

VILLAGE OF COLEMAN

ORDINANCE NO 2015-01

AMENDMENT to ORDINANCE NO. 94-8

AN ORDINANCE AMENDING ORDINANCE NO 94-8 OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF COLEMAN, WISCONSIN GOVERNING THE PERMITTING OR ENCOURAGING OF THOSE UNDERAGE TO POSSESS OR CONSUME ALCOHOL.

THE VILLAGE BOARD OF THE VILLAGE OF COLEMAN, MARINETTE COUNTY, WISCONSIN DOES HEREBY ORDAIN THAT THE CURRENT VERBAGE OF ORDINANCE 94-8 BE REMOVED AND AMENDED TO READ AS FOLLOWS:

94-8. Permitting or Encouraging Underage Violation

A. Purpose and Findings. The Village Board members of the Village of Coleman intend to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intend to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Village Board of the Village of Coleman finds:

- 1) 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.
- 2) Prohibiting 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. 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 a person responsible for hosting an event or gathering where underage possession or consumption occurs.

B. Definitions. For purposes of this chapter, 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, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half or 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 parent or step-parent;
 - b) As a legal guardian; or
 - c) As a person to who 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 home, yard, farm, 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.** "Underage person" is any individual under 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, business or assets of a person or entity.

C. 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 consume any alcohol or alcoholic beverage; or 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).

- 1) A person is responsible for violating above 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.

D. Exceptions. This chapter does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the underage person.

- 1) This chapter does not apply to legally protected religious observances.
- 2) This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

E. Penalties. A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$500.00 nor more than \$5,000.00 together with the costs of prosecution or penalties may follow current Wisconsin State Statute. A person who is in default of payment is subject to standard default rules and regulations.

F. Effective Date. This Ordinance shall take effect the day after publication.

VILLAGE OF COLEMAN

By Glenn Woulf
Glenn Woulf, Village President

By Julie Nosgovitz
Julie Nosgovitz, Clerk-Treasurer

Adopted: 8-3-2015

Published: 8-5-2015