

TOWN OF GIBRALTAR
ORDINANCE NO. 2013- 02
STANDARDS FOR ISSUANCE OF OPERATOR'S LICENSES

The Town of Gibraltar does hereby ordain as follows, in accordance with Wisconsin Statutes and specifically Chapters 60, 66 and 125:

Article I. Intent.

Due to the discretionary nature of the alcohol beverage licensing process, it is not possible to state every circumstance that may result in denial of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what the Town will consider in making its decision and what circumstances are more likely to result in a denial of a license application.

Individuals granted an operator's license must act in cooperation with County and Town law enforcement to enforce the alcohol beverage laws and drunk driving laws, and to assist with minimizing disturbances of the peace and maintaining the safety of the community.

Therefore, individuals with a past history of negative or uncooperative contacts with police agencies will be scrutinized. It is with these goals in mind that these standards are adopted. Furthermore, to the extent Wis. Stat. Ch. 125 or other Town ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Town may also rely on such provisions. The standards listed below are not exclusive.

Article II. Standards for Issuance of Operator's Licenses

(a) Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of any felony, unless duly pardoned, does not qualify for an operator's license.

(b) Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of or has a current charge pending, for one or more offenses within the last five years or for two or more offenses, arising out of separate incidents, within the last ten years in the following subcategories, does not qualify for an operator's license:

(1) Violent crimes against the person of another, including but not limited to battery, disorderly conduct, sexual assault, injury by negligent use of a vehicle, intimidation of victim or witness.

(2) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.

(3) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(cs), Wis. Stats.

(c) Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of or has a current charge pending, for two or more offenses, arising out of separate incidents, within the last five years in the following subcategories, does not qualify for an operator's license:

(1) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.

(2) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Town Ordinance).

(3) Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.

(4) Operating a motor vehicle while under the influence of intoxicants or drugs.

(5) Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.

(6) Open intoxicants in public places or in a motor vehicle.

(d) Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who is a habitual law offender does not qualify for an operator's license. For purposes of this standard, a habitual offender includes, but is not limited to, a person who has committed:

(1) Two or more offenses, each a separate incident, within the immediately preceding one year.

(2) Three or more offenses, each a separate incident, within the immediately preceding five years.

(3) Six or more offenses, each a separate incident, within the preceding ten years.

(e) Applicants must truthfully and completely fill out applications. To that end:

(1) If an applicant provides false information on an application, that application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one year from the date of denial of such application.

(2) If the Town determines that information was intentionally omitted from an application, the application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one year from the date of denial of such application.

(3) If the Town determines that information was omitted from an application due to inadvertence, mistake or excusable neglect, the Town may allow the applicant to submit a corrected application and grant the license if the applicant is otherwise qualified.

“Substantially related” for the purposes of this ordinance can include, without limitation, the illegal purchase, use and sale of controlled substances, and offenses involving alcohol (e.g., drunk driving, selling to underage persons, possessing and/or consuming as an underage person, committing law violations while under the influence of alcohol or drugs, etc.).

Article III. Applicability

In the event an individual with an operator’s license is considered for non-renewal, suspension or revocation, the Town may consider all offenses, the circumstances of which are substantially related to the license, regardless of whether some of the offenses occurred prior to the adoption of this ordinance.

Article IV. Appeal

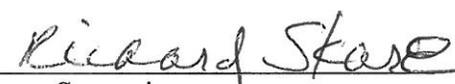
If an operator’s license application is denied, the applicant has the right to file an appeal with the Town Clerk within thirty (30) days, and appear and be represented before the Town Board, to be heard, to present evidence in favor of the granting of the license, and to rebut the evidence presented in opposition to the granting of the license, at a hearing held within forty (40) days of the filing of such appeal.

BE IT RESOLVED that the foregoing ordinance be adopted and shall become effective on passage and publication.

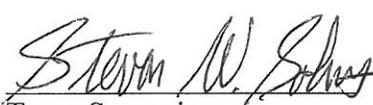
PASSED, APPROVED AND ADOPTED by the Town of Gibraltar on the 2 day of ^{October}~~May~~, 2013.



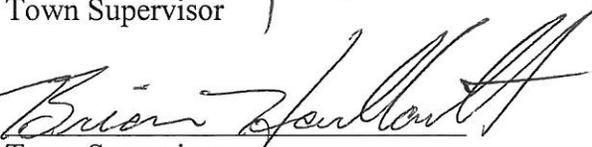
Town Chairperson



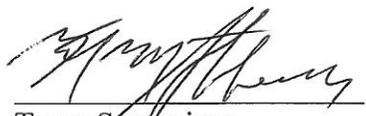
Town Supervisor



Town Supervisor



Town Supervisor



Town Supervisor

Attest:



Beth Hagen, Town Clerk