

ORDINANCE NO. 5193

AN ORDINANCE to amend Secs. 4-46 and 4-110 of the Code of Ordinances of the City of La Crosse relating to alcohol beverage operator's licenses.

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

SECTION I: Section 4-46 is hereby amended to read as follows:

Sec. 4-46. - Operator's license.

- (a) Except as otherwise provided under this Code, no premises operated under a "Class A" or "Class C" license or 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 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 selling or serving any 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 member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell alcohol beverages in any place operated under a "Class A" 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.~~
- (b) An operator's license may be issued by the ~~Council~~ City Clerk to ~~qualified~~ persons who have attained the age of 18 years and are determined qualified under the Wisconsin Statutes. 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~~ Police Chief, the City Clerk shall 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. The City Clerk and/or Police Chief may deny the license if it is discovered that the license holder made a false statement on the application or is not otherwise qualified.
- (c) The City Clerk is hereby authorized to issue a provisional operator's license for a period not to exceed 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner, to persons the City Clerk and the Chief of Police determine are qualified under this section and Wisconsin Statutes. Said provisional license shall be for a fee in the amount established by resolution. The City Clerk may revoke the license if the City Clerk discovers that the holder of the license made a false statement on the application or is not otherwise qualified. No provisional license may be issued to any person who has been denied an operator's license by the ~~Common Council~~ City Clerk and/or Police Chief nor may more than one provisional license be issued per licensing period.

- (d) The City Clerk is hereby authorized to issue a temporary operator's license for a period not to exceed 14 days to persons the City Clerk and/or the Chief of Police determine are qualified in accordance with this section and Wisconsin Statutes. Said temporary operator's license shall be for a fee in the amount established by resolution and may be revoked by the Chief of Police. No person may hold more than ~~one~~ two temporary operator's license per calendar year.

SECTION II: Section 4-110 is hereby amended to read as follows:

Sec. 4-110. - Operator's license. Except as otherwise provided under this Code, no premises operated under a Class "A" or Class "B" license or permit 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 age of 18 shall be considered the holder of an operator's license. ~~No person, including a member 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, agent or a person holding an operator's license, who is on the premises at the time of the service.~~

- (b) An operator's license may be issued by the ~~Council~~ City Clerk to qualified persons who have attained the age of 18 years and are determined qualified under the Wisconsin Statutes. 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~~ Police Chief, the City Clerk shall 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. The City Clerk and/or Police Chief may deny the license if it is discovered that the license holder made a false statement on the application or is not otherwise qualified.

- (c) The City Clerk is hereby authorized to issue a provisional operator's license for a period not to exceed 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner, to persons the City Clerk and/or the Chief of Police determine are qualified under this section and Wisconsin Statutes. Said provisional license shall be for a fee in the amount established by resolution. The City Clerk may revoke the license if the City Clerk discovers that the holder of the license made a false statement on the application or is not otherwise qualified. No provisional license may be issued to any person who has been denied an operator's license by the ~~Common Council~~ City Clerk and/or Police Chief nor may more than one provisional license be issued per licensing period.

- (d) The City Clerk is hereby authorized to issue a temporary operator's license for a period not to exceed 14 days to persons the City Clerk and/or the Chief of Police determine are qualified in accordance with this section and Wisconsin Statutes. Said temporary operator's license shall be for a fee in the amount established by resolution

and may be revoked by the Chief of Police. No person may hold more than ~~one~~ two temporary operator's license per calendar year.

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

 /s/
Mitch Reynolds, Mayor

 /s/
Nikki M. Elsen, City Clerk

Passed: 9/9/2021
Approved: 9/9/2021
Published: 9/18/2021