

CHAPTER 95- REGULATIONS CONCERNING MINORS AND LIQUOR AND MALT BEVERAGES

Section 95.01 Intent

It is the intent of this ordinance to provide for the safety, health and well-being of minors by prohibiting them from consuming malt beverages and intoxicating liquors.

Section 95.02 Definitions

- 1) 'Minor' shall mean any person who has not yet attained the age of eighteen (18) years. It shall be unlawful for a person under the age of 18 years to possess intoxicating liquors, or to possess fermented malt beverages unless the person is accompanied by a parent, guardian or adult spouse.
- 2) 'Intoxicating liquors' means all aren't, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing ½ of 1% or more of alcohol by volume, which are fit for use for beverage purposes.
- 3) 'Fermented malt beverages' shall mean any liquor or liquid capable of being used for beverage purposes, made by the alcoholic 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 ½ of 1% or more of alcohol by volume.

Section 95.04 Minors' Presence in Place of Sale Prohibited

- 1) No person, under the age of eighteen (18) years, shall receive or purchase from any person, or have in his possession, any intoxicating liquor, wine or fermented malt beverages.
- 2) Exceptions are made for hotels, drug stores, grocery stores, bowling alleys, ski chalets, golf clubhouses, cars operated on any railroad, and public facilities which are owned by a county or municipality, regularly established athletic fields or stadiums and 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.

Section 95.06 Minors Not allowed to Consume Intoxicating Liquors and/or Malt Beverages on School Property or at School Functions

- 1) Except as provided below, no person may possess or consume intoxicating liquor or fermented malt beverages:
 - a) On school premises;
 - b) In a motor vehicle, if a pupil attending the school is in the motor vehicle;
 - c) While participating in a school sponsored activity.
- 2) 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.

Section 95.07 Proof of Age

- 1) No person under the age of 18 may procure, seek to procure, knowingly possess or consume in public intoxicating liquor or malt beverages.

- 2) Every retail Class 'A' and Retail Class 'B' licensee shall keep a book and the licensee or his employee or both shall require any person who has shown documentary proof of age, which substantiates his age to allow the legal purchase of intoxicating liquor, to sign the book if the age of the person is in question. The book shall show the date of the purchase, the identification used in making the purchase, the address of the purchaser and his signature.

Section 95.08 Minor's Misrepresentation to Procure Intoxicating Liquor

No person may represent that he or she is of age for the purpose of asking for or receiving any intoxicating or malt beverages from a keeper of a place for the sale of intoxicating liquor and/or malt beverages unless authorized by law.

Section 96.09 Violations and Penalties

- 1) Each violation and each day on which a violation occurs shall constitute a separate offense.
- 2) A person who violates this ordinance is subject to a forfeiture of not more than \$25 for each offense except that disposition in proceedings against a person under 18 years of age shall be as provided by Wisconsin Statutes, Section 48.344.
- 3) A minor who violates this ordinance shall, in addition to the forfeiture of \$25, have his driving privilege suspended.
- 4) A minor who violates this ordinance and who does not have a driver's license at the time of the violation, shall have his driving privilege suspended effective as of the date he applies for a license.

Section 95.10 Validity and Severability

Should any section or provision of this chapter or any rules or regulations adopted hereunder be declared unconstitutional or invalid by a court of competent jurisdiction that decision shall not affect the validity of the ordinance as a whole or any part of it, other than the part declared to be invalid.

Section 95.11 Effective Date

This ordinance shall be effective upon passage and publication.