

**CITY OF RHINELANDER  
POLICY STATEMENT  
OPERATORS LICENSE (BARTENDERS) APPLICATIONS**

**PURPOSE**

In order to provide for an effective and consistent system of alcohol licensing that protects the public safety and is applied in a uniform and equitable manner, the City Council has adopted the following written policy to govern the granting of operators' licenses pursuant to Chapter 125 of the Wisconsin Statutes.

**APPROVAL AND ISSUANCE OF OPERATORS (BARTENDERS) LICENSES**

- A. The Police Department will conduct a records check, including criminal and traffic, of all applicants for operators' licenses. If necessary, the records check may include an interview with the applicant or contact with other jurisdictions or third parties to verify or investigate information obtained in the records check.
- B. When the records check reveals that the application does not violate the standards requiring a personal appearance before the Public Safety Committee, the Police Chief, or the Police Chief's designee, shall forward the application to the City Clerk, or the City Clerk's designee, with a recommendation that the application be approved. If all other application requirements are satisfied, the City Clerk, or the City Clerk's designee, shall approve the application and issue the operator (bartender) license upon approval of the City Council.
- C. Consistent with the provisions of Wis. Stat. Sees. 111.335 and 125.17, the records check conducted by the police department shall determine whether an applicant's conviction record reveals any of the factors in section D of this policy. If so, an operator's license may not be issued by the City Clerk, or the City Clerk's designee, without the consideration by the Protection of Persons and Property Committee and Common Council in compliance with section E below.
- D. Factors pertaining to conviction record:
  - 1. Any unpardoned felony conviction
  - 2. Any arrest or conviction for an alcohol violation or substantially related offense within the last twelve months.
  - 3. Any two or more arrests or convictions for alcohol violations or substantially related offenses within the last five years.
  - 4. Any drug-related convictions within the last five years

5. Convicted of operating while under the influence of any alcoholic beverage or controlled substance two or more times within the past five (5) years, or three (3) or more convictions within the past fifteen (15) years.
6. Convicted of allowing another person to use the applicant's operator's license during the past five (5) years.
7. Convicted of selling alcoholic beverages to an intoxicated or underage person during the past five (5) years, subject to 125.12(1)(b) of the Wisconsin Statutes.
8. Convicted of selling alcohol beverages, or being open, after closing hours during the past five (5) years.
9. Convicted of selling alcohol beverages without a license during the past five (5) years.
10. Conviction of any part of Chapter 125 of Wisconsin Statutes, or any City of Rhinelander Municipal Ordinance violations relating to alcohol beverages, during the past five (5) years.
11. Any incomplete, misleading or falsified application if it is determined that information was intentionally omitted from the application. If denied for this subsection, the applicant shall not be eligible to reapply for an alcohol beverage license for a period of one (1) year from the date of denial of such application.
  - a. If the City Clerk or Police Chief determines that information was omitted from an application due to inadvertence, mistake, or excusable neglect, the City Clerk may allow the applicant to submit a corrected application and recommend granting the license if the applicant is otherwise qualified.
12. Any criminal convictions which indicate that the applicant would not be a proper candidate for an alcohol beverage operator's license, such as disorderly conduct, resisting arrest, battery to a police officer, obstructing justice, burglary, theft or receiving stolen property within the past five (5) years.
13. Any history of violent crimes against the person of another, including but not limited to battery, sexual assault, prostitution, injury by negligent use of a vehicle, intimidation of a victim or witness.
14. Any two (2) or more of the above offenses, arising out of separate incidents, within the last ten (10) years.

15. Any other charge, conviction, or incident which, in the judgment of the police chief, or his/her designee, would substantially relate to the circumstances of employment as an operator, or to activity at a licensed alcohol establishment. This includes habitual law offenders that have multiple convictions or pending charges and could include an offender with two (2) or more offenses within a relatively short period of time. For example, a legal opinion rendered by the League of Wisconsin Municipalities states that a person with two drunk driving convictions within the last couple of years would be considered a habitual offender under the alcohol beverage licensing laws. #890 (1991).
- E. When an application or records check reveals one or more of the factors contained in paragraph D above, the Police Chief, or the Police Chief's designee, shall review the applicant's record and make a recommendation to the Protection of Persons and Property Committee on approval or denial. Applications will then be reviewed by the Protection of Persons and Property Committee.

The Clerk, or the Clerk's designee, shall forward the license application and any related materials to the Protection of Persons and Property Committee. The City Clerk, or the City Clerk's designee, shall provide notice to the applicant in writing that he or she is being recommended for denial and may appear before the Committee for individual review if they wish to contest the denial of license. The notification to the applicant shall state that failure to appear before the Committee will result in denial of the application. The intent of the factual inquiry with the Protection of Persons and Property Committee is to determine relevant, general, character-related circumstances of the offense.

The Committee shall, after interview of the applicant, make a recommendation to either grant or not grant an operator's license to the Common Council, which shall make the final decision.

- F. No alcohol license shall be issued, except as otherwise provided, unless the individual has completed a responsible beverage server training course. Operator license applicants may be issued a provisional operator's license if they are enrolled in a training course.