

MORALS AND PUBLIC CONDUCT

4.670 Unruly Gatherings - Definitions. As used in sections 4.672, 4.990(1), and 4.996(5) and (6) of this code, the following words and phrases mean:

Alcoholic liquor. An alcoholic beverage containing more than one-half of one percent of alcohol by volume.

Host. To invite or to receive persons to a social gathering on property of which one has control as owner, lessee, tenant or licensee.

Organize. To encourage attendance (at an unruly gathering).

Response costs. The costs associated with responses by law enforcement, fire and other emergency response providers to unruly gatherings, including but not limited to:

- (a) Salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with unruly gatherings, and the administrative costs attributable to such response(s);
- (b) The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured while responding to, remaining at or leaving the scene of an unruly gathering.
- (c) The cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of an unruly gathering.

Juvenile. Any person under eighteen years of age.

Minor. Any person under twenty-one years of age.

Unruly gathering. A party or gathering where alcohol is served or consumed, and where any two or more of the following behaviors occur on the property where the gathering takes place or on adjacent property:

- (a) Any violation of state or city of Eugene laws relating to the sale, service, possession or consumption of alcoholic liquor;
- (b) Assault, as defined in section 4.729 of this code;
- (c) Menacing, as defined in section 4.730 of this code;
- (d) Harassment, as defined in section 4.726 of this code;
- (e) Intimidation, as defined in section 4.731 of this code;
- (f) Disorderly conduct, as defined in section 4.725 of this code;
- (g) Noise disturbance, as defined in sections 4.080 – 4.084 of this code;
- (h) Criminal mischief, as defined in sections 4.780 and 4.782 of this code;
- (i) Public urination or defecation, as defined in section 4.770 of this code;
- (j) Littering, as defined in section 6.805 of this code, by a person who attended the party or gathering; and

- (k) Unlawful use or explosion of fireworks, as prohibited by ORS 480.120 or section 4.934 of this code.

Owner. The person or entity listed as the owner in the Lane County property tax records.

Property.

- (a) Any dwelling unit or group of dwelling units at a single street number address, including but not limited to a house, duplex, triplex, apartment(s), condominium(s) or other structure(s) with one or more dwelling units, hotel or motel room(s);
- (b) A hall, meeting room or other structure that serves as a gathering place;
- (c) Any private real property adjacent to, and under the same ownership as, the location of a structure described in section (a) or (b) of this definition;
- (d) Public right-of-way.

“Property” does not include a restaurant, bar or tavern.

Twelve-month period. The twelve months immediately preceding the most recent citation.

(Section 4.670 added by Ordinance No. 20504, enacted January 28, 2013, effective March 2, 2013; and amended by Ordinance No. 20532, enacted June 23, 2014, effective June 24, 2014.)

4.672 Unruly Gatherings – Provisions.

- (1) No person shall organize or host an unruly gathering if the person knows or reasonably should know that it is an unruly gathering.
- (2) It is an affirmative defense to a citation issued for a violation of subsection (1) of this section that the person who organized or hosted an unruly gathering contacted the police as soon as any of the violations or offenses listed in the definition of “unruly gathering” occurred.
- (3) A person who violates subsection (1) of this section shall be subject to a fine prescribed by subsection (1) of section 4.990 of this code. In addition, a person who is convicted of violating subsection (1) of this section for a second time, and for any additional time, within a twelve-month period shall pay an administrative civil penalty in the amount of response costs, regardless of whether the offense occurred at the same or a different property, as provided in subsection (5) of section 4.996 of this code.
- (4) If an unruly gathering occurs at the same private property more than three times in a twelve-month period, the owner of the property shall be liable for response costs for the fourth and any subsequent occurrence that occurs within a twelve-month period of three other occurrences at the same property.

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- (5) After an unruly gathering occurs at a private property, and after any future occurrence of an unruly gathering at the same property, city staff will notify the owner(s) of the property. The notice shall include a copy of this ordinance and a description of the owner's potential liability for response costs under subsection (4) of this section.
- (6) If a juvenile violates subsection (1) of this section or is the owner of the property and the juvenile is or, but for the juvenile's age would be, responsible for payment of response costs under this section, the person's parent(s) or legal guardian(s) are responsible for response costs.
- (7) Financial liability under this section is joint and several.
- (8) Appeals.
 - (a) If a civil penalty is imposed upon a property owner as provided in subsection (4) of this section and subsection (6) of section 4.996 of this code, the property owner or owner's agent may appeal the determination that a violation occurred or amount of the penalty to the city manager in accordance with section 2.021 of this code.
 - (b) In an appeal under this section, when determining to what extent, if any, the owner should be responsible for response costs, the city manager shall consider evidence of the following actions on the part of the property owner to prevent or abate the nuisance, even if unsuccessful:
 - 1. On the first occurrence of an unruly gathering, the owner or owner's agent issued a written warning to the residents of the dwelling unit where the unruly gathering occurred that future violations may result in initiation of eviction proceedings.
 - 2. On the second occurrence of an unruly gathering at the same dwelling unit, the owner or owner's agent issued a written notice that termination of the rental agreement will be initiated for the tenant(s) responsible for any future unruly gatherings.
 - 3. On the third occurrence of an unruly gathering at the same dwelling unit, the owner or owner's agent initiated eviction proceedings against the tenant(s) responsible for the unruly gathering.
 - 4. Prior to the fourth occurrence of an unruly gathering, new tenants replaced those who committed the previous violations, and the owner or owner's agent implemented reasonable precautions to deter or prevent any additional unruly gatherings.
 - (c) In an appeal by an owner of property where ten or more dwelling units are located, if no more than two of the violations occurred at the same dwelling unit, the city manager shall consider, in addition to the factors listed in subsection (8)(b) of this section, whether the owner or owner's agent implemented other measures to

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prevent or discourage unruly gatherings. Such measures may include, but are not limited to, employing a resident manager, providing a local agent who is accessible to tenants at all times for emergencies, hiring on-site security, and including behavioral standards in the rental agreement.

(Section 4.672 added by Ordinance No. 20504, enacted January 28, 2013, effective March 2, 2013.)