

ORDINANCE NO. 18- 003

**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN AN ORDINANCE  
REPEALING SECTION 54.114. SOCIAL HOST of ARTICLE 1, IN GENERAL of  
CHAPTER 54 OFFENSES AND MISCELLANEOUS PROVISIONS OF THE  
MUNICIPAL CODE FOR THE VILLAGE OF WESTON, MARATHON COUNTY,  
WISCONSIN**

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

2017 Wisconsin Act 126 has amended Wis. Stat, [125.07\(1\)\(a\)3](#). of the statutes **relating to:** the prohibition against adults knowingly permitting or failing to take action to prevent the illegal consumption of alcoholic beverages by underage persons commonly referred to as “Social Host” prohibitions.

**WHEREAS**, the Village of Weston has determined that the **Municipal Code of the Village of Weston, Section 54.114. Social Host** is in conformity with similar municipal codes which have been adjudicated by courts to be invalid, and

**WHEREAS**, the Village of Weston has adopted **Section 6.100.(a) and (b) Provisions of state law adopted by reference, Article I. In General, Chapter 6 ALCOHOL BEVERAGES**, to wit:

**Sec. 6.100. Provisions of state law adopted by reference.**

- (a) Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. [Chapter 125](#), as amended, relating to alcohol beverages, are adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute incorporated in this chapter by reference is required or prohibited by this chapter.
- (b) Sections of Wis. Stats. [Chapter 125](#) adopted by reference shall include but not be limited to the following:

**THEREFORE**, the Village board hereby ordains,

**SECTION 1:** SECTION 54.114. Social Host, of ARTICLE I. IN GENERAL, is repealed and

**SECTION 2:** SECTION 54.114. is set aside as a reserved section.

**Sec. 54.114. ~~Social host.~~ Reserved.**

- ~~(a) The Village Board intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Village Board finds:~~
- ~~(1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.~~
  - ~~(2) 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.~~
  - ~~(3) 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.~~
  - ~~(4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.~~
  - ~~(5) A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.~~
- ~~(b) **Definitions.** For purposes of this chapter, the following terms have the following meanings:~~
- ~~(1) “**Event or gathering**” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.~~
  - ~~(2) “**Host**” or “**allow**” means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.~~
  - ~~(3) “**Premises**” shall have the meaning under Wis. Stat. § 125.02(14m), and shall also include all public or private property, regardless of whether said property is described in a license or permit.~~
  - ~~(4) “**Underage person**” is any individual under twenty one (21) years of age.~~

~~(5) "Control" means the power to direct, manage, oversee, supervise, organize, conduct, and shall also mean, hosting, allowing or permitting or sponsoring. A person need not be present on the premises to be in control.~~

~~(6) "Knowingly permit" means there must be evidence or a reasonable inference from evidence that the person knew or should have known that consumption of alcoholic beverages would occur.~~

~~(c) **Prohibited Acts.** No person 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 person or under the person's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.~~

~~(1) A person is responsible for violating this section if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.~~

~~(d) **Exceptions.**~~

~~(1) This chapter does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the underage person.~~

~~(2) 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.~~

~~(e) **Penalties.** A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$1,000 nor more than \$5,000 plus the costs of prosecution.~~

~~(Ord. of 12-23-11; Ord. of 6-15-12) [Amended via Ord. No 15-027, 11/18/2015]~~

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 4: SECTION 4: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 19 th day of March, 2019

VILLAGE BOARD, VILLAGE OF WESTON

By: Barbara Emelberg  
(name), President

ATTEST: Sheryl K. Kunkauf  
(name), Clerk

APPROVED: 3-19-18

ADOPTED: 3-19-18

PUBLISHED: 3-27-18

# DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN  
BROWN COUNTY

WESTON VILLAGE OF  
5500 SCHOFIELD AVE  
WESTON WI 544764333

### VOUCHER APPROVAL

Account Number:

10-01-51420 - 321-000

Description:

Notice of newly enacted  
ordinances 18-002 through 18-006

Approved by

QJH

Initials

4/16/18

Date

\$34.43

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425  
Order Number: 0002819425  
No. of Affidavits: 1  
Total Ad Cost: \$34.43  
Published Dates: 03/27/18

(Signed)

Sam Beaton

(Date)

3/29/18

Legal Clerk

Signed and sworn before me

Tara Mondloch

My commission expires

Aug. 6, 2021

TARA MONDLOCH  
Notary Public  
State of Wisconsin

WESTON VILLAGE OF  
Re: Notice of Newly Enacted Ordinances

VILLAGE OF WESTON

Notice of Newly Enacted Ordinances  
Please take notice that the Village Board of Weston, Wisconsin enacted the following Ordinances on March 19, 2018:

Ordinance 18-002: An ordinance amending Section 6.100 of Article I in General Chapter 6 Alcohol Beverages of the Municipal Code.

Ordinance 18-003: An ordinance repealing Section 54.114 Social Host of Article I in general of Chapter 54 Offenses and Miscellaneous provisions of the Municipal Code.

Ordinance 18-004: An ordinance repealing Section 18.147 Licensing of Cabarets and Amusement Devices of Article VIII of Chapter 18, Businesses of the Municipal Code.

Ordinance 18-005: An ordinance amending subsection 18.148(n) of Section 18.148, Mobile Food Vendors License, Article IX Mobile Food Vendors of Chapter 18, Businesses of the Municipal Code.

Ordinance 18-006: An ordinance amending Section 82.500 Speed Limits of Article V Speed Limits of Chapter 82 Traffic and Vehicles of the Municipal Code.

The full text of the above Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or online at:

Ord No 18-002 <http://westonwi.gov/DocumentCenter/View/4114>

Ord No 18-003 <http://westonwi.gov/DocumentCenter/View/4117>

Ord No 18-004 <http://westonwi.gov/DocumentCenter/View/4118>

Ord No 18-005 <http://westonwi.gov/DocumentCenter/View/4119>

Ord No 18-006 <http://westonwi.gov/DocumentCenter/View/4120>

Dated this 23rd day of March 2018.

VILLAGE OF WESTON

By: Sherry Weinkauff, Village Clerk

Run: March 27, 2018 WNAXLP