

CHAPTER 81

ALCOHOL OFFENSE (Minors in Places Selling Alcoholic Beverages)

SECTION 1.

Presence in Places of Sale Prohibited.

- a. Except as provided by paragraph c, a keeper of any place for the sale of any fermented malt beverage under a Class "B" retailer's license may not directly or indirectly suffer or permit any underage person, hereafter used as defined in Section 125.02(8m), (20m) Wisconsin Statutes, unaccompanied by his or her parent, guardian or adult spouse, who is of legal drinking age, who is not a resident, employee or a bona fide lodger or boarder on the premises controlled by the proprietor or licensee of the place, and of which the place consists or is a part, to enter or be on the licensed premises for any purpose, except as provided by paragraph d. A person who violates this paragraph is subject to a forfeiture of not more than \$500 together with costs of prosecution; and in default of payment of that sum, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days, except that disposition in proceedings against a person under 18 years of age shall be as provided by Section 48.344 of the Wisconsin Statutes.
- b. Except as provided by paragraph c., any underage person may not enter or remain on premises for which a Class "B" license is issued without a valid purpose under paragraph (d), unless the person is a resident, employee, or a bona fide lodger or boarder on the premises, or is accompanied by his or her parent, guardian or adult spouse who is of legal drinking age. A person who violates this paragraph is subject to a forfeiture of not more than \$50.00, except that disposition in proceedings against a person under 18 years of age shall be as provided by Section 48.344 of the Wisconsin Statutes.
- c. This section does not apply to hotels, drug stores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums, or public facilities as defined in Section 125.51(5)(b)1. d Wisconsin Statutes, which are owned by a county or municipality, premises in the state parks and state forests as defined or designated in Chapters 27 and 28 of the Wisconsin Statutes, parks owned or operated by agricultural societies receiving state aid, cars operated on any railroad, regularly established athletic fields or stadiums nor to premises operated under both a Class "B" license and a restaurant permit where the principal business conducted therein is that of a restaurant. It is presumed where the premises are operated under both a Class "B" license and a restaurant permit, that the principal business conducted is that of the sale of fermented malt beverage, until the presumption is rebutted by competent evidence.
- d. An underage person may enter and remain, and may be permitted to enter and remain on Class "B" license premises if for the purpose of transacting bona fide business other than amusement or the purchase, receiving or consumption of edibles or beverages except an underage person who enters for the purpose of transacting business at an auction or a market as defined by Section 125.32(4)(b)1 of the Wisconsin Statutes, may not enter or remain in, or

be permitted to enter or remain in, a room in which fermented malt beverage is sold or furnished.

- e. This section applies to any person who is not a resident, employee, or a bona fide lodger or boarder on the premises, after the legal hour for closing.

SECTION 2.

Restrictions on sale to and possession by underage persons.

- a. Except as otherwise provided in Section 125.07 of the Wisconsin Statutes, no person may sell or furnish fermented malt beverages to an underage person not accompanied by a parent, guardian or adult spouse who has attained the legal drinking age.
- b. A person who violates Section 2(a) or Section 6 of this Ordinance is subject to a forfeiture of not more than \$500.00, together with costs of prosecution, if the person has not committed a previous violation of Section 2(a) or Section 6 of this Ordinance, or Sections 125.07(1), (3) or (4) of the Wisconsin Statutes within twelve months of the violation; or not less than \$200.00 nor more than \$500.00 together with costs of prosecution, if the person has committed a previous violation of Section 2(a) or Section 6 of this Ordinance, or Sections 125.07(1), (3) or (4) of the Wisconsin Statutes within twelve months of the violation; and in default of the payment of that sum, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days, except that disposition and proceedings against a person under 18 years of age shall be as provided in Section 48.344 of the Wisconsin Statutes.
- c. An underage person not accompanied by parent, guardian, or adult spouse who has reached the legal drinking age may not possess fermented malt beverages. A person who violates this paragraph is subject to forfeiture of not more than \$50.00, except that disposition in proceedings against a person under 18 years of age shall be as provided by Section 48.344 of the Wisconsin Statutes.

SECTION 3.

Misrepresenting age; penalty.

No person may falsely represent that he or she is at least the legal drinking age for the purpose of asking for or receiving fermented malt beverages from a keep of any place for the sale of fermented malt beverages. A person who violates this section is subject to a forfeiture of not more than \$50.00, except that disposition in proceedings against a person under 18 years of age shall be as provided by Section 48.344 of the Wisconsin Statutes.

SECTION 4.

Pupils, possession or consumption.

- a. Except as provided by paragraph b., no person may possess or consume fermented malt beverages:
 - (1) On school premises;
 - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
 - (3) While participating in a school-sponsored activity.
- b. Fermented malt beverages may be possessed or consumed on school premises, in a motor vehicle or by a participant in a school-sponsored activity if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
- c. A person who violates this section is subject to a forfeiture of not more than \$200.00 together with costs of prosecution, and in default of payment of that sum, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days, except that disposition in proceedings against a person under 18 years of age shall be as provided by Section 48.344 of the Wisconsin Statutes.

SECTION 5.

Possession of liquor on school grounds prohibited.

- a. "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.
- b. "School" means a public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
- c. "School Administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of the school.
- d. "School premises" means premises owned, rented or under the control of a school.
 - (1) Except as provided by sub. (2) no person may possess or consume intoxicating liquor:
 - (a) On school premises;
 - (b) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
 - (c) While participating in a school-sponsored activity.
 - (2) Intoxicating liquor may be possessed or consumed on school premises, in motor vehicles or by participants in school sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

- (3) A person who violates this section is subject to a forfeiture of not more than \$200.00, together with costs of prosecution, and in default of payment of that sum, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days, except that disposition in proceedings against a person under 18 years of age shall be as provided by Section 48.344 of the Wisconsin Statutes.

SECTION 6.

- a. No person may:
 - (1) Sell, furnish, or give intoxicating liquor to a person under age 18;
 - (2) Procure intoxicating liquor for a person under age 18; or
 - (3) Traffic or deal in intoxicating liquor with a person under the age of 18.
- b. A person who violates this section shall be subject to a penalty as specified in Section 2.b. of this Ordinance.

SECTION 7.

Underage person's misrepresentation to procure intoxicating liquor; Penalty.

- a. No person may represent that he or she is of age for the purpose of asking for, or receiving, any intoxicating liquor from a keeper of a place for the sale of intoxicating liquor unless authorized by law. A person who violates this subsection is subject to a forfeiture of not more than \$50.00, except that disposition in proceedings against a person under 18 years of age shall be as provided by Section 48.344 of the Wisconsin Statutes.
- b. No underage person may procure, seek to procure, knowingly possess or consume in public intoxicating liquor. A person who violates this subsection is subject to a forfeiture of not more than \$50.00, except that disposition in proceedings against a person under 18 years of age shall be as provided in Section 48.344 of the Wisconsin Statutes.

SECTION 8.

Presence in places of sale prohibited; Penalty.

- a. Except as provided by paragraphs (3) and (5), no keeper of any place for the sale of any intoxicating liquor may either directly or indirectly suffer or permit any underage person, unaccompanied by his or her parent, guardian or spouse of legal drinking age, who is not a resident, employee, or bona fide lodger on the premises of the licensed person, to enter or be on the licensed premises for any purpose, except as provided by paragraph (4). A person who violates this paragraph is subject to a forfeiture of not more than \$500.00 together with costs of prosecution; and in default of payment of that sum, shall be imprisoned in the

County Jail until said forfeiture and costs are paid, but not exceeding 30 days, except that disposition in proceedings against a person under 18 years of age shall be as provided by Section 48.344 of Wisconsin Statutes.

- b. Except as provided by paragraphs c. and e., an underage person may not enter or remain on the premises of a place which sells intoxicating liquor for other than a valid purpose under paragraph d. unless the person is a resident, employee, or a bona fide lodger or boarder on the premises, or is accompanied by his or her parent, guardian or spouse of legal drinking age. A person who violates this paragraph is subject to a forfeiture of not more than \$50.00 except that disposition in proceedings against a person under the age of 18 years of age shall be as provided by Section 48.344 of the Wisconsin Statutes.
- c. This section does not apply to hotels, drug stores, grocery stores, bowling alleys, ski chalets, golf clubhouses, cars operated on any railroad, public facilities as defined by Section 125.51(b)1. d of the Wisconsin Statutes, which are owned by count or municipality, regularly established athletic fields or stadiums nor to premises operated under both a "Class B" license and a restaurant permit where the principal business conducted on the premises is that of a restaurant. It is presumed, however, where the premises are so operated under both a "Class B" license and a restaurant permit, that the principal business conducted on the premises is that of the sale of intoxicating liquor, until the presumption is rebutted by competent evidence.
- d. An underage person may enter premises on which intoxicating liquor is sold if for the purpose of transacting bona fide business other than amusement or the purchase, receiving or consumption of edibles or beverages except of transacting business at an auction or a market as defined by Section 125.32(4)(b)1 of the Wisconsin Statutes, may not remain in, or be permitted to enter or remain in, a room in which intoxicating liquor is sold or furnished.
- e. This section does not prohibit an underage person from entering or being on the premises of a place for which a "Class A" retain intoxicating liquor license is issued for the purpose of purchasing edibles or beverages other than intoxicating liquors or fermented malt beverages.

SECTION 9.

Definitions.

- a. "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.
- b. "Intoxicating liquors" 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".

SECTION 10.

Any future amendments, revisions, or modifications of Section 125.07 and 125.09 or Section 48.344 of the Wisconsin Statutes, 1985-1986, are intended to be made a part of this Ordinance in order to secure uniform statewide regulation of the conduct prohibited by this Ordinance. Any such future amendments, revisions, or modifications of the Statutes listed in this section are hereby made a part of this Ordinance without any further action by this County Board.

SECTION 11.

This Ordinance shall take effect upon its passage and proper publication.

Ordinance No. 182 (87) - August, 1987