

ORDINANCE NO. 800

**AN ORDINANCE
TO AMEND SECTION 6-33 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO AUTHORITY TO ISSUE OPERATOR'S LICENSES**

NOW, THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, do ordain as follows:

Section 1. Section 6-33 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

"Sec. 6-33. – Licenses.

- (a) No alcohol beverage license shall be granted to any application for premises on which the applicant is responsible for any delinquent and unpaid person property taxes, assessments, utility bills or other financial claims of the city.
- (b) No license shall be granted for any premises unless the applicant for the license shall provide to the city evidence of ownership or leasehold interest in the premises for the term of the licenses.
- (c) Any license duly granted not used for 90 consecutive days shall be subject to review and possible suspension or revocation by the council. These licenses may not be regranted during the 90-day period.
- (d) Operator license required. No premises operated under a Class A, Class B, or Class C license may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any alcohol beverages to customers. For the purposes of this subsection, any member of a licensee's immediate family 18 years of age or older shall be considered the holder of an operator's license.
- (e) Regular operator's license.
 - (1) Operator licenses may be issued only upon written application.
 - (2) Submitted applications shall be referred by the City Clerk to the Police Department for review and recommendation. The Police Department shall review each submitted application and recommend issuance or denial of the license.
 - (3) The City Clerk shall issue a regular operator license to an applicant if the Police Department recommends issuance and the applicant is in compliance with all other requirements. The City Clerk shall deny issuance of a regular operator license to an applicant when the Police Department recommends denial.
 - (4) If an application is denied, the City Clerk denial shall be in writing and shall set forth the reason for the denial. An applicant may appeal a denial to the City Council. The appeal must be in writing, setting forth the reason for the

appeal, signed and dated by the applicant, and filed with the City Clerk within 30 days of the date of the denial. Written appeals that conform to the requirements set forth in this subsection shall be copied and forwarded to the City Council by the City Clerk. The City Clerk shall provide written notice to the appellant of the date, time and place of the City Council meeting at which the appeal shall be considered. The applicant may appear, be represented, and present evidence and witnesses. The City Council shall decide by majority of those voting whether to overrule the administrative denial. Abstaining is not a vote. The City Council may attach conditions and limitations to a granted operator license. Appeals that do not conform to these requirements shall not be considered by the City Council.

- (5) A submitted application that is incomplete or which contains false or misleading information must be denied and the applicant must wait six months before submitting another application.
- (f) Provisional operator's license. The City Clerk may issue a provisional license to a person who, at the time of applying for an operator's license and paying the fee, files a certified copy of a valid operator's license issued by another municipality.
 - (1) A provisional operator's license shall not be issued to any person whose regular or provisional operator's license has ever previously been denied or revoked by the City. Misuse of a provisional operator's license by an applicant shall constitute operation without a license and a violation of this chapter.
 - (2) A provisional operator's license is valid for a period not to exceed 60 days from the date of issuance by the City Clerk or until a regular operator's license is issued to the applicant by the City Clerk, whichever occurs first.
 - (3) The City Clerk may revoke any provisional license in the event that the City Clerk finds that the holder of such license made any false, misleading or incomplete statement on his or her application, or that the applicant has previously had his or her regular or provisional license denied or revoked by the City.
- (g) Regular and provisional operator license fee. The fee for an original or renewed operator's license and a provisional operator's license shall be in an amount as established by the City Council from time to time, and as set forth by Resolution. Neither fee shall be prorated. Original and renewed operator licenses shall expire on June 30th of each even-numbered year.
- (h) Temporary operator's license. Pursuant to Wis. Stats. §125.17(4) the City Clerk shall issue a Temporary Operator's License to any individual who meets the criteria in Subsection (e) of this section and is employed by, or donating their services to, nonprofit corporations, provided that:
 - (1) No person may hold more than two licenses of this kind per year.
 - (2) The license is valid for any period from one to 14 days, and the period for which it is valid shall be stated on the license.

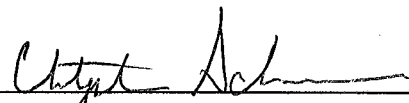
(3) The fee for a temporary operator's license shall be established by the City Council from time to time, as set forth in the fee schedule established by Resolution.

- (i) Posting of License Required. Every person licensed to sell alcohol beverages under this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the licensed premise. An operator shall post his or her license in the licensed premises where he or she is employed or shall carry such license on his or her person while on duty.


(Code 1969, § 8.09(A)(1); Ord. No. 727, 3-17-15)"

Section 2. This ordinance shall take effect upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 18th day of May, 2021.


Chris Scherer, President

ATTEST:


Michelle Ebbert, City Clerk/Treasurer/Finance Director