



ORDINANCE NO. 10, SERIES 2020

ORDINANCE AMENDING CHAPTER 2 OF TITLE 7
OPERATOR'S LICENSE

The Village Board of the Village of Prairie du Sac, located in Sauk County, Wisconsin, do ordain as follows:

SECTION ONE: Amend Chapter 2 of Title 7 of the Code of Ordinances of the Village of Prairie du Sac by striking and adding language as follows:

SEC. 7-2-22 OPERATOR'S LICENSE REQUIRED.

Except as otherwise provided for in Chapter 125 of the Wisconsin Statutes, there shall be upon the premises operated under a "Class A" or "Class B" intoxicating liquor license or Class "A" or Class "B" fermented malt beverage license or a "Class C" 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 the Class A, Class B or Class C 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.

SEC. 7-2-23 PROCEDURE UPON APPLICATION.

- (a) The Village ~~Board-Clerk~~ 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 only to persons eighteen (18) years of age and older. Operator's licenses shall be operative only within the limits of the Village.
- (b) All applications are subject to an investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police Department shall conduct an investigation of the applicant including, but not limited to, requesting 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 Chief of Police shall recommend, in writing, to the Village ~~Board-Clerk~~ approval or denial of the application. If the Chief of Police recommends denial, the Chief of Police shall provide, in writing, the reason for such recommendation.

SEC. 7-2-28 ISSUANCE OR DENIAL OF OPERATOR'S LICENSE.

- (a) Issuance of Operator's License. After the Village ~~Board~~ Clerk approves the granting of an operator's license, the Village Clerk 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.
 - (1) If the application is denied ~~by the Village Board~~, the Village Clerk shall inform the applicant in writing of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session, or in open session if so requested by the applicant. Such notice must be sent by registered mail to, or served upon, the applicant within ten (10) days of the Village ~~Board's~~ Clerk's denial of the matter. The applicant must request such reconsideration within ten (10) days of receiving notification of the denial. 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 again denies the application, the Village Clerk 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) Consideration for the granting or denial of a license will be based on:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Sec. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) If the licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
- (e) 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 Board,~~ the Village Clerk and the Village Board reserves 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 and the Village Clerk, at ~~its~~their 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.

SECTION TWO: All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION THREE: This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 28th day of July, 2020.
Published this 6th day of August, 2020.

Village of Prairie du Sac, WI




Cheryl A. Sherman
Village President


Niki Conway
Village Clerk