

**TOWN OF BLACK BROOK
ORDINANCE # 2021-01**

AN ORDINANCE REGARDING PROVISIONAL RETAIL ALCOHOL LICENSES

The Town Board of the Town of Black Brook, Polk County, Wisconsin do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

The following Ordinance is adopted and is incorporated into the Town of Black Brook Code of Ordinances:

Section _____. Provisional Retail Alcohol Beverage Licenses.

- (1) Pursuant to Sec. 125.185, Wis. Stats. The Town Board authorizes to the issuance of provisional retail licenses for the retail sale of fermented malt beverages, intoxicating liquor or wine for consumption off of the licensed premises. Provisional retail licenses may be issued to applicants when unique situations arise, such as, but not limited to, special business timing needs which create an inability to meet the notice requirements for issuance of regular retail alcohol beverage licenses. The Town Clerk is designated as the issuing official.
- (2) A provisional retail license may only be issued to a person who has applied for a regular Class "A", Class "B", "Class A", "Class B" or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes. No person may hold more than one (1) provisional retail license for each type of license applied for by the holder per year. The fee for a provisional retail license shall be Fifteen (\$15) Dollars. The holder of a provisional retail license shall in all respects comply with the applicable requirements of the Wisconsin Statutes and Town of Black Brook Ordinances.
- (3) A provisional retail license shall expire sixty (60) days after its issuance by the Town Clerk or when the Class "A", Class "B", "Class A", "Class B" or "Class C" license is issued to the holder, whichever is sooner. The Town Board or Town Clerk may revoke the provisional retail license if it is discovered that the holder of the license made a false statement on the application.
- (4) Notwithstanding Subsection (k)(l) above, the Town Board may not issue a provisional "Class B" license if the Town's quota under Sec. 125.51(4), Wis. Stats. Prohibits the Town from issuing a "Class B" license.

State Law Reference: Chapter 125, Wis. Stats.

SECTION II: SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or

unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 18th day of February, 2021.

TOWN OF BLACK BROOK

Charles Barney, Town Chairman

Sally Pickard, Town Clerk

Introduced: February 18, 2021

Voted for: _____

Voted against: _____

Abstained: _____

Published: February 19, 2021

State of Wisconsin:

County of Polk:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Town Board of The of Black Brook on the 18th Day of February, 2021 and that said Ordinance has not been repealed or amended and shall take effect upon passage as provided by law.

Dated this ____ day of February, 2021.

Sally Pickard, Town of Black Brook Clerk