

ORDINANCE

PROVISIONAL OPERATOR'S LICENSE ORDINANCE

The Town Board of the Town of Cleveland, Chippewa County, does ordain as follows:

The following Ordinance, Title 4, Chapter 5, is hereby adopted by the Town Board on behalf of the Town of Cleveland to be codified in the town Code of Ordinances:

CHAPTER 5 PROVISIONAL OPERATOR'S LICENSE ORDINANCE

4-5-1 PURPOSE. This ordinance allows for issuance of a provisional operator's license to those applying for a regular operator's license for the service or sale of alcoholic beverages. A provisional operator's license may only be issued to:

- a. Those persons that have not completed a responsible beverage service course. At the time of application, the applicant for a provisional operator's license must present proof that the applicant is enrolled in a training course under s.125.17(6), Wis. Stat.
- b. Those persons, who, at the time of application and payment for an operator's license, present a certified copy of a valid operator's license issued by another Wisconsin municipality.
- c. Those persons who, at the time of application and payment for an operator's license, meet the requisite training requirement and wish to commence work as an operator before the board will be able to meet to decide their application.

4-5-2 ELIGIBILITY. Each applicant must be at least 18 years of age, and have completed an application form supplied by the town clerk. All arrests and convictions of the applicant shall be disclosed on the application or an attached sheet.

4-5-3 TERM. The provisional operator's license shall be effective for 60 days from the date of issue, or until a regular operator's license is issued, whichever is sooner.

4-5-4 ISSUANCE. Upon written application for an operator's license, the clerk shall conduct a record check for past crimes or arrests. If the applicant has *no* past crimes or arrests, the clerk is authorized to issue a provisional operator's license to the applicant. 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. If the applicant *does* have an arrest or conviction record, the town board must determine whether the provisional operator's license will be issued.

4-5-5 FEES. The fee for a provisional operator's license is \$ 10 (not to exceed \$15 pursuant to s.125.17(5)(c), Wis. Stat.).

4-5-6 . REVOCATION: The clerk may revoke a provisional operator's license if:

- a. He or she discovers that the holder of the license made a false statement on the application for the license;
- b. He or she discovers that the operator license issued by the other Wisconsin municipality is not valid.
- c. The town board denies the person's application for a regular operator's license.

Upon making the decision to revoke, the clerk shall mail or have a written notice delivered to the license holder, notifying the person of the action taken, the reason(s) for such action, and the right to have a license review hearing before the town board, upon the applicant's request. When a request for a hearing is made, the board shall follow the general procedures as set forth in s.125.12, Wis. Stat., although no complaint is required. The clerk shall notify the licensee of the board time scheduled for hearing the matter, by mail or hand delivery. Any mail notice 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. No request for a license review hearing is valid when received past the final day the provisional operator's license would have been effective.

Adopted this 14th day of January, 2008

By the Town Board of the Town of Cleveland.

Charles J. Carroll
Town chairperson

Attested by:

Synda Brand
Town Clerk

[This ordinance was posted in three places within the town within 30 days of adoption pursuant to s.60.80, Wis. Stat. and chapter 985 Wis. Stats.]