

TOWN OF LANARK

CONTINUING BUSINESS LICENSE ORDINANCE

Ordinance No. 2-06

The Town Board of the Town of Lanark, Portage County, Wisconsin, do ordain as follows:

Section One: This Ordinance is entitled "Continuing Business License Ordinance." The Town Board of the Town of Lanark has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and by its adoption of village powers under Sec. 60.10, (2003-2004) Wis. Stats., to regulate, control, license, register or permit in the Town of Lanark persons engaged in certain uses, activities, businesses and operations at certain locations in the Town of Lanark, to assess these persons with appropriate fees for the licenses and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses.

Section Two: It shall be a condition of maintaining and keeping a license in this Town, that the licensee continue in business. Issuance of, or retention of, a license by a party not doing business, is hereby declared to be against public policy, and lacking in usefulness.

Section Three: "Business continuation" is hereby defined to be: No licensee shall cease conducting business with the public for a period of 90 consecutive days, or longer.

Section Four: In the event any licensed party violates this ordinance, disciplinary action may be taken by the Town Board, including reprimand, suspension of the license for a specified number of days (up to 90 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 Any license that has been revoked shall not be reinstated within the following six months.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 follow notice to the licensee prior to a hearing. Both the hearing notice, which will include the reason for the hearing, and the decision of the board, will be sent by first class mail to the last known address of the licensee, or personally served, at the option of the Town Chairperson.

Section Five: In the event disciplinary action is taken against an alcohol licensee, the state 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 within 3 – 10 days thereafter.

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

Section Seven: 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.

Section Eight: Evidence and testimony at the hearing shall be done in open session. Pursuant to Wisconsin Statute 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.

Section Nine: 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.

Section Ten: EFFECT. This Ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and be posted in three public places as required by law.