

**TOWN OF EAGLE POINT
CHIPPEWA COUNTY
STATE OF WISCONSIN
ORDINANCE 2015-2**

ORDINANCE AMENDING EXISTING ORDINANCE TO LICENSE AND REGULATE THE SALE OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES WITHIN THE TOWN OF EAGLE POINT, WISCONSIN

The Town Board of the Town of Eagle Point, Wisconsin, does hereby ordain as follows:

Section 1: The ordinance to license and regulate the sale of intoxicating liquor and fermented malt beverages within the Town of Eagle Point, Wisconsin, as amended April 5, 1976 and May 3, 1983, is further amended to add the following Section VI(D):

(D) REQUIRED CONTINUATION OF BUSINESS.


1. As a condition of maintaining and keeping an alcohol beverage retail sale license for a premises in the Town of Eagle Point, any licensee of a premises must stay open for business and continue in business and demonstrate business continuance satisfactory to the Town Board. Issuance or retention of a license by a party not open for business and not demonstrating business continuation is declared by this ordinance to be against public policy of the Town of Eagle Point. A determination by the Town Board that a person is not demonstrating business continuation establishes grounds for suspension or revocation of the alcohol beverage retail sale license. The Town Board shall issue a summons and set a hearing to determine whether the license shall be suspended or revoked under this subsection. The hearing shall be held not later than thirty (30) days after the summons is issued. The Town Board may make its decision effective on a later date, in its discretion. The procedure for the hearing shall be in accordance with Section 125.12 of the Wisconsin Statutes. Testimony of any party, any eviction notice, court documentation, or other valid evidence of such actions may be presented. All testimony shall be under oath. A person who was licensed or permitted for the premises for an alcohol beverage retail premises is not demonstrating business continuation if any of the following is demonstrated:
 - a. The person has not done business in the premises for at least one hundred eighty (180) consecutive days from July 1 - June 30 of the license year, except that a licensed premises may be closed seasonally between December 1 – March 31 of the license year without demonstrating business continuation, subject to the following limitations in this paragraph.
 - b. The person has voluntarily vacated the premises more than one hundred eighty (180) days.
 - c. The person was ordered by a court of competent jurisdiction to vacate the premises.
 - d. The person has delinquent real estate taxes, personal property taxes, or outstanding liquor bills due on the premises in which the establishment is taxed.


2. In the event that a license is granted or issued and the premises is destroyed or use thereof lost, such license shall not be renewed unless the license holder presents to the Town Board a plan for renovation or new facilities to be completed within 180 days. The Town Board may, for good cause shown, prior to the expiration of the 180-day period, grant up to an additional 180 days.
3. There shall be no refund of any license fee paid to a party whose license is revoked or suspended.
4. In lieu of the hearing described above using the procedure described in Section 125.12 of the Wisconsin Statutes, the Town Board may accept surrender of the license and the Town Board shall then determine the time period before another application for the same type of license will be accepted from the former licensee for the respective premises.
5. Evidence and testimony at the hearing described above shall be done in open session pursuant to Section 19.85(1)(a) of the Wisconsin Statutes. The Town Board may go into a closed session to deliberate with regard to its decision, which this possibility shall be listed on the hearing notice and be posted or published. The Town Clerk shall see that the hearing notice is posted or published in a format acceptable to the Town Board.

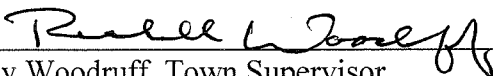
Section 2: This ordinance shall be effective upon passage and posting as provided by Law.

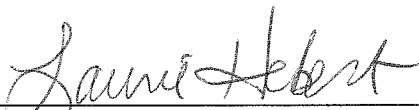
Passed by the Town Board, Town of Eagle Point, Chippewa County, Wisconsin this 16 day of February, 2015.

TOWN OF EAGLE POINT

BY: 
Dennis Ferstenou, Town Chairman

BY: 
Frank Braswell, Town Supervisor

BY: 
Randy Woodruff, Town Supervisor

Attest: 
Laurie Hebert, Town Clerk

Adoption February 16, 2015

Publication February 17, 2015

CERTIFICATION OF ADOPTION

The undersigned, Town Clerk of the Town of Eagle Point, Chippewa County, Wisconsin, does hereby certify that the foregoing Ordinance Amendment was adopted by the Town Board, Town of Eagle Point, on February 16, 2015, and that a copy thereof was posting in three public places in the Town of Eagle Point on February 17, 2015, and that the ordinance is now in full force and effect.

Dated this 16 day of February, 2015.

Laurie Hebert

Laurie Hebert, Town Clerk