



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety
Committee
Re: Creating Code §4-95(g) requiring servers be
sober while on duty.

ORDINANCE NO. 2013-7
Introduced: August 7, 2013
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

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

Section 1. Section 4-95(g) of the Code of Ordinances of the City of Neenah is created to read as follows:

- (g) *Servers.* It shall be unlawful for the licensee or any employee of a licensed establishment to be under the influence of an intoxicant (with a breath or blood alcohol content of .08 or more) while performing services on the licensed premises. Law enforcement officials shall be allowed to ask for Preliminary Breath Test with reasonable suspicion. Refusal to submit to a requested test may be considered by the Common Council as grounds for revocation, suspension, non-issuance, or non-renewal of the server's operator's license.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Ald. Ramos/Hillstrom

Adopted: September 18, 2013

Approved: September 18, 2013

Published: September 23, 2013

Approved:

George Scherck, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
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