

ORDINANCE O-1-13

AN ORDINANCE REPEALING AND RECREATING SECTIONS 7-2-20 TO 7-2-26  
OF THE CODE OF ORDINANCES  
(Operators' License)

INTRODUCED BY ALDERMAN SEVENICH

The Common Council of the City of Menasha does hereby repeals and replaces as follows:

SECTION 1: Replace Title 7, Chapter 2, Article B, SEC. 7-2-20 to 7-2-26 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

**Title 7 – Licensing and Regulation**

**CHAPTER 2**

Fermented Malt Beverages and Intoxicating Liquor

**ARTICLE B**

Operators' License

**~~SEC. 7-2-20 OPERATOR'S LICENSE REQUIRED; MANAGER'S LICENSE.~~**

- (a) **~~OPERATOR'S LICENSE.~~** There shall be upon the premises operated under a ~~every~~ Class "A" ~~Class "A" intoxicating liquor license, or Class "B" Class "B" intoxicating liquor license, Class "A" fermented malt beverage license, Class "B" Class "B" fermented malt beverage license or Class C wine license,~~ at all times, the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under Class "A" ~~Class "A" intoxicating liquor or Class "B" Class "B" intoxicating liquor license or, Class "A" fermented malt beverage , Class "B" fermented malt beverage license, or Class C wine licenses unless he or she shall possess an operator's license or unless he or she shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.~~
- (b) **~~MANAGER'S LICENSE.~~** Twenty five Dollars (\$25.00) per year. Said manager's license, or otherwise known as an agent's license, shall be given upon written application to the person who has the responsibility or authority for personnel, management of all employees whether or not the person is authorized to sign employment contracts or contracts for the purchase or sale of goods but actually does such purchasing and generally assumes the daily operation of the ~~Class "A" intoxicating liquor or Class "A" fermented malt beverage or Class "B" intoxicating liquor or Class "B" fermented malt beverage or Class C wine premises.~~ Said application shall be on forms as prescribed by the City Clerk ~~Police Department~~ whose mandatory duty it shall be to supply such forms. There shall be a Twenty five Dollar (\$25.00) annual fee for a manager's license.

~~(c) — **PROVISIONAL LICENSE.**~~

- ~~(1) A provisional operator's license may be issued by the Police Department to a person who has applied for an operator's license under Sec. 7-2-20(a).~~
- ~~(2) A provisional operator's license may not be issued to any person who has been denied an operator's license.~~
- ~~(3) The provisional license expires sixty (60) days after the issuance or when a license under Sec. 7-2-20(a) is issued to the applicant, whichever is sooner.~~
- ~~(4) A fee of Ten Dollars (\$10.00) shall be charged for a provisional operator's license.~~

~~**SEC. 7-2-21 — PROCEDURE UPON APPLICATION.**~~

- ~~(a) The Police Department may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the City Treasurer only to persons eighteen (18) years of age or older. — Operator's licenses shall be operative only within the limits of the City.~~
- ~~(b) An operator's license for retail Class "A" "Class A" intoxicating liquor or Class "A" fermented malt beverage or "Class B" intoxicating liquor or Class "B" fermented malt beverage or Class C wine and "B" B fermented malt and intoxicating liquor license premises pursuant to Sec. 125.17, Wis. Stats., may be issued by the Police Department to any person of legal drinking age who has been a citizen of the United States 18 years of age and a resident of this state continuously for no less than ten (10) days, prior to the date of the filing of the application, upon certification of the Menasha Police Department. The Menasha Police Department will run a criminal history check through the Wisconsin Criminal History Records information database to determine the applicant's prior criminal history. When an applicant in this state has been convicted of a felony and has not been pardoned, such application shall be submitted to the City Attorney by the Police Department for further review.~~
- ~~(c) Whenever the Police Department denies a license, the applicant will then have the right to appeal such decision to the Administration Committee after a due process hearing. — The action of the Committee shall be final.~~

~~**SEC. 7-2-22 — DURATION.**~~

~~Licenses issued under the provisions of this Chapter shall be valid for a period of two (2) years and shall expire on the thirtieth (30th) day of June.~~

~~**SEC. 7-2-23 — OPERATOR'S LICENSE FEE.**~~

- ~~(a) The fee for an operator's license shall be Fifty Dollars (\$50.00).~~
- ~~(b) The fee for any operator's license that is issued such that it will expire in six months or less shall be twenty five dollars (\$25.00).~~
- ~~(c) A fee of fifteen dollars (\$15.00) shall be charged for a provisional operators license.~~

~~**SEC. 7-2-24 — ISSUANCE.**~~

~~The Police Department shall issue the operator's 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.~~

~~**SEC. 7-2-25 — DISPLAY OF LICENSE.**~~

~~Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages.~~

**~~SEC. 7-2-26 — REVOCATION OF OPERATOR'S LICENSE.~~**

~~Violation of any of the terms or provisions of the State Law 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.~~

**~~SECTION 7-2-27 THROUGH SECTION 7-2-29 — RESERVED FOR FUTURE USE.~~**

**SEC. 7-2-20 OPERATORS' LICENSE**

**(a) REGULAR OPERATORS' LICENSE APPLICATIONS**

- (1) Applications for all operators' licenses shall be made on a form provided by the Police Department.
- (2) An application shall be accurately completed in its entirety or shall be rendered void by the Police Department.
- (3) The Police Department shall verify the veracity of the application as well as research the qualifications of the applicant.
- (4) The license fee shall be submitted with the application.
- (5) Operators' licenses may be granted by the Common Council without further review in the event the Police Department approved of the application.
- (6) The Common Council shall issue an Operators' license to any applicant meeting the qualification under Wis. Stats. §§125.04(5) and 125.17(6) and shall be valid for a period of two (2) years and shall expire on the thirtieth (30) day of June.

- (b) TEMPORARY OPERATORS LICENSE.** The Police Department or designee is authorized to issued a Temporary Operator's license to an applicant under the terms outlined in Wis. Stats. §125.17(4).

**(c) PROVISIONAL LICENSE.**

- (1) The Police Department or designee is authorized to issue a Provisional Operator's license to an applicant for a regular Operators' license provided the applicant:
  - (a) Files a certified copy of a valid operators' license issued by another municipality; and
  - (b) Pays the fee; and
  - (c) Meets the "City of Menasha Guidelines for Operators' Licenses" adopted by the Common Council; and
  - (d) Has not been denied an Operators' license by the Common Council; and
  - (e) Has met the training requirement under Wis. Stats. §125.17(6)
- (2) A Provisional Operators license expires 60 days after its issuance or when a regular Operator's license is issued or upon expiration of an Operators' license issued by another municipality and filed under paragraph (1)(a) above, whichever is sooner.
- (3) The Police Department or designee may revoke a Provisional Operator's license upon discovery of a false statement made on the application or if an applicant enrolled in a responsible beverage server training course fails to successfully complete the course in which he or she is enrolled.

- (d) APPEALS.** Any applicant whose application has been voided or denied or whose license has been revoked by the Police Department may appeal such determination of the Administration Committee.

**SEC. 7-2-21 OPERATORS' LICENSE FEE.**

(a) The fees for Operators' licenses shall be established by the Common Council.

**SEC. 7-2-22 DISPLAY OF LICENSE.**

(a) Each Operators' license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages.

SECTION 2: This Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this            day of            , 2013.

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Donald Merkes, Mayor

ATTEST:

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Deborah A. Galeazzi, City Clerk