

**ORDINANCE NO. 2020-4**

**AN ORDINANCE REGARDING ISSUANCE OF OPERATOR'S  
LICENSES BY VILLAGE CLERK-TREASURER**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

**SECTION I. REPEAL AND ADOPTION OF PROVISIONS.**

Sections 7-2-30 through 7-2-37 of the *Village of Bristol Code of Ordinances* are repealed and recreated to read as follows:

**Sec. 7-2-30 Operator's License Required.**

- (a) **Operator's Licenses; Class "A", Class "B" or "Class C" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class C" license or permit in the Village of Bristol may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B", or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the

immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

(b) **Use by Another Prohibited.**

- (1) No person may allow another to use his or her operator's Class "A" or Class "B" license or permit to sell alcohol beverages.
- (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

*State Law Reference:* Sections 125.17 and 125.32, Wis. Stats.

## **Sec. 7-2-31 Procedure Upon Application.**

- (a) **Clerk-Treasurer Designated to Issue Operator's Licenses.** The Village Clerk-Treasurer, pursuant to Sec. 125.17, Wis. Stats., shall be designated as the municipal official authorized to issue operator's licenses with the same authority and following the same procedures as required by the Village Board for issuance of operator's licenses as prescribed in Sections 7-2-30 through 7-2-37.
- (b) **Application.** Village Clerk-Treasurer may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk-Treasurer only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village of Bristol.
- (c) **Investigation; Approval or Denial of Applications.**
  - (1) All applications are subject to an investigation by Village-designated law enforcement authorities and/or other appropriate authorities to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto.
  - (2) The investigating authorities shall conduct an investigation of the applicant including, but not limited to, requesting information from the State of Wisconsin, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record.
  - (3) Based upon such investigation, the investigating authorities shall recommend, in writing, to the Village Clerk-Treasurer approval or denial of the application. If the investigating authorities recommend denial, the investigating authorities shall provide, in writing, the reasons for such recommendation.
  - (4) The Village Board may adopt an Operator's License Review Policy to provide additional criteria when making determinations on applications for an operator's license.

## **Sec. 7-2-32 Duration.**

Operator's licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June.

## **Sec. 7-2-33 Operator's License Fee; Provisional or Temporary Licenses.**

- (a) **Fee.** The fee for a one (1) year operator's license shall be as prescribed in Section 1-3-1. The non-refundable fee for a provisional license or temporary operator's license shall also be as prescribed in Section 1-3-1.
- (b) **Provisional License.**
  - (1) The Village Clerk-Treasurer may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner.
  - (2) Pertinent law enforcement agencies shall, upon request, submit to the Village Clerk-Treasurer a report regarding the applicant's conviction history, if any.
  - (3) The applicant for such provisional operator's license must present evidence to the Village Clerk-Treasurer establishing that the applicant is enrolled in an Alcohol Awareness Training Program established pursuant to Sec. 125.17(a), Wis. Stats. The Village Clerk-Treasurer may, upon receiving an application for a provisional operator's license, issue such a license without requiring the successful completion of the approved program as described herein. However, such provisional operator's license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his/her successful completion of the approved program, and the applicant shall also apply for a regular operator's license.
  - (4) No such provisional operators license shall be issued prior to a waiting period of less than ninety-six (96) hours [four (4) days], and the completion of a background check subject to limitations established by law.
  - (5) A provisional operator's license may not be issued to any person who has been denied a regular operator's license by the Village Clerk-Treasurer, who has had his/her operator's license revoked or suspended within the preceding twelve (12) months, or who previously held an operator's license and who failed to complete the Alcohol Awareness Training Program without first successfully completing the program.
  - (6) No person shall be issued more than three (3) provisional operator's licenses in any twelve (12) month period. The Village Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant.

- (7) The Village Clerk-Treasurer may revoke the provisional license issued if he/she discovers that the holder of the license made a false statement on the application.
- (8) A provisional operator's license shall not be renewed.
- (c) **Temporary License.** The Village Clerk-Treasurer may issue a temporary operator's license provided that:
  - (1) The temporary operator's license may be issued only to operators employed by, or donating their services temporarily to, nonprofit corporations.
  - (2) No person may hold more than two (2) temporary operator's licenses per year.
  - (3) The temporary operator's license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

*State Law Reference:* Section 125.17, Wis. Stats.

## **Sec. 7-2-34 Issuance or Denial of Operator's Licenses.**

- (a) **Issuance of Operator's License.** After the Village Clerk-Treasurer approves the granting of an operator's license, the Village Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) **Denial of Operator's License Application; Reconsideration.**
  - (1) If the application is denied by the Village Clerk-Treasurer, the Village Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board. Such notice must be sent by certified mail to, or served upon, the applicant at least ten (10) days prior to the Village Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
  - (2) If, upon reconsideration, the Village Board denies the application, the Village Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c) **Criteria.**
  - (1) Consideration for the granting or denial of a license will be based on:
    - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Sections 111.321, 111.322, and 111.335, Wis. Stats.;
    - b. The financial responsibility of the applicant;

- c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - d. Generally, the applicant's fitness for the trust to be reposed.
- (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
- (d) **Consideration of Prior Record.** An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village of Bristol, the Village Clerk-Treasurer and Village Board reserve the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

## **Sec. 7-2-35 Training Course.**

- (a) **Training Requirements.** Except as provided in Subsection (b) below, the Village Clerk-Treasurer may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:
  - (1) The person is renewing an operator's license.
  - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.
  - (3) Within the past two (2) years, the person has completed such a training course.
- (b) **Provisional Operator's License Training Requirement.** The Village Clerk-Treasurer may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

- (c) **Additional Training Resources.** The Village Clerk-Treasurer may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

**Sec. 7-2-36 Display of License.**

Each operator's license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his/her possession, or carry a license card.

**Sec. 7-2-37 Revocation of Operator's License.**

Violation of any of the terms or provisions of the Wisconsin Statutes or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

**Sec. 7-2-38 through Sec. 7-2-39 Reserved for Future Use.**

**SECTION II. SEVERABILITY.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

**SECTION III. EFFECTIVE DATE.**

This Ordinance shall take effect upon passage and publication/legal posting as provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: 5/11/20

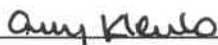
PASSED: 5/26/20

PUBLISHED: \_\_\_\_\_

State of Wisconsin:  
County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Village Board of the Village of Bristol on the 26<sup>th</sup> day of May, 2020, and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated the 26<sup>th</sup> day of May, 2020



Amy Klemko, Village Clerk-Treasurer