Dept. of Legal & Administrative Services
Office of the City Attorney
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JAMES G. GODLEWSKI
CITY ATTORNEY

P O L I C Y

DATE:	7/29/2013	**EFFECTIVE DATE:**	Immediately	**Policy No:**	2013-4
TITLE:	Operator (Bartender) License Approval Policy				
ISSUER:	City Clerk				
COVERAGE:	All applicants for Operator (Bartender) License				
AUTHORITY:	Common Council Approval on August 7, 2013				
DURATION:	Indefinite				
SYNOPSIS:	Guidelines for Operator's (Bartender's) License Application Approval				

INTRODUCTION

This policy is intended to provide operational guidance in implementing the procedures for issuing operator's (bartender's) licenses under Neenah Code § 4-98. To the extent that this policy conflicts with the Neenah Code, the Neenah Code shall prevail. Copies of this policy shall be distributed to applicants for operator's (bartender's) licenses along with the application form.

POLICY

Applicants for a Beverage Operator License must have completed a qualified Responsible Beverage Server training course within the past two years or show proof of a current, or less than two years expired, beverage operator license in a different community. (Chapter 125.17(6) State Statutes) The Public Services & Safety Committee and the Council **must** approve all licenses prior to issuance. The Clerk shall prepare an approval schedule to be distributed to applicants.

An applicant must complete an application in the Office of the City Clerk located at 211 Walnut Street. At the time of making application, the applicant must provide identification (driver's license or I.D. Card) and pay the $60 license fee. **A new license will be good for what remains of a two-year cycle. Upon renewal, all licenses will be good for two-years.** The approval process takes anywhere from 3-4 weeks, after which the applicant may pick their license up at the City Clerk's Office or request that it be mailed, if the application is approved.

A Provisional License may be issued to allow a first time applicant time to take the Responsible Beverage Server training course. The license will expire 60 days from issuance or upon final action by the Common Council. Applicants must provide proof of enrollment into the course, apply and pay for both the provisional license and the regular license ($75). The regular 2Beverage Operator License will be held after approval until proof of taking the class has been provided.

A Provisional License may also be issued to an applicant who requires a Beverage Operator License prior to Council approval date. The provisional license expires 60 days from issuance or upon final action on the application by the Common Council, whichever is earlier. Applicants must provide proof of taking the class or a current, or less than two years expired, beverage operator license in the City of Neenah (for renewals) or a different community. Applicants must complete the application and pay for both the provisional license and the regular license. ($75)

Provisional licenses may not be issued to new applications who were previously denied a license by the Common Council. The Clerk may revoke a provisional license if it is discovered that the applicant made a false statement on the license application or if the applicant fails the responsible beverage server training course. No applicant shall be issued more than one (1) provisional license in any two-year license period.

The application for an original or renewal of a beverage operator license in the City of Neenah asks questions regarding past convictions under State or Federal Laws, either as an adult or as a juvenile. **These questions MUST be answered truthfully.** Applicants are encouraged to read the questions carefully. Failure to disclose information may be grounds for denial of the license application.

A background check is performed on all applicants. In addition to reviewing an applicant's background for convictions, the City will also conduct a check for any delinquent taxes, bills or forfeitures, which must be paid prior to the issuance of any City license lying, giving false or incomplete information, or misinformation on the Application may be grounds for denial of a license. **Should the information provided by the applicant be found INCORRECT, the license application will be denied (new application) or recommended for denial (renewal application).** The Common Council has adopted the following "Parameters for Denial of a Beverage Operator's License (Bartender License)" as a guideline for license denials. **If an applicant has two or more convictions of the offenses listed or a combination of two more convictions of the offenses listed, or a single felony conviction substantially related to the beverage operator's license, or deemed an habitual offender the application will be denied, if the application is for a new license and recommended for denial if the application is for a renewed license.**

PARAMETERS FOR DENIAL OF A OPERATOR'S (BARTENDER'S) LICENSE

1. Conviction for underage selling during the past 2 years.
2. Conviction for underage person on premise during the past 2 years.
3. Conviction of any substance abuse during the past 2 years.
4. Conviction of operating a motor vehicle or boat under the influence of any alcohol or controlled substance during the past 2 years.
5. Conviction of allowing a person to use operator's license during the past 2 years.
6. Conviction of selling to an intoxicated person during the past 2 years.
7. Conviction of selling after hours in the past 2 years.
8. Conviction of selling without a license in the past 2 years.
9. Conviction of any part of Chapter 125 State Statutes, not listed above, relating to alcohol beverages during the past 2 years.
10. A conviction of charges related to the activities performed while bartending within the past 2 years.
11. Any felon where the circumstances of the charges substantially related to the licensing activity.
12. Convictions of illegal gambling during the past 2 years.

If the application is for a new license, the City Clerk on behalf of the police department shall notify the applicant of the department's decision to deny the license application. The notice shall inform the applicant of the reasons for the denial and of the applicant's right to appeal such determination to the Public Services and Safety Committee, as provided for in this policy. If the denial by the Police Department was due to the applicant being an habitual law offender, that denial shall automatically be reviewed by the Public Services & Safety Committee. Any new applicant denied a license may appeal the decision by filing a notice of appeal with the City Clerk within 10 days after written notice of denial is mailed to the applicant. The appeal shall be stated in writing and shall state in detail the grounds for reversal of the license denial by the police department and shall be signed by the applicant. The Clerk shall submit the appeal to the PSSC to conduct a review and make a recommendation to the Council. The chair of the PSSC shall set a date and time for consideration and review of the appeal. The City Clerk shall send written notice of the date and time of the PSSC/Council consideration of the appeal to the applicant by first class mail at least two days prior to the dates set forth for such meeting.

If the Police Department determines grounds exist to deny the application for a renewed license, the City Clerk will notify the applicant of the date and time the PSSC will meet to conduct a hearing on the police department's recommendation to deny the license. If both the PSSC & Council deny the license, the Clerk shall provide the applicant with written reasons for denial of their license.

IF THE APPLICATION SHOULD BE DENIED BY THE POLICE DEPARTMENT AND NOT APPEALED OR DENIED BY THE COMMON COUNCIL AFTER APPEAL, THE APPLICANT CANNOT RE-APPLY UNTIL ONE YEAR AFTER THE DENIAL. ALL FEES ARE NON-REFUNDABLE.

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PATRICIA A. STURN, WCPC, MMC

M E M O R A N D U M

DATE: September 23, 2013

TO: All Liquor/Beer License Establishments

FROM: Patty Sturn, City Clerk

RE: **Sober Server Ordinance**

On the reverse side of this memo is a copy of City of Neenah Ordinance No. 2013-7 Sober Server Ordinance adopted by the Common Council on September 18, 2013. The ordinance requires servers be sober while on duty. Specifically, they cannot have a breath or blood alcohol content of .08 or more while performing services on the licensed premises.

Please share this with your bartenders so they are aware of this new regulation. Thank you for your cooperation.

Patty

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 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.

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.

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
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210

BARTENDER LICENSE APPROVAL DATES
(Approval dates are subject to change without notice)

Date of Application	Date to PSSC	Date to Council	Date License to be issued
07/23/2019	07/30/2019	08/07/2019	08/08/2019
07/24/2019 – 08/06/2018	08/13/2019	08/21/2019	08/22/2019
08/07/2018 – 08/20/2019	08/27/2019	09/04/2019	09/05/2019
08/21/2019 – 09/03/2019	09/10/2019	09/18/2019	09/19/2019
09/04/2019 – 09/17/2019	09/24/2019	10/02/2019	10/03/2019
09/18/2019 – 10/01/2019	10/08/2019	10/16/2019	10/17/2019
10/02/2019 – 10/15/2018	10/29/2019	11/06/2019	11/07/2019
10/16/2019 – 11/05/2019	11/12/2019	11/20/2019	11/21/2019
11/06/2019 – 11/18/2019	11/26/2019	12/04/2019	12/05/2019
11/19/2019 – 12/03/2019	12/10/2019	12/18/2019	12/19/2019
12/04/2019 – 12/31/2019	01/07/2020	01/15/2020	01/16/2020
01/01/2020 – 01/14/2020	01/28/2020	02/05/2020	02/06/2020
01/15/2020 – 02/04/2020	02/11/2020	02/19/2020	02/20/2020
02/05/2020 – 02/18/2020	02/25/2020	03/04/2020	03/05/2020
02/19/2020 – 03/03/2020	03/10/2020	03/18/2020	03/19/2020
03/04/2020 – 03/17/2020	03/24/2020	04/01/2020	04/04/2020
03/18/2020 – 03/31/2020	04/07/2020	04/14/2020	04/16/2020
04/01/2020 – 04/21/2020	04/28/2020	05/06/2020	05/07/2020
04/22/2020 – 05/05/2020	05/12/2020	05/20/2020	05/21/2020
05/06/2020 – 05/20/2020	05/26/2020	06/03/2020	06/04/2020
05/21/2020 – 06/02/2020	06/09/2020	06/17/2020	06/18/2020
06/03/2020 – 06/16/2020	06/23/2020	07/01/2020	07/02/2020
06/17/2020 – 06/30/2020	07/07/2020	07/15/2020	07/16/2020
07/01/2020 – 07/21/2020	07/28/2020	08/05/2020	08/06/2020
07/22/2020 – 08/04/2020	08/11/2020	08/19/2020	08/20/2020
08/05/2020 – 08/18/2020	08/25/2020	09/02/2020	09/03/2020
08/19/2020 – 09/01/2020	09/08/2020	09/16/2020	09/17/2020
09/02/2020 – 09/22/2020	09/29/2020	10/07/2020	10/08/2020
09/23/2020 – 10/06/2020	10/13/2020	10/21/2020	10/22/2020
10/07/2020 – 10/20/2020	10/27/2020	11/04/2020	11/05/2020
10/21/2020 – 11/03/2020	11/10/2020	11/18/2020	11/19/2020
11/04/2020 – 11/17/2020	11/24/2020	12/02/2020	12/03/2020
11/18/2020 – 12/01/2020	12/08/2020	12/16/2020	12/17/2020

For Office Use Only

☐ New License ($60) ☐ Renewal ($60)
☐ Provisional ($15) Good for 60 Days
☐ Temporary ($10) Expires with event
☐ Duplicate License ($10)

Year Ending: **June 30, 2021**
Period Ending: _____
Period Ending: _____
☐ Pick-up License
☐ Mail License

Receipt No: _____ Amt. Paid: $_____ **Account Code: OP**

Application For Beverage Operator's License

AGENTS OF CORP/LLC DO NOT NEED A BEVERAGE OPERATOR LICENSE

Answer all questions completely and correctly. Please print

_____
Name: (First) (Middle Initial) (Last)

_____
Street Address City State Zip Code

_____ _____ _____
DOB: Month/Date/Year Sex (Male or Female) Driver's License Number

All Previous names: _____ Home Phone: _____
Where will you be working: _____ Cell Phone: _____

Have you ever had an Operator's (Bartender's) License? ☐ Yes ☐ No If yes, where? _____

Have you **EVER** been convicted of a felony? ☐ Yes ☐ No

If yes, when, where and what type of violation? Please be specific. _____

_____

Have you been convicted of a misdemeanor or ordinance violation in the **past five (5) years** (e.g. speeding, OWI, disorderly conduct, driving without a license, etc.)? ☐ Yes ☐ No

If yes, when, where and what type of violation? Use the back of this sheet if more room is required. _____

_____

Have you **EVER** been convicted of any violation of the Wisconsin Statues and/or federal law pertaining to the sale of alcoholic beverages and/or the manufacture, possession or deliverance of a controlled substance? ☐ Yes ☐ No

If yes, when, where and what type of violation? Use the back of this sheet if more room is required. _____

_____

☐ I certify that I have no delinquent taxes, assessments, other claims including but not limited to water bills in whole or part owed to the City of Neenah or any delinquent forfeiture resulting from a violation of any City ordinance.

☐ I further certify that I am familiar with the laws, ordinances and regulations pertaining to the sale of malt and liquor beverages and I hereby agree, if granted said license, to obey all provisions of said laws.

☐ Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief and if the information on this application is incomplete or incorrect my application will be denied.

☐ I, the applicant for this license/permit hereby consent to the release of my customer information to the City of Neenah from the Neenah Utilities for the purpose of processing my application.

_____
Applicant Signature Date

Applicant meets guidelines for issuance of Beverage Operator's License.

_____Has taken Responsible Beverage Server Training Course or held a license within the past 2 years
_____No outstanding Court forfeitures (Patty K)
_____No parking tickets (Tina L)
_____No delinquent claims (Patie F)
_____Police Background Check completed
_____No Delinquent Water Bill (Julie)

_____ Approve _____Reject

_____ _____
Clerk/Deputy Clerk Signature Date