

# TOWN OF BROOKLYN, GREEN COUNTY, WI

## ORDINANCE # 5.8

### Title: LICENSEES/PERMITTEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS

**Adopted: 03/24/2015**

This ordinance supersedes ordinance # 06-11-2007 entitled "LICENSEES/PERMITTEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS" with a change in numbering, format and wording (*all that apply*) but no change in substance.

#### **Section 1: Licensees/Permittees Required to Pay Local Taxes, Assessments and Claims:**

- (a) **Payment of Claims.** The Town of Brooklyn shall not issue or renew any license or permit within the Town of Brooklyn, including but not limited to the issuance or renewal of a license to vend, sell, deal or traffic in intoxicating liquor, wine or fermented malt beverages:
- (1) For any purposes for which taxes, assessments or other claims of the Town are delinquent and unpaid.
  - (2) For any person who is delinquent in payment:
    - (a) Of any taxes, assessments or other claims owed the Town; or
    - (b) Of any forfeiture resulting from a violation of any Town Ordinance.
- (b) **Exemption.** This Section shall apply to all licenses or permits issued by the Town except for licenses issued in connection with the ownership of pets.
- (c) **Applicability.** An application for renewal of a license or permit subject to this Ordinance shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Hearings.** Prior to any denial of an application for renewal of a license or permit including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided.

(1) With respect to licenses to vend, sell, deal or traffic in intoxicating liquor, wine or fermented malt beverages, renewable by the Town Board, notice and opportunity for hearing shall be as provided by § 125.12, Wis. Stat., as amended from time to time, and Town ordinances.

(a) In the event any alcohol beverage retail or wholesale sale licensee or permittee violates this ordinance of chapter 125 Wis. Stat., the town board may take disciplinary action, including reprimand, permit or license suspension for a specified number of days, up to 90 days, or permit or license revocation. Any license or permit that has been revoked shall not be reinstated within the following 12 months. Any disciplinary action taken by the town board shall follow notice to the licensee or permittee prior to a hearing in accordance with subsection (b). The hearing notice shall include the reason for the hearing. The hearing decision of the town board, shall be sent by first class mail to the licensee's last known address, or personally served, at the town chairperson's option. In the event disciplinary action is taken against an alcohol beverage retail or wholesale sale licensee or permittee, the procedure mandated under s. 125.12, Wis. Stats., or its successor, will be followed. [Section 125.12(2) (ar), Wis. Stats., requires personal service of the hearing notice (summons) and complaint, and a hearing within 3 to 10 days thereafter. In the event the permittee or licensee cannot be found, the summons may be published once in a newspaper of general circulation deemed most likely to provide notice to the license holder.]

(b) There shall be no refund of any alcohol beverage retail or wholesale sale license or permit fee paid to a party whose license is revoked or suspended under this ordinance.

(c) In lieu of a hearing, the board may accept surrender of the alcohol beverage retail or wholesale sale license or permit and the board shall then determine the time period before another application for the same type of license or permit will be accepted from the former licensee or permittee.

(d) Evidence and testimony at the hearing shall be given in open session. The town clerk shall post or arrange to post the hearing notice or publish in a format acceptable to the town chairperson.

(e) Unless no disciplinary action, including reprimand or probation, is ordered by the town board, the alcohol retail sale or wholesale licensee or permittee shall reimburse the town for costs of personal service, mailing, taxing, copies, and any per diem paid for a town officer to attend the hearing or other meeting due to a license violation. Unpaid costs assessed under this subsection shall accrue interest at the rate of 5% per annum if unpaid after 30 days. Payment is required before any future alcohol retail or wholesale sale licensee or permittee is issued or reinstated to the license or permit holder.

(2) With respect to licenses or permits other than those described in Subsection

(a) herein, the Town Board or its assignee shall notify the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Town Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board

on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Town Board shall conduct a hearing with respect to the matter. At the hearing, both the Town and the applicant may produce witnesses, cross examine witnesses and Town of Brooklyn

be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Town Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

- (e) **Appeals.** Where an individual, business or corporation wishes to appeal the Town Clerk's decision not to issue a license or permit under this ordinance on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Town Clerk that the matter be referred to the Town Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Town Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision, which shall be binding.

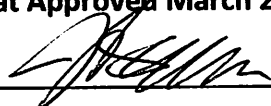
**Section 2: Duty of Clerk with Regard to Licenses or Permits.**

The Town Clerk shall be charged with the administration of all ordinances relating to license and permits unless otherwise provided by the Town Board.

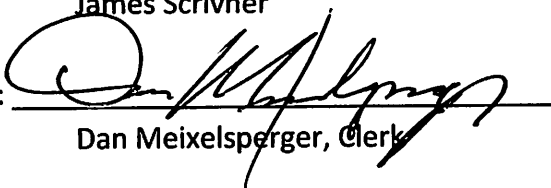
**Effective Date**

This ordinance shall be effective one day after its publication or posting as required bylaw. Adopted by the town Board this 13<sup>th</sup> day of August, 2007 by a vote of 3 aye and 0 nay.

**Revised Format Approved March 24<sup>th</sup>, 2015 by Town Board of Supervisors,**

Chairman:   
James Scrivner

Dated: 3/26/2015

Attested:   
Dan Meixelsperger, Clerk