

Ordinance No. 19-07

To amend Article 1, Chapter 6 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic Beverages.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Article 1. Chapter 6 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of Article 1:

“Sec. 6-20. Purpose.

The identification of purchasers/providers of keg fermented malt beverages (beer) for consumption by underage persons is a major law enforcement concern in the City of Racine. When keg fermented malt beverages are found where underage persons are present it is necessary to readily identify those responsible. The investigation of offenses involving the furnishing of alcohol to minors and related offenses involving keg fermented malt beverages is inhibited by the inability to identify who purchased the keg alcohol. Registration/identification information must be available on all keg fermented malt beverages in the City. Individual identification number, purchaser and retail seller identity information will better enable law enforcement to identify providers of keg fermented malt beverages to underage persons. Therefore, it is in the public interest to place reasonable keg registration/identification rules as hereafter set forth. This ordinance provides for the registration and documentation of retail sales of keg fermented malt beverage.

Sec. 6-21. Registration and Return Procedure.

All retail sales/purchases of fermented malt beverages by keg container of a two gallon volume or more in the City for off site (at a location which does not hold a liquor or fermented malt beverage license) consumption must comply with the following registration, documentation and labeling requirements and restrictions imposed by this ordinance:

(a) Purchasers shall provide a current government issued photo identification with the purchaser's name, address and individual identification number to the seller who shall then record and document that information in a log. The log shall also contain the individual keg identification assigned to the keg by the seller, and include the date of sale and indicate that the photo identification that was produced was matched to the purchaser. The log shall also contain some identifier of each person, owner/employee who sold to each purchaser. This information shall be kept by the seller for a minimum period of six months from the date of sale. Seller shall furnish to, and purchaser will execute, a form containing the following declaration:

1. The purchaser will not allow any person, under the age of twenty-one (21) years, unless authorized by State law, to consume the beverage.
2. The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under this ordinance to be affixed to the container.

(b) Sellers shall assign, record and attach to each retail keg sold for off site consumption an individual keg identification number/tamper-proof tag, at or before the time of sale to the purchaser.

(c) Sellers of keg fermented malt beverages shall obtain the individual keg identification tamper-proof tags from the City Clerk's office which shall record to whom the consecutively numbered tamper-proof tags are distributed and shall restrict the distribution of the tamper-proof tags to licensed alcoholic beverage retailers. The City Clerk shall keep the record of distribution for three years.

(d) Sellers shall collect a deposit in an amount set by the retailer for each keg. Purchasers shall return kegs to the retail seller where it was purchased with the individual keg identification tamper-proof tag attached, intact and legible on or before sixty (60) days from the date of sale or the deposit shall be forfeited, at the discretion of the seller.

(e) Sellers shall record the date on which the keg is returned, who returned the keg and indicate whether the keg identification tamper-proof tag is present or absent by notation on the log. Sellers shall notify police when a keg is returned without a tag.

(f) Sellers shall remove the individual keg identification tamper-proof tags from the kegs when they are returned and shall maintain them with the keg registration records.

(g) Sellers shall produce keg registration logs/records to any Racine County law enforcement agency upon request.

(h) This ordinance does not apply to keg sales to liquor or fermented malt beverage licensees.

Sec. 6-22. Keg possession requirements and restrictions.

No person shall possess a keg container of fermented malt beverages of two gallons or more, after the effective date of this ordinance, without an intact and legible individual keg identification tamper-proof tag attached (except for retail sellers of keg fermented malt beverages and liquor and fermented malt beverage licensees).

Sec. 6-23. Penalty for violation.

A seller or purchaser or other person who violates any of the above requirements and/or restrictions imposed by sections 6-21 and 6-22 shall be subject to a forfeiture not to exceed \$ 500 and costs. Any unregistered keg found in violation of section 6-22 is subject to seizure by the Racine police department.

Inasmuch as the effectiveness of this ordinance is dependent on the enactment of similar ordinances in adjoining communities (which have not yet acted), it will sunset on December 31, 2008 unless it is reaffirmed by the Common Council prior to said date."

Part 3:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A