

ORDINANCE #23-11

Amending Section 4-54 of the Municipal Code Regarding the Procedure to Issue Operator's Licenses

WHEREAS, the Village Board for the Village of Jackson ordains that the following sections of the Municipal Code are hereby repealed, recreated, or amended to read;

Section one: Sec. 4-54. - Review procedure; granting or denial of license.

(a) *Village Board Designee.* Pursuant to Wis. Stat. § 125.157(1), the Village Board designates the Village Clerk, or the Clerk's designee, as the authorized municipal official to issue operator's licenses.

(b) *Review Procedure.*

- (1) *Investigation by police department.* The village police department shall investigate the applicant, including, but not limited to, requesting information from the state, surrounding municipalities and any community where the applicant has previously resided concerning the applicant's arrest and conviction record.
- (2) *Police chief's recommendation.* Based upon such investigation, the chief of police, or the police chief's designee if the police chief is out of the office for an extended period, shall recommend in writing to the Village Clerk approval or denial of the application. If the chief of police, or the police chief's designee, recommends denial, he/she shall provide the reason for recommendation of denial in writing to the Village Clerk.

(c) *Final action by Village Clerk.* Upon receipt of a recommendation to approve the application from the chief of police or the police chief's designee, the village clerk shall issue the next numbered license. If the application is recommended for denial, the village clerk shall, in writing, inform the applicant of the denial, the reasons therefor, and advise of the opportunity to request reconsideration of the application by the village board.

(d) *Repealing denial.* The applicant must send by registered mail, or served upon in person, to the village clerk, at least ten business days prior to the village board meeting, a written request for reconsideration of the matter. At the reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted. If, upon reconsideration, the board again denies the application, the village clerk shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license upon reconsideration of the matter may apply to circuit court pursuant to Wis. Stats. § 125.12(2)(d) for review. Consideration for the granting or denial of a license will be based on the

applicant's fitness generally for the trust to be reposed, arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335, the financial responsibility of the applicant, and the appropriateness of the location and the premises where the licensed business is to be conducted.

(e) *Ability to Revoke.* The Village Board reserves the right to terminate an operator's license within the village at any point in time during its term with no refund if the operator is in violation of any of the terms or provisions of the state law or of this chapter relating to operator's licenses.

Section two: Severability; If any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this ordinance shall remain in full force and effect.

Section three: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

Section four: This ordinance shall take effect and be in force after its passage and posting pursuant to law.

NOW, THEREFORE BE IT RESOLVED, the Village of Jackson Village Board, Washington County Wisconsin ORDAINS AS FOLLOWS:

The Village Clerk and Village Administrator are hereby authorized and directed to make all changes within the Village of Jackson Code of Ordinances necessary to reflect this Ordinance.

Introduced by: Pres Heckendorf

Seconded by: Tr. Wells

Vote: 4 aye 0 nay

Passed and approved August 9, 2023

VILLAGE OF JACKSON

By: 
Brian J. Heckendorf, Village President

Attest:



Pamela Wolf, Deputy Village Clerk

Proof of Posting:

I, the undersigned, certify that I posted copies of this Ordinance on bulletin boards at the Jackson Municipal Complex, Post Office and one other location in the Village.

Village Official

Date