

Keg Registration

Why is keg registration important?

- Beer kegs can be the main source of alcohol at parties where underage drinking occurs.
- Beer keg registration enables police to identify and penalize adults who purchase kegs for parties and allow underage youth to consume the alcohol. Often, when police arrive at keg parties, people scatter. Without keg registration, the purchaser cannot be traced and the adult purchaser cannot be held liable.

SUMMARY: KEG REGISTRATION ORDINANCE

The proposed keg registration ordinance requires retailers to mark beer kegs with unique identification numbers which they must record along with the keg purchaser's name. In addition, the ordinance requires an increased deposit on beer kegs. Keg purchasers must also sign a sworn document which states that they will not supply alcohol to underage individuals.

This ordinance is based on Washington State Statute §§66.28.200-230.

Proposed Ordinance

KEG REGISTRATION

Section 1. Definitions.

For the purpose of this ordinance the following definitions shall apply:

"Intoxicating Liquor" - Ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing more than 3.2 percent of alcohol by weight.

"Kegs" - Containers designed for and capable of holding intoxicating or non-intoxicating malt liquor to be dispensed from a tapper.

"Malt Liquor" - Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

"Non-intoxicating Liquor" - Malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

"Off-sale" - The sale of alcoholic beverages in original packages for consumption off the licensed premises only.

Section 2. Duties of Seller.

1. Licensees holding an off-sale intoxicating liquor license or non-intoxicating malt liquor license may sell malt liquor in kegs or other containers capable of holding four (4) gallons or more of liquid. Licensees shall not sell more than sixteen (16) gallons of malt liquor in kegs or other containers capable of holding four (4) gallons or more of liquid to any individual purchaser, not licensed under Minnesota Statute chapter 340A, within a twenty-four (24) hour period. Any person who sells or offers for sale the contents of kegs or other containers containing four (4) gallons or more of malt liquor, or leases kegs or other containers that will hold four (4) gallons or more of malt liquor, to consumers who are not licensed under chapter 340A of the Minnesota Statutes shall do the following for each sales transaction involving the keg or other container:
 1. Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container in substantially the form provided for in Section (4) of this ordinance;
 2. Require the purchaser to provide one piece of identification pursuant to Minnesota Statute section 340A.503(6);
 3. Require the purchaser to sign a sworn statement on the declaration, under penalty of perjury, that:
 1. The purchaser is of legal age to purchase, possess, or use malt liquor;
 2. The purchaser will not allow any person under the age of twenty-one (21) years to consume the beverage in violation of Minnesota Statute section 340A.503(2);
 3. 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;
1. Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located;
2. Inform the purchaser of his/her duty to maintain a copy of the declaration next to or adjacent to the keg or other container, in no event at a distance greater than five (5) feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control;
3. Affix identification to the kegs in accordance with the rules authorized under Section (4) of this ordinance;
4. Retain copies of the receipt and declaration on the licensed site for a period of six (6) months following the transaction, and shall make it available to any law enforcement officer or member of the municipal licensing authority upon request;
5. Collect from the purchaser a deposit of the amount specified in the rules authorized under Section 4 of this ordinance, which shall be not less than seventy-five dollars (\$75). The licensee shall refund this deposit to the purchaser upon return to the licensee, within six (6) months of purchase, of

the keg or other container with the identification required by the municipal licensing authority intact and affixed to the keg or other container. The licensee shall not refund the deposit to the purchaser if the identification has been removed or obliterated at any time after the initial sales transaction with the purchaser and before the return of the keg or other container to the licensee. All deposits forfeited shall be remitted, less a reasonable handling fee, to the municipal licensing authority with a copy of the receipt and declaration made in the transactions involved.

Section 3. Duties of Purchaser.

1. Any person who purchases the contents of kegs or other containers containing four (4) gallons or more of malt liquor, or purchases or leases the container shall:
 1. Provide one piece of identification pursuant to Minnesota Statute section 340A.503(6);
 2. Be of legal age to purchase, possess, or use malt liquor;
 3. Pay a deposit of the amount specified in the rules authorized under section (4) of this ordinance to the licensee, to be refunded upon the return of the keg or other container, within six (6) months of purchase, with the identification required by the municipal licensing authority intact and affixed to the keg or other container;
 4. Sign a receipt for the keg or other container or beverage in substantially the form provided in this ordinance;
 5. Sign a declaration for the keg or other container or beverage in substantially the form provided in this ordinance;
 6. Not allow any person under the age of twenty-one (21) to consume the beverage, except as provided by Minnesota Statute section 340A.503(2);
 7. Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the municipal licensing authority;
 8. Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and
 9. Maintain a copy of the declaration next to or adjacent to the keg or other container, in no event at a distance greater than five (5) feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.
10. Falsifying any information requested on the declaration or receipt shall constitute a violation of this ordinance.

Section 4. Identification of Containers, Rules.

1. The City Council shall adopt all rules necessary for the implementation of this ordinance, including rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers,
2. The City Council shall develop and make available forms for the declaration and receipt required by this ordinance. The Council may charge for the costs of providing the forms and that money collected for the form shall be deposited into the liquor revolving fund for use by the Council, without further appropriation, to continue to administer the cost of the keg registration program.
3. It is unlawful for any person to sell or offer for sale kegs or other containers containing four (4) gallons or more of malt liquor to consumers who are not licensed under Minnesota statute chapter 340A, if the kegs or containers are not identified in compliance with rules adopted by the municipal licensing authority.

Section 5. Penalties.

1. Except as provided in (b) of this section, the violation of any provisions of Sections (1) through (4) of this ordinance is punishable
 1. for the first violation, by a fine of not more than five hundred (500) dollars;
 2. for the second violation, by a fine of not less than five hundred dollars (\$500) and not more than seven hundred dollars (\$700).
1. A person who intentionally furnishes a keg or other container containing four (4) or more gallons of malt liquor to a minor shall be punished:
 1. for the first violation, a fine of not less than three hundred dollars (\$300) and not more than seven hundred dollars (\$700) ;
 2. for subsequent violations, a fine of not less than seven hundred dollars (\$700) and not more than two thousand dollars (\$2,000).

This ordinance shall take effect within _____ days.