

**AN ORDINANCE AMENDING CHAPTER 112 OF THE CODE ENTITLED
ALCOHOLIC BEVERAGES**

1 WHEREAS, 2019 Act 166 amended Section 125.17, Wis. Stats., to allow the municipal
2 governing bodies to authorize a designated municipal official to issue operator's licenses,
3 commonly referred to as "bartender licenses;" and
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5 WHEREAS, the Village of Newburg has determined the Village Clerk, pursuant to the rules
6 established herein, shall have the authority to issue operator's licenses; and
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8 NOW THEREFORE, BE IT RESOLVED, the Board of Trustees do ordain amending the
9 municipal code as follows:
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11 § 112.05 LICENSE APPLICATION

12 (A) Applications for all licenses under this chapter shall be processed through the office of the
13 Village Administrator/Clerk. Applications must be accurately completed, providing all
14 information requested on the form prescribed by Wis. Stats. §125.04(3). ~~Any application~~
15 ~~shall be filed with the Village Administrator/Clerk not less than 30 days prior to the granting~~
16 ~~of the license. All renewal applications shall be filed in the office of the Village~~
17 ~~Administrator/Clerk on or before April 15 of each year.~~ As a further condition of granting of
18 an operator's license, the applicant shall consent to the taking of a current photograph of
19 his or her person by the village and shall authorize the village to obtain a report of
20 his or her criminal history from any municipal, state and federal law enforcement agencies
21 maintaining such records; and recognizes up to 30 days may be necessary to process
22 such applications and background history prior to a determination.
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24 ...
25 § 112.14 OPERATOR LICENSES

26 (A) Operators' licenses (bartender licenses) shall be issued to individuals by the village for the
27 purpose of complying with Wis. Stats. §125.32(2) and 125.68(2). Operators' licenses shall
28 be issued only upon written application forms provided by the Village Clerk. Pursuant to
29 Wis. Stats. §125.17(1), the Village Clerk shall be authorized to issue all varieties (initial,
30 renewal, temporary, provisional) of operators' licenses. Any license application for which
31 the Chief of Police or the Village Clerk recommend denial shall be referred to the Village
32 Board's Committee of the Whole for consideration.

33 (B) Operators' licenses issued under this section are valid only within the village.

34 (C) Criteria for issuance. Licenses and permits related to alcoholic beverages issued to
35 natural persons under this chapter may be issued only to persons who fulfill all of the
36 following requirements:

37 (1) The person must be at least 18 years of age.

38 (2) All applicants for an operator's license shall provide evidence of having successfully
39 passed a responsible beverage servers course as required in Wis. Stats. §125.04(5).
40 Providing a copy of a current operator's license from another Wisconsin municipality
41 may be used as such evidence.

42 (3) The individual requesting a license may be denied a license based upon his or her
43 arrest or conviction record subject to Wis. Stats. §§ 111.32, 111.322 and 111.335, and
44 Wis. Stats. § 125.04(5)(a)1. It is not employment discrimination because of a pending

- 45 arrest record or a conviction record to deny a license if the circumstances of the
46 charge substantially relate to the alcohol beverage licensing activity;
- 47 (4) The individual requesting a license may not be issued a license if they are
48 a **HABITUAL LAW OFFENDER** as defined in this chapter; and
- 49 (5) An individual requesting a license shall not be issued a license if he or she has been
50 convicted of a felony which substantially related to the alcohol beverage licensing
51 activity.
- 52 (6) The fee for operators' licenses shall be as provided in §36.04 which shall be non-
53 refundable and shall not apply towards any other operator's license under this section.
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55 (D) Temporary operators' licenses.

56 ~~(1) Temporary operators' licenses.~~ The village shall issue temporary operators' licenses
57 under the terms of this chapter except that:

- 58 ~~(a)~~ (1) The license may be issued only to operators employed by or donating their
59 services to nonprofit organizations;
- 60 ~~(b)~~ (2) No person may hold more than one temporary operator's license per year;
- 61 ~~(c)~~ (3) The license is valid for any period from one day to 14 days, or the license may
62 be issued for the purpose of up to 14 separate recurring events, and the period for
63 which it is valid shall be stated on the license; and
- 64 ~~(d)~~ (4) The fees for a temporary operator's license is provided in §36.04. It shall be non-
65 refundable and shall not apply toward any other operator's license under this
66 section.

67 ~~(2) The procedure for licenses issued in accordance with this section for temporary~~
68 ~~operators' licenses shall be as follows: Upon application therefore the Village Clerk~~
69 ~~shall submit such application to the Village Board. In such situations where the~~
70 ~~temporary operator's license application is filed and time does not permit review by the~~
71 ~~Village Board, the Village Clerk shall have the authority to grant or deny the issuance~~
72 ~~of such license; provided, however, that in such case the license fee shall be \$25,~~
73 ~~which shall be non-refundable and shall not apply toward another operator's license~~
74 ~~under this section.~~

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76 (E) Provisional operators' licenses. Provisional operators' licenses shall be issued according
77 to the following:

- 78 (1) The Village Clerk is authorized to issue a provisional operator's license to a person
79 who has submitted an initial application for an operator's license under §112.05,
80 provided that, based on the information contained in the application, the person meets
81 the qualifications in §112.14 for issuance of licenses related to alcohol beverages, and
82 provided further that the person has not previously been denied an operator's license
83 by the village.
- 84 (2) The fee for provisional operators' licenses shall be as provided in §36.04 which shall
85 be non-refundable and shall not apply towards any other operator's license under this
86 section.
- 87 (3) A provisional operator's license shall expire 60 days after its issuance or a license
88 under 12.05 of this section is issued to the holder, whichever is sooner.
- 89 (4) The Village Clerk may revoke a provisional operator's license if it is discovered that the
90 holder of the license made a false statement on the application.
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95 Passed and adopted by the Village Board of the Village of Newburg, Washington and Ozaukee
96 Counties, Wisconsin, this _____ day of _____, 2020.

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100 David DeLuka, Village President

_____ Deanna Alexander, Clerk