
REVOCATION AND SUSPENSION OF LIQUOR LICENSES
DUE TO NON-USE, NON-RENEWAL

(a) **Procedure.** Whenever the holder of any liquor license violates any portion of this Ordinance, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by State Statutes.

(b) **Cancellation of Premised Licenses.**

- (1) **Grounds for Cancellation for Nonuse of License.** Any Class A or Class B Fermented Malt and/or Intoxicating Liquor Licenses granted under this Chapter for which the subject premises:
- a. Is not open for business within ninety (90) days of the granting of such license; or
 - b. Is not open for business for a period of ninety (90) consecutive days or more; or
 - c. Is not open for business at least fifty percent (50%) of the days within any twelve (12) month period, either within a licensing year or overlapping two (2) licensing years.

shall be canceled unless, after notice and hearing as provided in State Statutes, the Town Board shall determine that good cause exists for the failure of the licensee to be open for business for periods in excess of the minimums set forth in this Subsection. If such cause is found to exist, the Town Board may set such terms as it deems appropriate to the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must open for business to avoid cancellation of the subject license(s).

(2) **Seasonal.** License granted to a premises, the business operation of which is seasonal in nature and which is or shall be continuously closed for a period of ninety (90) days or longer and the licensee has to have notified the Town Clerk in writing as to the period of anticipated off-season closure, shall not be subject to the provisions as to non-use, discontinuance and cancellation for non-use appearing in Subsection (b)(1) above. However, should the period of closure continue for ninety (90) days beyond the terminus date set forth in such writing for such closure, or should non-use or discontinuance appear to be due to other than the seasonal nature of the business, the Town may properly proceed under the provisions of Subsection.

(3) **Notice and Hearing.** Prior to cancellation of any license, the Town Clerk shall notify the licensee in writing of the Town's intention to cancel the license for nonuse and provide the licensee with an opportunity for a hearing. Such notice shall also specify the time, place and date of the hearing, which shall be not less than fifteen (15) days after the date of the notice. Such hearing shall be conducted as provided in accordance with Sec. 125.12(2)(b) of the Wisconsin Statutes, or any amendments thereto. Judicial review shall be as provided in Sec. 125.12(2)(d), Wis. Stats., or any amendments thereto.

The Town Board adopted this Ordinance on the 16th day of August, 2010.

The Ordinance shall be effective upon adoption and publication, dated the 26th day of August, 2010.

Attest:

Diane Boyd
Diane Boyd, Town Clerk

Approved:

[Signature]
Town Chairman

[Signature]
Town Supervisor

[Signature]
Town Supervisor