

Ord. 02-20

AN ORDINANCE REPEALING AND RECREATING SECTION 25.08 OF THE TOWN OF LISBON CODE RELATING TO ISSUANCE OF OPERATOR'S LICENSES

WHEREAS, on March 3, 2020, the Wisconsin Legislature passed Wisconsin Act 166 and Senate Bill 203, to permit municipalities to authorize municipal officials to issue operator's licenses, in lieu of the governing body issuing the license; and

WHEREAS, Town staff recommend amending the current procedures to permit the Town Clerk to issue Operator's Licenses upon meeting the background check requirements; and

NOW, THEREFORE, the Town Board of the Town of Lisbon, does ordain as follows:

SECTION 1: Section 25.08 of the Town of Lisbon Code is hereby repealed and recreated as follows:

25.08 OPERATOR'S LICENSE**Procedure Upon Application for Operator's License.**

(a) **Application.** An operator's license may be issued to qualifying individuals meeting the applicable requirements set forth under Wis. Stats. § 125.04(5) and this Section. Applications for operator's licenses must be submitted on a form provided by the Town Clerk, and shall include the following information:

- Name, address, home, and work phone numbers.
- Date of birth, gender, Social Security number, and driver's license or state identification card number.
- Whether the applicant has completed a responsible beverage server training course pursuant to Wis. Stats. § 125.17(6).
- Whether the applicant has held an operator's license within the previous two years. If one has been held in a different municipality, a copy of the license or a letter from the clerk of the municipality shall be provided.
- The applicant's arrest and conviction record substantially related to the licensed activity, including:
 - Whether the applicant has ever been convicted of a felony.
 - Whether the applicant has been arrested for and/or convicted of violating any law or ordinance during the last ten years.
 - Whether the applicant has any pending charges, including criminal and ordinance violations.

If so, the applicant shall provide the details of each arrest, conviction and charge, including:

- The dates of the arrest and conviction.
- The specific offense for which the applicant was arrested or charged.
- The name and location of the court that adjudicated the case, and case number.
- A description of the nature and circumstances of the offense.
- Whether the applicant was consuming alcohol beverages or drugs at the time of the incident, not including non-impairing medications prescribed to the applicant.
- Whether the incident occurred in or around an establishment that serves alcohol beverages.
- Whether the incident involved alcohol beverages or controlled substances in any other way.

The applicant may also submit evidence of rehabilitation and fitness to perform the licensed activity.

- Whether the applicant has had a license to serve alcohol beverages suspended, revoked, or surrendered in lieu of suspension or revocation and if so, the name of the municipality and the date the license was suspended, revoked, or surrendered.
- The address and date of residency for each place the applicant has resided for the previous five years.
- Any other information required by the Town Clerk or Chief of Police to run all required background checks or to otherwise process the application.
- Any other information required by the Town Board.

(b) **Investigation.** All applications are subject to a background check conducted by the Town Clerk using the Department of Justice’s website to determine whether the applicant to be licensed complies with all regulations, ordinances and laws applicable thereto. If the applicant’s background check returns a record, the matter shall be referred to the Police Department to investigate the applicant and, as part of that investigation, request information from the state, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant’s arrest and conviction record. Based upon such investigation, the Police Department shall issue written recommendations to grant or deny the license. If the Police Department recommends denial, the Police Department shall provide, in writing, the reasons for such recommendation. The recommendation for denial shall be forwarded to the Town Board. If the Town Clerk finds the application to be incomplete or omitting any required information from Subsection (a), the application shall be rejected and returned to the applicant.

(c) Training Course.

- (1) Except as provided in Subsection (c)(2) of this Section, the Town Clerk 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 technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing that is approved by the department or the educational approval board or unless the applicant fulfills one of the following requirements:
 - a. The person is renewing an operator's license.
 - b. The person held a Wisconsin alcohol beverage license, including an operator's license, within the past two years. The municipality may issue you a provisional operator's license if you are enrolled in a responsible beverage server course when you apply. An operator's license is only good in the municipality that issues it.
- (2) The Town Clerk may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (c)(1) of this Section and who meets the standards established by the Town and shall revoke that license if the applicant fails to successfully complete the course in which the applicant enrolls.
- (3) The Town Clerk may not require that applicants for operator's licenses undergo training in addition to that under Subsection (c)(1) of this Section, but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (c)(1) of this Section.

(a) Issuance of Approved Licenses. If the Town Clerk recommends granting the operator's license, or the Town Board approves granting the operator's license, the Town Clerk shall issue the license. Such licenses shall state the applicant's name and address and the date of the expiration of such license. The Town Clerk shall make the license available for pick up at the Town Clerk's office. Any operator's license for which the fee is not paid within 15 days of approval of the application by the Town Board shall be returned to the Town Clerk for cancellation or other disposition.

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

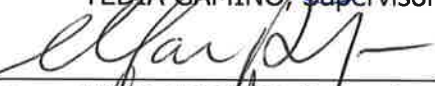
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 11th day of May, 2020.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman


BY: 
TEDIA GAMIÑO, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: 
Rick J. Goeckner, MMC
Interim Town Clerk

