

## Ordinance #1-2023

### CONTINUATION OF BUSINESS ORDINANCE

The Town Board of the Town of Draper, Sawyer County, hereby ordains Ordinance #1-2023 Continuation of Business Ordinance, as follows:

1. PURPOSE: Section 125.51(4), Wis. Stats., limits the number of retail "Class B" alcohol licenses that a municipality may issue. In light of this statutory quota, the Town of Draper, Sawyer County, desires to grant and issue "Class B" alcohol retail licenses to licensees who demonstrate the continuation of a business satisfactory to the Town. Retention of a "Class B" alcohol retail license by a party not conducting business is hereby declared to be against public policy and lacks value to the town.
2. AUTHORITY: The town board has authority under s. 125.10, Wis. Stats., and under its village powers, as set forth in Wis. Stats., ss. 60.10(2)(c) and 60.22(3), Wis. Stats.), to adopt this ordinance.
3. DEFINITIONS: a. "Business continuation" is hereby defined as being open for business and demonstrating a continuation of business in accordance with the terms set forth in Section 4 of this ordinance. b. "Open" means conducting business publicly at least 5 hours per calendar day.
4. STANDARD: It shall be a condition of maintaining and keeping a "Class B" alcohol retail license in the Town of Draper, Sawyer County, that the licensee continue in business. A licensee of a "Class B" alcohol retail license is not demonstrating business continuation if any of the following is demonstrated:
  - a. The licensed premises has not been open for business and conducting business on the premises for activities for which the license was granted for at least 5 consecutive days in a one year period;
  - b. The licensee has voluntarily vacated the premises more than 30 days before the hearing held under this ordinance;
  - c. The licensee was ordered by a court of competent jurisdiction to vacate the premises at least 30 days before the hearing held under this ordinance.
5. SUSPENSION, REVOCATION, NON-RENEWAL OF LICENSE:
  - a. In the event any licensee violates this ordinance, disciplinary action may be taken by the town board, which may include, but is not limited to, suspension, revocation or non-renewal of the license. Any license that has been revoked shall not be reinstated within 12 months of the date of revocation.

b. In the event a disciplinary action is taken against an alcohol licensee, the town board shall comply with the procedure set forth in s. 125.12(2), Wis. Stats. The town board shall issue a summons, signed by the clerk, and set a hearing, not less than 3 days and not more than 10 days from the date of issuance of the summons, to determine whether the license shall be suspended or revoked. The summons is to be personally served on the licensee at least 3 days prior to the hearing date. In the event the licensee cannot be found, the summons may be published once in a qualified newspaper likely to apprise notice to the licensee.

c. Evidence and testimony to be considered at the hearing shall be provided in open session. Pursuant to s. 19.85 (1)(a), Wis. Stats., the town board may go into closed session to deliberate its decision provided proper notice has been given.

d. There is no refund of a fee to the licensee for a license that is revoked.

e. In lieu of a hearing, the town board may accept the surrender of a license from the licensee. The board also may determine the time period for when this licensee may apply for the same type of alcohol retail license in the future.

6. EXEMPTION: "Class B" alcohol retail licenses granted by the town board but not yet issued are exempt from the requirements of this ordinance.

7. 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.

8. EFFECTIVE DATE. This ordinance shall take effect on publication or posting in accordance with s. 60.80, Wis. Stats. Adopted this 13th day of March, 2023 by the Town Board of the Town of Draper, Sawyer County.



William Heath, Town Chair



Judy Sobral, 2nd Supervisor



Elizabeth Klein, Town Clerk

Adopted this 13<sup>th</sup> Day of March, 2023 by a quorum of supervisors present and voting at a properly noticed Town Board meeting. Published under s. 60.80, Wis. stats.