



| MEETING | DATE | TIME | LOCATION |
|---------|------|------|----------|
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|----------------------|-------------------------|-----------|--|
| Emergency Town Board | Tuesday, March 24, 2020 | 4:00 p.m. | Grand Chute Town Hall 1900 Grand Chute Blvd Board Room |
|----------------------|-------------------------|-----------|--|

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF AGENDA/ORDER OF THE DAY

C. REPORT

1. Chief Bantes update on COVID-19

D. NEW BUSINESS

1. Cancel the April 9, 2020 Town Board meeting (all business has been moved to April 21, 2020).
2. Approval of Emergency Paid Leave in response to COVID-19.

E. RESOLUTION

1. Resolution TBR-12-2020 approving moving voting wards 15-18 from Town Center Park to Town Hall for the April 7, 2020 Spring Election.

F. ORDINANCES

1. Ordinance O-05-2020 amending Chapter 415, Section 415-2 regarding offenses against the peace and good order of the Town.
2. Ordinance O-06-2020 amending Chapter 335 to address extraordinarily serious violations and/or habitual violations.

G. ADJOURNMENT

Public Notice: Agendas are posted in the following locations: Town Hall bulletin boards & Town website www.grandchute.net 2015 Wisconsin Act 79 allows the publication of certain legal notices on an Internet site maintained by a municipality. This law allows these types of legal notices to be posted in one physical location in the jurisdiction (instead of three) if also placed on an Internet site maintained by the local government.

Special Accommodations: Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at (920-832-5644) with at least 24-hour notice.

Notice of Possible Quorum: A quorum of the Sanitary Districts, Plan Commission, Board of Review, Licensing Committee, Parks Commission, Community Development Authority, Joint Review Board, Zoning Board of Appeals and/or Police and Fire Commission may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Sanitary Districts, Plan Commission, Board of Review, Licensing Committee, Parks Commission, Joint Review Board, Zoning Board of Appeals and/or Police and Fire Commission will be taken at this meeting.



AGENDA REQUEST
3/24/2020

TOPIC: Emergency Paid Leave in response to COVID-19

| | |
|---|---|
| <input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution | Meeting: Town Board |
| Department Reporting: HR | Submitted By: Sarah Ziemba- HR Director |

ISSUE: Shall Town Board Approve Emergency Paid Leave in Response to COVID-19

BACKGROUND/ANALYSIS:

With Governor Evers issuing his "Safer at Home" order, all non-essential Town employees will vacate Town Hall by no later than 4:30pm on Wednesday, March 25, 2020. Non-essential employees are identified by Department Heads as employees within positions that are not performing critical work functions that ensure the operation of the Town during an emergency. Essential and Non-essential employees may change daily depending on business needs. This only applies to Regular Full and Part-Time Employees and does not extend to Casual, Seasonal, Volunteers, etc. as outlined in the Town Handbook.

Any regular Full or Part-Time employee (essential or not) that has the ability to work from home will be required to do so during the Safer at Home order unless their position is critical to the daily operations of the Town. Those critical employees will be required to maintain their current work location and schedule. Employees who are not approved by their Department Head to work from home and there are no other critical duties that they can perform at the Town, will be asked to remain home during the duration of the Governor Evers "Safer at Home" order.

An employee who is at home and not working due to the Safer at Home order will be paid with the Emergency Paid Leave in alignment with their normally scheduled hours. They would not be required to substitute accrued leave (i.e. sick or vacation) during this period. Employees at home will be required to monitor Town email daily; check in with their Department Head on a schedule determined by the Department Head; and be required to report back to work if a job or task becomes available that they are qualified and capable of performing or the Safer at Home order is lifted.

Emergency Paid Leave would be in addition to Families First Coronavirus Response Act that will go into effect on April 2, 2020. The Town will be required to comply with all requests under this act. See attachment of the Families First Coronavirus Response Act for further detail.

RECOMMENDATION: Staff recommending Board Approval of Emergency Paid Leave in Response to COVID-19 between March 30, 2020 and April 24, 2020.

FISCAL IMPACT: Choose an item.

ATTACHMENTS: Families First Coronavirus Response Act



H.R. 6201, FAMILIES FIRST CORONAVIRUS RESPONSE ACT

Emergency Paid Sick Leave

What the Bill Does

The *Families First Coronavirus Response Act* expands access to emergency paid sick leave **to as many as 87 million U.S. workers**. Many of these workers currently have no paid leave and are being forced to choose between their paycheck, their health, and the health of the people around them. This is a critical step toward protecting families' financial security and mitigating the spread of the coronavirus.

Who Is Eligible?

- Employees at companies with fewer than 500 employees
- Local, state, and federal government employees
- Employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan.

What Are They Eligible For?

- Eligible full-time employees are entitled to two weeks (80 hours) of fully paid time off (up to \$511 per day) to self-quarantine, seek a diagnosis or preventive care, or receive treatment for COVID-19.
 - Eligible part-time employees are entitled to fully paid time off (up to \$511 per day) for the typical number of hours that they work in a typical two-week period to self-quarantine to seek a diagnosis or preventive care, or receive treatment for COVID-19.
- Eligible full-time employees are entitled to two weeks (80 hours) paid time off at two-thirds of their regular pay (up to \$200 per day) to care for a family member or to care for a child whose school has closed, or if their child care provider is unavailable due to COVID-19.
 - Eligible part-time employees are also entitled to the typical number of hours that they work in a typical two-week period at two-thirds of their typical pay (up to \$200 per day) to care for a child whose school has closed, or if their child care provider is unavailable, due to COVID-19.

Who Pays for the Emergency Paid Sick Leave?

- Employers initially front the cost of emergency paid sick leave but will be **fully reimbursed** by the federal government within three months.
- The reimbursement will cover both the wages paid and the employer's contribution to employee health insurance premiums during the period of leave.
- Employers will be reimbursed through a refundable tax credit that counts against employers' payroll tax, which all employers pay regardless of non-profit/for-profit status.
- Employers will submit emergency paid sick leave expenses as part of their estimated quarterly tax payments. If employer's costs more than offset their tax liability, they will get a refund from the IRS.

Emergency Paid Family Leave

What the Bill Does

In response to widespread and potentially prolonged school closures, the *Families First Coronavirus Response Act* provides families with critical protections to ensure that workers can care for their children without sacrificing their paycheck.

Who Is Eligible?

- Employees at companies with fewer than 500 employees
- State and local government employees and certain federal government employees
- Employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan

What Are They Eligible For?

- Eligible full-time employees and part-time employees are entitled to 12 weeks of job-protected leave to take care for their children in the event of a school closure or their child care provider is unavailable due to COVID-19.
- The 12 weeks of job-protected leave include two weeks of unpaid leave, followed by 10 weeks of paid leave. Eligible employees may elect or be required to overlap the initial two weeks of unpaid leave with two weeks of other paid leave they have available. Eligible employees will receive a benefit from their employers that will be no less than two-thirds of the employee's usual pay.

Who Pays for the Emergency Paid Family Leave?

- Employers initially front the cost of emergency paid sick leave but will be **fully reimbursed** by the federal government within three months.
- The reimbursement will cover both the wages paid and the employer's contribution to employee health insurance premiums during the period of leave.
- Employers will be reimbursed through a refundable tax credit that counts against employers' payroll tax, which all employers pay regardless of non-profit/for-profit status.
- Employers will submit emergency paid sick leave expenses as part of their estimated quarterly tax payments. If employer's costs more than offset their tax liability, they will get a refund from the IRS.

Frequently Asked Questions

Why are employees at companies with more than 500 employees exempt from emergency paid sick leave?

The White House and Congressional Republicans were unified against any bill that included universal paid sick leave. Workers and families across the country do not have time for a stalemate. House Democrats made a difficult decision to provide emergency paid sick leave to tens of millions of U.S. workers rather than to no one at all.

Currently, [89 percent of employees](#) at companies with more than 500 workers have access to paid sick leave. The *Families First Coronavirus Response Act* provides emergency paid sick leave to the workers who are least likely to have it.

Will the bill hurt small- and medium-sized businesses?

No. This bill will benefit small- and medium-sized businesses by helping them keep their workers healthy without taking on any additional costs. Every employer that provides paid leave under this bill will be fully reimbursed for the cost of both wages and health insurance premiums in no more than three months.

Does the bill exempt small businesses with fewer than 50 employees?

No. The bill does not exempt small businesses with fewer than 50 employees. Employees at these companies are eligible for emergency paid sick leave under this bill. Businesses with fewer than 50 employees can only qualify for a narrow exemption if the Department of Labor determines that providing these benefits would jeopardize the viability of the business.

Are health care workers and emergency responders exempt from the bill?

No. Health care workers and emergency responders are eligible for paid sick leave and paid family leave under this bill. Given the capacity challenges facing the health care system, employers have the discretion to exempt health care workers and emergency responders from the paid sick and paid family leave provisions. The Department of Labor also has the authority issue regulations exempting health care workers and emergency responders from the paid sick and paid family leave provisions.

**TOWN OF GRAND CHUTE
OUTAGAMIE COUNTY, STATE OF WISCONSIN**

RESOLUTION TBR-12-2020

A RESOLUTION OF THE BOARD OF SUPERVISORS, TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, STATE OF WISCONSIN, MOVING WARDS 15-18 VOTING AT TOWN CENTER PARK TO INSTEAD VOTE AT TOWN HALL FOR THE APRIL 7, 2020 SPRING ELECTION,

WHEREAS, the Town of Grand Chute did by resolution establish where polling locations would be for each ward, and

WHEREAS, Wisconsin Statutes 5.25(2) provides cities, villages, and towns with populations under 500,000 to establish polling places by the governing body, and

WHEREAS, the Town of Grand Chute does not have enough poll workers to operate three polling locations for the April 7, 2020 Election due to cancellations due to the COVID-19 outbreak,

NOW THEREFORE BE IT RESOLVED by the Town of Grand Chute, Board of Supervisors, that the Board approves moving Wards 15-18 from voting Town Center Park to instead vote at Town Hall for the April 7, 2020 Election; and

BE IT FURTHER RESOLVED that the Town Clerk be directed to send a copy of this resolution to the Outagamie County Clerk.

Passed and approved this 23rd day of March 23, 2020.

VOTED FOR: _____

David A. Schowalter
Chairman

VOTED AGAINST: _____

Angie Cain
Town Clerk

TOWN OF GRAND CHUTE

ORDINANCE O-05-2020, SERIES OF 2020

AN ORDINANCE AMENDING CHAPTER 415, SECTION 415-2, OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH ADOPTS OFFENSES AGAINST STATE LAW SUBJECT TO FORFEITURE

WHEREAS, Chapter 415 of the Grand Chute Municipal Code is created to ensure general public safety and maintenance of public order; and,

WHEREAS, Chapter 415, Section 415-2, of the Grand Chute Municipal Code, identifies various state statutes constituting offenses against the peace and good order of the state that are adopted by reference to define offenses against the peace and good order of the Town.

WHEREAS, the willful violation or obstruction of any state statute or rule, county or town ordinance, or order issued by the Wisconsin Department of Health Services or Outagamie County Department of Public Health relating to public health is contrary to general public safety and maintenance of public order; and,

WHEREAS, Chapter 415, Section 415-2, of the Grand Chute Municipal Code has yet to adopt § 252.25, Wis. Stats., Violation of law relating to health, and currently has no specific prohibition against violation of law relating to public health; and,

WHEREAS, the State of Wisconsin Department of Health Services issued Emergency Order #12, Safer At Home Order, on March 24, 2020;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that § 252.25, Wis. Stats., regarding violation of law relating to health, exclusive of the penalty, and Department of Health Services Order #12, Safer At Home Order, are adopted by reference, as a Town Ordinance. Furthermore, Chapter 415, Section 415-2, of the Grand Chute Municipal Code is hereby amended to add § 252.25, Wis. Stats., and the Uniform Forfeiture and Bond Schedule is hereby amended to reflect the commensurate penalty, each as follows:

Section 415-2 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

- A. No person shall commit the following offenses in the Town of Grand Chute (herein noted as Town of Grand Chute ordinance violations) that are hereby adopted by reference in this chapter. These statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the Town. Prosecutions of such offenses under this chapter shall be as provided in §§ 60.23 and 66.0107, Wis. Stats., and the below-noted sections, but the penalties for violations of these sections shall be limited as noted in Subsection B of this section.

252.25 Violation of Law Relating to Public Health

END OF AMENDMENT

ADOPTION OF FORFEITURE (for inclusion in the Uniform Forfeiture and Bond Schedule)

**Penalty for Sec. 415-2 adopting § 252.25 – \$124.00 (individual)
\$187.00 (individual – second offense)
\$376.00 (business)
Must Appear (business – second offense)**

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this _____ day of _____, 20__

TOWN OF GRAND CHUTE

VOTED FOR: _____

VOTED AGAINST: _____

David Schowalter, Town Chairman

New Language in bold

Angie Cain, Town Clerk

Approved as to Form

Charles Koehler, Attorney
Herrling Clark Law Offices
800 N. Lynndale Drive
Grand Chute, WI 54914

TOWN OF GRAND CHUTE
OUTAGAMIE COUNTY

ORDINANCE O-06-2020, SERIES OF 2020

AN ORDINANCE AMENDING CHAPTER 335 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH GOVERNS INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES IN THE TOWN OF GRAND CHUTE.

WHEREAS, Chapter 335 of the Town of Grand Chute Municipal Code relating to intoxicating liquor and fermented malt beverages contains a demerit point system designed to address extraordinarily serious violations and/or habitual violations of lesser state statutes and Grand Chute ordinances for the purpose of recommending suspension or revocation of alcohol beverage licenses; and,

WHEREAS, the demerit point system in Chapter 335 does not include § 252.25, Wis. Stats., Violation of law relating to health, or § 415-2, Town of Grand Chute Municipal Code, adopting § 252.25; and,

WHEREAS, the willful violation or obstruction of any state statute or rule, county or town ordinance, or order issued by the Wisconsin Department of Health Services or Outagamie County Department of Public Health relating to public health represents an extraordinarily serious violation when such infraction occurs on licensed premises;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 335 of the Grand Chute Municipal Code is hereby amended to add violations of § 252.25, Wis. Stats., Violation of law relating to health, and § 415-2, Town of Grand Chute Municipal Code, adopting § 252.25, to the demerit point system established in § 335-9, Town of Grand Chute Municipal Code, as follows:

Chapter 335: Intoxicating Liquor and Fermented Malt Beverages

Article I: Licensing

[Adopted 1-7-1997 as §§ 9.01, 9.12 and 9.16 of the 1997 Code; amended 11-16-1999; 2-8-2002; 10-7-2003; 12-19-2006]

§ 335-9 Revocation and suspension of licenses. [Amended 8-9-2018 by Ord. No. 2018-17]

- A. Purpose. The purpose of this section is to establish guidelines governing the revocation and suspension of alcoholic beverage licenses through a system of demerit points that accrue for violations of this chapter or Chapter 125, Wis. Stats.
- B. Procedure. Except as hereinafter provided, the provisions of § 125.12, Wis. Stats., shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this article. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion, subject to any additional requirements under § 125.12,

Wis. Stats., for both suspension and revocation proceedings.

C. Point schedule.

- (1) The scheme of demerit points appearing below is listed according to the type of drug or alcohol beverage violation. This demerit point system is used to identify both extraordinarily serious violations and/or habitually troublesome license holders who have repeatedly violated state statutes and Grand Chute ordinances for the purpose of recommending suspension or revocation of their alcohol beverage license.
- (2) If the demerit points accumulated from the date of a violation which results in a conviction meet or exceed 50 points in a twelve-month period, the agent or officer will be required to meet with the Licensing Committee. In the event the agent or officer fails to appear before the Licensing Committee as required under this section, a citation and mandatory forfeiture of \$250 plus statutory costs shall be issued and imposed by the Police Department.
- (3) Demerit points may be reduced as shown on the schedule one time in a three-year period if the license holder has met with the Licensing Committee as indicated in Section C(2), above. **[Amended 7-16-2019 by Ord. No. 2019-07]**
- (4) A violation of § 125.07(1)(a), Wis. Stats., prohibiting selling of alcoholic beverages to underage persons will be assigned 19 demerit points instead of 80 points one time in a three-year period if the licensee has adopted, prior to the violation, and complied with, a written policy for the licensed premises, containing the following provisions:
[Amended 7-16-2019 by Ord. No. 2019-07]
 - (a) Each person authorized to sell alcoholic beverages at the licensed premises has completed the operator's training course sponsored by the State of Wisconsin and required for operators of licensed premises pursuant to Chapter 125, Wis. Stats.; and
 - (b) Signage is posted on the licensed premises visible to customers at an area where alcoholic beverages are sold stating the date of birth subsequent to which no such customer is allowed to purchase alcoholic beverages; and
 - (c) Clear written expectations are given to employees permitted to serve alcohol, which establish that all reasonable measures will be taken to avoid serving any minors under any circumstances, and which include reasonable discipline or incentives related to serving alcohol to patrons; and
 - (d) Internal controls to test procedural compliance by staff for serving alcohol, such as utilizing "secret shoppers" to test policy compliance; and
 - (e) Specific criteria for determining when identification must be presented by customers prior to the purchase of alcoholic beverages are established/followed; and

- (f) Quarterly refresher training for all employees permitted to serve alcohol on the policy and laws governing the sale of alcoholic beverages.

| Type of Violation | State Statute | Town Ordinance | Demerit Points | Qualified Reductions |
|--|---|--|-------------------|----------------------|
| Selling to underage person (See Subsection C(4) , above) | § 125.07(1)(a) | § <u>335-18</u> | 80 19 | 60 |
| Selling to intoxicated person | § 125.07(2) | § <u>335-18</u> | 50 | 0 |
| Underage person on premises licensee/permittee | § 125.07(3)(a) | § <u>335-18</u> | 50 | 35 |
| Failure to be licensed | § 125.04(1) | § <u>335-2</u> | 100 | 0 |
| False statement on application | § 125.04(3)(j) | § <u>335-2</u> | 100 | 0 |
| Transfer of license without permission | § 125.04(12) | § <u>335-10</u> | 75 | 0 |
| Operate on another's license | § 125.68(2m) § 125.32(2m) | § <u>335-2</u> | 200 | 0 |
| Sale without a license | § 125.04(1) | § <u>335-2</u> | 100 | 0 |
| Unlicensed bartender | § 125.32(2) § 125.68(2) | § <u>335-12</u> | 50 | 35 |
| Open after hours | § 125.32(3) § 125.68(3) | § <u>335-1</u> | 50 | 0 |
| No carry-out after hours | § 125.32(3) § 125.68(3) | § <u>335-14</u> | 50 | 0 |
| Failure to purchase from licensed wholesaler | § 125.33(9) § 125.69(6)(a) | § <u>335-8</u> | 75 | 0 |
| Failure to maintain qualifications for license or permit | § 125.04(5) | § <u>335-2</u> | 200 | 0 |
| Keep a disorderly, riotous, indecent, or improper house | § 823.09 § <u>398-2(c)</u> | § <u>398-2(c)</u> | 50 | 0 |
| <u>Violation of law relating to public health</u> | <u>§ 252.25</u> | <u>§ 415-2</u> | <u>149</u> | <u>0</u> |
| Gambling | § 945.04 | § <u>415-8</u> | 50 | 0 |
| Adult entertainment/entertainer without permit | | § <u>335-23</u> | 75 | 0 |
| Obscene material or performances/operation of a sexually oriented business | § 944.21 | § <u>335-21</u> § <u>335-22</u> | 200 | 0 |
| Solicitation of drinks by employee | § 944.36 | § <u>415-2</u> | 50 | 0 |
| Failure to display permit | § 125.04(10) | § <u>335-6</u> | 25 | 0 |
| Owner/agent selling controlled substance | § 961.41(1) | § <u>415-2</u> | 200 | 0 |

| Type of Violation | State Statute | Town Ordinance | Demerit Points | Qualified Reductions |
|---|---------------|----------------|-----------------------------|----------------------|
| Employee selling controlled substance | § 961.41(1) | § <u>415-2</u> | 75 | 0 |
| Possession of controlled substance by owner/agent | § 961.41(3g) | | 100 (misd.) 200 (felony) | 0 |
| Possession of controlled substance by employee | § 961.41(3g) | | 50 | 0 |
| Possession of drug paraphernalia by owner/agent | § 961.573 | | 75 | 0 |
| Possession of drug paraphernalia by employee | § 961.573 | | 50 | 0 |

D. Calculation of violations. In determining the accumulative demerit points against a licensee within 12 months or 18 months, the Town shall use the date each violation was committed as the basis for a determination if there has been a conviction. If the violations are committed concurrently, the highest point violation shall be assessed.

E. Suspension and revocation of license.

(1) If the demerit points accumulated from the date of a violation which results in a conviction meet or exceed 50 points in a twelve-month period, the agent or officer will be required to meet with the Licensing Committee. The accumulation of points shall result in suspension or revocation of the license in accordance with the following schedule, subject to the exception that for violations under §§ 125.07(1)(a) and 125.04(5)(a)1, Wis. Stats.; such violations may be counted only if the licensee has committed another violation under § 125.07(1)(a), Wis. Stats., within 12 months of the present violation, in which case all violations committed within one year of a prior violation may also be considered:

100 to 149 points within 12 months: ten-day minimum suspension

150 to 199 points within 12 months: twenty-day minimum suspension

200 points within 18 months: revocation

(2) When a license is revoked pursuant to this article, the revocation shall be recorded by the Clerk and no other license issued under Ch. 125, Wis. Stats., may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee for any license so revoked may be refunded.

F. Upon determination by the Town Board, after hearing, that the license is subject to suspension or revocation, the Clerk shall give notice of such suspension or revocation to the person whose license is suspended or revoked. Such suspension or revocation shall take effect 30 days from the date said notice is given to the licensee. Such notice may be

given in person or mailed by certified mail to the address of the addressee shown on the licensee's application. Notice by mail shall be deemed effective five days from the date of mailing. If the suspension or revocation is appealed to the Circuit Court by service of notice of appeal on the Town in accordance with § 125.12(2)(d), Wis. Stats., on or before 30 days from the effective date of notice of suspension or revocation, the revocation or suspension shall be stayed pending a decision by the Circuit Court on the appeal unless the Board finds that public health, safety, or welfare imperatively require emergency action and incorporates a finding to that effect in its order. If the Circuit Court affirms the suspension or revocation, the period of suspension or revocation shall then take effect beginning on the fifth day following the date the decision is signed by the Circuit Court Judge unless a different date is ordered by the Court.

G. Repossession of license or permit. Whenever any license or permit under this article shall be revoked or suspended by the Town Board or action of any court or Subsection C, it shall be the duty of the Clerk to notify the licensee or permit holder of such suspension or revocation and to take physical possession of the license or permit wherever it may be found and file it in the Clerk's office.

H. Transfer/sale of licensed business.

(1) Upon the transfer or sale of the licensed business, all accumulated demerit points shall be canceled unless any of the following apply:

(a) The new licensee is related to the former licensee by blood, adoption, or marriage.

(b) The new licensee held a business interest in the previous licensed business, real estate, or equipment.

(c) The former licensee retains an interest in the business or equipment used by the business.

(d) The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing but not obligated to sell and the buyer is willing, but not obligated, to buy.

(2) If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to all penalties set forth by this article.

END OF AMENDMENT

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this _____ day of _____, 20____

TOWN OF GRAND CHUTE

VOTED FOR: _____

VOTED AGAINST: _____

New Language in bold

Approved as to Form

David Schowalter, Town Chairman

Angie Cain, Town Clerk

Charles Koehler, Attorney
Herrling Clark Law Offices
800 N. Lynndale Drive
Grand Chute, WI 54914