

CHAPTER 18**LICENSES**

- 18-1 LICENSE YEAR.
- 18-2 CIGARETTE SALES.
- 18-3 NON-ISSUANCE OF CITY LICENSES AND PERMITS/DELINQUENT TAXES, ASSESSMENTS AND SPECIAL CHARGES.

SECTION 18-1 LICENSE YEAR.

Unless otherwise specifically provided, the license year for licenses granted under the provisions of this chapter shall begin on July 1st in each year and end on June 30th in the following year.

SECTION 18-2 CIGARETTE SALES.

The license regulating tobacco in the City shall be governed by the provisions of Section 134.65 of the Wisconsin Statutes.

- (a) The annual fee for such license shall be \$100.00. There shall be no proration of this fee for licenses issued during the license year.

SECTION 18-3 NON-ISSUANCE OF CITY LICENSES AND PERMITS/DELINQUENT TAXES, ASSESSMENTS AND SPECIAL CHARGES.

- (A) Unless otherwise specifically provided within this municipal code, licenses and permits shall not be issued:
 - 1) Premises. For any premises for which taxes, assessments, or special charges are delinquent and unpaid.
 - a. This subsection 1) shall not apply to prohibit the issuance of a license for any premises if:
 - i. the unpaid taxes, assessments or special charges were levied against the premises; and
 - ii. the license is necessary for the conduct of business on the premises by a lessee of the premises; and
 - iii. the licensee and owner have no immediate or extended family, business, or financial relationship with one another other than as landlord and tenant.
 - 2) Persons. To any person who is delinquent in the payment of taxes, assessments or special charges related to the business or property for which the license or permit is sought.
- (B) Appeal. Alleged errors in the determination of non-issuance of the license may be appealed to the Finance Director within 5 days of notice of the non-issuance of the license or permit. The Finance Director shall issue a notice setting forth a date and time for hearing on the matter, not less than three (3) days nor more than fifteen (15) days after the date of the notice of hearing. At the hearing,

the complainant and a representative of the City may be represented by counsel, may present evidence and call and examine witnesses and cross examine witnesses of another party. Such witnesses shall be sworn or affirmed by the person conducting the hearing. The Finance Director shall act as the decision maker. If the Finance Director is unable to so act, a decision maker shall be appointed by the City Manager.

A written determination shall be made directing the continued holding of the license or permit or the issuance of such license or permit. Within ten (10) days of the hearing, the written determination shall be mailed to all interested parties and shall be placed on file with the City Clerk by the decision maker. The written decision shall specify the reasons for the decision made.

Within ten days of the date of posting of the written decision, any person aggrieved thereby may appeal such decision to the Common Council. Appeals shall be taken by filing a notice of appeal specifying the grounds therefor with the City Clerk. On Appeal the Finance Director or other decision maker shall forthwith transmit all papers relating to such appeal to the City Clerk. The Clerk shall give notice of the appeal to the Common Council at its next regular meeting. The Council shall then fix a reasonable time for hearing of the same and give public notice thereof, as well as notice to the parties interested, and shall promptly decide the appeal. Any party to the proceeding as well as any person who may be adversely affected by a decision of the Council may appear at the hearing and may produce witnesses and be represented by counsel. In addition to any other witnesses presented, the council may subpoena and examine such other persons as it may deem necessary for a fair and impartial hearing of the appeal. The Clerk shall swear or affirm all persons testifying before the council in regard to the appeal, and shall maintain a record of all testimony and other evidence as may be presented.

The Council may reverse, affirm, or modify the decision of the Finance Director or other decision maker appealed from, and to this end may direct issuance or non-issuance of any license or permit. Within ten (10) days after the decision on any appeal, the City Clerk shall cause due notice thereof in writing to be mailed to all parties to the appeal as well as any other persons who may have appeared therein at their last known post office address. Such notice shall specify the grounds for the decision.

Any person aggrieved by the decision of the Common Council on appeal may seek such other legal relief as may be available.