



GRAFTON
QUALITY LIFE. NATURALLY.

Town of Grafton Ordinance No. 2020-02

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 2 – LICENSING AND
REGULATION, OF THE CODE OF ORDINANCES, TOWN OF GRAFTON,
WISCONSIN, DESIGNATING TOWN CLERK TO ISSUE OPERATOR’S LICENSES**

WHEREAS, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Grafton does hereby ordain as follows:

Section 1:

The following changes to Section 7.2.16 of the Town Code are made pursuant to 2019 Wisconsin Act 166:

7.2.16 Operator's License.

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7.2.16.02 Procedure Upon Application

(A) Issue of license.

The Town ~~Board~~Clerk may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Town Clerk only to persons 18 years of age or older. Operators' licenses shall be operative only within the limits of the Town.

(B) Investigation.

All applications are subject to an investigation by an appropriate authority to determine whether the applicant and/or premises to be licensed comply with all regulations, ordinances and laws applicable thereto. The Clerk 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 Clerk shall ~~recommend~~document, in writing, ~~to the Town Board~~the approval or denial of the application.

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7.2.16.04 Provisional Operator's License

(A) Provisional license permitted.

(1) Standards. A provisional operator's license is issued for purposes of compliance with Sec. 125.17(5), Wis. Stats. The Town Clerk or the Clerk's designee is hereby designated to have the authority to issue said provisional operator's license if the following conditions have been met:

- (a) The applicant has filed a completed application for an operator's license pursuant to Sec. 125.17(1), Wis. Stats., and the Town of Grafton Code;
- (b) The Town, by either its Clerk or Board, has not previously denied, revoked or suspended an application by the applicant for an operator's license pursuant to Sec. 125.17(1), Wis. Stats., and the Town of Grafton Code; and
- (c) The Ozaukee Sheriff's Office has reviewed the applicant's application for an operator's license and has reported back

to the Town Clerk that he has determined that the applicant has no prior record or criminal convictions (whether the offense is a felony or a misdemeanor) or ordinance violations which involve in any way the possession, distribution, use or control of alcoholic beverages or controlled substances [as that term is defined in Sec. 961.01(4), Wis. Stats.]; and

~~(d) — Any applicant applying for a Provisional Operator's License shall apply to the Town Clerk.~~

- (2) Expiration. A provisional operator's license shall expire upon the earlier of:
 - (a) Sixty days after its issuance; or
 - (b) The applicant's application for an operator's license being considered and either approved or denied by the Town Board Clerk.

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7.2.16.05 Issuance or Denial or Operator's Licenses

- (A) Issued by Town Clerk. After the Town Board Clerk approves the granting of an operator's license, the Town Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (B) Appeal of denial.
 - (1) If the application is denied by the Town Board, the Town Clerk shall, in writing, inform the applicant of the denial and the reasons therefor and of the opportunity to request a reconsideration of the application by the Town Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least 10 days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
 - (2) If, upon reconsideration, the Town Board again denies the application, the Town Clerk shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license upon reconsideration of the matter may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.

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7.2.16.07 Convictions Considered

An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license

application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Town, by its Town Clerk or the Town Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more

7.2.16.08 Training Course

(A) Training course required.

Except as provided below, the Town ~~Board-Clerk~~ may not 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 vocational, technical and adult education district and that conforms to curriculum guidelines specified by the Board of Vocational, Technical and Adult Education or unless the applicant fulfills one of the following requirements:

- (1) The person is renewing an operator's license.
- (2) Within the past two years, the person held a Class "A," Class "B," "Class A" or "Class B" license or permit or a manager's or operator's license.
- (3) Within the past two years, the person has completed such a training course.
- (4) Provisional license. The Town ~~Board-Clerk~~ may issue a provisional operator's license to a person who is enrolled in a training course and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (5) Additional training. The Town ~~Board-Clerk~~ may not require that applicants for operators' licenses undergo training in addition to that above but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course.

Section 2:

Except as hereinabove specifically modified and amended, the Code of Ordinances, Town of Grafton, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 3:

This Ordinance shall take effect and be in full force from and after its passage and publication or posting.

Adopted by the Town Board of the Town of Grafton, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 13th day of May, 2020.


Lester A. Bartel, Jr., Town Chairman


Lisa Kien, Town Clerk

Posting Date: May 21, 2020