

ORDINANCE NO. 34

The Town Board of the Town of Oakland, Jefferson County, Wisconsin, DO ORDAIN as follows:

SECTION 1.

It shall be a condition of maintaining and keeping a license in the Town of Oakland 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 2.

A business shall be considered to have discontinued doing business, for purposes of this ordinance, when it has been closed and/or has not conducted business for a period of ninety (90) continuous days.

SECTION 3.

In the event any licensed party is not continuing in business, as herein defined, it shall immediately surrender its license to the Town Clerk. In addition, any party not continuing in business, as herein defined, shall not apply for issuance or reissuance of a license.

SECTION 4.

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 ninety (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 Any license that has been revoked shall not be reinstated within the following six months.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 5.

In the event disciplinary action is taken against an alcohol licensee, the state procedure mandated under present Wis. Stats. 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.

SECTION 6.

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

SECTION 7.

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 8.

Evidence and testimony at the hearing shall be done in open session. Pursuant to 19.85(1)(a), Wis. Stats., 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 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.

SECTION 10. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication and/or posting.

Dated this 15<sup>th</sup> day of May, 1990.

TOWN BOARD, by:

Raymond A. [Signature]  
Town Chairman

Attest:

Evelyn J. [Signature]  
Town Clerk

Passed: 5/15/90

Vote: Ayes: 3 Noes: 0

Published: May 24, 1990.