

Ordinance 0009-21 – Operator’s License.

An ordinance to amend Chapter 6, Article IV, Section 6-133 of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 6, Article IV, Section 6-133(a) of the Municipal Code of the City of Racine, Wisconsin, is repealed and recreated as follows:

Section 6-133. – Qualifications for operator’s license; false statement; denials.

- (a) An operator’s license may be issued by the city clerk to a person who is at least 18 years of age, does not have an arrest or conviction record including one or more violations or convictions as set forth in subsection (a)(i), subject to Wis. Stats. §§ 111.321, 111.322, 111.335 and 125.12(1)(b), and has successfully completed a responsible beverage server training course as provided in Wis. Stats. § 125.17(6), or is exempt thereunder.
  - (i) The city clerk shall not issue an operator’s license upon the city clerk’s authority for any person with one more of the following offenses in any court in any state or of the United States within two years immediately preceding the application for an operator’s license:
    - a. Underage persons. Violations for serving underage persons or allowing underage persons to be present on licensed premises, including, but not limited to, violations of section 6-5 or Wis. Stats. § 125.07.
    - b. Operating motor vehicle while impaired. Violations for operating a motor vehicle under the influence of intoxicant or other drug, including, but not limited to, violations of Wis. Stats. § 346.63 or any violations counted as prior convictions, suspensions, or revocations pursuant to Wis. Stats. § 343.307.
    - c. Other drug, alcohol, or weapons violations. Any conviction for any violation of any local, state, or federal criminal or civil law for conduct including the unlawful use, distribution, sale, or possession of any controlled substance, alcohol, or weapon.
    - d. Pending charges. Any arrest, charge, or citation for any violation that is pending at the time of the application for an operator’s license in any court in any state or of the United States.
  - (ii) Upon denial of such application hereunder, the city clerk shall provide written notice to the applicant stating reasons for the denial. Any person aggrieved by a decision of the city clerk may appeal in writing to the public safety and licensing committee within ten days of the date of notice of denial, on a form provided by the city clerk. The committee may reverse or affirm the decision of the city clerk.

(iii) Notwithstanding anything else in this subsection, the city clerk may decline to issue an operator's license upon the city clerk's authority as granted hereunder for any person with any felony conviction in any court in any state or of the United States within ten years immediately preceding the application for an operator's license and shall refer the application to the public safety and licensing committee for consideration. The action of the city clerk in so declining to issue an operator's license upon the city clerk's authority shall not be considered a denial for any purpose.

State Law Reference – Operator's license, Wis. Stat. § 125.17; Prohibited bases of discrimination, Wis. Stat. § 111.321; Discriminatory actions prohibited, Wis. Stat. § 111.322; Arrest or conviction record; exceptions and special cases, Wis. Stat. § 111.335.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

**Sec. 6-133. - Qualifications for operator's license; false statement.**

- (a) An operator's license may be issued by the city clerk to a person who is at least 18 years of age, does not have an arrest or conviction record including one or more violations or convictions as set forth in subsection (a)(i), subject to Wis. Stats. §§ 111.321, 111.322, 111.335 and 125.12(1)(b), and has successfully completed a responsible beverage server training course as provided in Wis. Stats. § 125.17(6), or is exempt thereunder.
- (i) The city clerk shall not issue an operator's license upon the city clerk's authority for any person with one more of the following offenses in any court in any state or of the United States within two years immediately preceding the application for an operator's license:
- a. Underage persons. Violations for serving underage persons or allowing underage persons to be present on licensed premises, including, but not limited to, violations of section 6-5 or Wis. Stats. § 125.07.
  - b. Operating motor vehicle while impaired. Violations for operating a motor vehicle under the influence of intoxicant or other drug, including, but not limited to, violations of Wis. Stats. § 346.63 or any violations counted as prior convictions, suspensions, or revocations pursuant to Wis. Stats. § 343.307.
  - c. Other drug, alcohol, or weapons violations. Any conviction for any violation of any local, state, or federal criminal or civil law for conduct including the unlawful use, distribution, sale, or possession of any controlled substance, alcohol, or weapon.
  - d. Pending charges. Any arrest, charge, or citation for any violation that is pending at the time of the application for an operator's license in any court in any state or of the United States.
- (ii) Upon denial of such application hereunder, the city clerk shall provide written notice to the applicant stating reasons for the denial. Any person aggrieved by a decision of the city clerk may appeal in writing to the public safety and licensing committee within ten days of the date of notice of denial, on a form provided by the city clerk. The committee may reverse or affirm the decision of the city clerk.
- (iii) Notwithstanding anything else in this subsection, the city clerk may decline to issue an operator's license upon the city clerk's authority as granted hereunder for any person with any felony conviction in any court in any state or of the United States within ten years immediately preceding the application for an operator's license and shall refer the application to the public safety and licensing committee for consideration. The action of the city clerk in so declining to issue an

operator's license upon the city clerk's authority shall not be considered a denial for any purpose.

- (b) An applicant who provides a materially false statement on a license application relating to the person's arrests or conviction record shall be disqualified and such application shall be denied based on the false statement. The application shall be summarily denied based on the false statement and a notice of the denial shall be sent to the applicant by the city clerk. A person denied a license under this section may appeal in writing to the public safety and licensing committee within ten days of the notice. The appeal shall contain a written explanation specifying good cause for why he or she is not disqualified.
- (c) The operator shall carry his operator's license on his person at all times during which the licensee is providing services under the operator's license.