

**HO-CHUNK NATION CODE (HCC)  
TITLE 3 – HEALTH AND SAFETY  
SECTION 15 – ALCOHOL ORDINANCE**

**ENACTED BY LEGISLATURE: January 19, 2021**

**CITE AS: 3 HCC § 19**

**Section 223.01. GENERAL PROVISIONS.**

**a. Authority.**

- (1) Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.
- (2) Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct and imposing penalties upon all persons within the jurisdiction of the Nation.
- (3) Article V, Section 2(s), of the Constitution of the Ho-Chunk Nation authorizes the Legislature to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.
- (4) Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.

**b. Purpose.** This Ordinance establishes prohibitions against the possession and consumption of alcohol by underage persons. In addition, this Ordinance prohibits others from aiding underage persons from possessing and consuming alcohol.

**c. Definitions.** Unless specifically set forth otherwise in this Ordinance, the definition of terms for purposes of this Ordinance shall be the same as those set forth in Chapter 125.02 of the Wisconsin Statutes.

**Section 223.02. UNDERAGE POSSESSION AND COMSUMPTION.** This ordinance prohibits any underage person from doing the following:

- a. Procures or attempts to procure alcohol beverages from a licensee or permittee.
- b. Possesses or consumes alcohol beverage on licensed premise.
- c. Enters, knowingly attempts to enter, or is on licensed premises in violation of 125.07(3) of Wisconsin Statutes.

- d. Falsely represents his/her age for the purpose of receiving alcohol beverages from licensee or permittee.
- e. Possesses or consumes alcohol beverages.

**Section 223.03. AIDING AN UNDERAGE PERSON.** This ordinance prohibits any person from doing the following:

- a. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person.
- b. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person.
- 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.
- d. No adult may intentionally encourage or contribute to a violation of section 223.02 (1)-(5).

**Section 223.04. PENALTIES.**

- a. For violations named in §§ 223.02 and 223.03, a person will be subject to a forfeiture of not less than \$50.00 nor more than \$1,000, plus court costs.
- b. In the event a person fails to pay a forfeiture assessed pursuant to § 223.02, the court may suspend or revoke his/her operating privilege as provided for in Wisconsin Statutes 345.47 and 48.343 (2).

**Section 223.05. ENFORCEMENT.** It is the authority of the Ho-Chunk Nation Police Department to enforce the provisions of this Ordinance. Sworn law enforcement officers at all levels within the Nation shall have authority to issue citations or complaints for violation of this Ordinance.

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**Legislative History:**

- 03/17/20 Legislature adopts Resolution 03-17-20 E to place the Alcohol Ordinance (3 HCC § 19) out for 45-day public review and comment.
- 01/19/21 Legislature adopts Resolution 01-19-21 J enacting the Alcohol Ordinance (3HCC § 19).