

**TOWN OF MILTON**  
**ORDINANCE NO. 2021-1**

**AN ORDINANCE AMENDING CHAPTER 205 OF THE TOWN CODE REGARDING CONTINUATION OF BUSINESS FOR BUSINESSES THAT HAVE OBTAINED ALCOHOL RELATED LICENSES FROM THE TOWN.**

WHEREAS, the Town Board has previously created Chapter 205 of the Town Code, providing for rules and regulations of Alcoholic Beverages within the Town, and the Town now desires to add to this Chapter by creating Section 18 relating to the continuation of alcohol related businesses; and

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF MILTON, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1: Chapter 205, Section 18 of the Town of Milton Code of Ordinances, is hereby created to read as follows:

**“§205-18 – Continuation of Business**

- A. PURPOSE: Wis. Stat. § 125.51(4), limits the number of retail “Class B” alcohol licenses that a municipality may issue. In light of this statutory quota, the Town desires to grant and issue “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.
- B. AUTHORITY: The Town Board has authority under Wis. Stats. § 125.10 and as set forth in Wis. Stats. §§ 60.10 (2)(c) and 60.22 (3) to adopt this ordinance.
- C. DEFINITIONS
  - a. “Business continuation” is hereby defined as being open for business and demonstrating a continuation of business in accordance with the terms of Section D. of this ordinance.
  - b. “Open” means conducting business publicly at least 6 hours per calendar day.
- D. STANDARD: It shall be a condition of maintaining and keeping a “Class B” alcohol retail license in the Town that the licensee continue a business. 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 have not been open for business and conducting business on the premises for activities for which the license was granted for at least 60 consecutive days in any 180-day period.
  - b. The licensee has voluntarily vacated the premises more than 10 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 10 days before the hearing held under this ordinance.
- E. SUSPENSION, REVOCATION, NON-RENEWAL OF LICENSE:
  - a. 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 this license. Any license that has been revoked shall not be reinstated within 6 months of the date of revocation.

- b. In the event a disciplinary action is taken against an alcohol licensee, the Town Board shall comply with the procedure set forth in Wis. Stat. § 125.12(2).
- c. Evidence and testimony to be considered at the hearing shall be provided in open session. The Town Board may go into closed session to deliberate its decision provide proper notice has been given.
- d. There is no refund of a fee to the licensee for a license that is revoked.
- e. In lieu of a hearing, the Town Board may accept the surrender of a license from the licensee.

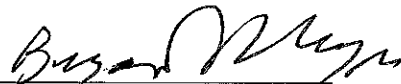
F. EXEMPTION

- a. "Class B" alcohol retail licenses granted by the Town Board but not yet issued are exempt from the requirements of this ordinance.
- b. "Class B" alcohol retail licenses granted to seasonal businesses are exempt from the provisions of this ordinance during their off-season months. However, the provisions herein shall apply during the seasons the business is open.

G. SEVERABILITY: In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect."

SECTION 2: This ordinance shall take effect on passage by the Town Board and publication or posting in accordance with Wis. Stat. § 60.80.

Date: 3-8-2021

  
Bryan Meyer, Town Chair


## CERTIFICATION

I hereby certify that the above Ordinance No. 2021-1 was adopted by the Town Board of the Town of Milton on the 8th day of March, 2021, and that on the 9th day of March, 2021, copies of the above Ordinance were posted by me in three places in the Town of Milton, Rock County, Wisconsin, as follows:

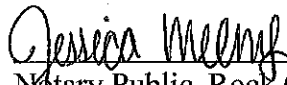
Town's Website

Town Hall-23 First St, Milton

Historic Lake House Inn

  
\_\_\_\_\_  
Marcy Granger, Town Clerk  
Town of Milton, Rock County, Wisconsin

Subscribed and sworn to before me this  
9<sup>th</sup> day of MARCH, 2021.

  
\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: 1/22/22

