

June 1, 2010 Board Meeting Presentation



Social Host Ordinance



Social Host Ordinance Hearing

- **Today's hearing is to consider establishing a Countywide Social Host Ordinance**
- **Consider the following recommendations:**
 - 1. Consider the introduction (first reading) of an Ordinance entitled, "An Ordinance of the Board of Supervisors of the County of Santa Barbara Adding Chapter 48 to Prohibit Underage Drinking;" and**
 - 2. Set a hearing for June 15, 2010 to consider the adoption (second reading) of the Ordinance adding Chapter 48 to the County Code and direct that no one be cited for an additional 60-day period to allow for community education.**

Social Host Ordinance



What is a Social Host Ordinance?

- **A Social Host Ordinance holds responsible those individuals who host events at which underage individuals consume alcoholic beverages**
- **It applies to underage drinking that occurs on property owned, rented, leased, or otherwise controlled by adults**
- **It is an additional tool to control underage drinking in the community**
- **Does not affect law enforcement's responsibility to enforce existing laws or allow greater access to residences than otherwise exists in State law**

Social Host Ordinance



What is a Social Host Ordinance?

It typically includes certain key elements:

- **Defines unlawful gatherings on private property where alcohol is served to minors**
- **The ability for law enforcement to issue a citation with fines attached**
- **It can include escalating fines for repeat offenders**



Social Host Ordinance



Why is Underage Drinking a Problem?

- **Underage and binge drinking is a significant community problem – it is the number ONE “drug of choice” for today’s youth**
- **A common way underage drinkers access alcohol is in the home and at parties held in homes**
- **Reports of alcohol poisonings, traffic collisions, property damage, community disturbances, violence, and sexual assault are an all-too-common result of these events**



Why is Underage Drinking a Problem?

- **It is estimated that the economic cost of the use of alcohol by California's youth, including traffic collisions, violent crimes, burns, drowning, suicide attempts, fetal alcohol syndrome, alcohol poisoning, and treatment is more than \$6.5 Billion per year**
- **The national annual cost of underage drinking is estimated to be at least \$53 Billion**



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Why is Underage Drinking a Problem for the Santa Barbara Community?

- **ADMHS data supports community concern regarding alcohol consumption by minors:**

Factor	9th Grade	11th Grade
Alcohol – lifetime use (4 or more times)	26%	46%
Alcohol – last 30 days	29%	38%
Marijuana – lifetime use (4 or more times)	17%	29%
Marijuana – last 30 days	17%	22%

Source of Alcohol	9th Graders	11th Graders
Home	5%	4%
Parties	19%	24%
Friends	8%	7%

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Why is Underage Drinking a Problem for the Santa Barbara Community?

Age of First Use	9th Grade	11th Grade
Age 13	14%	15%
Age 15	2%	15%

<i>Current Binge Drinking (past 30 days)</i>	9th Grade	11th Grade
1 to 2 days	9%	12%
3 or more days	9%	13%

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- **ADMHS records also show the number of persons under the age of 18 who have received ADMHS-funded alcohol and drug services this fiscal year (through May 24, 2010):**

CADA (ADP)	235
CADA Daniel Bryant	196
Charles Golodner	8
Coast Valley Lompoc	28
Coast Valley Santa Maria	56
People Helping People - Santa Ynez	14
Santa Maria Youth & Family (ADP)	98
Zona Seca Lompoc	93
TOTAL unduplicated	728



- There are a significant number of minor clients in County alcohol abuse treatment programs and the numbers have grown from 2009 to 2010:

County Region	2009 # of Minor Clients	2010 # of Minor Clients
Central	53	135
South	415	431
North	45	162
Total	513	728



Sheriff Department data shows a large number of alcohol-related arrests and citations in 2008 and 2009:

Code Violation	Violation	# of Violations 2008	# of Violations 2009
25662 B&P*	Minor Possession of Alcohol	1,490	1,386
25658 B&P	Furnish Alcohol to Minor	49	54
647 (F) PC**	Public Intoxication	1,293	1,453
23152 VC***	Drunk Driving	412	345
36-3 County Ordinance	Open Container in Public	740	956
24-34 County Ordinance	Public Urination	225	259
40-2 County Ordinance	Amplified Music After Hours	328	470
415 PC	Disturbing the Peace	261	136
36-6 County Ordinance	Party Nuisance		11

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How a Social Host Ordinance Can Help

- **Social host laws are an effective form of public policy that help communities to reduce binge drinking and drinking and driving among the youth**
- **By penalizing adults for illegally supplying alcohol to youth, Social Host Ordinances help reduce the problem of underage drinking in communities**
- **Numerous states, counties, and cities across the nation are increasingly implementing social host laws**



Social Host Ordinance



Santa Barbara County Draft Ordinance

- **Defines a party, gathering, or event as a group of five or more persons;**
- **Defines responsible person as any person as any person(s) who own, rent, or otherwise controls premises that knowingly hosts or permits underage drinking**
- **Defines *premise* as “any home, yard, open areas adjacent thereto, and accessory structures; apartment, condominium; hotel or motel room; or a hall or meeting room, or any other dwelling unit occupied on a temporary or permanent basis...”**



Santa Barbara County Draft Ordinance

- **Defines knowing as aware of or having reason to be aware of a party, gathering, or event**
- **Prohibits unlawful gatherings where alcohol is provided and served to and/or consumed by minors**
- **Imposes civil penalties:**
 - **First violation - \$500 and successful completion of a County-recognized counseling, educational, or other program within 90 days of the violation**
 - **Second violation - \$1,000**
 - **Third violation - \$2,000**
- **Provides an administrative appeal process**

Social Host Ordinance

Ordinance Elements	May 2009 Ordinance Provisions				2010 Proposed Ordinance
	SBC	Ventura	City of Santa Barbara	Carpinteria	
Defines a "gathering" and # of participants	5 or more	2 or more	5 or/ 2 or more minors	2 or more	5 or more
Defines responsible adults	X	X	X	X	X
Defines juveniles/minors	X	X	X	X	X
Prohibits minors possessing/consuming alcohol at gatherings	X	X	X	X	X
First Violation Civil Penalties	\$250	\$1000*	\$1000	\$500	\$500
Second Violation Civil Penalties	\$500	\$1000*	\$2000	\$1000	\$1000
Third Violation Civil Penalties	\$1000	\$1000*	\$2000	\$1000	\$2000
Rolling/cumulative fine schedule	X	X	X	X	X
Response/Recovery Costs		X		X	Not specifically
Penalties for Underage Persons		X			
Waiver or reduction of Civil Penalties for completion of counseling/educational program	X		X	X	X
Administrative appeal process	X	X	X		X
Judicial review	X	X			X

May 2009 SHO Language Concerns	May 2010 Proposed SHO Solutions
1. "Responsible person" definition - too broad and multiple tenants unaware of gathering should not be responsible.	(48-2 B) Defines responsible host - a person who <i>knowingly</i> hosts or permits unlawful gathering. (48-2D & F) Defines knowingly and control respectively.
2. Unintended consequences.	(48-2 A; 48-3 A) Exempts those persons who take reasonable corrective actions.
3. Concern with response costs – unclear.	(48-4 B) Excluded from proposed Ordinance.
4. Weak Consequences – need for progressive fine structure.	(48-4 B) First offense - \$500 penalty and mandatory counseling. 2 nd and 3 rd offenses with progressive fines.
5. Concern for parents supervising own children (religious ceremonies/family events)	(48-3 C) Exceptions for religious practices/family gatherings.
6. Need public education/prevention campaign	(Section 4) Provides 90 day grace period (total)
7. Should include homes, rentals, hotels, warehouses, halls, vacant land, other properties under control of host.	(48-2E) Broadens definition of "premise"
8. Need to simplify/clarify who is responsible.	(48-2) Simplified "responsible person" definition/clarifies terms including knowingly, control, and private premises.
9. Costs to the County.	Penalty fees are set to pay for the cost of the enforcement of the ordinance.

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Santa Barbara County Draft Ordinance

ISSUES UNIQUE TO ISLA VISTA

1. Are there other ordinances currently in existence to meet objective?

Research shows that there is not any other law Countywide that deals with underage drinking in private settings. The Sheriff concurs. The Nuisance Ordinance does not address the same issues as the SHO.

2. Could ordinance exempt I.V. since their current public nuisance ordinance is in effect?

Yes, IV could be exempt from the proposed ordinance; however underage drinking is a problem Countywide and especially prevalent in 18-21 year olds. Exempting one area from the SHO defeats the purpose of a Countywide Ordinance aimed at reducing underage drinking. The Nuisance Ordinance does not address the same issues as the SHO.

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