

ORDINANCE NO. 26-2018

AN ORDINANCE REGARDING SOCIAL HOST RESPONSIBILITY

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 11-4-10 of the Village of Bristol Code of Ordinances is adopted to read as follows:

Sec. 11-4-10 Social Host Responsibility.

- (a) **Purpose.** The Village of Bristol intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence or other structure, and intends to hold adult 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 Bristol Village Board finds:
- (1) **Public Health Considerations.**
 - a. Events and gatherings held on private or public property where alcohol is consumed by persons under the age of twenty-one (21) years of age are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
 - b. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those individuals who use it, particularly underage individuals, as well as those who are affected by the actions of an irresponsible user.
 - (2) **Prohibiting Underage Consumption.** Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdoses or alcohol-related traffic accidents.
 - (3) **Parental/Guardian Role.** Events or gatherings involving underage possession and consumption often occur outside the presence of parents. There are, however, instances when the parent(s) or legal guardian is/are present and condone the activity, and, in some circumstances, provide the alcohol.
 - (4) **Deterrent Effect.** A deterrent effect will be created by holding an adult person(s) responsible for hosting an event or gathering where underage possession or consumption occurs.

- (b) **Definitions.** For purposes of this Section, the following terms shall have the following meanings:
- (1) **Alcohol.** 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, including wine and fermented malt beverages.
 - (2) **Alcohol Beverage.** Alcohol, spirits, liquor, wine, beer and other fermented malt beverages, and every liquid or solid containing alcohol, spirits, wine or fermented malt beverages, and which contain one-half of one percent (.5%) 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.** Any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.
 - (4) **Host or Allow.** To aid, conduct, entertain, organize, supervise, control, provide or permit a gathering or event.
 - (5) **Parent.** Any adult 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 whom legal custody has been given by order of a court.
 - (6) **Residence, Premises, or Public or Private Property.** Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit or accessory structure, 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 unit, 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.** 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.**
- (1) **Prohibited Hosting Activity.**
 - a. No adult may 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. This prohibition applies to a lodging establishment, as defined in Sec. 106.52(1)(d), Wis. Stats., only if the adult has furnished payment or security of lodging.
 - b. Under this prohibition, it is unlawful for any adult(s) to: host, allow or permit any event or gathering at any residence, premises or on any other private or public property under the adult's control where alcohol or alcohol beverages are present when the adult

knows that underage persons will, likely will, or does consume any alcohol or alcohol beverage with the intent to consume it; and the adult(s) fails to take reasonable steps to prevent possession or consumption by the underage person(s).

- (2) **Intent to Aid Prohibited Hosting Activity.** An adult(s) violates this Section if the adult(s) intentionally aids, advises, hires, or conspires with or otherwise procures another to commit or engage in an act prohibited by this Section.
 - (3) **Presence Not Required for Violation.** An adult(s) who knowingly hosts an event or gathering does not have to be present at the event or gathering to be responsible.
- (d) **Exceptions.** The following are exceptions to this Section:
- (1) **Other Parties Not Present.** This Section does not apply to conduct solely between an underage person and his/her parent(s) or legal guardian while that parent or legal guardian is present and in control of the underage person.
 - (2) **Legally Protected Religious Observances.** This Section does not apply to legally protected religious observances.
 - (3) **Employment Exception.** This Section does not apply to situations where underage persons are lawfully in possession of alcohol or alcohol beverages during the course and scope of employment.

State Law Reference: Section 125.07(1)(a)3, Wis. Stats.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

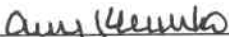
SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 13th day of August, 2018.

VILLAGE OF BRISTOL, WISCONSIN


Village President

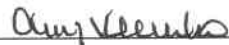

Village Clerk-Treasurer

INTRODUCED: 8/13/18
ADOPTED: 8/13/18
POSTED/PUBLISHED: _____

State of Wisconsin:
County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 13th day of August, 2018. and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 14th day of August, 2018.


Amy Klemko, Village Clerk-Treasurer