

Sec. 6-6. License restrictions.

- (a) *Statutory requirements.* Licenses shall be issued only to persons eligible therefor under Wis. Stats. §§ 125.04 and 125.17.
- (b) *Location.*
 - (1) Pursuant to Wis. Stats. § 125.68(3), no "Class A" or "Class B" license or permit shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public school, parochial school, hospital or church, except that this prohibition may be waived by a majority vote of the town board. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license or permit.
 - (2) This subsection (b) shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet of the premises by any school, hospital or church building. Nor shall it apply to a restaurant located within 300 feet of a church or school; provided, however, that the sale of alcohol beverages accounts for less than 50 percent of its gross receipts.
- (c) *Violators of alcohol beverage laws or ordinances.* No retail Class "A" or Class "B" license shall be issued to any person who has been convicted of a violation of any federal or state alcohol beverage law or the provisions of this section or whose license has been revoked under Wis. Stats. § 125.12, during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member ineligible for such license for one year.
- (d) *Health and sanitation requirements.* No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Development pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Family Services applicable to restaurants and to all such ordinances and regulations adopted by the town board.
- (e) *Quota.* The number of persons and places that may be granted a retail "Class B" license under this section is limited as provided in Wis. Stats. § 125.51(4).
- (f) *Corporations.* No license shall be granted to any corporation when more than 50 percent of the voting stock, legal or beneficial interest is held by any person not eligible for a license under this chapter.
- (g) *Age requirement.* No license under this chapter shall be granted to any person under the age of 18 in accordance with Wis. Stats. § 125.04(5)3.
- (h) *Effect of revocation.* Twelve months shall elapse before another license shall be granted to the person whose license was revoked.
- (i) *Delinquent taxes, assessments and claims.* No license shall be granted for any premises for which real estate and/or special assessments taxes are delinquent and unpaid. No liquor license shall be granted to any person who is delinquent in the payment of any claims of monies due the town including, but not limited to, unpaid forfeiture judgments.
- (j) *Issuance for sales in dwellings.* No license shall be issued to any person for the

purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

- (k) (1) The class "A" and class "B" and "class A" and "class B" licenses shall, as a condition of maintaining and keeping a license in the town, continue in the active operation of business. Therefore, if a license issued by the Town does not operate for a minimum of 120 consecutive days of its issuance or does not operate for a minimum of 120 consecutive days or more per license term, such situation may be grounds for revocation of license. Consecutive days shall be construed to account for normal weekly days of closure for any given licensee and not exceed 3 days per week.
- (2) The town determines that retention of a license by a party not doing business or not intending to resume doing business is declared to be against public policy and constitutes grounds for revocation of said license.
- (3) Exceptions to the requirements of continued business license usage would be bank foreclosure or any act of God which damaged or destroyed the facility for which the license has been issued to operate the licensed business in. In such case, the holder of the license is allowed up to two years to repair damages or rebuild the damaged or destroyed facility and again resume operating the business utilizing the license from the premises for which the license issued was intended.
- (4) In the event a licensee violates the provisions of this article, disciplinary action may be taken by the town board including reprimand, suspension of the license for a specified number of days or revocation of the license. Any license that has been revoked shall not be reinstated within the following six months. Any disciplinary action taken shall be done after notice to the licensee and after a hearing. The proceeding shall be conducted in accordance with Wis. Stats. § 125.12(2)(b) or any amendments thereto. Prior cancellation of any license the town clerk shall notify the licensee in writing of the town's intention to cancel license for nonuse and provide the licensee with an opportunity for a hearing. Such notice shall also specify the time, place and date of the hearing which shall be not be less than 15 days after the date of the notice.
- (5) In lieu of revoking such license, the town board shall, after notice and hearing, determine if good cause exists for the failure of the licensee to be open for business for periods in excess of the minimum set forth in this section. If such cause is found to exist, the town board may set such terms as it deems appropriate to the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must be open for business to avoid revocation of the subject license.
- (6) There shall be no refund of any license fee paid to a party whose license is revoked.
- (7) In lieu of a hearing, the town board may accept surrender of the license and the town board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.
- (l) *Fee for late filing of renewal.* Annual renewal applications shall be considered for approval at the second regular meeting of the town board in June as convened on the third Tuesday. All licenses shall file with the town clerk a properly completed renewal

application with fee paid in advance no later than 14 days prior to and not including the third Tuesday (the "deadline date") this being the time required for all license renewals to reside in the town office prior to consideration for approval. In accordance with Wis. Stats. §§ 125.10 the town board may impose a fee not to exceed \$250.00 upon any licensee a) whose annual renewal application is not filed by the deadline date and b) in the event the licensee requests a special meeting of the town board to consider license renewal approval after the second regular meeting has been held and before July 1, that being the expiration day of the current license. No fee shall be imposed upon any licensee who submits a renewal application after the deadline date and has affirmed in writing with the town clerk that licensee will wait until the first regular meeting of the town board on the first Tuesday in July for consideration of renewal, with the understanding that from July 1 through issuance of renewal license the licensee's establishment may not serve or sell alcohol per its license classification.

(Code 1987, § 12.03(5); Ord. of 2-15-2005; Ord. of 7-5-2011; Ord. of 8-16-2011; Ord. of 6-6-2017)