

ORDINANCE NO. 2007-13

An Ordinance Amending Guidelines for Issuance or Denial of Operator's License

The Common Council of the City of Cedarburg, Wisconsin, does hereby ordain as follows:

SECTION 1. Section 7-2-24 of the City of Cedarburg Municipal Code is hereby amended to read as follows:

“SEC. 7-2-24 ISSUANCE OR DENIAL OF OPERATOR'S LICENSE.

- (a) **Issuance of Approved License.** After the Common Council approves the granting of an operator's license, the City Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license. The City Clerk shall issue each license approved by the Common Council and shall make the same available at the City Clerk's office in City Hall. Any operator's license for which the fee is not paid within fifteen (15) days of approval of the application by the Common Council shall be returned to the Common Council for cancellation or other disposition.
- (b) **Basis for Granting or Denial.**
- (1) Consideration for the granting or denial of a license will be based on:
 - a. Arrest, conviction record or pending charges of the applicant, subject to the limitations imposed by Sections 111.321, 111.322 and 111.335, Wis. Stats.;
 - b. The financial responsibility of the applicant;
 - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - d. Generally, the applicant's fitness for the trust to be reposed.
 - (2) If a licensee is convicted of an offense substantially related to the license activity, the Council may act to revoke or suspend the license.
- (c) **Denial; Appeals.**
- (1) New License Applications.
 - a. If ~~the~~ a new license application is denied by the Common Council, the City Clerk shall, in writing, inform the applicant of the denial, of the reasons therefor, and of the opportunity to request a reconsideration of the application by the Common Council in a open or closed session. Such notice ~~must~~ shall be sent by ~~registered certified and regular~~ certified and regular mail to, or served upon, the applicant at least ten (10) days prior to the Council's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
 - b. If, upon reconsideration, the Council again denies the application, the City Clerk shall notify the applicant in writing by certified and regular mail of the reasons~~therefor~~. An applicant who is denied

any license upon reconsideration of the matter may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.

(3-2) Renewal License Applications.

a. If a renewal license application is recommended for denial by the Chief of Police, prior to action by the Common Council, the City Clerk shall, in writing, inform the applicant of the recommended denial, the reasons, and of the opportunity to request a hearing before the Common Council in open or closed session. Such notice shall be sent by certified and regular mail to, or served upon, the applicant at least ten (10) days prior to the Council's consideration of the matter. At such consideration, the applicant may present evidence and testimony as to why the license should be granted.

b. If the Council denies the application, the City Clerk shall notify the applicant in writing by certified and regular mail of the reasons. An applicant who is denied any license may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats, for review.

(3) ~~An application for denial based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.~~

A license shall not be granted if the applicant has been convicted of a felony substantially related to the licensing activity or if the applicant has habitually been a law offender.

(4) Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the circumstances, severity and facts of an offense, offenses or pattern of behavior when making the determination to grant, deny or not renew a license. Further, the Council, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

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Passed and adopted this 26th day of March 2007.

Gregory P. Myers, Mayor

Attest:

Sandra M. Ingram, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney