

ORDINANCE NO. 2022-01

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 12.03(3)(f) REGARDING
THE ISSUANCE OF OPERATOR'S LICENSES**

WHEREAS, Wisconsin Statutes Chapter 125 provides standards and expectations related to alcohol licenses; and

WHEREAS, Wisconsin Statutes Section 125.17 grants a municipal governing body the authority to authorize a designated municipal official to issue operator's licenses; and

WHEREAS, this subsection of the Wisconsin Statutes requires a municipal governing body to authorize the designated municipal official by ordinance; and

WHEREAS, the Town of Delafield Town Board finds that it is in the best interest of the Town to authorize the Town Administrator to issue operator's licenses in accordance with Wisconsin Statutes Section 125.17(1); and

NOW THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: Chapter 12 of the Town of Delafield Town Code entitled "Licenses and Permits," subsection 12.03 entitled "Alcohol Beverages," subsection (3) entitled "Classes of Licenses and Fees," subsection (f) entitled "Operator's License," subsection 1 entitled "Regular Operator's License," subsection a is hereby repealed and recreated as follows:

Regular Operator's License.

- a. Regular Operator's Licenses shall be granted by the Town Administrator as an authorized designated officer according to §125.17, or by the Town Board ~~and thereafter issued by the Town Clerk~~ to any individual who is qualified under §125.04(5), Wis. Stats., for the purpose of complying with §§ 125.32(2) and 125.68(2), or 125.06(3g) Wis. Stats., and upon payment of the annual license fee.

SECTION 2: Chapter 12 of the Town of Delafield Town Code entitled "Licenses and Permits," subsection 12.03 entitled "Alcohol Beverages," subsection (3) entitled "Classes of Licenses and Fees," subsection (f) entitled "Operator's License," subsection 2 entitled "Provisional Operator's License," subsection a is hereby repealed and recreated as follows:

- a. ~~The Town Clerk, upon authorization by the Town Chairperson, The Town Administrator~~ shall issue a Provisional Operator's License to an applicant in case of a bona fide emergency. An emergency shall be caused by such things as death, disability, absence of the regular operator on the premises and the like. The Town ~~Administrator-Chairperson~~ before authorizing such issuance, shall determine if the applicant has a satisfactory record, and probably would be issued a Regular Operator's License. The license shall be valid for a period not to exceed 60 days unless sooner revoked by the Town Board. A Provisional Operator's license may be issued in accordance with §125.17(6), Wis. Stats.. A Provisional Operator's license may be issued only to a person who has applied for a Regular Operator's License pursuant to

~~§125.17(6), Wis. Stats.~~ A Provisional Operator's License may not be issued to any person who has been denied a Regular Operator's License by the Town ~~Board~~.


SECTION 3: SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this 14th day of June 2022.

TOWN OF DELAFIELD


Ron Troy, Town Chair

ATTEST:


Dan Green, Town Clerk/Treasurer