

**TOWN OF RICE LAKE  
ORDINANCE #21-103**

**Provisions for Granting an Operator's License  
or a Provisional Operator's License**

**SECTION 1. AUTHORITY.**

Pursuant to Chapter 125 Wis. Stat., the Town Rice Lake, Barron County, is authorized to issue operator licenses and provisional operator licenses and desires to establish standards under which said licenses shall be issued including designation of a municipal official authorized to do so.

**SECTION 2. REQUIREMENT FOR LICENSED OPERATORS.**

There shall be upon the premises operated under a Class "A" or Class "B" intoxicating liquor license or "Class A" or "Class B" fermented malt beverage license, at all times, the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" or "Class A" or "Class B" license unless he shall possess an operator's license or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.

**SECTION 3. OPERATOR LICENSES.**

**A. MUNICIPAL OFFICIAL AUTHORIZED TO APPROVE AND ISSUE.**

An operator's license may be approved by the Town Chairperson or his/her designee upon written application, subject to the provisions of this ordinance and a license shall be issued to the applicant who has submitted a complete operator's license application, paid the requisite fee for such license, and meets the qualifications for a license as set forth under § 125.04(5), Wis. Stat. The Town Chairperson may designate the Town Clerk or Deputy Clerk to issue the operator's license upon approval.

**B. ELIGIBILITY.**

- 1) Applicants cannot have an arrest or conviction record, subject to §§ 111.321, 111.322, 111.335 and 125.12 (1) (b) Wisconsin Statutes.
- 2) Must be at least 18 years of age.
- 3) Training Course
  - a. Except as provided in Section 4, 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 of Revenue or the Department of Safety and Professional Services, or unless the applicant fulfills one of the following requirements:
    1. The person is renewing an operator's license.
    2. Within the past 2 years, the person held a Class "A", "Class A", Class "B" or "Class B" license or permit or a manager's or operator's.

3. Within the past 2 years, the person has completed such a training course.
- b. No municipal governing body may require that applicants for operators' licenses undergo training in addition to that under par. (a) but may require applicants to purchase at cost materials that deal with relevant local subjects not covered in the course under par. (a).

B. VALIDITY.

Operator's licenses shall be operative only within the limits of the Town.

C. CRIMINAL INVESTIGATION.

All applicants are subject to a criminal investigation to determine whether the applicant complies with all regulations, ordinances and laws applicable thereto. The investigating authority shall conduct an investigation of the applicant, including, but not limited to, requesting information from the state, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the investigating authority shall recommend to the Town Chairperson, or designee, approval or denial of the application. If the investigating authority recommends denial, the investigating authority shall provide, in writing, the reasons for such recommendation.

D. DURATION.

Licenses issued under the provisions of this section shall be valid for a period of two years and shall expire on the first June 30 following the first full year of licensure (regardless of the specific date of issuance).

E. LICENSE FEE.

The fees for an operator's license for a two-year term or part thereof shall be as stated in the Town of Rice Lake's Municipal Fee Schedule. Operator license fees shall not be prorated.

F. DENIALS.

- 1) An operator's license shall not be granted if the applicant has provided false information on his/her application; or if the applicant, pursuant to §§ 111.321, 111.322 and 111.335, Wis. Stats., has an arrest or conviction record substantially related to the alcohol licensing activity.
- 2) If an applicant is denied an operator's license, the Town Chairperson or designee shall provide a written explanation of the reason(s) for denial to the applicant per WI Stat. §125.12(3m)

G. SUSPENSIONS, REVOCATIONS AND NONRENEWALS.

- 1) Violation of any of the terms or provisions of the state law or of this article relating to the operator's license by any person holding such operator's license shall be cause for revocation of the license.
- 2) The Town Chairperson or his/her designee may not suspend, revoke, or non-renew an operator's license. Such actions may be taken by the governing body after the necessary procedures outlined under § 125.12 Wis. Stat. have been followed.

**SECTION 4. PROVISIONAL OPERATOR LICENSE.**

A. ELIGIBILITY.

- 1) 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.

- 2) A person who meets the qualifications as set forth in Section 4A of this ordinance and is enrolled in a responsible beverage server's training course. A person who has applied for an operator's license may apply for a provisional operator's license provided the applicant is 18 years of age and has provided proof of enrollment in or completion of the responsible beverage training course required under § 125.17(6), Wis. Stats.

**B. LICENSE FEE.**

The fee for a provisional operator's license is \$15.00 pursuant to § 125.17(5)(c), Wis. Stat.).

**C. PROCEDURE.**

The Town Clerk or the Town Chairperson, or their designee, may issue provisional operator's licenses in accordance with § 125.17(5), Wis. Stats. The provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The Town Clerk or the Town Chairperson, or their designee, may upon receiving an application for a provisional license, issue such a license without requiring the successful completion of the approved training course as described in § 125.17(6), Wis. Stats. A provisional license may not be issued to any person who has been denied an operator's license by the Town Chairperson or designee or who has had his/her operator's license revoked or suspended within the preceding 12 months.

**D. REVOCATION.**

- 1) 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 s. 125.17(6), Wis. Stats.
- 2) 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 for the provisional license.
- 3) The Town Clerk shall revoke the provisional operator's license if the Town Chairperson or his/her designee denies the applicant's application for an operator's license.
- 4) 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 5. DISPLAY OF LICENSE.**

Each license issued under the provisions of this section shall be posted on the premises whenever the operator dispenses beverages, or the operator shall have a license card in his/her possession.

**SECTION 6. APPEAL PROCESS FOR DENIAL OF OPERATOR OR PROVISIONAL OPERATOR LICENSE.**

Any person who feels aggrieved by the decision of the Town Chairperson, Town Clerk, or their designee regarding the renewal or nonrenewal of an operator license or provisional operator license as provided for herein, shall have a right to appeal such decision to the Town Board. Said appeal request shall be in writing and submitted to the Town Chairperson within thirty (30) days of receipt of the denial.

**SECTION 7. REPEAL.**

This Ordinance hereby repeals Ordinance #95-5-08 "Granting of a Provisional Operator's License". All other ordinances or part of ordinances of the Town of Rice Lake, Barron County inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

**SECTION 8. SEVERABILITY.**


The provision of the ordinance shall be deemed severable. If any provision 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 person's circumstances shall not be deemed affected.


**SECTION 9. EFFECTIVE DATE.**

This ordinance shall become effective upon its publication and/or posting in the manner provided for by law.

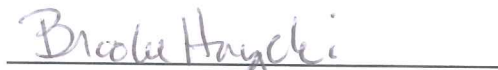
Adopted this 9<sup>th</sup> day of August, 2021.

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Dean A. Borofka, Chairman

  
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Peter W. Gallagher, Town Supervisor

  
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David Crotteau, Town Supervisor

  
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Brooke Harycki, Town Supervisor

  
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Donald Putnam, Town Supervisor

Posted: August 10, 2021

**CERTIFICATION**

The undersigned, Town Clerk/Treasurer for the Town of Rice Lake, does hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Rice Lake at a meeting held on August 9, 2021, which meeting was properly noticed and conducted in the manner provided for by law, and at which a quorum of members of the Town Board were present.

Dated this 9<sup>th</sup> day of August, 2021.

  
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Janet Tomesh, Clerk/Treasurer