

No. 77, S.]

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**CHAPTER 6.**

AN ACT to renumber 176.05 (21) (b); to repeal 176.05 (21) (a), (c), (d) and (e); and to create 176.05 (21) (a) to (f) of the statutes, relating to quotas of "Class B" retail liquor licenses.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 176.05 (21) (a), (c), (d) and (e) of the statutes are repealed and 176.05 (21) (a) to (f) are created to read:

176.05 (21) QUOTAS OF "CLASS B" RETAIL LIQUOR LICENSES. (a) Definitions: As used in this section "quota" means the number of licenses which a municipality may grant; "population" means the number of inhabitants as determined by the last decennial federal census, or, in the case of newly incorporated villages, as determined by the census prescribed by s. 61.02 less, in either case, inmates of charitable, mental and penal institutions in the municipality; "license" means "Class B" retail intoxicating liquor licenses.

(b) Except as otherwise provided in pars. (c), (d) and (e), the quota of each municipality shall be whichever of the following is the largest:

1. One license for each 500 population or fraction thereof; or
2. The number of licenses lawfully issued and in force on August 27, 1939; or
3. The number of licenses lawfully issued and in force on the day as of which the last previous decennial federal census was taken.

(c) Annexation of territory containing licensed premises increases the quota if necessary to the relicensing of all existing licensed premises in the municipality after such annexation.

(d) Detachment of territory decreases the quota by the number of licensed premises in the detached portion, until subsequent decennial federal census warrants a greater quota as prescribed by par. (b) 1; but the quota of the municipality after detachment shall be at least one.

(e) Until a subsequent decennial federal census warrants a greater quota, as prescribed by par. (b) 1, the quota of a newly incorporated city or town shall be either:

1. One license; or
2. The number of licenses lawfully issued and in force in the territory at the time of incorporation; or
3. If the municipality previously existed under a different form of government, its quota remains the same, subject to the provisions of pars. (c) and (d) in case of any annexation or detachment at the time of incorporation.

(f) As of July 1 of each year in which a federal census is taken the state department of public welfare shall certify to each municipality concerned and the commissioner of taxation the number of persons in charitable, mental and penal institutions in the municipality.

SECTION 2. 176.05 (21) (b) of the statutes is renumbered 176.05 (22).

Approved March 12, 1953.

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