$1,000.00) for a single incident.

2. Where there is more than one responsible person for a large party, gathering or event for which a police service fee is imposed, all responsible persons are jointly and severally liable to the City of Flagstaff for payment of the police service fee. Where a responsible person is a minor, the minor's parents or legal guardians are jointly and severally liable for payment of the police service fee. All responsible persons owing a police service fee may be liable in an action brought in the name of the City for recovery of the police service fee, including reasonable attorney fees.

3. The City does not waive its right to seek reimbursement for costs exceeding one thousand dollars (\$1,000.00) through other legal remedies or procedures.

E. BILLING

The Chief of Police or any person designated by the Chief of Police shall cause appropriate billings for the police service fee to be made to the responsible person(s). Billings shall include the name and address of the responsible person, the date, time and location of the incident for which a police service fee is imposed, and shall identify the services provided, any loss or damage and such other information as may be relevant.

F. ADMINISTRATIVE REVIEW

A responsible person who has been billed for a police service fee may seek administrative review of the imposition of said fee. A request for review shall be in writing to the Chief of the Flagstaff Police Department, and shall be received by the Chief no later than ten days (excluding holidays and weekends) from the date the police service fee invoice was issued. The request for review shall contain a concise statement as to why imposition of the police service fee is improper or the fee amount incorrect. The Chief of Police shall issue a final decision in writing which shall include the reason(s) for the decision. A final review may be made by the Flagstaff City Manager, and shall be requested in writing within five days (excluding holidays and weekends) of the date the Chief of Police issues a decision.

G. OTHER REMEDIES

Nothing in this Section shall be construed as affecting concurrent or subsequent criminal prosecution for any violation arising out of the circumstances necessitating the application of this Section. (Ord. 1934, 02/18/97) (Ord. No. 1934, Enacted, 02/18/97; Ord. No. 1934, Enacted, 02/18/97)

Gila County Ordinances

Town of Miami, Social Host Ordinance

The Town of Miami passed Ordinance No. 311 on May 26, 2009. The language was based on the Pima County Ordinance, which is provided below.

Maricopa County Ordinances

City of Phoenix, Response Cost Recovery for Loud Parties

PHOENIX CITY CODE revised July 1, 2006

ORDINANCE G-4630, Phoenix City Code Article I

Section 1. Section 2-45.1, Recovery of costs at events requiring response by police.

A. If a Police Officer responds to a party, gathering or large event and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, any person who is responsible for the party, gathering or event is liable for the reasonable costs of a response by the police to that incident

B. The costs of a response by the police shall be a charge against any person who is responsible for the party, gathering or event under this section. The charge constitutes a debt of that person and is collectible by the City in the same manner as in the case of an obligation under a contract. Costs imposed under this section are due and payable upon the expiration of the period to request a hearing under subsection E or upon notice of the Hearing Officer's decision if a hearing is requested. The liability imposed by this section is in addition to any liability otherwise imposed by the law.

C. In no event shall a person's liability under this section for the costs of a response by the police exceed one thousand dollars for each incident. The costs of a response shall be waived if any person who is responsible for the party, gathering or event initiates a request for a police response and assists the police in dispersing persons attending the party, gathering or event.

D. For purpose of this section, unless the context otherwise requires:

1. Reasonable costs include the salaries of the responding police officers, at the salary then in effect for each classification of each individual officer, for the amount of time actually spent in responding to or remaining at the party, gathering, or event; appropriate overhead; the actual cost of any medical treatment to injured officers; and the cost of repairing any damaged City equipment or property.

2. Party, gathering or event means a group of five or more persons who have assembled or are assembling in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to underage persons, fights, disturbances of the peace and litter.

3. Person who is responsible for the party, gathering or event means any person in actual or lawful control or possession of the premises, and any person who organized the party, gathering or event. If two or more persons are responsible for the party, gathering or event such persons shall be jointly and severally liable for the reasonable costs of a response. If the person responsible for the party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the reasonable costs of a response.

E. Hearing Procedures.

1. A person liable for the costs of a police response under this section may, within ten days of receipt of notice of the costs imposed request a hearing with a Hearing Officer designated by the City Manager.

2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.

3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of the police response and the reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of evidence that the costs of the police response should be imposed and that the amount is reasonable under the circumstances.

4. The decision of the Hearing Officer is final. A failure of the person charged with the costs of a police response to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity or amount of the costs imposed.

http://phoenix.gov/POLICE/loud_party_eng.html

http://phoenix.gov/POLICE/loud_party_span.html

Pima County Ordinances

Pima County, Social Host Ordinance

Ordinance No. 2009-15

AN ORDINANCE OF PIMA COUNTY, ARIZONA RELATING TO PUBLIC PEACE, MORALS AND WELFARE: UNDERAGE DRINKING, AMENDING PIMA COUNTY CODE TITLE 9 TO ADD CHAPTER 9.70, PERMITTING OR ENCOURAGING UNDERAGE DRINKING.

WHEREAS, the Pima County Board of Supervisors has authority to adopt ordinances regarding alcohol to the extent not in conflict with Title 4 of Arizona Revised Statutes, A.R.S. §§4-224, 11-251.05, and 11-251(31); and

WHEREAS, underage drinking is a threat to public health, safety and general welfare as well as harmful to the underage drinker; and

WHEREAS, the Pima County Board of Supervisors has determined that it is in the best interest of the County to curb underage drinking in Pima County.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1. That Pima County Code, Title 9, Public Peace, Morals and Welfare, is amended to add a new Chapter 9.70 to read as follows:

Chapter 9.70

9.70.010 Permitting or encouraging underage drinking.

- A. No person of legal drinking age in Arizona may knowingly permit or fail to take reasonable action to prevent the illegal consumption of spirituous liquor by an underage person on premises owned by the person or under the person's control. This section does not apply to spirituous liquor used exclusively as part of a religious service.
- B. A person who violates this section is guilty of a class 1 misdemeanor.
- C. Spirituous liquor has the same meaning as in Title 4 of the Arizona Revised Statutes.

SECTION 2. If any portion of this Ordinance is for any reason found to be invalid, illegal, or unenforceable, all other parts nevertheless remain valid, legal and enforceable.

SECTION 3. This Ordinance takes effect 31 days after its adoption.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, THIS 3rd DAY OF March, 2009.

City of Oro Valley, Loud or Unruly Gatherings

Article 10-10. LOUD OR UNRULY GATHERINGS

10-10-1 Definition - Loud Gathering Unlawful

An unruly gathering is a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons, and shall be unlawful. Such disturbances include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering. An unruly gathering may be abated by reasonable means including, but not limited to, citation or arrest of violators under applicable ordinances or state statutes, including this one. (02-07, Added, 03/20/2002)

10-10-2 Notice of Unruly Gathering Posting

A. The premises at which the unruly gathering occurs shall be posted with a notice stating that the intervention of the police has been necessitated by the occurrence of an unruly gathering at the premises. The notice shall state the date of the police intervention, and that any subsequent unruly gathering on the same premises within a one hundred and twenty (120) day period shall result in liability for the penalties provided for in this article. Parties liable include any persons in attendance causing the gathering to be unruly, or any owner, occupant or tenant of the premises at which the unruly gathering occurred, or any sponsor of the event constituting the unruly gathering.

B. Premises shall be posted with a notice as provided in this section each time an unruly gathering occurs. In the event that premises are already posted at the time of the subsequent posting, the one hundred twenty day period from the date of the existing posting shall be extended to one hundred twenty days from the date of the subsequent posting. Once premises are initially posted as a result of an unruly gathering and the conduct causing the gathering to be unruly has ceased, a resumption of unruly behavior on the premises resulting in another police response shall constitute a new and separate unruly gathering for the purposes of this article.

C. The owner, occupant, or tenant of the posted premises shall be responsible for ensuring that the notice is not removed, moved, defaced or concealed. The removal, movement, defacement, or concealment of a posted notice shall be a civil infraction carrying a penalty of a minimum mandatory two hundred dollar (\$200.00) fine, in addition to any other penalties which may be imposed under this article. The owner, occupant or tenant of the premises or sponsor of the event constituting the unruly gathering, if present, shall be consulted as to the location in which such notice is posted in order to achieve the security of the notice and to provide for its prominent display.

D. An owner, occupant or tenant of the posted premises may contest the posting of the notice by filing a written application for hearing with the Oro Valley Magistrate Court requesting that the court determine whether justification existed for posting of the notice under the provisions of this article. The application shall be filed within ten (10) days after the initial posting of the notice, or, if the notice is given by mail, within ten (10) days after mailing the notice, and in no circumstances thereafter. The court shall set a time and date for a hearing to be held not later than thirty (30) days after receipt of the written application for a hearing and shall notify both the applicant and the town prosecutor's office of the hearing date. At the hearing, the Town shall prove by a preponderance of the evidence that the posting of the notice was justified pursuant to the provisions of this article.

(02-07, Added, 03/20/2002)

10-10-3 Notification of Property Owner

Notification of the posting of the notice of the unruly gathering shall be mailed to any property owner at the address shown on the Pima County property tax assessment records. The notification shall advise the property owner that any subsequent unruly gathering within one hundred and twenty (120) days on the same premises shall result in liability of the property owner for all applicable penalties as provided in this article. Notification shall be made by certified mail. The

return receipt shall be prima facie evidence of service for court proceedings. The owner of the property may also be notified by telephone and will be documented once individual contact with the owner has been made and the owner notified of the unruly gathering and posting.

(02-07, Added, 03/20/2002)

10-10-4 Subsequent Unruly Gathering a Civil Infraction; Parties Liable

The occurrence of an unruly gathering on the same premises more than once in any one hundred and twenty day period shall be a civil infraction. The following parties, if found responsible for such an infraction, shall be liable for the penalties provided for in Section 10-10-5.

- A. The owner of the property where the unruly gathering occurred, provided that notification of posting was mailed to the owner of the property as provided for in Section 10-10-3, and that the unruly gathering occurred not less than two (2) weeks after the mailing of such notification.
- B. The owner, occupant or tenant of the property where the unruly gathering occurred.
- C. The person or persons who organized or sponsored the event constituting the unruly gathering.
- D. Any person in attendance at the unruly gathering who engaged in any conduct causing the gathering to be unruly.

Nothing in this Section shall be construed to impose liability on the owner, occupant or tenant of the premises or sponsor of the event constituting the unruly gathering, for the conduct of the persons who are in attendance without the express or implied consent of the owner, occupant, tenant or sponsor, as long as the owner, occupant, tenant or sponsor has taken all steps reasonably necessary to exclude the uninvited persons from the premises. Where an invited person engages in unlawful conduct which the owner, occupant, tenant or sponsor could not reasonably foresee and could not reasonably control without the intervention of the police, the unlawful conduct of the person shall not be attributable to the owner, occupant, tenant, or sponsor for the purposes of determining liability under this Section.

(02-07, Added, 03/20/2002)

10-10-5 Penalty

The penalty for a party found responsible for the occurrence of a subsequent unruly gathering, as provided in Section 10-10-4, shall be a minimum mandatory fine of five hundred dollars (\$500.00) for a first violation, a minimum mandatory fine of one thousand dollars (\$1,000.00) for a second violation, and minimum mandatory fines of one thousand five hundred dollars (\$1,500.00) for the third or each subsequent violation thereafter.

The civil fines provided herein shall be in addition to any other penalties imposed by law for particular violations of the law committed during the course of an unruly gathering.

The court may also enter an order of abatement against a party found responsible for a violation of this article.

(02-07, Added, 03/20/2002)

10-10-6 Enforcement

The police department is authorized to enforce the provisions of this article provided that enforcement is initiated by a complaint from a member of the public. The complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible.

(02-07, Added, 03/20/2002)

City of Tucson, Social Host and Unruly Gathering “Red Tag” ordinances

Tucson City Code Sec. 11-39. Permitting or encouraging underage drinking

(a) No person of legal drinking age in Arizona may knowingly permit or fail to take reasonable action to prevent the illegal consumption of spirituous liquor by an underage person on premises owned by the person or under the person's control. This subsection does not apply to spirituous liquor used exclusively as part of a religious service.

(b) A person who violates this section is guilty of a class 1 misdemeanor.

(Ord. No. 10396, § 1, 5-1-07)

Editor's note: Prior to the reenactment of § 11-39 by Ord. No. 10396, Ord. No. 4520, § 1, adopted June 21, 1976, repealed § 11-39 which had pertained to the frequenting of places where narcotics were used and derived from the 1953 Code, ch. 18, § 32.

Tucson City Code Section 16-32. Unruly Gathering Ordinance, under the “Neighborhood Preservation Ordinance,” Ordinance 9814

Sec. 16-32. Unruly gatherings

(a) Definitions. For the purposes of this section, unless the context otherwise requires, the following terms or phrases are defined as:

Owner means any owner, as well as any agent of an owner acting on behalf of the owner to control or otherwise regulate the occupancy or use of the property.

Premises means the property that is the site of an unruly gathering. For residential properties, premises means the dwelling unit or units where the unruly gathering occurs.

Unruly gathering means a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons. Such disturbances include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.

(b) Abatement of unruly gathering. A peace officer may abate an unruly gathering by reasonable means including, but not limited to, citation or arrest of violators under applicable ordinances or state statutes, and dispersal of the persons attending the gathering.

(c) Notice of unruly gathering; posting; removal of notice prohibited; right to contest posting.

(1) Contents of notice. The premises at which the unruly gathering occurs shall be posted with a notice stating:

a. That an unruly gathering has occurred at the premises;

b. The date of the unruly gathering;

c. That any subsequent unruly gathering on the same premises within a one hundred eighty (180) day period shall result in liability for the penalties provided in this section. Parties liable include any persons in attendance causing the gathering to be unruly, or any owner, occupant or tenant of the premises at which the unruly gathering occurred, or any sponsor of the event constituting the unruly gathering; and

d. The right to contest the posting as provided in subsection (c)(4) of this section.

(2) Posting requirements. Premises shall be posted with a notice as provided in this section each time an unruly gathering occurs. The owner, occupant or tenant of the premises or sponsor of the event constituting the unruly gathering, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display. In the event that a premises is already posted at the time of a subsequent posting, the one hundred eighty (180) day period from the date of the existing posting shall be extended to one hundred eighty (180) days from the date of the subsequent posting. Once a premises is initially posted as a result of an unruly gathering and the conduct causing the gathering to be unruly has ceased, a resumption of unruly behavior on the premises resulting in another police response shall constitute a new and separate unruly gathering for purposes of this section.

(3) Removal of notice prohibited. The owner, occupant, or tenant of the posted premises shall be responsible for ensuring that the notice is not removed, defaced, or concealed. The removal, defacement, or concealment of a posted notice is a civil infraction carrying a penalty of a minimum, mandatory one hundred dollar (\$100.00) fine, in addition to any other penalties which may be imposed under this section.

(4) Right to contest posting.

a. An owner, occupant, or tenant of the posted premises may contest the posting of the notice by filing a written petition for review with the civil infractions division of the city court requesting that the court determine whether justification existed for posting of the notice under the provisions of this section. The petition must be filed within ten (10) days after the posting of the notice or, if the notice is given by mail, within fifteen (15) days after the date of the mailing of the notice, and not thereafter. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the written petition and shall notify both the petitioner and the criminal division of the city attorney's office of the hearing date. In order to avoid the possibility of conflicting rulings, if more than one (1) petition is filed under this subsection relating to a single posting, for example by multiple lawful occupants of the posted premises, the court shall set only one (1) hearing and shall consolidate the petitions and notify all petitioners of the hearing date and time. At the hearing, the city has the burden of proving by a preponderance of evidence that the posting of the notice was justified pursuant to the provisions of this section.

b. An owner of a posted premises, at any time after the posting or the mailing of the notice, may petition the court for an order directing the removal of the notice on the grounds that the owner has taken reasonable and necessary actions, such as evicting a tenant responsible for the violation, to prevent the occurrence of a subsequent unruly gathering at the posted location. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the petition and shall notify both the petitioner and the criminal division of the city attorney's office of the hearing date. At the hearing, the petitioner has the burden of proving by a preponderance of evidence that the petitioner has taken reasonable and necessary actions to prevent the occurrence of a subsequent unruly gathering. This petition process is not available to an owner who was present at the unruly gathering and engaged in conduct causing the gathering to be unruly.

(d) Notification of property owner

(1) Notification of the posting of the notice of unruly gathering shall be mailed to any property owner at the address shown on the Pima County Property Tax Assessment Records. The notification shall advise the property owner that any subsequent unruly gathering within one hundred eighty (180) days on the same premises shall result in liability of the property owner for all applicable penalties as provided in this article. Notification shall be made by certified mail. The return receipt shall be prima facie evidence of service.

(2) Additionally, notice shall be provided to an agent of the owner who controls or regulates the use of the premises, if known. Notice to the owner's agent may be provided by hand delivery or by certified or regular mail sent to the agent's last known address.

(3) The failure to serve notice to any person described in this subsection shall not invalidate any citation or other proceedings as to any other person duly served, or relieve any such person from any duty imposed by this section.

(e) Unruly gathering a civil infraction; parties responsible. An unruly gathering is unlawful and constitutes a civil infraction. The following parties, if found responsible for such an infraction, are liable for the penalties provided in subsection (g)(1):

(1) The person or persons who organized or sponsored the event constituting the unruly gathering, including any owner or occupant in attendance at the unruly gathering.

(2) Any person in attendance at the unruly gathering who engaged in any conduct causing the gathering to be unruly.

(f) Subsequent unruly gathering a civil infraction; parties responsible. The occurrence of an unruly gathering on the same premises more than once in any one hundred eighty (180) day period is a civil infraction. The following parties, if found responsible for such an infraction, are liable for the penalties provided in subsection (g)(2):

(1) The owner of the property where the subsequent unruly gathering occurred, if either:

a. The owner was present when the property was posted, or

b. Notification of posting was mailed or delivered to the owner of the property per subsection (d), and the subsequent unruly gathering occurred not less than two (2) weeks after the mailing of such notification.

(2) The occupant or tenant of the property where the subsequent unruly gathering occurred.

(3) The person or persons who organized or sponsored the event constituting the subsequent unruly gathering.

(4) Any person in attendance at the subsequent unruly gathering who engaged in any conduct causing the gathering to be unruly.

Nothing in this section shall be construed to impose liability on the owner, occupant, or tenant of the premises or sponsor of the event constituting the unruly gathering, for the conduct of persons who are in attendance without the express or implied consent of the owner, occupant, tenant, or sponsor, as long as the owner, occupant, tenant or sponsor has taken steps reasonably necessary to prevent a subsequent unruly gathering or to exclude the uninvited persons from the premises, including owners who are actively attempting to evict a tenant from the premises. Where an invited person engages in unlawful conduct which the owner, occupant, tenant or sponsor could not reasonably foresee and could not reasonably control without the intervention of the police, the unlawful conduct of the person shall not be attributable to the owner, occupant, tenant or sponsor for the purposes of determining liability under this section.

(g) Penalties

(1) Unruly gathering. The penalty for a party found responsible for an unruly gathering, as provided in subsection (e), shall be a minimum mandatory fine of one hundred dollars (\$100.00).

(2) Subsequent unruly gathering. The penalty for a party found responsible for the occurrence of a subsequent unruly gathering, as provided in subsection (f), shall be a minimum mandatory fine of five hundred dollars (\$500.00) for a first violation, a minimum mandatory fine of one thousand dollars (\$1,000.00) for a second violation, and minimum mandatory fines of one thousand five hundred dollars (\$1,500.00) for each third or subsequent violation.

(3) Abatement. The civil fines provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of an unruly gathering. The court shall also enter an order of abatement against a party found responsible for a violation of this section pursuant to Chapter 8 of the Tucson Code.

(h) Enforcement. The police department is authorized to enforce the provisions of this section provided that enforcement is initiated by a complaint from a member of the public. The complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 9, 3-1-05)

Pinal County Ordinances

Pinal County, Social Host Ordinance

The Pinal County Board of Supervisors passed Ordinance 110409-UCSL on November 4, 2009. This language was based on the Pima County Social Host Ordinance, which is provided in this guide. Key differences between the ordinances include the addition of the language under SECTION 1., “As used herein, the term “premises” means any real property and any structure, movable or immovable, permanent or temporary.”

City of Casa Grande, Social Host and Unruly Gathering Ordinance

The City of Casa Grande passed Ordinance 2580 effective July 1, 2009, Authorizing of Casa Grande, Arizona Adopting Sections 9.16.050 and 9.08.010 of the City Of Casa Grande Municipal Code. The language was based on the City of Tucson Social Host and Unruly Gathering Ordinance, which is provided below. Differences between the ordinances include:

Permitting or Encouraging Underage Drinking, language states “no person eighteen years or older” rather than “no person of legal drinking age”, and expands the scope of underage drinking to include **“illegal consumption of spirituous liquor or drugs by any person”**.

City of Coolidge, Social Host and Unruly Gathering Ordinance

The City of Coolidge passed Ordinance No. 09-15 on July 13, 2009 with language similar to that of Casa Grande, which was based on the City of Tucson Social Host and Unruly Gathering Ordinance, which is provided below. Differences between the ordinances include:

Permitting or Encouraging Underage Drinking or Illegal Drug Use, language states “no person eighteen years or older” rather than “no person of legal drinking age”, and expands the scope of underage drinking to include **“the illegal use of drugs by any person”**.

City of Eloy, Social Host and Unruly Gathering Ordinance

The City of Eloy passed Ordinance No. 09752 on February 23, 2009. The language was based on the City of Tucson Social Host and Unruly Gathering Ordinance, which is provided in this guide.

City of Superior, Social Host Ordinance

The City of Superior passed its ordinance on August 6, 2009. The language was based on the City of Tucson Social Host Ordinance, which is provided in this guide.

Yavapai County

City of Cottonwood, Unruly Gatherings Ordinance

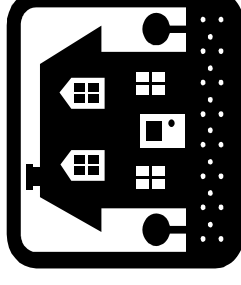
The City of Cottonwood passed ordinance number 553 on November 3, 2009. The language was based on the City of Tucson Unruly Gathering Ordinance, which is provided in this guide. Differences between the ordinances include: All time 180 day time periods in the Tucson ordinance were shortened to 90 days in the Cottonwood ordinance. In addition, section 9.24.080-D Penalties was added:

Fines; collection; abatement. Any civil fine not paid within thirty (30) days after judgment shall constitute a lien against real property of the defendant and may be filed with the county recorder’s

office. The city attorney may commence a separate legal action in city court to collect the fine. When the magistrate orders correction or abatement of a civil violation or civil infraction, and there is no compliance within thirty (30) days, such violation shall be deemed a public nuisance and the city attorney may seek injunctive relief in a court of competent jurisdiction. Any action taken under this section shall be in addition to any other remedies provided in this Code.

Supplemental Documents

The following pages contain Sample educational and press release materials from Pima County and the Pima County Community Prevention Coalition



ES

¿Sabías que es contra la ley...

- **¿consumir bebidas alcohólicas si eres menor de 21 años de edad?**
- **¿para un padre, hermano(a) mayor de edad, o un amigo(a) darte bebidas alcohólicas si eres menor de 21 años de edad?**
- **¿para un adulto que invite a menores de edad a su casa para una fiesta donde se consumirán bebidas alcohólicas?**

El día tres de Marzo, 2009 La Junta Administrativa de el Condado de Pima adoptaron unánimemente una ordenanza que se enfocara en reducir el numero de adultos que con conocimiento invitan a menores de edad a fiestas donde se consume alcohol. La ordenanza convierte este delito en Ofensa menor de 1ra Clase para cualquier adulto que sabe que menores de edad consumen alcohol en propiedad que poseen o controlan. Una Ofensa menor de 1ra Clase es la clase mas seria y lleva una pena de hasta 6 meses de cárcel.

La nueva ley 'Social Host Ordinance, No. 2009-15' sostiene a adultos responsables por menores de edad que consumen bebidas alcohólicas durante eventos en propiedades que poseen, alquilan o controlan de otra manera. Adultos, miembros de familia mayores de edad y amistades pueden enfrentar cargos con esta ofensa, incluso si no proporcionaron el alcohol, e incluso no tienen que estar en la propiedad cuando el beber ocurre para estar en violación de esta ley.

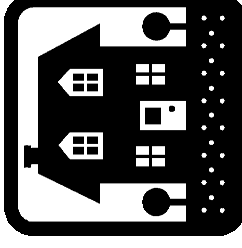
Consumo del alcohol entre menores de edad y fiestas son formula para desastre. Cuando menores de edad se reúnen para consumir bebidas alcohólicas, ellos a menudo se emborrachan – tomando grandes cantidades de alcohol en corto tiempo. La ebriedad conduce a la violencia, asaltos sexuales/violaciones, pleitos, accidentes automovilísticos, conducen en estado de ebriedad, intoxicación alcohólica y a veces hasta muerte.



¡No Seas Un Anfitrión Social!



Adults who HOST lose the MOST!



Did you know that it is against the law...

- **to drink alcohol if you are under the age of 21?**
- **for a parent, older brother or sister, or friend to give alcohol to you if you are under the age of 21?**
- **for an adult to host an underage drinking party at their house?**

On March 3, 2009, the Pima County Board of Supervisors unanimously adopted an ordinance that would crack down on adults who knowingly host underage drinking parties. The ordinance makes it a class 1 misdemeanor for adults who know that underage drinking is occurring on property that they own or control. A class 1 misdemeanor is the most serious class and carries a penalty of up to six months in jail.

The new "Social Host Ordinance, No. 2009-15" holds adults responsible for underage drinking events on property they own, lease, or otherwise control. Adults, older family members, and friends can be charged even if they did not provide the alcohol. And, they do not even have to be on the premises when the drinking occurs to be in violation of the law.

Underage drinking and parties are a formula for disaster. When underage drinkers get together to party, they often binge drink—consuming large amounts of alcohol in a very short amount of time. Binge drinking leads to violence, sexual assaults/rapes, fights, accidents, DUI, alcohol poisoning, and even death.



The community advocate for substance abuse prevention and treatment in Pima County
www.commissiononaddiction.org



**PRESS CONFERENCE
ADVISORY****SAMPLE PRESS RELEASE**

For Immediate Release: March 30, 2009

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Pima County Social Host Ordinance**Press Conference On Underage Drinking**

WHAT: The Pima County Community Prevention Coalition press conference on the passage of the Pima County Social Host Ordinance for the prevention of underage drinking.

WHEN: 10:30 a.m., Wednesday, April 1, 2009.

WHERE: Pima County Justice Court (East courtyard), 115 North Church Avenue.

WHY: Presentation of the newly-passed Pima County "Social Host" Ordinance in order to educate the public on the dangers of underage drinking with guest speakers:

- Governor Jan Brewer.
- Richard Elias, Chair of the Pima County Board of Supervisors.
- Pastor Roy Tulgren, III, Chair of the Pima County Community Prevention Coalition.
- Lt. Karl Woolridge, Pima County Sheriff's Department.
- Lt. Mike Pryor, Tucson Police Department.
- Tanya Valladares, Miss Pima County 2009.
- Amy Bass, Community Prevention Coalition Program Coordinator, Compass Behavioral Health Care.

TUCSON – Governor Jan Brewer will speak at a press conference coordinated by the Pima County Community Prevention Coalition, at 10:30 a.m. in the front courtyard on the East side of the Pima County Justice Court, 115 North Church Avenue.

The purpose of the press conference is to inform and educate the public on the newly passed Pima County "Social Host" Ordinance which sets new responsibilities for property owners concerning underage drinking that occurs on their property or on property under their control. The passing of the ordinance is timely; with the approach of prom and graduation season.

On March 3, 2009, the Board of Supervisors of Pima County adopted Ordinance No. 2009-15, "an ordinance of Pima County, Arizona relating to public peace, morals and welfare: underage drinking; amending Pima County Code Title 9 to add Chapter 9.70, permitting or encouraging underage drinking," thanks to the collaborative efforts of the Pima County Community Prevention Coalition (CPC), the Pima County - Tucson Commission on Addiction Prevention & Treatment and the Pima County Task Force to Reduce Underage Drinking.

The "Social Host" Ordinance makes it a Class 1 misdemeanor for adults who host underage drinking parties in unincorporated Pima County. The social host ordinance holds adults responsible for underage drinking events on property they own, lease, or otherwise control. Adults can be charged even if they did not provide the alcohol or even if they are not on the premises when the drinking occurs. Speakers will be available for interviews to the press immediately following the press conference.

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Pima Prevention Partnership, Inc.
www.thepartnership.us