

ORDINANCE NO. 5-18 (2015)

AN ORDINANCE ON CANCELLATION OF ALCOHOL
BEVERAGE LICENSES FOR NON-USE

The Town Board of Farmington does ordain as follows:

SECTION 1.

1. CANCELLATION OF LICENSES FOR NON-USE.

a) Grounds for Cancellation. Any Class A or Class B fermented malt and/or liquor license or Class "C" wine license granted under this chapter for which the subject premises:

1. Is not open for business within 180-day of the granting of such license; or
2. Is not open for business at least 50% of the days within any 12-month period, either within a licensing year, or overlapping 2 licensing years,

shall be cancelled unless, after notice and hearing as provided for in subparagraph (b) below, 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 above. 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 be open for business to avoid cancellation of the subject license.

b) 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 non-use 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 not be less than 15 days after the date of the notice. Such hearing shall be conducted as provided in accordance with §125.12(2)(b), Wis. Stats., and any amendments thereto.

2. REVOCATION, SUSPENSION AND REFUSAL TO RENEW LICENSES.

a) Procedure. The provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for the revocation, suspension and refusal to renew all licenses granted under this section. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution. In

any proceedings during which the decision to revoke, suspend or refuse to renew is made, the Town Board may consider the following cause in addition to those provided in §125.12(2)(ag), Wis. Stats.

1. Discontinuance or abandonment of the use of a licensed premises for a period exceeding 90 days without the express approval of the Town Board.
- b) Repossession of License. Whenever any license under this section shall be revoked or suspended pursuant to this subsection, it shall be the duty of the Town Clerk to notify the licensee of such suspension or revocation and to notify the Sheriff, who shall take physical possession of the license wherever it may be found and file it in the Town Clerk's office.
- c) Effect of Revocation of License. Whenever any license shall be revoked, at least 6 months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before any other license shall be granted to the person whose license was revoked.

SECTION 2. This Ordinance shall take effect upon passage and publication according to law.

Approved: May 18, 2015.

TOWN OF FARMINGTON

by [Signature]
Kevin Will, Chairman

by [Signature]
Caroline Murphy, Supervisor

by [Signature]
Craig Nelson, Supervisor

Adopted: May 18, 2015.
Approved: May 18, 2015.
Published: May 28, 2015.

ATTEST:
[Signature]
Sandy Grenlie, Clerk/Treasurer