



## Legislation Text

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**File #:** 081372, **Version:** 0

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081372  
ORIGINAL

### ALD. COGGS

An ordinance relating to qualifications for a new Class “D” operator’s license.

90-6-1-c rn

90-6-1-c cr

This ordinance provides that an applicant for a new Class “D” operator’s license is not qualified for the license if the applicant has been convicted of an offense that occurred less than one year prior to the time of application for operating a vehicle while under the influence of alcohol or with a blood alcohol level that exceeds lawful limits.

A Class “D” operator’s license, commonly referred to as a bartender’s license, authorizes the operator to remove from any barrel, keg, cask, bottle, or any other container fermented malt beverages, and to sell or serve fermented malt beverages, intoxicating liquor and wine on appropriately license premises.

Whereas, The common council finds that the illegal use of alcohol by an individual driving under the influence of alcohol demonstrates a lack of proper judgment in the handling of alcohol in a manner that places the health, safety and welfare of the public at risk; and

Whereas, Bartenders serving alcohol beverages to the public are expected to exercise sound judgment in determining whether service is appropriate; and

Whereas, It is reasonable to allow a period of time for an individual applying for a Class “D” operator’s license to demonstrate good behavior following an offense for driving under the influence of alcohol prior to accepting and granting an application for a Class “D” license; and

Whereas, The Wisconsin Legislature has provided in s. 125.04(5), Wis. Stats., that alcohol beverage licenses may be issued only to persons who do not have an arrest or conviction record subject to ss. 111.321, 111.322, 111.335 and 125.12(1)(b), generally requiring that the denial of a license due to arrest or conviction record is only permitted when the offense involves circumstances substantially related to the circumstances of the licensed activity; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 90-6-1-c of the code is renumbered s. 90-6-1-d.

Part 2. Section 90-6-1-c of the code is created to read:

### **90-6. Qualifications for Licenses.**

#### **1. PROFESSIONAL CHARACTER.**

c. Any applicant for a new Class "D" operator's license is not qualified for the license if the applicant has been convicted of an offense that occurred less than one year prior to the time of application for operating a vehicle while under the influence of alcohol or with a blood alcohol level that exceeds lawful limits in violation of the laws and ordinances of this state or comparable provisions of any other jurisdiction.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

LRB08591-1

RLW

1/16/2009