

ORDINANCE NO. 11072022D

**AN ORDINANCE CREATING CHAPTER 9-4,
OF THE MUNICIPAL CODE OF THE TOWN OF EATON,
BROWN COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF EATON, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT CHAPTER 9-4, BE CREATED TO READ AS FOLLOWS:

SECTION 1. The following ordinance chapter 9-4 is adopted to maintain the peace and good order of the Town. The penalty for commission of such offense hereunder shall be limited to a forfeiture, assessment and costs imposed by this Municipal Code.

Alcohol Violations

(1) Statutory Authority. This ordinance is enacted pursuant to the authority granted to municipalities by Sec. 125.10 of the Wisconsin Statutes.

(2) Intentionally left blank.

(3) Definitions.

(a) "Alcohol beverages" means fermented malt beverages and intoxicating liquor.

(b) "Legal drinking age" means 21 years of age.

(4) Sale or Furnishing to Persons Under the Legal Drinking Age. Except as otherwise provided in this section, whoever sells or furnishes alcohol beverages to a person under the legal drinking age not accompanied by a parent, guardian, or adult spouse, shall be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days. This subsection shall not apply to licensees or employees of licensees under Chapter 66 or 125, Wisconsin Statutes. Any forfeiture for violation of any section of Wisconsin Statutes adopted in this section of this Code shall conform to the forfeiture permitted to be imposed for violation of the comparable state statute including any variations for subsequent offenses and that the state of Wisconsin Deposit Schedule and Uniform Misdemeanor Bail Schedule adopted by the Wisconsin Judicial Conference and as amended from time to time are hereby adopted and by reference made a part of this Code for those violations of this Section.

(5) Presence of Underage Persons on Licensed Premises. A person under the legal drinking age not accompanied by a parent, guardian, or adult spouse, who possesses alcohol beverages or who enters, or knowingly attempts to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licenses premises with or for the licensee or his or her employee, shall be subject to the sanctions for municipal ordinance violations provided in Section 48.343, Wisconsin Statutes, as well as the motor vehicle operating privilege sanctions provided in Sections 343.30(6), Wisconsin Statutes. An underage person may not be present on such licensed premises other than for the transaction of business, which business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally

constitute activities of a customer of the premises. The prohibition for underage persons to be present on licensed premises does not apply to exceptions set forth in Sec. 125.07(3) subparagraphs 1 - 10 of the Wisconsin Statutes. This section does not prevent a person under the legal drinking age in the employ of a licensee or permittee from possession of alcohol beverages for sale or delivery to customers. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation.

(6) Possession of Alcohol Beverages by Persons Under the Legal Drinking Age. No person under the legal drinking age not accompanied by his or her parent, guardian or spouse, shall procure, seek to procure, knowingly possess, or consume any alcohol beverages within the Village. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation. If any person fails to pay the forfeiture imposed, the Court may suspend any driver's license or operating privileges pursuant to Section 48.17, Wisconsin Statutes.

(7) Possession of False Identification. No person under the legal drinking age shall knowingly possess identification that has been altered so as to be untrue or inaccurate, nor shall any person under the legal drinking age present as identification, for purposes of procuring or seeking to procure alcohol beverages; a document that is not a true and accurate identification of said persons. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation. If any person fails to pay the forfeiture imposed, the Court may suspend any driver's license or operating privileges pursuant to Section 48.17, Wisconsin Statutes.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 4th day of December, 2022.



Jim Osterloh, Town Chairman

ATTEST:



Dawn Konop, Town Clerk

DATE OF PUBLICATION:

12/4/2022