



Legislation Text

File #: Ord.0011-18, **Version:** A

Alderman Coe

Ordinance 0011-18 Sec. 6-21 - Social Host Ordinance

An Ordinance to amend Section 6-18, Article I, Chapter 6, of the Municipal Code of the City of Racine, Wisconsin.

WHEREAS, in order to comply with recent change in case law governing social host ordinances,
NOW THEREFORE, the Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To recreate Sec. 6-18 - Social host ordinance as follows:

- (a) This section may be referred to as the social host ordinance.
- (b) The purpose of this section is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and to hold any person who knowingly permits or fails to take action to prevent the illegal consumption of alcohol by underage persons.
- (c) Definitions. For purposes of this section, the following terms have the following meanings:

Allow or host means to aid, conduct, entertain, organize, supervise, control, or permit an event or gathering.

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.

Alcoholic beverage means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

Control means having the authority or power, or both, to direct, manage, oversee, or restrict the affairs, assets, or business of a person or entity.

Event or gathering means any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

Parent means a person having legal custody of a juvenile as a natural, adoptive, or step parent; a legal guardian; or a person to whom legal custody has been given by court order.

Present means at hand or in attendance.

Public or private property includes, but is not limited to, any apartment, condominium, dwelling unit, farm, field, hall, hotel room, home, land, meeting room, motel room, park, place of assembly, or yard, whether occupied on a temporary or permanent basis and whether leased, owned, rented, or used with or without permission or compensation.

Underage person means any individual under 21 years of age.

(d)

Prohibited acts.

(1) It is unlawful for any adult to knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on property, including any premises, owned and occupied by the adult or occupied by the adult and under the adult's control. (2) It is unlawful for any adult to intentionally encourage or contribute to a violation of sub. (1). Exceptions.

(1) This section does not apply to a person who procures for or dispenses, gives, or sells alcohol or any alcoholic beverage to an underage person if the underage person is in the direct company of the underage person's parent, guardian, or spouse and the parent, guardian, or spouse has attained the legal drinking age, has consented to the underage person possessing or consuming the alcohol or alcoholic beverage, and is in a position to observe and control the underage person.

(2) This section does not apply to legally protected religious observances.

(3) This section does not apply to an underage person who is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Penalties.

(1) Upon conviction for a violation of any provision of this section, a person will forfeit not less than \$500.00 if the person has not committed a previous violation within 30 months of the violation.

(2) Upon conviction for a violation of any provision of this section, a person will forfeit not less than \$500.00 if the person has committed a previous violation within 30 months of the violation.

(3) Upon conviction for a violation of any provision of this section, a person will forfeit not less than \$1000.00 if the person has committed 2 previous violations within 30 months of the violation.

(4) Upon conviction for a violation of any provision of this section, a person will forfeit not less than \$10,000.00 if the person has committed 3 or more previous violations within 30 months of the violation.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A