

TOWN OF GIBRALTAR

ORDINANCE 2024-05

BUSINESS LICENSES

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The purpose of this ordinance is to assure businesses operating in the Town of Gibraltar are operating safely, in safe conditions, and within the laws of the Town of Gibraltar, County of Door, and State of Wisconsin, therefore protecting the quality of life, the character, and the stability of our Business and commercial districts.

Authority

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under 60.10(2)(c) and 60.22(3) of the Wisconsin State Statutes. The Town Board adopts this ordinance under its general village powers authority and 66.1014 of the Wisconsin State Statutes, 2017 ACT 59

Business Licenses

No person shall maintain, manage or operate a business in the Town of Gibraltar without a business licenses issued by the Town of Gibraltar pursuant to this ordinance.

Licenses shall be issued using the following procedure:

1. Applicants for business licenses shall be filed with the Town Clerk, or designee of the Town Clerk on forms provided by the clerk's office. Applications shall be filed by the property owner or an authorized agent of the Business. No license shall be issued unless the completed application form is accompanied by the required application fee.
2. The Town Clerk shall issue a business license to all applicants following payment of the required fee, receipt of fully completed documentation and information requested by the application, and application approval by the town board.
3. The Business License shall be effective for one (1) year. The annual licensing term begins January 1st and ends December 31st of the same year.
4. Fully completed renewal application and renewal fee shall be filed with the Town Clerk by November 1st allowing the Town Board adequate time to consider the application.
5. Any changes in the ownership of the property require a new application per Wisconsin Administrative Code 72.04(b) prior to obtaining a license from the Town.

Roadside stands and mobile farmers market agricultural businesses are not required to obtain a Town of Gibraltar business license. All Town right-of way rules still apply.

Business Application Process

The Town, or in collaboration with its outside agent shall provide an online manor for applying for and renewing a permit

- A. The application shall include all required information listed on the application form
- B. The applicant shall provide additional information if requested to identify specific business operations not listed on the application form.
- C. The applicant shall identify who the contact agent is for inspections and emergency services.

Business operation in the Town of Gibraltar

No person, partnership, corporation, limited liability company, or other legal entity may operate a business without a valid up to date license. Failure to comply will result in assessed penalties, and/or a business cessation order issued.

Each Business owner shall comply with the following requirements:

- The Business owner or agent shall be accessible either directly or through the outside agent.
- Business must comply with all Town of Gibraltar ordinances relating to business operations.
- Signage shall conform to all applicable Town of Gibraltar and Door County Ordinances.
- Businesses shall provide emergency contact information for the Town of Gibraltar Fire Department.

Revocation / Suspension

A license, as issued, is subject to revocation or suspension if the owner of the property fails to comply with the requirements of this ordinance.

The Town Board has the authority to suspend, revoke, reject or non-renew any business license or license application if the Board determines that the licensee:

- Has failed to adhere to Town of Gibraltar and/or Door County Ordinances
- Has any outstanding fees, taxes, or forfeitures owed to the Town of Gibraltar under Ordinance 2023-01
- Has been convicted of, or agent has been convicted of engaging in illegal activity while on the premise.

Revocation / Suspension process

The Town of Gibraltar at its discretion, shall:

Review all complaints, notifications, forfeitures and non-compliance issues through its established licensing committee. The committee will notify the business owner in writing of any decisions made by the licensing committee.

Notify the business license holder of any non-compliance

Determine whether the business license holder has remedied the violation and shall schedule a license revocation/ suspension hearing in front of the Town Board if violations are not remedied in a timely manner, or if violations are habitual.

Notify the license holder of the hearing date at least two weeks prior the hearing before the Town Board.

Provide a decision made by the Town Board in writing to the owner.

Business licenses that have been revoked shall wait one (1) year before a new application can be filed with the Town of Gibraltar Clerk.

Failure to comply penalties

The Town of Gibraltar reserves the right to charge penalties for late business licenses. Business operators are required to file and obtain a license to operate by March 1st of the same year as Business. Any person, partnership, corporation, limited liability company or any other legal entity that fails to comply with the provisions of this ordinance, upon conviction, pays a forfeiture of not less than \$100.00 on first notification of non-compliance. (30 days to comply), not more than \$500.00 per second notice of non-compliance. (30 days to comply). Together with the costs of prosecution and in rueful default of such forfeiture and cost of prosecution, shall be imprisoned by the County Jail until said forfeiture is paid, but not exceeding 60 days. In the event a business is operating beyond the second notification a third notice of non-compliance shall be sent ceasing all business operations until the license requirements have been satisfied. Continued noncompliance will be referred under the revocation and suspension section of this ordinance. New businesses will be allowed (30 days) to bring their business to compliance.

Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs, whether existing under this ordinance or otherwise.

Any violations of any subsections of this ordinance may stipulate guilt or no contest and may pay the Town Clerk. Such payment will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgement and order forfeiture of the bond. Forfeitures, penalty assessments, casts and fees shall be disbursed as provided by Wisconsin Statutes, section 66.12

Fees

Permit Fee Schedule. The license application fees established by the Town of Gibraltar Board of Supervisors. All fees and licenses are set annually and listed in the Gibraltar fee schedule.

Enforcement

The Town of Gibraltar Police Department, or designee shall be the established enforcement structure for issuance of any warnings, notifications, or forfeitures.

The Town of Gibraltar has an established licensing committee that reviews complaints, notifications that have been issued to a business owner. The licensing committee is granted authority to review and notify any business license holder of any decisions the committee may make. The licensing committee will make recommendations to the Town Board whether a suspension or revocation hearing is necessary. The Town of Gibraltar licensing committee will provide testimony if any hearings are scheduled.

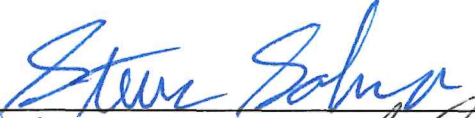
The Goal is to incentivize compliance with the appropriate fees and fines, but not be so overburdensome that it prevents users from participating in the enforcement and regulatory process.

Severability

If any portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Adopted by the Town Board of Gibraltar this 7th day of August 2024


Approved AYE 5 Nay 0

Steve Sohns Town Chairman 

Jayson Merkel Supervisor 

Tom Birmingham Supervisor 

John Selenica Supervisor 

Vinni Chomeau Supervisor 

Attested:

Laura Reetz

Town of Gibraltar Clerk

