

Ordinance No.8

An Ordinance to Establish Standards for the Issuance of a Provisional Operator's License

Section 1 – Title and Purpose

This ordinance is entitled an Ordinance to Establish Standards for the Issuance of a Provisional Operator's License. The purpose is to establish standards by which a Provisional Operator's License may be issued.

Section 2 – Statutory Authority

Pursuant to ss. 125.17(5)(a)1., Wis. Stats., the Town of Dewey, Portage County, desires to establish standards under which provisional operator's licenses may be issued.

Section 3 – Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to establish standards for the issuance of a Provisional Operator's License in the Town of Dewey. A Public Hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a Class 1 Notice, under Ch. 985, Wis. Stats.

Section 4 – Eligibility

A person who has applied for an operator's license may apply for a provisional operator's license provided the applicant is eighteen (18) years of age and has provided proof of enrollment in or completion of the responsible beverage training course required under ss. 125.17(6), Wis. Stats.

Section 5 – Application

Application for a provisional operator's license shall be made to the Town Clerk on such form designated by the Clerk and shall be accompanied by the fee set forth in Section 9 below.

Section 6 – Clerk or Designee Authorized to Issue

A provisional operator's license may be issued to an applicant by the Town Clerk or the Clerk's Designee upon written application, subject to the provisions of this ordinance. The Town Board shall review the issuance of any such provisional operator's license at the next regularly

scheduled town board meeting, reserving final approval authority on whether the provisional operator's license should be issued.

Section 7 – Standard for Denial

No provisional operator's license shall be granted if the applicant has been denied an operator's license by the town board; the applicant has provided false information on his/her application; or if the applicant, pursuant to s. 111.321, s. 111.322 and s. 111.335, Wis. Stats., has an arrest or conviction record substantially related to the alcohol licensing activity.

Section 8 – Term

The provisional operator's license shall expire sixty (60) days from the date of issuance, or when the operator's license issued by another municipal governing body has expired, or when a regular operator's license is authorized by the town board, whichever is sooner.

Section 9 – Fees

The fee for a provisional operator's license is \$10.00 (not to exceed \$15.00 pursuant to ss. 125.17(5)(c), Wis. Stats.).

Section 10 – Revocation

Revocation:

- (A) The Town Clerk shall immediately revoke the provisional operator's license if the holder fails to successfully complete the responsible beverage server course required under ss.125.17(6), Wis. Stats.
- (B) The Town Clerk shall immediately revoke the provisional operator's license if it is discovered that the holder of the license made a false statement on the application to the provisional operator's license.
- (C) The Town Clerk shall revoke the provisional operator's license if the town board denies the applicant's application for an operator's license.
- (D) The Town Clerk shall revoke the provisional operator's license if the town board discovers that the operator license issued by another Wisconsin municipality is not valid.

Revocation of the provisional operator's license shall become effective upon the mailing of the notice of revocation by the Town Clerk. Any notice mailed in this ordinance is sufficient if mailed via first class mail to the last known address of the licensee, in an envelope containing the return address of the Town Clerk.

Section 11 – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

Section 12 - Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

Adopted this day of

By the Town Board of the Town of Dewey, Portage County

Maurice King, Chairperson

Dennis Meis, Supervisor

Leroy Pukrop, Supervisor

Attest: _____
Angela Lochinger, Clerk