

ORDINANCE NO.: 5079

AN ORDINANCE to amend Sections 4-46(a) and (b), and to repeal Sections 4-110(a) and (d), and to renumber and amend subsections 4-110(b) and (c), and renumber subsections 4-110(e) and (f), and to amend 4-72 and 4-142 of the Code of Ordinances of the City of La Crosse to make technical changes regarding operator's license and licenses required.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 4-46(a) and (b) are hereby amended to read as follows:

- (a) Except as otherwise provided under this Code ~~and section 4-15, there shall be upon the no~~ premises operated under a "Class A," ~~"Class B" or "Class C" intoxicating liquor license or wine license~~ under a "Class B" license or permit may be open for business, and no person who holds a manufacturer's or rectifier's permit may allow the sale or provision of taste samples of intoxicating liquor on the manufacturing or rectifying premises, unless there is upon the premises either, at all times, the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has shall have an operator's license and who is shall be responsible for the acts of all persons selling or serving as waiters, or in any other manner, any fermented malt beverages or intoxicating liquor to customers. For the purpose of this subsection, any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a underage members of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell fermented malt beverages or intoxicating liquor alcohol beverages in any place operated under a "Class A", "Class B" or "Class C" license or under a "Class B" license or permit unless such person has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee or agent or a person holding an operator's license, who is on the premises at the time of the service. For the purpose of this subsection, any member of the licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license.
- (b) An operator's license may be issued by the Council to qualified persons who have attained the age of 18 years. A written application shall be filed with the City Clerk stating the name, residence, age and date of birth of the applicant, together with such pertinent information as the Clerk may require. The nonrefundable fee for said license is the amount established by resolution. Upon the approval of an application by the Council, the City Clerk shall, ~~upon proof of payment of a nonrefundable license fee in the amount established by resolution, per a two-year period,~~ issue to the applicant a license to expire on June 30 within the second year following the issuance thereof. The City Clerk shall verify that the applicant has successfully completed any required training course prior to issuance of the license.

SECTION II: Subsections 4-110(a) and (d) are hereby repealed.

SECTION III: Subsections 4-110(b) and (c) are hereby renumbered and amended to read as follows:

- (a)(b) Except as otherwise provided under this Code, ~~there shall be upon each no~~ premises operated under a Class "A" or Class "B" license or permit ~~at all times when opened~~ may be open for business unless there is upon the premises, the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability

company, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. For the purpose of this subsection, any member of the licensee's or permittee's immediate family who has attained the ~~legal drinking age of 18~~ shall be considered the holder of an operator's license. No person, including ~~underage a~~ members of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless such person has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, or agent or a person holding an operator's license, who is on the premises at the time of the service.

~~(e)~~ (b) An operator's license may be issued by the Council to qualified persons who have attained the age of 18 years. A written application shall be filed with the City Clerk stating the name, residence, age and date of birth of the applicant, together with such pertinent information as the Clerk may require. The nonrefundable fee for said license is the amount established by resolution. Upon the approval of an application by the Council, the City Clerk shall, ~~upon proof of payment of the nonrefundable license fee in the amount established by resolution per a two-year period,~~ issue to the applicant a license to expire on June 30 within the second year following the issuance thereof. The City Clerk shall verify that the applicant has successfully completed any required training course prior to issuance of the license.

SECTION IV: Subsections 4-110(e) and (f) are hereby renumbered 4-110(c) and 4-110(d), respectively.

SECTION V: Section 4-72 is hereby amended to read as follows:

Sec. 4-72. - License required.

No person shall vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor in any quantity whatsoever, or cause the same to be done, without having procured a license therefor, nor without complying with all the provisions of this Code, and all statutes, ordinances and regulations applicable thereto. Such license shall be posted in a conspicuous place in the room or place where the licensed beverages are drawn or removed for sale or service. A separate license shall be required for each stand, place, room or enclosure, ~~or for each suite of rooms or enclosures, which are in direct connection or communication with and contiguous to the service room and connected therewith by an archway not less than five feet wide without a door or other obstruction,~~ where intoxicating liquor is kept, sold or offered for sale; except that only one license shall be required when a suite of rooms or enclosures are in direct connection and contiguous to each other, all of which must be on one land parcel, and operated by the licensee as one premise.

SECTION VI: Section 4-142 is hereby amended to read as follows:

Sec. 4-142. - License required.

No person shall vend, sell, deal or traffic in or, or for the purpose of evading any law or ordinance, give away any fermented malt beverage in any quantity whatsoever, or cause the same to be done, barter, exchange, offer for sale, or have in possession with intent to sell, deal or traffic in fermented malt beverages without first procuring a license so to do therefor, nor without complying with all the provisions of this Code, and all statutes, ordinances and regulations applicable thereto. Such license shall be posted in a conspicuous place in the room

or place where the licensed beverages are drawn or removed for sale or delivery or service. A separate license shall be required for each stand, place, room or enclosure where fermented malt beverages are kept, sold or offered for sale; except that only one license shall be required when a suite of rooms or enclosures are in direct connection and contiguous to each other, all of which must be on one land parcel, and operated by the licensee as one premise.

SECTION VII: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION VIII: This ordinance shall take effect and be in force from and after its passage and publication.

/s/ \_\_\_\_\_  
Timothy Kabat, Mayor

/s/ \_\_\_\_\_  
Teri Lehrke, City Clerk

Passed: 3/14/19  
Approved: 3/18/19  
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