

TOWN OF FLORENCE  
CONTINUING BUSINESS LICENSE ORDINANCE  
NO 04-24-2023

The Town of Florence, Florence County, does ordain as follows:

1. It shall be a condition of maintaining and keeping a Class B Liquor License in the Town of Florence, that the licensee continue in business. Issuance of, or retention of, a license by a party not doing business or intending to resume doing business under conditions of this Ordinance, as defined as follows, is declared to be against public policy, and thus lacking in usefulness.
2. Any license issued pursuant to this Ordinance shall be subject to such further regulations and restrictions as may be imposed by the Town Board of Florence by amendments or by enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such law restrictions and regulations, his/her license may be revoked.
3. "Business continuation" of a license is hereby defined to mean as follows: Should a license issued under this Ordinance not be used (open for business) within sixty days after its issuance, such situation may be grounds for cancellation or revoking of the license. This includes any licensee who ceases to conduct business (open for business) for a period of 90 or more consecutive days. Ceasing in operation is considered a violation of this ordinance and is subject to license being revoked. All licensees must be in possession of all valid selling or other permits required to do business.
4. In the event any licensed party violates this ordinance, the town board may take disciplinary action, including reprimand, license suspension for a specified number of days (up to 90 days), or revocation of license. Any license that has been revoked shall not be reinstated within the following 12 months to the same licensee. In the event disciplinary action is taken against a licensee, the state procedure mandated under present Sec. 125.12, Wis. Stats., 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. In the event the licensee cannot be found, the summons may be published once in a newspaper or 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 by the former licensee.
7. Evidence and testimony at the hearing shall be done in open session. Pursuant to 19.86(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 exist. 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 30-day period, and may make its decision effective on a later date, in its discretion.

9. EXCEPTIONS: Exceptions to the above requirements of business continuation to possess a necessary license would be any act of God which may damage or destroy the facility for which the license has been issued to operate the business from. In such cases, the holder of the license will be allowed a maximum of one (1) year to repair damages or rebuild the damaged or destroyed facility and again resume operating the business from the premises for which the license issued was intended. The holder of a license of a damaged or destroyed business shall also be required to meet with the Town Board at the Board's discretion to discuss the situation and progress. Again, the Board reserves the right to revoke such license if, in its opinion, progress toward repair or rebuilding is not progressing in a timely manner. In such cases, the holder of the license has the express right to request a hearing, and any other appeal avenues which may be available to the license holder.
  
10. 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.
  
11. EFFECT AGAINST CURRENT LICENSE HOLDERS: This ordinance is only effective against your current licenses during the next license year. However, it is effective against any new licensees during the current year, if they apply after ordinance passage.
  
12. COSTS: Unless no disciplinary action, including reprimand or probation, ordered by the board, the license holder shall reimburse the town for 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: April 24, 2023

Vote for: 3 against 0

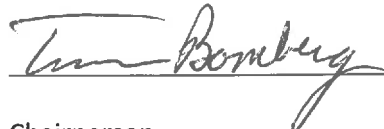
Posted on: April 25, 2023

Posted at:

FLORENCE POST OFFICE

FLORENCE COUNTY COURT HOUSE

TOWN OFFICE AND COMMUNITY CENTER

  
\_\_\_\_\_

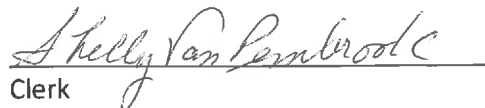
Chairperson

  
\_\_\_\_\_

Supervisor #1

  
\_\_\_\_\_

Supervisor #2

  
Clerk