

Town of Walworth Ordinance 01182022-3

ORDINANCE REQUIRING PAYMENT OF LOCAL CLAIMS AS CONDITION OF OBTAINING OR RENEWING TOWN-ISSUED LICENSES OR PERMITS

Town of Walworth, Walworth County, ordains as follows:

1. **DELINQUENCY:** As a condition of obtaining or renewing any license or permit issued by the Town of Walworth, all local taxes, assessments, special charges, or other fees, including but not limited to municipal forfeitures from a violation of any Town ordinance, shall be paid on a current basis. Any such local claims that remain unpaid within a time limit set by the Town, or a court, as the case maybe, place the licensee in a state of delinquency.

The County shall furnish the Town Clerk-Treasurer with a list of persons who have failed to pay any and all local Town taxes, including real estate taxes, personal property taxes and room taxes, or who owe the Town or County any money for assessments, claims, or forfeitures resulting from a conviction of any Town ordinance violation, or who owe the Town any money for any servicerendered or any obligation incurred. Prior to the issuance or renewal of any license or permit, the Town Clerk-Treasurer shall ascertain whether or not the applicant, building owner, or any officer, agent or related predecessor license holder is indebted to the Town or County as provided in this subsection and, if so, shall refuse to issue the license and/or permit.

(a) For purposes of this section, a "related predecessor license holder" means any business entity, owner or agent that has a substantial relationship to the current applicant or license holder such that their principals or parties in interest are substantially the same.

(b) If real estate taxes are unpaid for property upon which the premises will be the subject of a license or permit, the license and/or permit shall not be issued for such premises regardless of whether the identity of the license holder or applicant is different than the person or entity responsible for the unpaid real estate taxes.

2. **NOTICE REQUIREMENTS FOR RENEWAL APPLICATIONS:** Prior to any denial of an application for renewal of a license, the applicant shall be given notice and opportunity for a hearing as hereinafter provided: Upon complaint by any person, or at Board discretion, and following Board review and approval, written notice shall be given to the licensee of the complaint basis, and the date and time the Board will hear the matter. For non-alcohol licenses where no statutory procedure is set, service may be by first class mail to the licensee's last known address, or personal service, at the chairperson's option. For alcohol licenses, present Wisconsin Statute 125.12, or its successor will be followed for the provision of notice and the hearing. At present, the statute requires personal service of the hearing notice (summons) and complaint, and a hearing within 3-10 days thereafter. The Clerk-Treasurer will keep a record of service. The Town Clerk-Treasurer shall also see that the hearing notice is properly posted or published, in compliance with the state open meetings law.

3. HEARING PROCEDURE: If the renewal applicant shall fail to appear before the Board on the date indicated in the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies the reasons for non-renewal exist, the Board shall conduct a hearing with respect to the matter. At the hearing, both the Town and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. If the Town Board determines the applicant shall not be entitled to renewal, the application shall be denied. The applicant shall, upon written request, be provided a written transcript of the hearing at the applicant's expense.

4. 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.

5. This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.

ADOPTED on this 18th day of January 2022.

By the Town Board of Walworth

_____/s/_____

Town Chair David J. Rowbotham

Attested to this 18th day of January 2022.

_____/s/_____

Clerk-Treasurer Marie Baker