

1973 Senate Bill 134

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CHAPTER 48 , Laws of 1973

AN ACT to create 176.05 (21) (h) of the statutes, relating to retail liquor licensing for beer bars.

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

176.05 (21) (h) of the statutes is created to read:

176.05 (21) (h) Notwithstanding this subsection, the governing body of any town, village or city may by a three-fourths vote of all members of the governing body grant a "Class B" retail intoxicating liquor license to any person who on February 1, 1972, held a valid class "B" retail license under s. 66.054 or who can demonstrate with a bona fide offer to purchase an intent to purchase premises licensed under that section prior to February 1, 1972, if application is made before December 31, 1973. Any such license shall not affect the quota of any town, village or city under this subsection, but no other premises may be licensed under this section, except when a license is transferred under sub. (14), until the total number of licenses in the municipality is again within the quota, except in the case of annexations under par. (c). At its option, the governing body may limit the period for which the license is granted to less than one year. No license may be granted under this paragraph:

1. For 5 years after the first granting under this paragraph to any person other than the licensee under s. 66.054 on February 1, 1972. If the licensee dies, becomes incapacitated because of illness, becomes bankrupt or makes an assignment for the benefit of creditors, a license may be granted to the surviving spouse, administrator, executor, receiver or trustee.

2. For 5 years after the first granting under this paragraph, except for the premises licensed to the applicant under s. 66.054 on February 1, 1972.

3. To any person failing to demonstrate that prior to February 1, 1972, the sales of fermented malt beverages under the license held under s. 66.054 were greater than 50% of either the gross receipts or the net profit of business operations as reported on the operator's 1971 income tax return. The determination that such sales were or were not an essential part of the applicant's business shall be made by the licensing body.

4. To any person or for any premises not qualifying under additional regulations prescribed by the town board, village board or common council under s. 176.43 governing the granting of licenses under this paragraph or section.
