

City of Waukesha, Wisconsin

Ordinance No. 2020-_____

**An Ordinance Creating Subsection (5) of
Section 9.08 of the Waukesha Municipal Code, Regarding
Intoxicating Liquor and Fermented Malt Beverages**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Subsection 9.08(5) of the Waukesha Municipal Code is hereby created to read as follows:

9.08 Operator's License

...

- (5) CITY CLERK AUTHORIZED TO ISSUE CERTAIN OPERATOR'S LICENSES. As authorized by Wis. Stat. §125.17(1), the City Clerk or the Clerk's designee may issue Operator's Licenses to applicants meeting the qualifications set forth under Wis. Stat. §125.04(5), if according to the information available to the Clerk the applicant has no pending charges or convictions for any felony, and no pending charges or convictions for any misdemeanor or municipal forfeiture the circumstances of which substantially relate to the circumstances of the licensed activity, including operating a motor vehicle under the influence of an intoxicant, theft, fraud or disorderly conduct. All other applications for Operator's Licenses shall be reviewed and approved by the Ordinance and License Committee and Common Council.

Section 2. This ordinance shall take effect the day after publication.

Passed the ____ day of _____, 2020.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk

Wisconsin Legislative Council

ACT MEMO



Prepared by: Andrea Brauer, Staff Attorney

March 17, 2020

2019 Wisconsin Act 166
[2019 Senate Bill 203]

**Alcohol Beverages Operator's
Licenses**

Under prior law, alcohol beverages operator's licenses (commonly referred to as bartender licenses) and provisional operator's licenses were issued by the municipal governing body.

2019 Wisconsin Act 166 allows the municipal governing body to, by ordinance, authorize a designated municipal official to issue alcohol beverages operator's licenses and provisional operator's licenses.

Effective date: March 5, 2020

AB:mca;ksm

State of Wisconsin



2019 Senate Bill 203

Date of enactment: **March 3, 2020**
Date of publication*: **March 4, 2020**

2019 WISCONSIN ACT 166

AN ACT to amend 125.17 (1), 125.17 (4) (intro.), 125.17 (5) (b), 125.17 (6) (a) (intro.) and 125.17 (6) (b) of the statutes; relating to: issuance by municipalities of alcohol beverage operator's licenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.17 (1) of the statutes is amended to read:

125.17 (1) AUTHORIZATION. Every municipal governing body shall issue an operator's license to any applicant who is qualified under s. 125.04 (5), except that the municipal governing body may by ordinance authorize a designated municipal official to issue operator's licenses. Operators' licenses may not be required other than for the purpose of complying with ss. 125.32 (2) and 125.68 (2) or s. 125.06 (3g). Operators' licenses may be issued only upon written application.

SECTION 2. 125.17 (4) (intro.) of the statutes is amended to read:

125.17 (4) TEMPORARY LICENSE. (intro.) Any municipal governing body or designated municipal official may issue a temporary operator's license under the terms of subs. (1) to (3), except that:

SECTION 3. 125.17 (5) (b) of the statutes is amended to read:

125.17 (5) (b) A provisional license may be issued only to a person who has applied for an operator's license under sub. (1). A provisional license may not be issued to any person who has been denied a license under sub.

(1) by the municipal governing body or designated municipal official.

SECTION 4. 125.17 (6) (a) (intro.) of the statutes is amended to read:

125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing body or designated municipal official may issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the department of safety and professional services, or unless the applicant fulfills one of the following requirements:

SECTION 5. 125.17 (6) (b) of the statutes is amended to read:

125.17 (6) (b) A municipal governing body or designated municipal official shall issue a provisional operator's license to a person who is enrolled in a training course under par. (a) and who meets the standards established by the municipality by ordinance, if any. The municipal governing body shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."