DOOR COUNTY

Amendatory Ordinance No. 2014-01

AMENDMENT OF CHAPTER 31 DOOR COUNTY CODE

The Door County Board of Supervisors does hereby ordain an amendment to Chapter 31 (which supersedes subsections 31.15, 31.16, & 31.17) Door County Code as follows:

31.15 Alcohol Beverages-Underage Persons / Possession Of Alcohol

A. AUTHORITY / CONSTRUCTION:

1. This ordinance is enacted under the authority granted by Sections 59.54, 66.0113, and 125.10(2) Wisconsin Statutes.
2. For the purposes of construction and enforcement of this ordinance, all references to the Wisconsin Statutes shall be as those statutes presently exist or as they may be hereafter revised.

B. DEFINITIONS.

1. "Legal Drinking Age" means 21 years of age.
2. "Licensee" means a person possessing a license (authorization) to sell alcohol beverages issued by a municipality.
3. "Permittee" means a person possessing a permit issued by the Wis. Dept. of Revenue under Chapter 125 Wisconsin Statutes,
4. "Underage Person" means a person who has not attained the legal drinking age.
5. Definitions set forth in Chapter 125 Wisconsin Statutes.

C. PROHIBITIONS / EXCEPTIONS.

1. Sections 125.10(2), 125.07(1), (4)(a), (b) & (bm), 125.085(3)(b), and 125.09(2) Wisconsin Statutes (as each presently exists or may be hereafter revised) are incorporated herein by reference as if fully set forth.

2. Any act required to be performed or prohibited by Sections 125.07(1), (4)(a), (b) & (bm), 125.085(3)(b), and 125.09(2) Wisconsin Statutes (as each presently exists or may be hereafter revised) is required or prohibited by this ordinance.

3. Prohibitions include:
   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 subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
   d. No adult may intentionally encourage or contribute to a violation of sub. 3. e. or f.
   e. Any underage person who does any of the following is guilty of a violation:
      i. Procures or attempts to procure alcohol beverages from a licensee or permittee.
      ii. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
      iii. Enters, knowingly attempts to enter or is on licensed premises in violation of Section 125.07(3)(a) Wisconsin Statutes.
      iv. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

f. Except as provided in sub. g. i. – vi., any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.

g. An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:
   i. A brewer or brewpub.
   ii. A fermented malt beverages wholesaler.
   iii. A permittee other than a Class "B" or "Class B" permittee.
   iv. A facility for the production of alcohol fuel.
   v. A retail licensee or permittee under the conditions specified in s. 125.32(2) or 125.68(2) Wis. Stats. or for delivery of unopened containers to the home or vehicle of a customer.
   vi. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

h. Any underage person who does any of the following is guilty of a violation:
   i. Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.
   ii. Makes, alters or duplicates an official identification card purporting to show that he or she has attained the legal drinking age.
   iii. Presents false information to an issuing officer in applying for an official identification card.
   iv. Intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

i. Except as provided by sub. j. no person may possess or consume alcohol beverages:
   i. On school premises;
   ii. In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
   iii. While participating in a school-sponsored activity.

j. Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws, ordinances and school board policies.

D. PENALTIES.

1. For each violation of sub. 3. a. – d. (one violation and one penalty may be imposed for each underage person who is provided an alcohol beverage) violators shall:
   a. Pay a forfeiture of not less than $100.00 nor more than $500.00.
2. For each violation of sub. 3. e. – h. underage violators:
   a. Shall pay a forfeiture of not less than $50.00 nor more than $500.00.
   b. Are also subject to suspension of operating privilege under Section 343.30(6) Wisconsin Statutes, participation in a supervised work program or other community service work, or any combination.
3. For each violation of sub. 3. i. violators:
   a. Shall pay a forfeiture of not less than $50.00 nor more than $200.00.
   b. Underage violators are also subject to suspension of operating privilege under Section 343.30(6) Wisconsin Statutes, participation in a supervised work program or other community service work, or any combination.
4. All violators shall:
   a. Pay costs, fees and surcharges imposed under Chapter 814 Wisconsin Statutes.
   b. Make restitution under Section 800.093 Wisconsin Statutes
   c. Make any other payment authorized by law.

Amendatory Ordinance No. 2014-01

AMENDMENT OF CHAPTER 31 DOOR COUNTY CODE

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BRANN	X		
ENGLEBERT	X		
ENIGL	X		
FEUERSTEIN	X		
FISHER	X		
FONTAINE	X		
GUNNLAUGSSON	X		
HAINES	X		
KOHOUT	X		
LIENAU	X		
MEYER	X		
MOELLER	X		
MULLIKEN		X	
NEINAS	X		
O'CONNOR	X		
RUNQUIST	X		
SCHULTZ	X		
VIRLEE	X		
WIEGAND	X		
ZIPPERER			X
	19	1	1

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve — Adopted [X]

1st _____ Defeated [ ]

2nd _____

Yes: 19 No: 1 Exc: 1

Reviewed by: _____ Corp. Counsel

Reviewed by: Maureen Murphy Administrator

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of an ordinance that was enacted on the 28h day of January, 2014 by the Door County Board of Supervisors.

Jill M. Lau
Jill M. Lau
County Clerk, Door County

COUNTERSIGNED

Dan Austad
Chairman, Dan Austad
Door County Board of Supervisors

E. ENFORCEMENT PROCEDURES.

1. Issuance of a citation by law enforcement officers of the county.
2. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
3. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
4. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court. Receipts shall be given for deposits made.

F. Non-Exclusivity:

1. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
2. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
3. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

This ordinance supersedes any prior ordinance or resolution pertaining to the same subject matter.

This amendatory ordinance shall take effect on the day following the date of publication.

Chapter 31 Door County Code shall remain unchanged and shall continue in full force and effect except as amended by this ordinance.

This Amendatory Ordinance shall be in full force and effect from and after its enactment and publication.

SUBMITTED BY:
Law Enforcement Committee

Richard J. Virlee
Richard Virlee, Chairperson

Tim O'Connor

Richard Haines

Kathy Schultz

Hugh Mulliken

DOOR COUNTY

AMENDATORY ORDINANCE 2014-02

AMENDMENT OF CHAPTER 11.05 DOOR COUNTY CODE ALL TERRAIN VEHICLES & UTILITY TERRAIN VEHICLES ROUTES

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BRANN	X		
ENGLEBERT	X		
ENIGL	X		
FEUERSTEIN	X		
FISHER	X		
FONTAINE	X		
GUNNLAUGSSON	X		
HAINES	X		
KOHOUT			X
LIENAU	X		
MEYER	X		
MOELLER	X		
MULLIKEN	X		
NEINAS	X		
O'CONNOR	X		
RUNQUIST	X		
SCHULTZ	X		
VIRLEE	X		
WIEGAND	X		
ZIPPERER	X		
	20	0	1

BOARD ACTION

Vote Required: Majority Roll Call Vote of a Quorum

Motion to Approve — Adopted [X]

1st Neinas — Defeated [ ]

2nd Gunnlaugsson

Yes: 20 No: 0 Exc: 1

Reviewed by: _____, Corp. Counsel

Reviewed by: Maureen Murphy, Administrator

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of an ordinance that was enacted on the 25th day of February, 2014 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

Countersigned

Chairman, Dan Austad
Door County Board of Supervisors

Effective Date: Upon enactment and publication.

THE DOOR COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS FOLLOWS:

The Town of Washington Board has requested that the portion of CTH W located within the territorial boundaries of the Town of Washington be designated as an all terrain vehicle route and utility terrain vehicle route.

The Door County Highway Committee has considered the Town of Washington Board's request and recommends approval of, and amendment of Chapter 11.05 Door County Code to effectuate, the same.

The Door County Board of Supervisors does hereby ordain an amendment to Chapter 11.05 Door County Code as follows:

COUNTY HIGHWAYS, OR PORTIONS THEREOF, DESIGNATED AS ATV AND/OR UTV ROUTES.

A. The following routes are designated as ATV / UTV routes:

1. The portion of County Highway(s) DK, N, D and Y situated within the Town of Union.

2. The portion of County Trunk Highway W situated within the Town of Washington.

Chapter 11.05 Door County Code shall remain unchanged and shall continue in full force and effect except as amended by this ordinance.

This ordinance shall become effective upon enactment and publication.

The Door County Clerk shall transmit a certified copy of this ordinance to the Wisconsin Department of Natural Resources and the Door County Sheriff's Department.

SUBMITTED BY: HIGHWAY COMMITTEE

John Neinas, Chairperson

Cletus Fontaine

Joel Gunnlaugsson

Leo Zipperer

Kenneth Fisher