

TOWN OF LANARK
ORDINANCE CREATING KEG REGISTRATION
Ordinance No. 7-06

An Ordinance for the Town of Lanark, County of Portage, WI, to provide for the registration of kegs of fermented malt beverages and providing a penalty in connection therewith.

The Town Board for the Town of Lanark ordains as follows:

Section One: Title/Purpose. This Ordinance is entitled "Ordinance Creating Keg Registration." The purpose of this Ordinance is to prevent the misuse of alcoholic consumption particularly by underage persons as well as provide for orderly, compatible, livable neighborhoods.

Section Two: Authority. The Town Board of the Town of Lanark has the specific statutory authority, powers and duties, pursuant to Sec.125.10 of the Wisconsin Statutes (2003-2004).

Section Three: Keg Registration.

A. Definitions. For the purpose of this subsection the following definitions shall apply:

1. "Keg" means any container capable of holding four gallons or more of beer, which is designed to dispense fermented malt beverages (beer) directly from the container for purposes of consumption.
2. "Registration-seal" means any document, stamped declaration, seal, decal, sticker or device approved by the Portage County Sheriff's Department, that is distributed and designed to be affixed to kegs, and that displays a registration number and such other information as may be prescribed by the Portage County Sheriff's Department.

B. Registration-Seal Requirement. No licensee of fermented malt beverages may sell fermented malt beverages in a keg without having registered the sale on a form provided for by the Portage County Sheriff's Department, and affixing a registration seal on the keg at the time of the sale.

C. Registration-Declaration. The registration declaration shall contain the following:

1. Require the purchaser of fermented malt beverages to sign a declaration and receipt for the keg or other container in substantially the form provided for in Paragraph 3 of this ordinance.
2. Require the purchaser to provide two pieces of identification: one must contain the purchaser's picture.
3. Require the purchaser to sign a statement on the declaration that:
 - a. The purchaser is of legal age to purchase, possess, or use fermented malt beverages
 - b. The purchaser will not allow any person, contrary to state law under the age of twenty-one (21) years to consume the beverage.
 - c. The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under this ordinance to be affixed to the container.
4. Require the purchaser to provide their name, address and phone number.
5. Such information as may be required by the Sheriff's Department.
 - a. Keg Return Procedure to be followed by Licensee. When a registered keg is returned to the licensee, the registration seal shall be removed or obliterated and note of such action shall be made on the registration records of the license.
 - b. Seizure or forfeiture of keg. If a person is in possession of a keg used for or containing beer in violation of this ordinance, then the keg and its contents shall be subject to seizure by the Sheriff's Department.
 - c. Responsibility to Maintain Records. All licensees of fermented malt beverages shall maintain a complete and accurate record of all registration forms and other documentation of the sale of kegs at the place of business selling kegs for a period of not less than one (1) year. Such records regarding keg sales shall be open to inspection by the Portage County Sheriff's Department at reasonable times.
 - d. Administration of Keg Registration. The Portage County Sheriff's Department, by its Sheriff, or his or her designee, shall provide for the implementation of this ordinance.
 - e. No person shall possess or control an unregistered keg within the Town of Lanark, County of Portage, WI, except as otherwise provided here within.

Section Four: Penalties. Any person violating this ordinance shall be subject to a forfeiture of not less than one hundred dollars (\$100) for the first offense, two hundred and fifty dollars (\$250) for the second offense, and five hundred dollars (\$500) for the third and subsequent offenses. And in the event that such payment is not made, imprisonment in the county jail for the term set by the court.

Section Five: Application of Ordinance. This ordinance shall not apply to any person or entity who otherwise holds a fermented malt license for the distribution or sale of fermented malt products or for an activity which is held within a public park for which a license agreement has been entered into with the Portage County Parks Department.

Section Six: Effective Date. This Ordinance shall be effective after adoption by the Town Board and publication or posting as provided by law. Businesses will be notified by the Portage County Sheriff's Department prior to the start of enforcement.

Published: 7/21/06

Effective: 7/22/06