

ORDINANCE NO. 2014-01
TOWN OF UNION
ROCK COUNTY, WISCONSIN

**RELATING TO HOSTING GATHERINGS INVOLVING UNDERAGE POSSESSION
AND CONSUMPTION OF ALCOHOL**

The Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain as follows:

1. **Purpose and Finding.** The Town Board of the Town of Union, Rock County, Wisconsin intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Town Board of the Town of Union finds:

Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

Prohibiting hosting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

Alcohol is an addictive drug which, when used irresponsibly, does have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

Often, events or gatherings involving underage possession and consumption occur outside the presents of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.

A deterrent effect is created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.

2. **Definitions.** For purposes of this ordinance, the following terms have the following meanings:
 - a. **Alcohol.** "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
 - b. **Alcohol Beverages.** "Alcohol beverages" means fermented malt beverages and intoxicating liquor.
 - c. **Fermented Malt Beverages.** "Fermented malt beverages" means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.
 - d. **Intoxicating Liquor.** "Intoxicating liquor" means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages."

- e. **Event or Gathering.** “Event or gathering” means any group of two or more persons who have assembled or gathered together for a social occasion or other activity.
 - f. **Host or Allow.** “Host” or “allow” means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.
 - g. **In Control.** “In control” means the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.
 - h. **Parent.** “Parent” means any person having legal custody of a juvenile:
 - i. As natural, adoptive parent or step-parent
 - ii. As a legal guardian
 - iii. As a person to whom legal custody has been given by order of the Court
 - i. **Present.** “Present” means being at hand or in attendance.
 - j. **Residence, Premises, or Public or Private Property.** “Residence,” “premises,” or “public or private property” means any home, yard, farm, field, land, other free-standing structure, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased rented or used with or without permission or compensation.
 - k. **Underage Person.** “Underage person” means a person who has not attained the legal drinking age.
 - l. **Legal Drinking Age.** “Legal drinking age” means twenty-one (21) years of age.
3. **Prohibited Acts.** It is unlawful for any person(s) to: host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does: (a) consume any alcohol or alcoholic beverage; or (b) possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- a. A person is in violation of this Section if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.
 - b. A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.
4. **Exceptions.**
- a. This Ordinance does not apply in cases where a person procures for, sells, dispenses of or gives away alcohol beverages to an underage person in the direct company of his or her parent, guardian or spouse who has attained the legal drinking age, who has consented to the underage person acquiring or consuming the alcohol beverages, and is in a position to observe and control the underage person.
 - b. This Ordinance does not apply to legally protected religious observances.
 - c. This Ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

5. **Penalties.** A person who violates any provision of this Ordinance must appear in municipal court and is subject to a forfeiture of not less than seven hundred fifty dollars (\$750) nor more than five thousand dollars (\$5,000), together with the costs of prosecution.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

The above ordinance was duly adopted by a majority vote of the Town of Union Town Board at a regular meeting held on August 7, 2014.

APPROVED:

By: _____

Kendall Schneider, Town Chair

ATTEST:

By: _____

Regina Ylvisaker, Town Clerk

APPROVED: _____

POSTED: _____