

Town of Troy

Post Office Box 286
East Troy, Wisconsin 53120

CHAPTER 11 ORDINANCE 2002-1

BUSINESS CONTINUATION ORDINANCE

The Town of Troy, Walworth County, does ordain as follows:

1. As a condition of maintaining and keeping a license in this town any and all licensees must continue in business. Issuance or retention of a license by a party not doing business is hereby declared to be against public policy and lacking in usefulness.

2. "Business continuation" is hereby defined to be: No licensee shall cease conducting business with the public for a period of ninety or more consecutive days.

"Open" means conducting business publicly at least 6 hours per calendar day.

3. In the event any licensed party violates this ordinance the town may take disciplinary action, including reprimand, license suspension for a specified number of days (up to 90 days), or revocation. Any license that has been revoked shall not be reinstated within the following 12 months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. The hearing notice, which will include the reason for the hearing, and later the hearing decision on the board, will be sent by first class mail to the licensee's last known address, or personally served at the town chairperson's option.

4. In the event disciplinary action is taken against an alcohol licensee, the procedure mandated under present Wisconsin Statute 125.12, or its successor, will be followed. At present, said procedure requires personal service of the hearing notice (summons) and complaint, and a hearing with 3 – 10 days thereafter. In the event the licensee cannot be found, the summons may be published once in a newspaper of general circulation deemed most likely to provide notice to the license holder.

5. There shall be no refund of any license fee paid to a party whose license is revoked.

6. In lieu of a hearing, the town board may accept surrender of the license, and the board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.

7. Evidence and testimony at the hearing shall be done in open session. Pursuant to 19.85(1) (a), the board may go into closed session to deliberate with regard to its decision, where that possibility has been listed on the hearing notice posted or published. The Clerk shall see that the hearing notice is posted or published, in format acceptable to the chairperson.

8. RENTER. When a tenant has not done business in the licensed premises for at least 30 consecutive days, voluntarily vacated the premises more than 30 days before the board decision, or was court ordered out of the premises with vacation to be at least 30 days before the board's decision, grounds for suspension or revocation exists. Testimony of any party, eviction notice, court documentation or other valid evidence of such actions may be presented. The board may issue a summons and set up the hearing date prior to the expiration of the 30 day period, and may make its decision effective on a later date, in its discretion.

9. SEVERABILITY. In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect.

10. EFFECT. This ordinance shall take effect following passage and posting in three public places by the Clerk.

11. COSTS. Unless no disciplinary action, including reprimand or probation, is ordered by the board, the license holder shall reimburse the town costs of personal service, mailing, fax costs, copies and any per diem paid for a town officer to attend the hearing or other meeting due to a license violation. Payment of the fees shall earn 5% interest if unpaid within 30 days. Payment shall be required before any future license is issued or reinstated to the license holder.

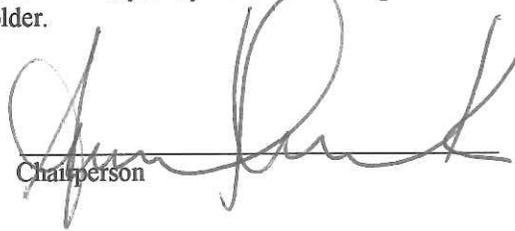
Passed on: 11-13-02

Vote for: 3 against 0

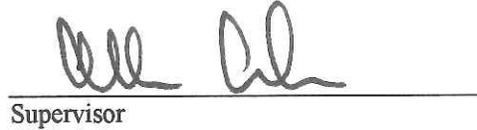
Posted on: 11-14-02

Posted at:

Town Hall
Municipal Garage
Barley's Tap + Grill


Chairperson


Supervisor


Supervisor


Clerk