VILLAGE OF HOBART
GREATNESS IS GROWING

ORDINANCE 2020-05

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, SPECIFICALLY SECTION 16 (OPERATOR'S LICENSE OF CHAPTER 189 (INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES)

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Purpose: The purpose of this Ordinance is to amend the current code regarding the issuance of operators' licenses, in accordance with 2019 Wisconsin Act 166, which allows a municipal governing body to delegate authority to issue operator's licenses (commonly referred to as "bartender's licenses") to a designated municipal official.

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The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: Section 16 (Operator's License) of Chapter 189, Intoxicating Liquor and Fermented Malt Beverages, of the Code of the Village of Hobart, is hereby amended to read as follows:

§ 189-16. Operator's license.

A. The Clerk-Treasuer, or the Deputy Clerk in the Clerk-Treasurer's absence, may issue a license known as an "operator's license," which shall be granted pursuant to the Village's discretion and upon application in writing filed with the Village Clerk-Treasurer. An operator's license may be issued only to natural persons who:

(1) Do not have an arrest or conviction record, subject to §§ 111.321, 111.322 and 111.335, Wisconsin Statutes, which are incorporated by reference herein, said statutes in part describing prohibited bases of discrimination of age, race, creed, color, handicap, marital status, sex, national origin, ancestry, arrest record or conviction record;

(2) Have been a resident of this state continuously for at least 90 days prior to the date of application;

(3) Have attained the age of 18 years by the time of issuance;

(4) Have not been a habitual law offender or convicted of a felony, unless the person has been duly pardoned; and

(5) Have completed a responsible beverage server training course. Persons are exempt from the training course requirement if they renew an existing operator's license.

B. For all premises operating under a Class "A" and Class "B" license for fermented malt beverages and "Class A" and "Class B" for intoxicating liquor, a licensee, or some other person who has an operator's license and is responsible for the acts of all persons serving any fermented malt beverages or intoxicating liquor to customers, shall be present at all times while such premises are open for business. For purposes of this subsection, any member of the licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license. No person, including underage members of the licensee's immediate family, other than the licensee, may serve fermented malt beverages or

intoxicating liquors in any premises operated under a Class "A," Class "B," "Class A," or "Class B" unless he or she has an operator's license, or is at least 18 years of age and is under the immediate supervision of the licensee or a person holding an operator's license and who is on the premises at the time of the service.[1]

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

C. The fee for an operator's license is outlined in § 189-6 of this chapter.

D. The Clerk-Treasurer, or the Deputy Clerk in the Clerk-Treasurer's absence, may issue a temporary or provisional operator's license which shall be granted upon application in writing filed with the Village Clerk-Treasurer. A temporary or provisional operator's license may be issued only to natural persons who have applied for an operator's license under this section of the Code and who meet the requirements of Subsection A(1) through (5) of this section.

E. A temporary or provisional operator's license may not be issued to any person who has been denied a license under this article of the Code by the the Clerk-Treasurer, or the Deputy Clerk in the Clerk-Treasurer's absence.

F. The fee for a temporary or provisional operator's license is outlined in § 189-6 of this Code.

G. A temporary operator's license may only be issued pursuant to Chapter 125 of the Wisconsin Code, which includes issuance only to operators employed by or donating their services to nonprofit corporations. A temporary operator's license shall be valid for any period from one day to 14 days.

H. A provisional operator's licenses may only be issued pursuant to Chapter 125 of the Wisconsin Statutes. A provisional operator's license will expire 60 days after its issuance, or when an operator's license under this section is issued to the holder, whichever is sooner.

I. A temporary or provisional operator's license may be revoked by the Clerk-Treasurer if the application of the license holder contains any false statements. The Clerk-Treasurer may issue the temporary or provisional license before receipt of the applicant's record check but shall immediately revoke the temporary or provisional license if the record check indicates the applicant has failed to meet any of the requirements under this section of the article.

J. Any violation of the terms of the article, or any of the laws of the State of Wisconsin applicable to the sale of Fermented Malt Beverages and Intoxicating Liquors, by any person holding any type of operator's license shall be cause for revocation of said license.

Section 2: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 3. This Ordinance shall be published as required by law after passage by the Village Board.

Passed and approved this 17th day of March, 2020.

Richard Heidel, Village President

Attest:

Aaron Kramer, Village Administrator

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I, Mary Smith, am the duly qualified and acting Village Clerk of the Village of Hobart, Brown County, Wisconsin. I hereby certify that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on March 17th 2020.

(Seal)

Mary Smith, Village Clerk