

ORDINANCE

An Ordinance to amend Section 14.040 of the Manitowoc Municipal Code regulating Social Host.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 14.040 is amended to read as follows:

“14.040 Social Host.

(1) Purpose and Findings. The Common Council of the City of Manitowoc intends to discourage underage possession and consumption of alcohol and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol supplied by the person hosting the event or gathering. The Common Council of the City of Manitowoc finds:

(a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

(b) 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.

(c) 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.

(d) A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.

(2) Definitions. For purposes of this chapter, the following terms have the following meanings:

~~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 fermented malt beverages containing one-half percent or more of alcohol by volume, and intoxicating liquor.

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

Host or **allow** means to aid, conduct, entertain, organize, supervise, control, ~~or~~ permit **or fail to take action to prevent** a gathering or event.

In control means the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

License or **licensee** means an authorization to sell alcohol beverages issued by a municipal governing body under Wis. Stat. Ch. [125](#) or a person to whom a license was issued.

Lodging establishment means a bed and breakfast establishment, hotel, tourist rooming house, or campground as defined by Wis. Stat. [97.01](#).

Parent means any person having legal custody of a juvenile:

1. As natural, adoptive parent or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

Permit or permittee means any permit issued by the Department of Revenue under Wis. Stat. Ch. 125 or a person to whom a permit was issued.

Person means a natural person, sole proprietorship, partnership, limited liability company, corporation or association or the owner of a single-owner entity that is disregarded as a separate entity under Wis. Stat. Ch. 71.

Premises means the area described in a license or permit.

Present means being at hand or in attendance.

Underage person is any individual under 21 years of age.

(3) Prohibited Acts.

(a) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(c) ~~No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subsection does not apply to alcohol beverages used exclusively as part of a religious service.~~ No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcoholic 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. This provision applies at lodging establishments only if the adult has furnished payment or security for lodging.

(d) No adult may intentionally encourage or contribute to a violation of subsection (3)(a), (b) or (c) of this section.

(4) Exceptions. 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 or to alcoholic beverages used exclusively as part of a religious service.

(5) Penalties. A person who violates any provision of this section may be required to forfeit not more than \$500.00 if the person has not committed a previous violation within 30 months of the violation.”

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact: \$0
Funding Source: n/a
Finance Director Approval: /sc
Approved as to form: /kmm

This resolution was drafted by Elizabeth Majerus, Staff Attorney