

PART II LICENSES AND REGULATIONS

Chapter 19 LICENSES AND PERMITS

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19.01 Purpose

The village board declares that in order to improve the process for the handling of the issuance of permits and licenses as required by the various village ordinances and to reduce the time required for issuance of such permits and licenses and the costs of services rendered by the village of Lake Delton, it is necessary to establish fees, procedures and delegate authority for issuing permits and licenses. It is the village board's stated purpose that to the extent provided by law, the fees it charges for permits and licenses the village of Lake Delton issues are established to recover its costs incurred in issuing said licenses and permits, and providing benefits or services. To ensure the constitutional rights of due process to all holders of licenses and permits the village issues, this chapter hereby establishes the procedures to observe in any proceeding or matter instituted for revoking, suspending, or not renewing any such license or permit, or in any circumstance that may result in any such proceeding or matter.

19.02 Licenses and permits

When an ordinance requires the issuance of an annual license or permit, the village board or its designated official shall issue the initial license or permit. In the event of a renewal of any license or permit required by ordinance, such renewal shall be issued by the designated official unless there has been a substantial change of circumstances, or the designated official determines the public interest requires the license or permit be referred to the village board for disposition.

19.03 License and permit fee schedule

The village board hereby establishes the fees for permits and licenses and permits the village of Lake Delton issues as set forth on Schedule A attached hereto and incorporated herein by reference. The village clerk shall maintain and update said fee schedule. Whenever a fee is changed or added by village board action, the fee schedule shall change accordingly. The fees as shown on the schedule shall remain in effect until changed by village board action.

19.04 Actions against license or permit

- A. Filing complaint. A complaint must be filed at the clerk's office during usual business hours. It may be presented by hand delivery or by mail addressed to the Village Clerk, PO BOX 87, Lake Delton, Wisconsin, 53940.
- B. Notice of filing. Upon the receipt of a complaint, the clerk shall promptly give notice of the complaint filing to the licensee or permittee. The clerk shall endorse the filing date upon the complaint. A copy of the filed complaint shall be annexed to the notice, which shall advise the intended recipient as follows:

1. A written reply to the complaint denying or admitting any or all of the charges, explaining any or all of them, or alleging any other matter in defense or avoidance, must be filed at the village clerk's office within ten (10) days from receipt of the notice.
2. Failure to reply may result in the board finding the allegations in the complaint are deemed admitted and could result in license or permit revocation or suspension, or legal action to enforce compliance with village ordinances.
3. The village board will conduct a public hearing of the matter, at the time and place set by the board, but not less than ten (10) days after the clerk mails the notice.
4. He may appear and be represented by counsel, throughout the entire proceeding, commencing with filing the complaint.
5. At the hearing, he may present witnesses to be sworn to testify in his behalf, may cross examine any other witnesses, and may compel the attendance of witnesses by subpoena.
6. He will be notified of such other or further matters as the board may direct.
7. The clerk shall also send a copy of the notice of the complainant.

19.05 Hearing procedures

A. Scheduling hearing; informal disposition. Upon the filing the reply, the clerk shall notify the complainant in writing of its filing. The village president shall, as soon as reasonably possible thereafter, advise the clerk of the place, date and time to hold the public hearing on the complaint. If, however, after examination of the complaint and the reply, the village president is of opinion the matter can probably be satisfactorily adjusted and resolved without a formal hearing, he may invite the complainant, the licensee and their counsels to participate in an informal conference with him. If the conference results in such adjustment and the parties so agree, the complaint shall be deemed withdrawn and no further action need be taken thereon. The clerk shall take, keep and preserve the written minutes of such conference, including the agreement and disposition, if any.

B. Default.

1. If no reply has been filed within the time required therefore, the clerk shall promptly notify the licensee of the fact, which notice may be served in the manner provided for the service of a circuit court summons, or by the clerk through use of certified mail, return receipt requested, delivery restricted to the licensee, advising the licensee to file such reply within five (5) days from service of the aforesaid notice, or be deemed to have admitted the charge or charges specified in the complaint. Proof of such service shall be made as provided by statute for service of papers subsequent to the commencement of a civil action in a court of record, and shall be filed with the clerk.

2. For good cause shown, the board may, in its discretion reasonably exercised, disregard the consequences of the default in reply, and permit the late filing of the reply with or without imposition of reasonable terms. Otherwise, the complaint shall be taken as true, and no public hearing need be held thereon.

C. Public hearing; notice. A public hearing held pursuant to this chapter is required in all cases in which a reply to the complaint has been filed and where the complaint has not been adjusted at the informal conference provided in paragraph A above. The board may, in its discretion, direct the holding of a public hearing although the licensee is in default. Notice of the time, date and place of any such hearing must be given to the complainants and the licensee, to each board member, and to the public, by posting a copy of the notice at each of three public places within the village, and by publishing the same as a Class 1 notice in the official village

newspaper, not less than ten (10) days prior to the hearing date. Proof of such notification shall be made and filed as required for publication of penalty ordinances.

D. Hearing procedure.

1. The village president, or in his absence, a village trustee elected by the board as temporary chairman, shall preside at the hearing. He shall announce the purpose thereof to those present, the names of board members, parties and their counsel, if any, and the following rules, which are hereby provided:

a. The board shall admit all non-privileged testimony that has reasonable probative value, although it does not conform to the common law or statutory rules of evidence, but it shall exclude immaterial, irrelevant or unduly repetitious testimony, whether objected to or not. The chairman shall rule upon any objection made after consultation, if necessary, with the village attorney, who shall be present if so required by the board, or the objection shall be noted in the record for later consideration and ruling. Any jurisdictional objection must be made before any evidence is received.

b. The entire hearing, from opening to adjournment, shall be recorded by or under the clerk's direction, who shall be present, and the recording shall be made a part of the permanent record of the proceeding. Transcripts of the hearing shall be furnished to and at the expense of those requesting them.

c. The testimony in behalf of the complainants shall be received first. At the conclusion of the testimony of each complainant's witness, the licensee may cross-examine that witness. Following presentation by the complainant, the testimony of the licensee shall be received, and each witness in his behalf may be cross-examined after that witness has given his evidence for the licensee. The parties may call each other to testify as though upon adverse examination as a part of their respective presentations. Any board member may put questions to any witness to clarify testimony, or resolve apparent inconsistencies or omissions, and each party may cross-examine such witness thereon.

d. The complainant may offer testimony as on redirect examination or in rebuttal, and the licensee may offer testimony as on re-cross examination or surrebuter.

e. Exhibits may be offered by either party, and will be received subject to the requirements of Rule a.

2. After both parties have concluded their presentations, the president shall declare the hearing closed, and the Board will consider the evidence and based upon the vote of a majority of the board in attendance shall render its decision. In the appropriate case, the board's findings and decision shall be in writing, sending to each party or counsel a copy thereof.

3. The board's original decision shall be promptly filed with the clerk as a part of the record, and the clerk shall immediately thereafter mail a conformed, true copy thereof to each party or to his counsel. The decision shall have the effect of an order either dismissing the complaint, or revoking, suspending or not renewing the license, to take effect, in case of revocation or suspension, at a specified time, but not more than 10 days from the date of the mailing of the order.

E. Appeal. The board's findings and decision are subject to judicial review as provided by law.

A. License restrictions for delinquent taxes, assessments, etc.

1. Premises. No initial or renewal license (alcohol beverage license or otherwise) shall be granted for any premises for which taxes, assessments or other claims of the village are delinquent and unpaid.

2. Persons. No initial or renewal license (alcohol beverage license or otherwise) shall be granted to any person:

- a. Delinquent in payment of any taxes, assessments or other claims owed to the village.
- b. Delinquent in payment of a forfeiture resulting from any village ordinance violation.