

VILLAGE OF NASHOTAH

ORDINANCE NO. 221

(TO CREATE SECTION 12.03(16) OF THE VILLAGE OF NASHOTAH VILLAGE CODE CONCERNING ISSUANCE OF ALCOHOL BEVERAGE OPERATOR'S LICENSES)

WHEREAS, 2019 Wisconsin Act 166, effective March 5, 2020, amended Wisconsin Statutes Section 125.17(1) to empower municipalities to authorize a designated municipal official to issue operator's licenses; and

WHEREAS, the Village of Nashotah Village Clerk/Treasurer has recommended that the Village exercise this authority, to more efficiently administer the issuance of operator's licenses in the Village of Nashotah; and

WHEREAS, Section 12.02(5) of the Village Code generally requires all licenses to be approved by the Village Board, but that is qualified in Section 12.02(6) that allows licenses to be issued by designated authorities when the Village Board has delegated authority within Chapter 12 of the Village Code;

WHEREAS, the Village Board of the Village of Nashotah finds that the issuance of operator's licenses should be properly delegated to the Village Clerk/Treasurer subject to the policies separately established by the Village Board and as described herein.

NOW, THEREFORE, the Village Board of the Village of Nashotah, Waukesha County, Wisconsin, does hereby ordain as follows.

SECTION 1: Chapter 12 of the Village of Nashotah Village Code entitled Licenses and Permits, Section 12.03 entitled "Intoxicating Liquor and Fermented Malt Beverages," Section 12.03(16) entitled "Operators License" is hereby created as follows:

(16) OPERATORS LICENSE.

(a) Kinds of Licenses and Permits.

1. Regular Operator's License. Regular operator's licenses may be granted to individuals by the Village Clerk/Treasurer or the Village Clerk/Treasurer's designee for the purposes of complying with Section 125.32(2) and 125.68(2), Wis. Stats., and this Chapter.
2. Provisional Operator's License.
  - a. The Village Clerk/Treasurer or the Village Clerk/Treasurer's designee, may issue a provisional operator's license to an applicant in case of a bona fide emergency, subject to (b), below. An emergency shall be caused by such things as death, disability, absence of the regular operator on the premises and the like. The Village Clerk/Treasurer or their designee, before authorizing such issuance, shall determine that the applicant has a satisfactory record, and probably would be issued a regular operator's license. The license shall be valid for a period of not to exceed 60 days unless sooner revoked by the Village Board.

b. The Village Clerk/Treasurer shall not issue a provisional operator's license to a person who fails to satisfy the training course requirements of Section 125.17(6).

3. Temporary Operator's Licenses. Temporary operator's licenses may be granted to individuals employed by, or donating their services to, nonprofit corporations, pursuant to Section 125.17(4), Wis. Stats., by the Village Clerk/Treasurer or their designee for the purpose of allowing said individuals to dispense and serve alcohol beverages under a license issued under Section 125.26(6) or Section 125.51(10), Wis. Stats. No person may hold more than one license of this kind per year. Any temporary operator's license issued under this section shall be valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.

(b) The Village Clerk/Treasurer or their designee may grant operator's licenses pursuant to this section and duly established policies of the Village.

(c) All operator's licenses issued under this section shall expire on June 30 of each year, except for provisional and temporary operator licenses which expire per their terms.

(d) All operator's licenses issued under this section entitle the holder thereon to be an operator in any licensed premises in the Village.

SECTION 2. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof of the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 3. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 3 day of June, 2020

VILLAGE OF NASHOTAH

Rich Lartz

Richard H. Lartz,  
Village President

ATTEST:

Cynthia M. Pfeifer

Cynthia M. Pfeifer, Administrative  
Director/ Clerk/Treasurer

Published and/or posted this 9th day of June, 2020.