

**ORDINANCE NO. O-19-2012
CITY OF STOUGHTON**

**AN ORDINANCE TO CREATE SECTION 50-14 OF THE
MUNICIPAL CODE OF THE CITY OF STOUGHTON, RELATING TO HOSTING
GATHERINGS INVOLVING UNDERAGE POSSESSION AND CONSUMPTION
OF ALCOHOL**

The Common Council of the City of Stoughton, Dane County, Wisconsin, ordains as follows:

1. Section 50-14 of the Municipal Code of the City of Stoughton is created as set forth in Attachment A.
2. This ordinance shall take effect upon passage and publication.

The foregoing ordinance was adopted by the Common Council of the City of Stoughton at a meeting held on _____.

APPROVED:

Donna Olson, Mayor

ATTEST:

Nicholas Probst, City Clerk

Posted: _____

Published: _____

Sec 50-14. – Hosting gatherings involving underage possession and consumption of alcohol.

- (a) *Purpose and findings.* The Common Council of the City of Stoughton 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 twenty-one (21) years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Common Council of the City of Stoughton finds:
- (1) Events and gatherings held on private property where alcohol is possessed or consumed by persons under the age of twenty-one (21) are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
 - (2) 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.
 - (3) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
 - (4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents(s). However, there are times when the parent(s) is/are present and condone the activity and in some circumstances, provide the alcohol.
 - (5) A deterrent effect will be created by holding person(s) responsible for the hosting an event or gathering where underage possession or consumption occurs.
- (b) *Definitions.* For the purpose of this section, the following terms have the following meanings:
- (1) *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.
 - (2) *Alcoholic Beverage.* "Alcoholic beverage" means alcohol, spirits, liquor, 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.

- (3) *Event or Gathering.* "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
 - (4) *Host or Allow.* "Host" or "allow" means to aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.
 - (5) *Parent.* "Parent" means any person having legal custody of a juvenile:
 - a. As natural, adoptive or step-parent;
 - b. As a legal guardian; or As a person to whom legal custody has been given by Order of the Court.
 - (6) *Residence, Premises or Public or Private Property.* "Residence", "premises", or "public or private property" means any building, home, yard, field, land, 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.
 - (7) *Underage Person* is a person under the age of twenty-one (21) years of age.
 - (8) *Present.* Being at hand or in attendance.
 - (9) *In Control.* The power to direct, manage, oversee and/or restrict the affairs of a person or entity.
- (c) *Prohibited Acts.* It shall be 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 (1) Consume any alcohol or alcoholic beverage, or (2) Possesses 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).
- (1) A person is responsible for violating this section if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.

- (2) A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.
- (c) *Exceptions.* This section does not apply to conduct solely between and underage person and his/her parents while the parent is present and in control of the underage person.
 - (1) This section does not apply to legally protected religious observances.
 - (2) This section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
- (d) *Penalty.* A person who violates any provision of this Ordinance is subject to a forfeiture of not less than \$1,000.00 nor more than \$5,000.00, together with the costs of prosecution.