

**CHAPTER 22  
TOWN OF WILSON  
SHEBOYGAN COUNTY, WISCONSIN  
CONTINUATION OF BUSINESS ORDINANCE**

The Town Board of the Town of Wilson, at a duly-noticed public meeting with quorum present and voting, hereby ordains the following:

**Section 1: Purpose.**

Section 125.51(4) of the Wisconsin Statutes limits the number of retail “Class B” alcohol licenses that a municipality may issue. In light of this statutory quota, the Town of Wilson desires to grant, issue, and renew “Class B” alcohol retail licenses to licensees who demonstrate the continuation of a business satisfactory to the Town. Retention of a “Class B” alcohol retail license by a party not conducting business is hereby declared to be against public policy and lacks value to the Town.

**Section 2: Authority.**

The Town Board has authority under Wis. Stat. § 125.10 and under its village powers as set forth in Wis. Stat. § 60.10(2)(c) and Wis. Stat. § 60.22(3) to adopt this Ordinance.

**Section 3: Definitions.**

The following definitions shall apply to this Ordinance:

- (a) “Business Continuation” means being Open for Business and demonstrating a continuation of business in accordance with the terms set forth in Section 4 of this Ordinance.
- (b) “Open for Business” means conducting business publicly at the licensed premises at least six hours per calendar day.

**Section 4: Standard.**

It shall be a condition of maintaining and keeping a “Class B” alcohol retail license in the Town of Wilson that the licensee demonstrate Business Continuation satisfactory to the Town Board. The Town Board may determine that a licensee of a “Class B” alcohol retail license is not demonstrating Business Continuation if any of the following is demonstrated:

- (a) The licensed premises has not been Open for Business on the licensed premises for activities for which the license was granted for at least 30 days during any 180-day period.
- (b) The licensee has voluntarily vacated the premises more than thirty days before the hearing held under this Ordinance.
- (c) The licensee was ordered by a court of competent jurisdiction to vacate the premises at least thirty days before the hearing held under this Ordinance.

**Section 5: Suspension, Revocation, Non-Renewal of License.**

In the event any licensee violates this Ordinance, disciplinary action may be taken by the Town Board, which may include, but is not limited to, suspension, revocation, or non-renewal of the license. Any license that has been revoked shall not be reinstated within 12 months of the date of revocation. In the event a disciplinary action is taken against an alcohol license, the Town Board shall comply with the procedures set forth in Wis. Stat. § 125.12(2). In lieu of a hearing on the disciplinary action, the Town Board may accept the surrender of the license from the licensee.

Upon surrender, the Town Board may determine the period of time that must elapse before the licensee may apply for reinstatement of the license.

**Section 6: Severability and Effective Date.**

In the event any portion of this Ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect. This Ordinance shall take effect on publication or posting as required by law.

**Effective Date.** The herein Ordinance shall take effect upon enactment and publication.

Enacted this 19<sup>th</sup> day of August 2019

Town of Wilson by John Ehmann, Chairman

This is to certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Wilson on the 19th day of August 2019. Julie Wicker, Clerk