

# Keg Registration Ordinance Fact Sheet

## Problem Statement

The proposed keg registration ordinance is designed to assist in reducing two problems continually faced by the City and University:

- 1) Underage Alcohol Consumption
- 2) Over-consumption of Alcohol (“high risk drinking” or “binge drinking”).

A number of negative behavioral attributes result from these activities, including: overconfidence, recklessness, aggressiveness, lack of awareness, and loss of control. These types of behavior often lead to criminal activity, property damage, victimization, health problems, injuries, and death.

## Purpose

The keg registration ordinance is being proposed as a proactive step to: 1) discourage adults from providing alcohol to underage individuals, 2) reduce both the number of people and amount of alcohol consumed at house parties, and 3) provide police with an investigative tool to identify adults who provide alcohol to underage persons.

## Other Strategies to Address the Problems

- **Education:** The UW-Madison PACE Project, Madison Metropolitan School District, UW Police, and the Madison Police Department each have ongoing educational programs to help reduce teenage drinking and binge drinking. These organizations, among others, are also involved in policy development and data collection on these issues
- **Licensure:** The newly created Center for Visual and Performing Arts License allows bars and taverns to admit patrons age 18 and older to enjoy scheduled live entertainment performances.
- **Enforcement of Alcohol Violations:** The UW Police Department and Madison Police Department enforce alcohol related offenses throughout campus and the city. Both the Madison Metropolitan School District and UW-Madison have internal reviews of alcohol-related violations of their students.

## Proposed City of Madison Keg Ordinance

Requires retailers selling fermented malt beverages by the keg to affix a plastic or metal, durable identification label or tag to each keg they sell. A keg is defined as a container designed for and capable of holding at least four (4) gallons of fermented malt beverage to be dispensed from a tapper or tapper-like device. Such identification label or tag shall include the retailer’s name, address and telephone number and a prominently visible

warning that intentional removal or defacement of the label or tag subjects the violator to a forfeiture of \$500 - \$1,000. Purchaser will be required to show a valid photographic identification and fill out a form that includes name, address, date of birth, identification number, detailed description of purchase, and date of sale. These records will be maintained for one year from date of sale and shall be open to inspection by the Madison Police Department during normal business hours.

The ordinance also limits the possession of fermented malt beverages. Occupants of Residential Buildings shall be allowed to possess one or more kegs of fermented malt beverages with a maximum combined capacity limit of one barrel. A barrel is 31 US gallons, which is 330 12 oz servings or 496 8 oz servings. One barrel also equals two ½ barrels, four ¼ barrels, or a combination of the two sizes. Individuals can receive a permit to exceed this possession limitation by applying for the permit through the City Clerks Office for a \$10 fee

This ordinance has a “sunset clause”, which means this ordinance will expire in two years after the date of enactment unless extended by the Common Council prior to the expiration date.

#### What do other Organizations say about Keg Registration Legislation?

- **Center for Science in the Public Interest:** *“Beer kegs are a dangerous source of alcohol for underage drinkers. Keg parties are often “all you can drink” events, and may encourage binge drinking. When law enforcement officers break up a keg party, it is usually difficult to identify an adult responsible for providing the keg to the party. Partygoers scatter and often won’t admit or don’t know who supplied the keg. Keg registration ordinances provide law enforcement officers a way to trace the purchaser of the keg so that that person can be held accountable ”*
- **American Medical Association:** *“Keg registration and tagging legislation continues to be an important tool in reducing underage drinking. It has been proven to discourage adults from providing alcohol illegally to underage youth.”*
- **Alcohol Epidemiology Program:** *“Beer kegs are often a main source of alcohol at teenage parties. In addition, kegs may encourage drinking greater quantities of beer, increasing the risk of driving under the influence of alcohol and other alcohol-related problems.”*
- **Office of Community Oriented Policing Services:** *“Requiring keg registration, states, “When police seize a keg of beer at a party where underage drinking is occurring, the person responsible for furnishing the alcohol can be easily identified through the retailer. This response is relatively low-cost.”*

## Frequently Asked Questions About the Keg Ordinance

### ***“Why is this ordinance citywide when the problem is mostly a downtown issue?”***

While it is true that a large amount of the binge and high risk drinking occurs in the downtown area, it is important to understand that similar behavior is occurring elsewhere in the City. This behavior not only affects the residents of downtown, but the general community and visitors that frequent the area. Public resources like the police and fire departments are over extended in an attempt to address the consequences of over-consumption and underage drinking both downtown and citywide. High risk drinking and underage consumption of alcohol is a major factor in much of the criminal and social disorder activity (e.g. fights, noise, urinating in public, etc ) throughout the City.

### ***“Won’t underage persons switch to hard liquor?”***

Many underage individuals already drink hard liquor - it can be purchased at most house parties today. There is no research to support the theory that a keg ordinance will increase the consumption of hard liquor. It is very unlikely that the typical “for profit” house party will switch to selling hard liquor because of the logistics and cost that would be required.

### ***“Won’t parties replace kegs with cases of beer?”***

This may occur, but it would still have a positive impact on reducing alcohol consumption. Consumption is closely tied to price and accessibility. As price goes up, consumption goes down. There is a direct relationship. This holds true for price-sensitive students and teenagers. Here is a comparison of the cost between kegs of beer and a case of beer received for a Madison retailer: ½ barrel keg is 15.5 gallons or 165 12 oz servings and costs \$66.95 or 41 cents per serving, ¼ barrel keg is 7.75 gallons or 83 12 oz servings and costs \$39.95 or 48 cents per serving and a case is 2.25 gallons or 24 12 oz servings and costs \$16.99 or 71 cents per serving. That is a price increase of 48% to 73% per serving.

### ***“What alternatives do underage persons have to house parties?”***

The city recently adopted an Ordinance creating a license for Centers for Visual and Performing Arts which allows persons age 18 and older to be in bars and taverns to view live performances. Currently, five of these licenses have been issued. Additionally, the City, UW-Madison, Madison Metropolitan School District, MATC, Community Centers and numerous non-profit groups have scheduled activities for underage persons almost every day of the week.

***“Doesn’t the Madison Police Department have enough tools to deal with these issues?”***

Reacting to the crimes and social disorders related to high risk and underage drinking (fights, noise complaints, urinating in public, etc.) is very costly to our community. This proposed ordinance is proactive and preventative; it will help reduce the costs of being reactive by decreasing the size of house parties, deterring adults from supplying underage persons with kegs of beer, and reducing the opportunities for high risk and binge drinking.

***“How will you know if the keg ordinance works?”***

The keg ordinance has a sunset clause, which means the Common Council will review the ordinance in two years from the time it is passed into law. Currently, the Madison Police Department collects a great deal of data that will be used to examine the effectiveness of this ordinance over the next two years. Other agencies in the City also collect data on these issues and will be involved in the evaluation of the ordinance’s impact.

***“Is this ordinance another anti-business ordinance?”***

No. Keg registration does not penalize the beer industry or retailers. By supporting keg registration, the industry becomes part of the solution to the underage and high risk-drinking problem. There is no incentive for individuals to purchase kegs outside the city because the possession limit applies to all kegs within the city no matter where they are purchased.

***“Can I have more than 2 kegs at my wedding party?”***

Yes. You may obtain an “Application for Keg Permit” at the City Clerk’s Office for a small fee that will exempt your party from the ordinance’s keg possession limit.

***“Why does the city want to reduce the number and size of house parties?”***

Large house parties are problematic because they allow underage drinking, encourage high risk drinking, and help create the negative effects that go along with these behaviors. Most of the house parties are over crowded, making them a fire hazard. They lack the necessary bathrooms (increasing the likelihood of public urination), increase the risk of fights (generally resulting in physical injuries), produce excessive noise (resulting in neighbor complaints), and increase the likelihood of property damage. Fewer and smaller house parties will reduce these negative consequences on the neighborhoods and City.

**This ordinance will be discussed at the Alcohol License Review Committee (ALRC) on Nov. 16, 2005, at 4:00 PM. This is the first item on the agenda and the meeting will be in the City-County Building, 211 S. Carroll St., and Police Department Class Room (GR-27).**