

ORDINANCE # 06-04-2012 (C)

TOWN OF FORT WINNEBAGO
LICENSE AND PERMIT ORDINANCE

The Town Board of the Town of Fort Winnebago, Columbia County, Wisconsin, does ordain as follows:

SECTION 1. Title. This Ordinance is entitled the "Town of Fort Winnebago License and Permit Ordinance."

SECTION 2. General Provisions as to Licenses.

1. **Terms Interchangeable.** The words 'license' and 'permit' as used throughout this ordinance shall be interchangeable.
2. **License Required.** No person shall engage in any business or activity for which a license issued by the Town is required without having in effect a license by the Town covering that business or activity.
3. **Application.** Application for a license shall be made to the Town Clerk on a form furnished by the Town and shall contain such information as may be required by the provisions of that form or as may be otherwise required by the Town Board.
4. **License Fees.** License fees imposed shall accompany the license application. The Town Clerk shall issue the applicant a receipt for his/her license fee.
5. **Granting of Licenses.** Unless otherwise designated, licenses shall be issued by the Town Clerk only with the approval of the Town Board.
6. **Form of License.** All licenses issued by the Town shall show the dates of issue and expiration and the activity licensed and shall be signed by the Town Clerk.
7. **Records of Licenses.** The Town Clerk shall keep a record of all licenses issued.
8. **Display of Licenses.** All licenses issued by the Town shall be displayed upon the premises for which issued or, if carried on the person, shall be displayed to any official of the Town upon request.
9. **Compliance with Ordinances Required.** In addition to all other conditions provided by law and under other applicable Town ordinances, it shall be a condition of holding a license issued by the Town that the licensee complies with all ordinances of the Town. Failure to do so shall be cause for suspension, revocation or non-renewal of the license.
10. **Transfer of Licenses.** All licenses issued by the Town shall be personal to whom issued, and no license shall be transferred without the consent of the Town Board.

11. Renewal of Licenses. All applications for renewal of licenses shall be made to the Town Clerk.

12. Consent to Inspection. An applicant for a license or renewal of a license under this chapter, by filing the application, thereby consents to the entry of authorized representatives of the Town upon the licensee's premises at all reasonable hours for the purposes of inspection.

SECTION 3. Licensees to Pay Local Claims.

A. Payment of Claims. The Town shall not issue or renew any license to transact any business within the Town of Fort Winnebago for:

1. Any purposes for which taxes, assessments or other claims owed to the Town are delinquent or unpaid; or,
2. Any applicant who is delinquent in payment of:
 - (a) Any taxes, assessments or other claims owed to the Town; or,
 - (b) Any forfeiture resulting from a violation of any Town ordinance.

B. Exemption. This section shall apply to all licenses by the Town except dog licenses.

C. Applicability. An application for renewal of license subject to this section shall be denied pursuant to Subsection A, only following notice and opportunity for hearing as provided by Subsection D below.

D. Hearings. Prior to any denial of an application for renewal of a license, including denial pursuant to Subsection A, the applicant shall be given notice and opportunity for hearing as hereinafter provided.

1. With respect to the renewal of any license relating to the sale of any alcoholic beverages, notice and opportunity for hearing shall be as provided by §125.12, *Wis. Stats.*, as amended from time to time.

2. With respect to licenses other than those described in Subsection D(1) herein, the Town Board or its assignee shall notify the applicant in writing of the Town's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice, on which the applicant shall appear before the Town Board. If the applicant shall fail to appear before the Board on the date indicated in the notice, the Board shall deny the applicant for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Town Board shall conduct a hearing with respect to that matter. At the hearing, both the Town and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at

the applicant's expense. If the Town Board determines the applicant shall not be entitled to renewal pursuant to Subsection A, the application for renewal shall be denied.

E. Appeals. Where an individual, business or corporation wishes to appeal the Town Clerk's decision not to issue a license or permit under this ordinance, the applicant may file a request in writing with the Town Clerk that the matter be referred to the Town Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Town Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

SECTION 4. Revocation and Suspension of Licenses. Licenses may be revoked and suspended as follows:

1. Except as otherwise provided, any license issued by the Town may be revoked or suspended for cause by the Town Board. Further, except as otherwise provided under the Town's ordinances or under State law, no license may be revoked or suspended, except upon a written verified Complaint filed with the Town Clerk. The licensee shall be served with a written copy of the Complaint and shall be given an opportunity to be heard before the Town Board. A Summons signed by the Town Clerk shall command the licensee complained of to appear on a day and place, not less than three (3) days nor more than ten (10) days from the date of issuance. The Summons and a copy of the Complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided for in §801 of *Wis. Stats.*

2. At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross examine witnesses and, upon request, may have subpoenas issued by the Town Chair of the council to compel the attendance of witnesses.

3. After hearing the evidence, the Town Board may revoke such license or impose a limited period of suspension. The determination of the Town Board shall be final, subject to review under Chapter 68, *Wis. Stats.*

4. If the licensee does not apply for a hearing within the time provided, the license may be revoked by the Town Board.

SECTION 5. Non-renewal of Licenses or Permits. Any applicant for a license or permit who is denied renewal of a license shall have the right to an administrative hearing on the same pursuant to Chapter 68, *Wis. Stats.* Any applicant who is denied renewal of an alcoholic beverage license shall have the right to review the denial pursuant to §125.12 *Wis. Stats.*

SECTION 6. Duty of Clerk with Regard to Licenses. The Town Clerk shall be charged with the administration of all ordinances relating to licenses unless otherwise provided by the Town Board.

SECTION 7. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Ordinance which can

be given effect without the invalid provisions or application and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 8. Effective Date. This ordinance is effective on publication or posting, as provided by law.

The Town Clerk shall properly post or publish this ordinance as required under §60.80, *Wis. Stats.*

Adopted this 4th day of June, 2012.

By the Town Board of the Town of Fort Winnebago, Columbia County, Wisconsin.

William Schroeder
William Schroeder, Chairperson

Attest: Kristine M Conway
Kristine Conway, Clerk

Published/Posted: _____, 2012