

ORDINANCE NO. 578

An Ordinance of the Municipal Code of the City of Kiel Amending Sections 11.02(8), 11.02(8)(g - h), 11.05 (1, 3-4), 11.06 and 11.10, and Creating Section 11.02(8)(i) (Operator License Issuance and License Administration)

The Common Council for the City of Kiel do ordain as follows:

SECTION 1: Section 11.02(8) is amended to read as follows:

(8) LICENSE. An authorization to sell alcohol beverages issued by the City Council, **or for sub. (g) by the City Clerk-Treasurer.**

SECTION 2: Section 11.02(8)(g) is amended to read as follows:

(g) Operator's License. A license which authorizes a person who has attained the legal drinking age, who is neither the licensee nor the agent of the licensee, to serve or sell alcohol beverages in any place operated under a Class A or B license or permit without the immediate supervision of the licensee or agent or a person holding an operator's license on the premises at the time. All operator's licenses shall be for 2 years and expire on June 30th of odd-numbered years. The **Clerk-Treasurer Administrator** may issue a license for **lesser term** than 2 years, and that term shall end June 30th. **A liquor license application that is denied for any reason will be required to wait 6 months before re-applying.**

SECTION 3: Section 11.02(8)(h) is amended to read as follows:

(h) Provisional Operator's License. The City **Clerk-Treasurer Administrator** may issue a provisional operator's license to a person qualified under Chapter 125, Wis. Stats. for an operator's license, provided such person has applied for a regular operator's license and is enrolled in a training course under Section 125.17(6), Wis. Stats. The fee for a provisional operator's license shall be \$25.00 and such license shall expire 60 days after its issuance. A provisional license may not be issued to any person who has been denied an operator's license by the Common Council, and the **City Clerk-Treasurer Administrator** may revoke the provisional operator's license if he or she discovers that the holder of the license made a false statement on the application.

SECTION 4: Section 11.02(8)(i) is created to read as follows:

(i) Waiting period. An application under 11.02(8) that is denied by the City Council for any reason will be required to wait 6 months from the date of denial before re-applying.

SECTION 5: Section 11.05 is amended to read as follows:

11.05 LICENSE APPLICATION.

(1) FORM. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the **Clerk-Treasurer Administrator**. The fee prescribed for such license in Section 11.01 shall be paid at the time the license is issued. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(2) APPLICATION TO BE NOTARIZED. Applications shall be signed and sworn to by the applicant as provided by Section 887.01, Wis. Stats.

(3) DUPLICATE. Upon approval, a duplicate copy of each application shall be forwarded by the **Clerk-Treasurer Administrator** to the State Department of Revenue.

(4) SUBSEQUENT CHANGES. If any fact given in an application subsequently changes, the licensee shall file a notice in writing of such change with the **Clerk-Treasurer Administrator** within 10 days.

(5) [#414 5/6/88] Prior to the issuance of an operator's license pursuant to Section 11.04, the Police Department shall be required to conduct a background check on each applicant. The background check system used may be the State of Wisconsin TIME system or a similar system.

SECTION 6: Section 11.06 is amended to read as follows:

11.06 FORM AND EXPIRATION OF LICENSES. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The **Clerk-Treasurer Administrator** shall affix his or her affidavit.

SECTION 7: Section 11.10 is amended to read as follows:

11.10 **NONISSUANCE OR NONRENEWAL OF LICENSES.** ~~Whenever the applicant or holder of any license under this chapter is refused, the licensee shall be given written notice of any charges or violations against them him and the reasons proposed for nonissuance or nonrenewal, and the proceedings of such license may be instituted in the manner and under the procedure established by Section 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the City Council.~~

SECTION 8: This ordinance shall take effect upon passage and publication in accordance of law.

Ordinance No. 578 introduced on April 14, 2020 by Alderperson _____,
seconded by Alderperson _____.

Upon a call of votes thereof, the result was as follows:

_____ Votes Cast
_____ Votes Aye
_____ Votes Nay

The Mayor declared Ordinance No. 578 introduced and approved this 14th day of April, 2020.

MICHAEL STEINHARDT, Mayor

COUNTERSIGNED:

JAMIE J. AULIK, City Administrator