

**CITY OF WEST ALLIS  
ORDINANCE O-2021-0024**

**ORDINANCE TO COMBINE VARIOUS ENTERTAINMENT-RELATED LICENSES INTO SINGLE PUBLIC ENTERTAINMENT LICENSE  
CREATING SECTION 9.037, REPEALING AND RECREATING SECTION 9.08, AND REPEALING SECTIONS 9.032, 9.033, 9.034, 9.05, 9.06, 9.10, AND  
9.105**

**WHEREAS**, various licenses regulating different types of public entertainment activities could be combined into a single license for clarity, efficiency, and ease of administration;

**NOW THEREFORE**, the common council of the City of West Allis do ordain as follows:

**SECTION 1:** **ADOPTION** "9.037 Public Entertainment License" of the City Of West Allis Municipal Code is hereby *added* as follows:

**ADOPTION**

9.037 Public Entertainment License(*Added*)

**1. Definitions**

- a. "Premises" means the area described within a license issued under this section.
- b. "Public entertainment" means any activity or equipment made available with or without fee to the general public for amusement including, but not limited to: bowling centers, dance halls, roadhouses, billiard and pool tables, amusement devices, theater, live or pre-recorded music, movies, and other places of amusement. This definition applies to any entertainment provided commercially for gain by membership, season ticket, invitation, or other system open or offered to the public generally.

**2. License Required.** Except as stated in sub. 3, no person may provide public entertainment without a license issued under this section.

**3. Exceptions.** No license is required under this section for any of the following activities:

- a. Public entertainment provided by a charitable, nonprofit, or educational institution, religious organization, or governmental entity upon land owned and exclusively occupied by that entity.
- b. Public entertainment provided by an organization formed for the purpose of ballet performance and instruction and which has received tax exempt status from the United States Internal Revenue Service.
- c. Billiard tables provided on the premises of bona fide clubs or social organizations not operating for private profit which provide other membership privileges and activities, even though there is a charge for playing billiards.
- d. Dancing instruction for compensation without any performance for the general public.
- e. Television or music intended to entertain only employees and not customers.
- f. Public entertainment provided on the grounds of and during a special event permitted under WAMC 6.032.

**4. Application**

- a. Any person seeking a public entertainment license shall file a complete application with the city clerk in a form approved by the clerk.
- b. At the time of filing an application, the applicant shall submit:
  - i. A nonrefundable license fee in the amount stated on the Fee Schedule at the time of application.
  - ii. A plan of operation with a floor plan of the premises
- c. The clerk shall notify the Fire, Health, Building Inspection and Neighborhood Services, Planning, and Police Departments of each application received. Each department shall report to the common council any information that may disqualify the applicant.

**5. Disqualifications.** Any applicant may be disqualified for a license if any of the following applies to the applicant or to any members, shareholder, and officers of any applicant that is not an individual:

- a. The applicant has an arrest or conviction record, subject to Wis. Stat. 111.335(4).
- b. The applicant made false statements on the application or to the common council or a committee thereof.
- c. The applicant violated the license regulations in this section.
- d. The applicant has been denied a license or had a license revoked in the 12 months preceding the application date.
- e. The activities on the premises will cause or have caused a nuisance.

**6. Term, Issuance, and Renewal**

- a. Regular License
  - i. For a new application, the common council may grant a license to any applicant who is not disqualified.
  - ii. A license shall be valid on the date of issuance and expire on June 30 of each year.
  - iii. For a renewal application, the common council shall grant the license unless the applicant is disqualified.
- b. Temporary License
  - i. The common council may grant a temporary license to any applicant who is not disqualified.
  - ii. A license shall be valid only on the dates approved by the common council.
- c. The city clerk shall issue any license granted by the common council. Licenses are non-transferable.
- d. The city clerk shall notify any applicant whose application was denied of the applicant's appeal rights under WAMC 2.48(5).

**7. Regulations.** Licenses granted under this section are subject to the following regulations:

- a. The licensee shall display a copy of the license prominently on the premises.
- b. The licensee shall file updated information with the city clerk within 10 days after any information on a license changes.
- c. No person may refuse the entry of police officers, health officers, building inspectors, or zoning inspectors on to the premises at all reasonable hours.
- d. No person may permit disorderly, riotous, or indecent conduct at any time on any premises.
- e. No premises may remain open between the hours of 11:00 p.m. and 9:00 a.m. of any day, unless the common council expands the open hours for the premises. No premises may remain open outside of the hours set forth by the common council.
- f. The premises may not violate a health, zoning, or building code provision.
- g. No person under the age of 18 may be permitted on a premises where amusement devices are offered to the public before the hour of 3:00 P.M. on any day that the West Allis - West Milwaukee public schools are in session, unless accompanied by their legal parent or guardian.
- h. Any amusement device on a premises shall be arranged so that persons using the amusement device will not obstruct a path at least 3 feet wide on the side of the user opposite of the amusement device.
  - i. No licensee may transfer a license to another person.
  - j. No person may violate any conditions imposed upon a specific license at the time the license was granted or imposed on an existing licensee with the licensee's consent.

**8. Penalties.** Any person who violates any provision under this section shall forfeit up to \$500 for each violation. Each day that any ongoing violation continues is a separate offense.

**9. Suspension, Revocation, and Non-Renewal**

- a. Authority. The common council may suspend, revoke, or refuse to renew a public entertainment license if the applicant becomes disqualified.

- b. Commencement. Based on allegations submitted to the license and health committee, an alderperson may approve the issuance of a summons and complaint against a licensee. The complaint shall contain the allegations. The summons shall state the date on which and location where the licensee must appear. The summons and complaint shall be signed by a member of the committee or an attorney therefore. Service shall be in the manner provided under Wis. Stat. Ch. 801 for service in civil actions in circuit court.
- c. Procedure.
- i. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
  - ii. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.
  - iii. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the licensee. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked.
  - iv. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
  - v. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused.
- d. Judicial Review. The suspension, revocation, or nonrenewal of any license may be reviewed by writ of certiorari to the Milwaukee County Circuit Court.

Wis. Stat. 60.23(10), 62.26(1)

**SECTION 2:**        **ADOPTION** "9.08 Entertainment Device Distributor License" of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.08 Entertainment Device Distributor License(*Added*)

1. Definition. "Entertainment device" means any equipment designed to provide amusement to the user including, but not limited to: amusement devices, jukeboxes, and other similar devices.
2. License Required. No person may lease or place an entertainment device upon another person's public place within the City, or receive profits from such a lease, without first having obtained a license under this section.
3. Application
  - a. Any person seeking an entertainment device distributor license shall file a complete application with the city clerk in a form approved by the clerk.
  - b. At the time of filing an application, the applicant shall submit:
    - i. A nonrefundable license fee in the amount stated on the Fee Schedule at the time of application.
    - ii. A list of all locations within the City at which the applicant has placed entertainment devices within the past year or will place amusement devices within the next year under the terms of a contract. The list shall include the addresses of the premises where the devices were placed or are contracted to be placed, the number of machines placed or to be placed at the premises, and the legal names of the entities contracting for each entertainment device.
  - c. The clerk shall notify the Police Departments of each application received. The department shall report to the common council any information that may disqualify the applicant.
4. Disqualifications. Any applicant may be disqualified for a license if any of the following applies to the applicant or to any members, shareholder, and officers of any applicant that is not an individual:
  - a. The applicant has an arrest or conviction record, subject to Wis. Stat. 111.335(4).
  - b. The applicant made false statements on the application or to the common council or a committee thereof.
  - c. The applicant violated the license regulations in this section within 5 years of the date of application.
  - d. The applicant has been denied a license or had a license revoked in the 12 months preceding the application date.
5. Term, Issuance, and Renewal
  - a. For a new application, the common council may grant a license to any applicant who is not disqualified.
  - b. A license shall be valid on the date of issuance and expire on June 30 of each year.
  - c. For a renewal application, the common council shall grant the license unless the applicant is disqualified.
  - d. The city clerk shall issue any license granted by the common council.
  - e. The city clerk shall notify any applicant whose application was denied of the applicant's appeal rights under WAMC 2.48(5).
6. Regulations. Licenses granted under this section are subject to the following regulations:
  - a. The licensee shall maintain a copy of the license at the licensee's place of business and produce the license upon the request of a law enforcement officer.
  - b. The licensee shall file updated information with the city clerk within 10 days after any information on a license changes.
  - c. No licensee may transfer a license to another person.
  - d. No person may violate any conditions imposed upon a specific license at the time the license was granted or imposed on an existing licensee with the licensee's consent.
7. Penalties. Any person who violates any provision under this section shall forfeit up to \$500 for each violation. Each day that any ongoing violation continues is a separate offense.
8. Suspension, Revocation, and Non-Renewal
  - a. Authority. The common council may suspend, revoke, or refuse to renew an entertainment device distributor license if the applicant becomes disqualified.
  - b. Commencement. Based on allegations submitted to the license and health committee, an alderperson may approve the issuance of a summons and complaint against a licensee. The complaint shall contain the allegations. The summons shall state the date on which and location where the licensee must appear. The summons and complaint shall be signed by a member of the committee or an attorney for the committee. Service shall be in the manner provided under Wis. Stat. Ch. 801 for service in civil actions in circuit court.
  - c. Procedure.
    - i. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the common council or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
    - ii. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense.
    - iii. If the hearing is held before the common council and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.

- iv. If the hearing is held before a committee of a common council, the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the common council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the common council. The common council shall determine whether the arguments shall be presented orally or in writing or both. If the common council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked.
- v. The city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
- vi. If the common council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused.
- d. Judicial Review. The suspension, revocation, or nonrenewal of any license may be reviewed by writ of certiorari to the Milwaukee County Circuit Court.

**SECTION 3:** **REPEAL** "9.032 Tavern Instrumental Music Licenses" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

**REPEAL**

~~9.032 Tavern Instrumental Music Licenses (Repealed)~~

1. License Required. No person holding a Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license, nor the licensee's agents or employees shall provide, maintain, suffer or permit in or upon the licensed premises any instrumental music or singing accompanied by pre-recorded music (commonly referred to as "karaoke") without having first obtained a license therefor as hereinafter provided. Such music and singing shall be discontinued thirty (30) minutes prior to the established closing time set forth in Chapter 125 of the Wisconsin Statutes. The license shall be construed to permit singing by members of the musical group engaged to perform on the licensed premises or by members of the audience performing karaoke, however, no dancing shall be permitted under such license unless a dance hall license has been obtained pursuant to Section 9.05.
2. Application. Application for a license required by this section shall be made in writing upon a form prescribed by and filed with the City Clerk/Treasurer. The application shall contain the following information:
  - a. The name and address of the person, corporation, partnership, limited liability company or other entity applying for the license. Said applicant must be the same as the person or entity holding the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license.
  - b. Whether the applicant has, within five (5) years prior to the date of application, been licensed to sell alcohol beverages, and whether any such licenses were ever suspended or revoked and a statement of the reasons therefor.
  - c. The location of the premises for which the license is sought and identification of the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license held for the premises.
  - d. If, during the pendency of the application, or during the term of any license granted, there is any change in fact which would alter the information given on the application, the applicant shall notify the Clerk/Treasurer in writing thereof within ten (10) days after such change.
3. License Fee. The fee for an instrumental music license shall be one hundred forty dollars (\$140.00). The fee shall accompany each application. The full license fee shall be charged for the whole or fraction of the license year, except as provided in Paragraph (8). **[Ord. O-2009-0033, 11/3/2009]**
4. Granting of License.
  - a. Upon receipt of a proper application and the prescribed license fee, the Clerk/Treasurer shall forward such application to the Common Council for consideration. Within sixty (60) days of receiving an application, the Common Council shall grant or deny the license or hold the application for an additional thirty (30) days, unless otherwise agreed to by the applicant.
  - b. The Common Council shall examine all applications filed, as herein provided, and shall make or cause to be made such further investigation of the application as it deems necessary. The Common Council shall approve a license only if it finds all of the following facts exist:
    - i. That all of the statements made in the application are true;
    - ii. Subject to §§ 111.321, 111.322 and 111.335 of the Wisconsin Statutes, that the applicant or, if the applicant is not an individual, that every member, managing officer or agent of the applicant has not been convicted of any offense involving dishonesty or moral turpitude and has not been convicted of any violation of the law relating to the public health and safety;
    - iii. That the premises for which a license is sought will comply with the provisions of this section and all other applicable rules, regulations, ordinances and state laws, specifically including, but not limited to, zoning regulations, building code requirements, fire prevention code, and health code requirements;
    - iv. That the proposed instrumental music will comply with all applicable rules, regulations, ordinances and state laws, specifically including, but not limited to, noise limitations;
    - v. If the applicant is a corporation, that it is licensed to do business and is in good standing with the State of Wisconsin;
    - vi. That the applicant holds a Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license for the premises for which the instrumental music license is sought and is otherwise entitled to a license under the provisions of this section.
  - c. Upon approval of the application by the Common Council, a license shall be issued to the applicant by the Clerk/Treasurer. Any license issued under this section shall be nonassignable and nontransferable from person to person or from one premises to another.
  - d. Whenever an application is denied or held for further investigation, the Clerk/Treasurer shall advise the applicant, in writing, of the action taken and the reasons for such action. The Clerk/Treasurer shall also advise the applicant of the right to request that the Common Council review its determination, pursuant to Section 2.48 of the West Allis Revised Municipal Code.
5. Expiration, Transfer and Lapse of License.
  - a. All licenses issued as herein provided shall expire on the 30th day of June of each year.
  - b. Any license issued pursuant to this section shall lapse and become void whenever the Common Council or licensee shall not renew the retail Class "B" fermented malt beverage, Class "B" intoxicating liquor or Class "C" wine license or said license is revoked by the Common Council. If any such retail Class "B" or "C" license shall be suspended, the license issued under this section shall be deemed suspended for a like period, without further action by the Common Council.
  - c. No license or interest in a license may be transferred to any person, partnership or corporation. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
6. Display of License. Any person licensed in accordance with the provisions of this section shall keep his license posted in a prominent place upon the license premises.
7. Revocation, Suspension or Nonrenewal. A license may be suspended for a period not to exceed ninety (90) days, revoked or not renewed by the Common Council for disorderly conduct upon the licensed premises or for any violation by the licensee, his agents or employees, of any provision of this section, or any ordinance or law relating to the use or occupation of the licensed premises. If at any time a license is revoked, at least one (1) year shall elapse before another license shall be given for the same premises or to the same licensee. Any revocation or suspension may be in addition to any forfeiture imposed under this section. The procedures set forth in § 125.12 of the Wisconsin Statutes and Section 9.02(20) of the Revised Municipal Code shall apply to revocation, suspensions and nonrenewals of instrumental music licenses.
8. Special Permits. A special instrumental music permit may be issued by the Clerk/Treasurer for a particular forty-eight hour period, upon approval by the Common Council. The applicant must meet all criteria for license approval set forth in Paragraph (2). Application for any such permit shall be made in writing upon a form prescribed by and filed with the Clerk/Treasurer, in accordance with the provisions of Paragraph (3). Not more than ten (10) special permits for either instrumental music shall be issued for the same premises in any license year. Subsequent to the issuance of an initial permit for a premises, the Clerk/Treasurer may issue additional permits for each premises, as provided in this paragraph, without further investigation of applications for any such premises and without the Council's approval for the entire period the license is held by the same individual or corporation and for the same licensed premises. A special permit, when issued, shall entitle the holder

thereof, for a particular forty-eight-hour period to the respective privileges accompanying the corresponding license provided for in this section. Any violation of this section by the permit holder or any reported unreasonably loud music or disorderly conduct on the premises shall be deemed cause for suspension or denial of any further special permit privileges. A permit fee of twenty dollars (\$20.00) shall accompany the application. Such fee shall be nonrefundable. [Ord. O-2009-0033, 11/3/2009]

9. Penalties. Any person violating any of the provisions of this section shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or in default of payment of said forfeiture and costs, punishment shall be suspension of the defendant's operating privileges pursuant to §§ 343.30 and 345.47, Wis. Stats., or by imprisonment in the Milwaukee County House of Corrections or Milwaukee Jail until payment of the forfeiture and costs, but not in excess of the number of days set forth in § 800.095(4), Wis. Stats.

~~{Ord. 6539, (repeal and recreate) 11/6/2000}~~

**SECTION 4:** **REPEAL** "9.033 Tavern Entertainment License - Special Entertainment" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

#### REPEAL

##### ~~9.033 Tavern Entertainment License – Special Entertainment (Repealed)~~

1. License Required. No person holding a retail Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license, nor the licensee's agents or employees, shall provide, maintain, suffer or permit in or upon the licensed premises [as described in §§ 125.26(3), 125.51(3)(d), and 125.51(3m)(d), Wis. Stats.], any singing or dancing floor shows, cabaret shows, lingerie shows, exotic dancing, or similar type of show or entertainment, whether live or prerecorded music is used or not, without having first obtained a license therefor as hereinafter provided. Such entertainment shall discontinue thirty (30) minutes prior to the established closing time for the licensed premises. No instrumental music license under Section 9.032 shall be required of any person holding a valid license under this section. [Ord. No. O-2009-0017, 6/2/2009]
2. Location. No person shall be granted an entertainment license if the licensed premises is located:
  - a. Within five hundred (500) feet of a residential area as defined in Section 9.28(1)(k) of the Revised Municipal Code.
  - b. Within five hundred (500) feet of an adult-oriented establishment as defined in Section 9.28(1)(a) of the Revised Municipal Code.
  - c. Within five hundred (500) feet of another business holding an entertainment license under this section or Section 9.034 of the Revised Municipal Code. [Ord. No. O-2009-0017, 6/2/2009]
  - d. Within five hundred (500) feet of any pre-existing school, church, or day-care center as defined in Sections 9.28(1)(h), 9.28(1)(j), and 9.28(1)(l) of the Revised Municipal Code. [Ord. No. O-2009-0017, 6/2/2009]
  - e. For purposes of this ordinance, distances are to be measured in a straight line without regard to intervening structures or objects, from the property line of the licensed premises to the nearest property line of an adult-oriented establishment, school, church, day-care center, residential area, or other premises holding a license under this section.
3. Application. Application for a license required by this section shall be made in writing upon a form prescribed by and filed with the Clerk/Treasurer. The application herein required shall contain the following information under oath:
  - a. The name and address of the person, corporation, partnership, limited liability company or other entity applying for the license. Said applicant must be the same as the person holding the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license.
  - b. If the applicant is not an individual, the names and addresses of the partners or the applicant's principal officers and agent under § 125.04(6), Wis. Stats.
  - c. If the applicant, or in the event the applicant is not an individual person, if any partner, principal officer, or agent of the applicant has been convicted in a court of competent jurisdiction of any offense, criminal or civil forfeiture, other than parking offenses or minor traffic offenses, including dates of conviction, nature of the offense, and location of the offense for such all offenses within the five-year period immediately preceding the date of application unless the applicant has been duly pardoned.
  - d. If the applicant, or in the event the applicant is not an individual person, if any partner, principal officer, or agent of the applicant has, within five (5) years prior to the date of application, been licensed to sell alcohol beverages and whether any such license was suspended, revoked, or not renewed and a statement of the reasons therefor.
  - e. A statement of the specific nature of the entertainment to be provided.
  - f. The location of the premises for which the license is sought and identification of the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license held for the premises.
4. Duty to Cooperate. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required or deemed necessary shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.
5. Notification of Changes. If, while any application is pending, or during the term of any license granted thereon, there is any change in fact that would alter the information given on the application, the applicant or licensee shall notify the Clerk/Treasurer in writing thereof within ten (10) days after such change.
6. License Fee. The fee for a license issued under this section shall be \$1,400.00. The license fee shall accompany each application. The full license fee shall be charged for the whole or fraction of the license year. [Ord. O-2009-0033, 11/3/2009]
7. Processing of Application and Issuance of License.
  - a. Upon receipt of a proper application and the prescribed license fee, the Clerk/Treasurer shall provide copies of the application to the Police Department, Building Inspection Department, and other applicable departments for their investigation and review to determine compliance of the proposed tavern entertainment with the laws and regulations each department administers. Each department shall, within thirty (30) days, report back to the Clerk/Treasurer whether the applicant and premises comply with the laws and regulations administered by each department. No license may be issued unless each department reports that the applicant and premises comply with all relevant laws and regulations. A department shall recommend denial of a license if it finds that the proposed applicant or premises are not in conformance with the requirements of this section, the ordinances of the City of West Allis, the laws of the State of Wisconsin, or any other applicable law or regulation. A recommendation for denial shall be in writing and cite the specific reason or reasons therefor.
  - b. With sixty (60) days of receiving a completed application and fee, the Common Council shall grant or deny the license or hold the application for an additional period of time as agreed to by the applicant.
  - c. The Common Council shall examine all applications filed and shall make or cause to be made such further investigation as it deems necessary. The Common Council shall approve a license only if it finds all of the following:
    - i. That all of the statements made in the application are true.
    - ii. Subject to §§ 111.321, 111.322, and 111.335 of the Wisconsin Statutes, that the applicant or, if the applicant is not an individual, that every partner, principal officer, and agent appointed pursuant to Section 125.04(6) has not been convicted of any offense substantially related to the operation of a tavern entertainment establishment.
    - iii. That the premises for which the license is sought will comply with the provisions of this section and all other applicable rules, regulations, ordinances, and state laws, specifically including, but not limited to, zoning regulations, Building Code, Fire Prevention Code, and Health Code requirements.
    - iv. That the proposed entertainment will comply with all applicable rules, regulations, ordinances, and state laws, specifically including, but not limited to, noise limitations, performance standards, and distancing requirements under Sections 7.035, 9.02(19), and 18.03(3)(m) of the Revised Municipal Code. [Ord. No. O-2009-0017, 6/2/2009]
    - v. If the applicant is a corporation that it is licensed to do business in the State of Wisconsin and is in good standing.

- vi. That the applicant holds a Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license for the premises for which an entertainment license is sought.
- d. Upon approval of the application by the Common Council, a license shall be issued to the applicant by the Clerk/Treasurer. Any license issued under this section shall be non-assignable and nontransferable from person to person or from one premises to another.
- e. Whenever an application is denied, the Clerk/Treasurer shall advise the applicant in writing of the action taken and the reasons for such action. The Clerk/Treasurer shall also advise the applicant of the right to request that the Common Council review its determination pursuant to § 2.48(5) of the Revised Municipal Code.
- 8. Display of License. The license shall be displayed in a conspicuous public place in the tavern entertainment establishment.
- 9. Renewal of License.
  - a. Every license issued pursuant to this section shall terminate on June 30th pursuant to Section 9.015, unless sooner revoked, and must be renewed before operation is allowed in the following license year. Any operator desiring to renew a license shall make application to the Clerk/Treasurer. The application for renewal must be filed on or before May 1st. Operators filing a renewal application shall provide the information required by Subsection 9.033(3) and shall be processed pursuant to Subsection 9.033(7). [Ord. No. O-2009-0017, 6/2/2009]
  - b. A license renewal fee of \$1,400.00 shall be submitted with the application for renewal. [Ord. O-2009-0033, 11/3/2009]
- 10. Transfer of License. No license issued pursuant to this section shall be assignable or transferable. For purposes of this section, "assignable" or "transferable" shall mean and include any of the following:
  - a. The sale, lease, or sublease of the business; or
  - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, gift, exchange, or similar means; or
  - c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.
- 11. Suspension, Revocation, and Nonrenewal of License.
  - a. A license may be suspended for a period not to exceed ninety (90) days, revoked, or not renewed by the Common Council for participating in, allowing, or suffering disorderly conduct or sexual offenses in or around the licensed premises or for any violation by the permittee, the licensee, or the licensee's agents, employees, or entertainers, of any of the provisions of this section, or any ordinance or law relating to the use or occupation of the licensed premises. If a license is revoked or not renewed, at least two (2) years shall elapse before another license or permit shall be given for the same premises or to the same licensee or permittee. Any suspension, revocation, or nonrenewal may be in addition to any forfeiture imposed under this section or other penalty imposed by law. The procedures set forth in § 125.12 of the Wisconsin Statutes shall apply to suspensions, revocations, and non-renewals of entertainment licenses and permits.
- 12. Exceptions. A tavern entertainment license is not required if the entertainment consists of dart games, amusement devices for which a license is required under Section 9.08 of this code, pool or billiard tables, or bowling.
- 13. Pre-Existing Entertainment Licenses and Discontinuation of Operation. Holders of Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine licenses who also possess an entertainment license at the time of passage of this ordinance are exempt from the locations provisions of Paragraph 9.033(2). Any transfer of the entertainment license from the licensed premises to any other premises shall cause said entertainment license to lapse and become void. Any discontinuation in the operation of the licensed premises for a period of six (6) months shall also cause the entertainment license to lapse and become void. A licensee whose license has lapsed and become void shall thereafter be subject to the location requirements in Paragraph 9.033(2). [Ord. No. O-2009-0017, 6/2/2009]

~~{Ord. 6540 (amended) 2/6/2001}~~

**SECTION 5:** **REPEAL** "9.034 Tavern Entertainment License - Other Entertainment" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

**REPEAL**

~~9.034 Tavern Entertainment License – Other Entertainment (Repealed)~~

1. License Required. No person holding a retail Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license, nor the licensee's agents or employees, shall provide, maintain, suffer or permit in or upon the licensed premises [as described in §§ 125.26(3), 125.51(3)(d), and 125.51(3m)(d), Wis. Stats.], any entertainment, exposition, or show, other than shows listed in Section 9.033, whether live or prerecorded music is used or not, without having first obtained a license therefor as hereinafter provided. Such entertainment shall discontinue thirty (30) minutes prior to the established closing time for the licensed premises. No instrumental music license under Section 9.032 shall be required of any person holding a valid license under this section.
2. Application. Application for a license required by this section shall be made in writing upon a form prescribed by and filed with the Clerk/Treasurer. The application herein required shall contain the following information under oath:
  - a. The name and address of the person, corporation, partnership, limited liability company or other entity applying for the license. Said applicant must be the same as the person holding the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license.
  - b. If the applicant is not an individual, the names and addresses of the partners or the applicant's principal officers and agent under § 125.04(6), Wis. Stats.
  - c. If the applicant or, in the event the applicant is not an individual person, if any partner, principal officer, or agent of the applicant has been convicted in a court of competent jurisdiction of any offense, criminal or civil forfeiture, other than parking offenses or minor traffic offenses, including dates of conviction, nature of the offense, and location of the offense for such all offenses within the five-year period immediately preceding the date of application unless the applicant has been duly pardoned.
  - d. If the applicant or, in the event the applicant is not an individual person, if any partner, principal officer, or agent of the applicant has, within five (5) years prior to the date of application, been licensed to sell alcohol beverages and whether any such license was suspended, revoked, or not renewed and a statement of the reasons therefor.
  - e. A statement of the specific nature of the entertainment to be provided.
  - f. The location of the premises for which the license is sought and identification of the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license held for the premises.
3. Duty to Cooperate. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required or deemed necessary shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.
4. Notification of Changes. If, while any application is pending, or during the term of any license granted thereon, there is any change in fact that would alter the information given on the application, the applicant or licensee shall notify the Clerk/Treasurer in writing thereof within ten (10) days after such change.
5. License Fee. The fee for a license issued under this section shall be two hundred fifty dollars (\$250.). The license fee shall accompany each application. The full license fee shall be charged for the whole or fraction of the license year.
6. Processing of Application and Issuance of License.
  - a. Upon receipt of a proper application and the prescribed license fee, the Clerk/Treasurer shall provide copies of the application to the Police Department, Building Inspection Department, and other applicable departments for their investigation and review to determine compliance of the proposed tavern entertainment with the laws and regulations each department administers. Each department shall, within thirty (30) days, report back to the Clerk/Treasurer whether the applicant and premises comply with the laws and regulations administered by each department. No license may be issued unless each department reports that the applicant and premises comply with all relevant laws and regulations. A department shall recommend denial of a license if it finds that the proposed applicant or premises are not in conformance with the requirements of this section, the ordinances of the City of West Allis, the laws of the State of

- Wisconsin, or any other applicable law or regulation. A recommendation for denial shall be in writing and cite the specific reason or reasons therefor.
- b. With sixty (60) days of receiving a completed application and fee, the Common Council shall grant or deny the license or hold the application for an additional period of time as agreed to by the applicant.
  - c. The Common Council shall examine all applications filed and shall make or cause to be made such further investigation as it deems necessary. The Common Council shall approve a license only if it finds all of the following:
    - i. That all of the statements made in the application are true.
    - ii. Subject to §§ 111.321, 111.322, and 111.335 of the Wisconsin Statutes, that the applicant or, if the applicant is not an individual, that every partner, principal officer, and agent appointed pursuant to Section 125.04(6) has not been convicted of any offense substantially related to the operation of a tavern entertainment establishment.
    - iii. That the premises for which the license is sought will comply with the provisions of this section and all other applicable rules, regulations, ordinances, and state laws, specifically including, but not limited to, zoning regulations, Building Code, Fire Prevention Code, and Health Code requirements.
    - iv. That the proposed entertainment will comply with all applicable rules, regulations, ordinances, and state laws, specifically including, but not limited to, noise limitations, performance standards, and distancing requirements under Sections 7.035, 9.02(19), and 18.03(3)(m) of the Revised Municipal Code.
    - v. If the applicant is a corporation that it is licensed to do business in the State of Wisconsin and is in good standing.
    - vi. That the applicant holds a Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license for the premises for which an entertainment license is sought.
  - d. Upon approval of the application by the Common Council, a license shall be issued to the applicant by the Clerk/Treasurer. Any license issued under this section shall be non-assignable and nontransferable from person to person or from one premises to another.
  - e. Whenever an application is denied, the Clerk/Treasurer shall advise the applicant in writing of the action taken and the reasons for such action. The Clerk/Treasurer shall also advise the applicant of the right to request that the Common Council review its determination pursuant to Section 2.48(5) of the Revised Municipal Code.
7. Display of License. The license shall be displayed in a conspicuous public place in the tavern entertainment establishment.
8. Renewal of License.
- a. Every license issued pursuant to this section shall terminate on June 30th pursuant to Section 9.015, unless sooner revoked, and must be renewed before operation is allowed in the following license year. Any operator desiring to renew a license shall make application to the Clerk/Treasurer. The application for renewal must be filed on or before May 1st. Operators filing a renewal application shall provide the information required by Subsection 9.034(2) and shall be processed pursuant to Subsection 9.034(6).
  - b. A license renewal fee of two hundred fifty dollars (\$250.) shall be submitted with the application for renewal.
9. Transfer of License. No license issued pursuant to this section shall be assignable or transferable. For purposes of this section, "assignable" or "transferable" shall mean and include any of the following:
- a. The sale, lease, or sublease of the business; or
  - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, gift, exchange, or similar means; or
  - c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.
10. Suspension, Revocation, and Nonrenewal of License.
- a. A license may be suspended for a period not to exceed ninety (90) days, revoked, or not renewed by the Common Council for participating in, allowing, or suffering disorderly conduct or sexual offenses in or around the licensed premises; or for any violation by the permittee, the licensee, or the licensee's agents, employees, or entertainers, of any of the provisions of this section; or any ordinance or law relating to the use or occupation of the licensed premises. If a license is revoked or not renewed, at least two (2) years shall elapse before another license or permit shall be given for the same premises or to the same licensee or permittee. Any suspension, revocation, or nonrenewal may be in addition to any forfeiture imposed under this section or other penalty imposed by law. The procedures set forth in Section 125.12 of the Wisconsin Statutes shall apply to suspensions, revocations, and nonrenewals of entertainment licenses and permits.
11. Exceptions. A tavern entertainment license is not required if the entertainment consists of dart games, amusement devices for which a license is required under Section 9.08 of this Code, pool or billiard tables, or bowling.
12. Discontinuation of Operation. Any transfer of the entertainment license from the licensed premises to any other premises shall cause said entertainment license to lapse and become void. Any discontinuation in the operation of the licensed premises for a period of six (6) months shall also cause the entertainment license to lapse and become void.
13. Special Entertainment. A license issued under this section shall not constitute a license to engage in entertainment under Section 9.033 of the Revised Municipal Code.

~~{Ord. No. O-2009-0016, 6/16/2009}~~

**SECTION 6:** **REPEAL** "9.05 Dance Halls" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

**REPEAL**

~~9.05 Dance Halls (Repealed)~~

1. Definitions.
  - a. Public Dance. The term "public dance" or "public hall," as used in this section, shall be taken to mean any dance or hall to which admission can be had, either without charge when under personal supervision of the licensee or by payment of a fee or by purchase, possession or presentation of a ticket or token in which a charge is made for caring for clothing or other property, or any other dance to which the public generally may gain admission with or without payment of a fee.
  - b. Public Dance Hall. The term "public dance hall," as used herein, shall mean any room, place or space in which a public dance or public hall may be held, or hall or academy in which classes in dancing are held and instruction in dancing given for hire.
2. Dance Hall License.
  - a. License Required. It shall be unlawful to hold any public dance or public ball or to hold classes in dancing within the limits of the City until the dance hall in which the same may be held shall have been duly licensed for such purpose.
  - b. This section shall not apply to studios or dance academies whose primary business is dance instruction and do not offer food or beverages for sale on the premises. **[Ord. O-2010-0013, 6/1/2010]**
  - c. Fees. All such applications shall be accompanied by an annual license fee of sixty dollars (\$60.00). **[Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]**
  - d. Granting License. No license for public dance hall shall be issued until it shall be determined that the hall conforms to all health and fire regulations of the City, that it is properly ventilated and supplied with sufficient toilet conveniences, and is a safe and proper place for the purpose for which it is to be used.
  - e. Revocation of License. The license of any public dance hall shall be revoked by the Common Council for disorderly or immoral conduct on the premises or for violation of any of the rules, regulations, ordinances and laws governing or applying to public dance halls or public dances. If at any time the license of a public dance hall be revoked, at least six (6) months shall elapse before another license or permit shall be given for dancing on the same premises to the same licensees.
3. Regulations of Dance Halls.
  - a. Renting of Hall.

- i. Licensee to Report. Every licensed owner of a dance hall shall immediately upon application being received by him from any person, club or society to lease or rent his hall for the purpose of holding a public dance or ball therein, report to the Chief of Police the name and address of such person, club or society and the date when such public dance or ball is proposed to be held. The Chief of Police shall at once make or cause to be made an investigation for the purpose of determining whether such dance or ball shall be held.
  - ii. Refusal to Permit Dance. If the Chief of Police shall determine that the proposed dance or ball ought not to be held, he shall, within five (5) days after receipt of the aforesaid notice of application for lease or rental, notify the licensed owner of such dance hall in writing that the proposed public dance or ball shall not be held therein, and the licensed owner of such dance hall thereupon shall refuse to permit such public dance or ball to be held in such hall. Failure on the part of the licensed owner of such hall to comply with the provisions of this notice shall be sufficient cause for the revocation of the license of such licensed owner.
  - iii. Exceptions. Nothing herein shall be construed as requiring the holder of a dance hall license to secure a dance permit where the dance is conducted in the hall under the direct personal supervision of such licensee.
- b. Minors at Dance Halls. It shall be unlawful after 10:00 p.m. to permit any person to attend or take part in any public dance who is under the age of eighteen (18) years unless accompanied by parent, lawful guardian or adult spouse when intoxicating or fermented malt beverages are available for consumption on the premises. It shall be unlawful for any person to represent himself or herself to have reached the age of eighteen (18) years in order to obtain admission to a public dance hall or to be permitted to remain therein when such person, in fact, is under eighteen (18) years of age, and it shall also be unlawful for any person to represent himself or herself to be a parent, lawful guardian or adult spouse of any person, in order that such person may obtain admission to a public dance hall, or shall be permitted to remain therein when the party making the representation is not, in fact, either a parent, lawful guardian or adult spouse of the other person.
- c. Closing Hours. All public dances, except upon licensed tavern premises, shall be discontinued and all public dance halls shall be closed on or before the hour of 1:30 a.m. during the week and 2:30 a.m. on Sunday, and shall remain closed until 8:00 a.m. of said day. Public dances upon licensed tavern premises shall be discontinued fifteen (15) minutes prior to the established closing time for such tavern premises.
- d. Dancing in Bar Room. It shall be unlawful to permit dancing in a bar room of any tavern within six (6) feet of any bar and back barwall, or the area within three (3) feet of any part of an exit door or toilet room door, or any other exit or passageway, or any toilet room or any other space or room which is not used exclusively by the public. The area in which dancing is permitted shall be either partitioned off, roped off or indicated by a line drawn upon the floor.

**SECTION 7:** REPEAL "9.06 Pool Tables And Bowling Alleys" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

**9.06 Pool Tables And Bowling Alleys (Repealed)**

1. License Required. No person shall erect or keep, or permit to be erected, placed or kept upon his, her or their premises, within the limits of the City, any billiard table, pool table, bowling alley, nine- or ten-pin alley, used and kept for hire, without having obtained a license therefor, as provided in this section.
2. Application for License. Licenses for the erection or keeping of billiard tables, pool tables and bowling alleys shall be issued by the City Clerk when granted by the Common Council upon the presentation to the Clerk of the City Treasurer's receipt, showing payment of the sum required in Subsection (4) hereof.
3. License Non-assignable. No license shall be assignable or inure to the benefit of any other than the person, persons, company, association or corporation to whom such license was originally issued.
4. License Period and Fees. Every license shall expire on the 30th day of June following the date of its issue, and a fee of thirty-five dollars (\$35.00) shall be paid therefor, for each billiard table, pool table or bowling alley for which such license shall be issued. Payment shall be made to the City Clerk/Treasurer upon application. **[Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]**
5. Regulations.
  - a. No licensee shall permit any minor under the age of sixteen (16) years to frequent, loiter in or to play pool or billiards in that part of any premises used by the public for the playing of pool or billiards.
  - b. In no event shall card playing be permitted on premises which are licensed for the erection or keeping of billiard or pool tables even if such card playing is for social purposes, unless such premises also has a retail Class "B" fermented malt beverage license.
  - c. All premises in which the game of pool or billiards is played shall be so arranged and shall be so lighted at all hours that a full view of the interior may be seen from the public street or sidewalk or from adjacent rooms to which the public is admitted.
  - d. It shall be unlawful for any person, society, club or corporation to operate a billiard or pool room during the closing hours established for retail Class "B" fermented malt beverage or intoxicating liquor licensed premises, as provided in section 9.02(17)(a)(3) of this Code, or to permit any person or persons, except regular employees performing necessary work within the premises, to be or remain in any room where billiard or pool tables are maintained for hire at any time during such hours.
  - e. No person, while in any billiard hall or pool room, shall have in his possession and no person, society, club or corporation operating a billiard or pool room shall permit any person to have in his possession, any intoxicating liquor or fermented malt beverage unless such premises also has a retail Class "B" fermented malt beverage license and a retail Class "B" liquor license, pursuant to the provisions of section 9.02 and section 9.03 of this Code.

**SECTION 8:** REPEAL "9.08 Amusement Devices" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

**9.08 Amusement Devices (Repealed)**

1. Definitions.
  - a. Amusement Devices. An amusement device shall mean any electronic or mechanical game, including devices for the playing of miniature games of hockey, bowling, baseball or basketball, pinball and shuffleboard and similar games, and for which a consideration either in coin or in other thing of value is required for the playing thereof or participation in the playing thereof, but shall not be deemed to include any gambling device. A phonograph or instrument for reproducing music and which is not designed for the playing of games shall not be considered an amusement device.
  - b. Phonographs. Phonographs shall include any instrument which reproduces music by record or other means.
  - c. Distributor. Distributor shall mean any person who, as owner or lessor, distributes or leases any amusement device or phonograph to any person for use in the City.
  - d. Lessee. A lessee shall mean any person, not including a firm or corporation, who has leased or agrees to have in his custody or has in his possession, an amusement device under any agreement to pay rent or share in the proceeds of the operation of the machine with the owner or distributor thereof.
  - e. Gambling Device. Gambling device shall mean any instrument, device or thing used or usable for gambling or playing any game of chance for money or any other thing of value.
  - f. Pinball Machines, When Gambling Device. Any device or instrument or so-called pinball machine which contains a coin tray or compartment, in which coins, merchandise or thing of value is delivered or made available to the player, or to the lessee or distributor on behalf of said player or for the player's benefit, as a prize or a reward which is the result of a winning combination or a single or a series of combinations obtained by the player of said device in which the element of chance is a substantial factor is hereby declared to be a gambling device and its ownership or possession is unlawful.

- g. Owner-Operator. An owner-operator is any person who owns and operates an amusement device or phonograph in his own business establishment and is not actively engaged in the practice of distributing any amusement device or phonograph, as defined in subsection (1)(c) hereof.
2. Gambling Devices Prohibited. No person, firm or corporation shall set up for operation, operate, lease or distribute for the purpose of operation any gambling device or slot machine.
3. License Required. No distributor shall own, lease, install, place, operate any amusement device or phonograph, share in the proceeds or profits or collect rents of any amusement devices or phonographs for use on any premises in the City without first having obtained a distributor's license and paying the license fee hereinafter provided. No person or lessee shall have in its possession or set up for use any amusement device or phonograph which has not been registered with the City Clerk and the registration fee paid, as hereinafter provided.
4. Licenses.
- a. Amusement Device Distributor's License.
    - i. Fees. The distributor's license fee for an amusement device shall be four hundred fifty dollars (\$450.00) per year, and shall be paid to the City Clerk/Treasurer at the time of filing the application for a license. **[Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]**
  - b. Phonograph Distributor's License.
    - i. Fee. The Distributor's license fee for a phonograph shall be three hundred dollars (\$300.00) per year and shall be paid to the City Clerk/Treasurer at the time of filing the application for a license. **[Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]**
  - c. Owner-operator's Licenses. The owner-operator's license fee for an amusement device shall be thirty dollars (\$30.00) per year, and for a phonograph shall be twenty-five dollars (\$25.00) per year, and shall be paid to the City Clerk/Treasurer at the time of filing the application for a license. **[Ord. O-2009-0033, 11/3/2009]**
  - d. Application for License.
    - i. An applicant for any of the licenses set forth in Subsection (3) of this section shall make application in writing to the Common Council on such application forms as shall be prescribed by the City Clerk.
    - ii. All applicants, in their application, shall consent to a reasonable inspection of their records and devices to determine ownership and character of amusement devices and phonographs to be operated in their business establishment.
  - e. Standards for Issuance. The Common Council may grant a license if it is found: **[Ord. 6519 (amend) 6/6/2000]**
    - i. That the business operation as proposed by the applicant will comply with the provisions of this section and all other applicable rules, regulations, ordinances and state law.
    - ii. That subject to §§ 111.321, 111.322, and 111.335, Wis. Stats., the applicant has not, within the five years immediately preceding the date of the application, been convicted of violating this ordinance or of any other offense substantially related to the amusement device business.
    - iii. That the applicant be a Wisconsin resident or name an agent in the State of Wisconsin. Said agent shall be personally liable for the operation of the licensed business and agrees to accept service on behalf of the licensee until such time as a new agent is approved by the Common Council.
    - iv. The applicant is at least eighteen years of age.
    - v. That the applicant has not knowingly made any false, misleading, or fraudulent statement of fact in the license application or other information required in conjunction therewith.
    - vi. That the applicant, if a corporation, is licensed to do business and is in good standing in the State of Wisconsin.
    - vii. That the applicant has substantially complied with all building, zoning, plumbing, electrical, fire, and health codes.
  - f. License Period. The license period for any of the licenses provided for under this section shall extend from July 1 of each year to June 30 of the following year.
5. Registration of Amusement Devices.
- a. Devices to Be Registered. All licensed distributors, owners or possessors shall, on the first day of each July, register or cause to be registered with the City Clerk, all of their amusement devices or phonographs on location for use. Nothing herein contained shall be construed to authorize the registration of any slot machine or gambling device.
  - b. Issuance of Registration Symbols. The City Clerk shall require the registrant to submit the information as may be necessary to identify the amusement device so registered, and shall issue to the registrant an appropriate registration symbol so designed as to permit its secure attachment to the amusement device to be registered. Any person, firm or corporation delinquent in the payment of taxes, personal or real, shall not be issued a distributor's license.
  - c. Registration Fees. The registration fee for each amusement device shall be thirty-five dollars (\$35.00) per year per machine, and the registration fee for each phonograph shall be twenty-five dollars (\$25.00) per year per machine. The registration fee shall be paid to the City Clerk/Treasurer at the time of registration. **[Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]**
  - d. Seizure. The Mayor, Chief of Police or any police officer shall seize or cause to be seized any amusement device upon which is not affixed a registration symbol, as herein required. The ownership or possession of any non-registered amusement device is declared to be a violation of this subsection.
  - e. Transfer of Registration Symbols. Any transfer of registration symbols from one machine to another shall be unlawful, unless a certificate of transfer is first obtained from the City Clerk. The Clerk shall issue such certificate upon the verified statement of the licensee or operator that the previously registered machine is no longer located at the place where originally registered, and that by such transfer the machines on hand shall not exceed two (2) in number. No person shall counterfeit a registration symbol or shall transfer such registration symbol from one amusement device to another without having previously registered such transfer with the City Clerk.
6. Suspension, Revocation, or Non-renewal. **[Ord. 6519 (amend) 6/6/2000]**
- a. Licenses. The Common Council may suspend, revoke, or not renew any license or registration symbol. No license shall be suspended, revoked, or non-renewed without first providing the licensee with due notice and hearing before the License and Health Committee of the West Allis Common Council for the purpose of determining whether grounds for such action exist. The License and Health Committee shall make findings and recommendations to the West Allis Common Council and a copy shall be mailed to the licensee or its in-state agent. The licensee shall have ten days from the date the findings and recommendations were mailed to make written objections. The Common Council shall then determine whether sufficient ground(s) exist and whether the license should be suspended, revoked, or non-renewed. The Clerk/Treasurer shall notify the operator in writing of the decision of the Common Council by first class mail.
  - b. Registration Symbols. Upon conviction for a violation of any provision of the section involving a device or phonograph registered under this section, the licensee shall surrender the registration symbol(s) for each device to the City Clerk/Treasurer. If the licensee fails or refuses to surrender said symbols, the City Clerk/Treasurer shall notify the licensee, in writing by first class mail, that such symbols are revoked effective the date of conviction, unless stayed on appeal.

**SECTION 9:** REPEAL "9.10 Arcades" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

**REPEAL**

**9.10 Arcades (Repealed)**

1. Declaration of Intent. Whereas, there has been, as of the time of the enacting of this ordinance, an increase in the business of operating arcades, especially those offering amusement devices of the type known as electronic and video games; and, Whereas, it is the belief of the Common Council that such arcades are intended to, and in fact do, draw a major portion of their clientele from the juveniles and young people of the communities in which they are situated; and, Whereas, it is the policy of the Common Council that it is in the best interest of the community to closely monitor, regulate as necessary, and oversee the operation of those businesses that have a high degree of contact with the youth of the community; and, Whereas, it is the belief of the Common Council that without proper regulation, arcades may substantially interfere with the attainment of public education objectives



and priorities for the youth of the community, create an environment for disorderly behavior and conduct and threaten the peaceful enjoyment of the properties in the neighborhood; all contrary to the good order, safety, health and welfare of the community. Now, therefore, it is determined that it is in the best interest of the health, safety and welfare of the community to establish reasonable regulations for the operation of arcade businesses, and to such purpose this section is hereby enacted.

2. Definitions.

- a. Amusement Device. See sec. 9.08(1)(a) of this Chapter.
- b. Arcade. Any premises containing five (5) or more amusement devices for the primary use and entertainment of the public, except premises for which a license to sell fermented malt beverages and/or intoxicating liquors has been issued by the City.
- c. Good Moral Character. For purposes of this section, "good moral character" shall mean that the person under consideration has exhibited conduct consistent with that of the average person with regard to reputation, citizenship, decency, honesty and respect for law and order. The following, without limitation due to enumeration herein, shall be considered to be evidence of activities inconsistent with "good moral character":
  - i. Conviction within five (5) years preceding application for license of a crime involving moral turpitude, except as set out below.
  - ii. Conviction of the offense of contributing to the delinquency of minors, exposing minors to harmful materials, liquor law violations involving minors, sex offenses or sexual assaults involving minors, offenses against the controlled substances act or offenses against the organized crime control act, which offenses are hereby deemed to be of special concern and affecting the health, safety and welfare of youth in particular and the community in general.
  - iii. Being a probationer or parolee under the jurisdiction of the State Department of Health and Social Services, Department of Community Corrections, or a similar agency of another state or the federal government.
  - iv. Being the subject of any criminal prosecution for a crime involving moral turpitude, in the courts of any state or of the federal government. Nothing in this section shall be construed to prevent any such person from reapplying for a license under this section after the conclusion of said proceeding.
  - v. Being known to any police agency to be habitually disorderly as to conduct; a habitual drunkard or user of illicit controlled substances; a gambler; a frequenter of disorderly houses; a vagrant; an associate of known criminals; or, to have knowingly given false information to any police or government agency concerning any investigation, application or other proceeding.
  - vi. In the event that any application for a license under this section is denied on the grounds that a person named in the application is not of good moral character, such person may, using the procedures provided for in Chapter 68 of the Wisconsin Statutes, demand the reasons therefor in writing and shall be afforded the opportunity to, if desired by such person, have a hearing, as provided for under that Chapter, and to present evidence on his behalf.

3. License Required. No person, firm or corporation shall operate an arcade without first having obtained a license therefor from the Common Council.

4. Application for License. An application for a license shall be filed with the City Clerk on forms to be furnished by the Clerk, which form shall require the following information:

- a. Name and address of the applicant;
- b. In case of a partnership, the names and addresses of all partners;
- c. In case of a corporation, the names and addresses of all officers, directors and stockholders of ten percent (10%) or more of the capital stock of the corporation;
- d. In case of clubs, associations or other organizations, the names and addresses of all officers;
- e. The location of the premises to be licensed and the name and address of the owner or owners of said premises;
- f. Whether or not any person or persons named in the application have ever been convicted of violating any federal or state law bearing a criminal penalty, or any county, local or municipal ordinance in conformity therewith, or any offense described in subsection (2)(c)(2) above.
- g. The number of games, machines, tables or amusement devices to be located upon the premises to be licensed.

5. License Fee. The license fee shall be three hundred dollars (\$300.00) per year and shall accompany each application. [Ord. O-2009-0033, 11/3/2009]

6. License.

- a. All licenses herein provided for shall be issued upon approval by the Common Council, and shall limit the holder thereof to operate an arcade only on the premises for which the license has been issued. All licenses shall expire on the 30th day of June following the date of issuance.
- b. Such license shall bear the date of issuance, the name of the licensee, the purpose for which issued, and the location of the room or building wherein the licensee is authorized to carry on and conduct such business. Such license shall not be transferable by the holder to any other person, firm or corporation, but such license may be transferred by the holder to another location, provided that the licensee shall make written application for such transfer to the City Clerk and such transfer is approved by the Common Council. A transfer fee of twenty-five dollars (\$25) shall be paid by the applicant.
- c. Change in Ownership. Any change of ownership of an arcade business licensed under the provisions of this section shall void such license, unless the owner thereof shall apply for continuation of the license for the remainder of the license year for which it was originally granted. Such application shall be accompanied by an application fee of twenty-five dollars (\$25), and a publication fee of fifteen dollars (\$15). Such change includes, but shall not be limited to, a change of individual ownership, the addition of a partner or stockholder, the withdrawal of a partner or stockholder or a change in the percentage of interest in the business of a partner or stockholder. Unless such application shall take place within thirty (30) days of the date of the change of ownership, the license granted hereunder shall terminate. All changes in the membership of a partnership or all changes in the identity of the principal officers or any stockholders in the corporation shall be reported to the City Clerk within ten (10) days after they occur. The License & Health Committee of the Common Council shall have the authority to approve or deny continuance of said license following public hearing on such application for continuance. Notice of such hearing shall be published as required by law. Persons aggrieved by the decision of such Committee may appeal such decision pursuant to the provisions of Chapter 68 of the Wisconsin Statutes.
- d. The Common Council shall require the West Allis Police Department to make an investigation of all persons named in an application for a license and report the findings of such investigation to the City Clerk.
- e. A license shall not be issued if the applicant, or any partner, or the principal officer, or any stockholder holding more than twenty percent (20%) of the capital stock of the corporation, if applicant is a corporation:
  - i. Is not of good moral character as defined above;
  - ii. Is under eighteen (18) years of age.

7. Location of Premises.

- a. No license shall be issued to any applicant unless the applicant has first obtained a special use permit for the premises, as provided by Chapter 12 of this Code.
- b. In any event, no license shall be granted to any person, firm or corporation to operate a business offering to the public an opportunity to use amusement devices for a fee, which is located within five hundred (500) feet from the boundary of a parcel of real estate having situated on it a school, church, hospital, public library, park or public playground.

8. Revocation of License. The Common Council of the City of West Allis may suspend, revoke or deny reissuance of any license issued, pursuant to this section, at any time, for any reasonable cause, which shall be in the best interest and for the good order of the City, provided that the license shall be accorded due process of law. Cause for such revocation, suspension or denial shall include, without limitation for lack of reference herein, any violation of the provisions of this section, or other provisions of the West Allis Revised Municipal Code, relevant to the operation of said business.

9. Arcade Operator's Licenses. A licensed arcade operator shall be on the licensed premises at all times during the hours the arcade is open to the public, in order to provide supervision necessary to maintain proper order.

- a. An arcade operator's license shall entitle the holder thereof to work as operator upon premises licensed under this section. Such licenses will be issued by the Common Council only to persons of good moral character, as defined above, over eighteen (18) years of age.
- b. A written application shall be filed annually with the City Clerk stating the name, address, age and sex of applicant. The application shall be referred to the Chief of Police for report. A license fee must accompany the application. There will be no refund of the fee if the license is not subsequently granted.
- c. Fees. The annual fee for an arcade operator's license shall be thirty-five dollars (\$35.00). There will be a charge of ten dollars (\$10.00) for the issuance of a duplicate license. [Ord. O-2009-0033, 11/3/2009]

- d. Posting. Each arcade operator's license shall be posted in a conspicuous place where the licensee is employed.
  - e. Revocation. Any arcade operator's license issued under this section may be revoked, suspended or denied, at any time, for any reasonable cause, which shall be in the best interest of and for the good order of the City. Any arcade operator's license issued under the provisions of this section shall stand revoked without further proceedings, upon the conviction of a licensee for maintaining a disorderly or riotous, indecent or improper place of business. Whenever any such license shall be revoked, no refund of any unearned portion of the fee paid shall be made.
10. Conduct of Business and Miscellaneous Regulations. All arcade license and arcade operator's licenses shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto.
- a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
  - b. Each license premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
  - c. There shall be upon premises operated under an arcade license at all times some person who shall have an arcade operator's license, and who shall be responsible for the acts of all persons employed at said premises.
  - d. No premises licensed under this section shall be permitted to remain open between the hours of 11:00 p.m. and 9:00 a.m. of any day.
  - e. No patron or guests shall be permitted to enter or remain on the licensed premises during the closing hours provided in Paragraph (d) above.
  - f. Nothing in this section shall be construed to authorize or permit or license any gambling device of any nature whatsoever.
  - g. No person, while using or operating a game of amusement or amusement device, or while on the licensed premises, shall gamble or make any bets.
  - h. In no event shall card playing be permitted on such licensed premises even if such card playing is for social purposes only.
  - i. Rooms in which games of amusement are located and used by the public shall, at all times, be kept in a clean, healthful and sanitary condition with ample and approved lighting and ventilation, in accordance with Municipal Code requirements and as hereinafter set forth.
  - j. No person, while on a premises licensed hereunder, shall have in his possession any intoxicating liquor or fermented malt beverage.
  - k. No person under the age of eighteen (18) years shall be permitted on the licensed premises where the use of games of amusement or amusement devices is offered to the public for a fee before the hour of 3:00 P.M. on any day that the West Allis - West Milwaukee public schools are in session, unless accompanied by his or her legal parent or guardian.
  - l. The licensee of the premises shall provide a minimum unobstructed area of two (2) feet perpendicular to the front of each game, device, machine or table for customers to stand while using same; in addition, an unobstructed aisle for the safe passage of customers of at least three (3) feet shall be provided in front of each game, device, machine or table.
  - m. In no event shall occupation by more persons than allowed by the provisions of the West Allis Fire Prevention Code, as applicable to the licensed premises, be permitted.
  - n. Nothing in this section shall be construed to permit any relaxation of, or exemption from, the provisions of sec. 7.035 of the West Allis Revised Municipal Code.
  - o. All areas of the licensed premises shall, during business hours, have a sustained minimum white light illumination of thirty (30) foot candles, measured on a plane thirty (30) inches above the floor.
  - p. The licensed premises shall afford front window treatment of such a design as to allow full observation of the interior of the premises from the public way at all times.
  - q. The licensee of the premises shall provide a bicycle storage area sufficient to take care of the needs of all customers, which shall be located off the public way.
11. Exemptions. Exemptions from the provisions of this section shall be:
- a. Education, religious, charitable institutions and fraternal organizations which do not permit use of amusement devices on their premises by the general public and which are nonprofit organizations.
  - b. Any premises licensed to sell fermented malt beverages and/or intoxicating liquors has been issued by the City.
  - c. Other commercial premises primarily used for the conducting of a business other than the business of operating an arcade, which offer the use of less than five (5) amusement devices shall be exempt from the provisions of this section.
12. Penalties. Any action taken to revoke, suspend or deny a license issued under this section shall not preclude prosecution, conviction and punishment for violations of this section, as provided by sec. 9.27(b) of this Chapter. Each day that any violation is permitted to continue shall be deemed to be a separate offense.
13. Severability. Should any subsection or portion thereof of this section be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific subsection or portion thereof directly specified in the decision, and all other subsections or portions thereof of this ordinance shall remain in full force and effect.

**SECTION 10:** **REPEAL** "9.105 Shooting Galleries And Gun Ranges" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

**REPEAL**

**9.105 Shooting Galleries And Gun Ranges (Repealed)**

1. Regulation for Shooting Galleries and Gun Ranges. No premises shall be used or permitted to be used, leased or hired as a shooting gallery, gun range or place to practice target shooting, wherein firearms shall be discharged, without being duly licensed therefor. The license shall expire on the 31st day of December after the granting thereof, unless sooner revoked. No corporation, firm, association or club shall be granted a license to conduct in any manner a shooting gallery, gun range or place to practice target shooting within the limits of the City, except to an agent thereof first duly appointed by it, who is, at the time of filing said application, an officer, manager or member thereof, a full citizen of the United States, a resident of Milwaukee County continuously for at least two (2) years prior to the date of said application and who shall have vested in him by a properly authorized and executed written delegation full authority and control of the premises described in the license and of the conduct of all business and acts therein in any way relating to firearms and the use thereof or of the shooting gallery, gun range or place to practice target shooting and who shall, with respect to his qualifications be satisfactory to the Common Council. Such agent shall be personally responsible for compliance with all the terms and provisions of this ordinance. If such duly appointed agent shall, during any licensed year, cease to be an officer, manager or member of any corporation, firm, association or club, on whose behalf said license was issued, a new license shall be required and application therefor shall be forthwith made pursuant to the terms and provisions of this section. **[Ord. O-2009-0033, 11/3/2009]**
2. Application for License. No person shall be granted a license to conduct in any manner a shooting gallery, gun range or place to practice target shooting within the limits of the City, unless he shall have been, at the time of filing said application, a full citizen of the United States, a resident of Milwaukee County continuously for at least two (2) years prior to the date of said application, nor unless such individual is, with respect to his qualifications, satisfactory to the Common Council. Application for a license for any specific premises sought to be used as a shooting gallery, gun range or place to practice target shooting shall be made on forms provided by the City Clerk/Treasurer and be accompanied by the full license fee of sixty dollars (\$60.00). Said application shall contain the following information:
  - a. Name and age of applicant, whether a firm, association, corporation or club.
  - b. Address of applicant.
  - c. Location and description of premises sought to be licensed.
  - d. Qualifications of licensee.
  - e. Name of agent.
  - f. Qualifications of agent.

No application shall be submitted to the Common Council unless said application shall have been approved by the Chief of Police and Building Inspector. No premises shall be licensed unless constructed in accordance with the specifications provided in this section. **[Ord. O-2009-0033, 11/3/2009]**

### 3. Specifications.

- a. Use and Construction. The room, place or enclosure wherein the firing of firearms is to take place shall not be used for any other purpose whatsoever during the progress of firing. The rear wall and side walls in front of the firing line shall be made bullet proof and shall be of at least the following construction:
  - i. Eight (8) inch solid masonry or concrete, or
  - ii. Ten (10) inch hollow concrete block, or
  - iii. Wood stud and plaster walls or equivalent construction covered with one-quarter (1/4) inch steel plate and faced with wood one (1) inch thick.
- b. Bullet Protecting Plates.
  - i. When the floor construction is other than reinforced concrete and there is a room below, such floor in front of the firing line for a distance of at least ten (10) feet shall be covered with a steel plate not less than one-quarter (1/4) inch in thickness. When there is no room below such floor and the floor construction is other than reinforced concrete, the thickness of such steel plate may be one-sixteenth (1/16) inch in order to provide fire protection for unburned powder.
  - ii. When the ceiling construction is of other than reinforced or precast reinforced concrete and there is a room above, such ceiling in front of the firing line for a distance of at least ten (10) feet shall be covered with a steel plate not less than one-quarter (1/4) inch in thickness.
  - iii. Exposed pipes, conduits, beams, pilaster, columns, lights or any other projecting surface in front of the firing line shall be provided with protecting steel plates not less than one-quarter (1/4) inch in thickness faced with wood two (2) inches in thickness to prevent damage by stray bullets and to prevent injury to persons by ricocheting bullets. These plates shall be set at such an angle that no bullet can possibly return towards the firing point.
- c. Door and Window Openings.
  - i. All door, window or other openings in the range, in front of the firing line, shall be protected with one-quarter (1/4) inch steel plate faced with wood one (1) inch thick.
  - ii. All doors opening into the range, except those behind the firing line, shall be bolted from the inside.
- d. Bullet Stops.
  - i. The bullet stop shall consist of a steel plate placed at an angle of forty-five degrees (45°) from the horizontal and running the width of the range. When only twenty-two caliber (.22) ammunition is used, the plate shall be three-eighths (3/8) inch thick if of structural steel or one-quarter (1/4) inch thick if of armor plate. The thickness shall be increased to one-half (1/2) inch structural steel or three-eighths (3/8) inch armor plate if thirty-eight caliber (.38) or forty-five caliber (.45) ammunition is used.
  - ii. The plates of the bullet stop shall be butted tightly together and bolted to an angle or tee at the joints using countersunk heads on the face. Shiplap joints or welded joints can be used also. Targets should not be mounted in front of any joints.
  - iii. The side walls at the bullet stop shall be covered by one-quarter (1/4) inch steel plate, not less than two (2) feet wide and slanting with the bullet stop to protect the walls from the spatter of lead.
  - iv. At the base of the inclined bullet stop there shall be provided a box, not less than five (5) feet wide and running the width of the range, with not less than six (6) inches of clean sand or sawdust or not less than twelve (12) inches of water to catch the deflected bullets.
- e. Targets.
  - i. Targets shall be stationary bull's-eye type. All moving targets are prohibited.
  - ii. There shall be provided a target carrier system or device for running the targets back and forth between the firing line and the bullet stop which will eliminate the necessity of any one going in front of the firing line during the progress of firing for the purpose of changing targets.
- f. Firing Line. At the firing line a bench, shelf or other separation, not less than three (3) feet high and running the width of the range, shall be provided. The lower part of such bench, shelf or other separation shall be open to permit shooting under it in the kneeling, sitting or prone position. No person shall be permitted in front of the firing line during the progress of firing.
- g. Sound Quieting Treatment. Shooting premises located adjacent to premises used in whole or in part for residence purposes shall not be offensive by reason of the emission of noise to the outdoors. In such cases, where the noise of firing is conveyed to the outdoors, the walls and ceiling of the shooting premises or range shall be covered with sufficient sound absorbing material to eliminate the nuisance, or sound absorbing boxes, in which the muzzle of the gun is inserted before firing, shall be used.
- h. High-Powered Rifles. The firing of high-powered rifles shall not be permitted on any shooting premises. A high powered rifle is hereby defined as one which discharges a center fire cartridge.
  - i. No person shall consume fermented malt beverages or intoxicating liquor upon that part of the premises licensed as a shooting gallery, gun range or place to practice target shooting.

**SECTION 11: AMENDMENT** "9.28 Adult Oriented Establishments" of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 9.28 Adult Oriented Establishments

###### 1. Definitions. For the purpose of this section, the following words and phrases shall have the following definitions:

- a. "Adult-oriented establishment," shall include, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments" or "adult cabarets," and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- b. "Adult bookstore" means a retail establishment that has: **[Ord. O-2004-0050, 12/21/2004]**
  - i. As one of its principal business purposes the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental:
    - (1) Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section; and/or
    - (2) Sexually oriented devices, as defined in this section.
  - ii. As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.
  - iii. Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of: (1) publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, and/or (2) sexually oriented devices, as defined in this section:
    - (1) The business advertises the sale or rental of adult publications including but not limited to "x-rated" movies, and/or sexually oriented devices;
    - (2) Access by persons under eighteen (18) years of age to the business establishment or portions of the business establishment is restricted;
    - (3) Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
    - (4) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.Such indicia shall be considered along with all other factors and available information.

- iv. Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an "adult bookstore" even though it offers for sale and/or rental videotapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section, so long as:
  - (1) Such described videotapes are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes are stocked and displayed;
  - (2) Access by persons under eighteen (18) years of age to the room where such described videotapes are stocked and displayed is restricted;
  - (3) The square footage of the separate room where such described videotapes are stocked and displayed in no more than ten (10) percent of the square footage of the area where general circulation videotapes are stocked and displayed; and
  - (4) The general circulation videotapes portion of the business establishment offers a quantity and selection of new release general circulation videotapes that is typical of a general circulation video store and offers a quantity and selection of other general circulation video tapes that are organized and displayed in a manner that is typical of a general circulation video store.
- c. "Adult cabaret" means an establishment where a dancer or other entertainer provides live adult entertainment, expositions, or shows, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engages in a private performance, acts as a private model, displays or exposes any specified anatomical area(s) to a patron or customer, or wears or displays to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area(s). **[Ord. 6541 (amended), 2/6/2001]**
- d. "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance or is distinguished or characterized by an emphasis on, any actual or simulated performance of "specified sexual activities," or exhibition and viewing of "specified anatomical areas," as defined below, appearing unclothed, or the removal of articles of clothing to reveal "specified anatomical areas."
- e. "Adult mini-motion picture theater" means a commercial establishment with one or more adult mini motion picture booths where: **[Ord. O-2004-0050, 12/21/2004]**
  - i. One of the principal business purposes is the presentation and viewing of still or motion pictures in the viewing booths that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
  - ii. A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
  - iii. Any of the following shall be indicia that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below:
    - (1) Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under eighteen (18) years of age.
    - (2) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.
 Such indicia shall be considered along with other factors and available information.
- f. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
- g. "Booth," "room" or "cubicle" shall mean such enclosures as are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth," "room" or "cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50 of the Wisconsin Statutes.
- h. "Church" means a building, whether situated within the City or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.
- i. "Customer" means any person who:
  - i. Is allowed to enter an adult oriented business in return for the payment of an admission fee or any other form of consideration or gratuity; or
  - ii. Enters an adult oriented business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
  - iii. Is a member of and on the premises of an adult oriented business operating as a private club.
- j. "Day Care Center" means a facility licensed by the State of Wisconsin, pursuant to sec. 48.65 of the Wisconsin Statutes, whether situated within the City or not.
- k. "Residential" means pertaining to the use of land, whether situated within the City or not, for premises such as homes, townhouses, duplexes, condominiums, apartments and mobile homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premises which is designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses, nursing homes and hospitals shall not be considered to be residential.
- l. "School" means a building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education, together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:
  - i. Public and private schools used for primary or secondary education in which any regular kindergarten or grades one through twelve (1-12) classes are taught; and,
  - ii. Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through twelve (1-12).
- m. "Common Council" means the Common Council of the City of West Allis, Wisconsin.
- n. "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.
- o. "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this ordinance, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.
- p. "Operator" means any person, partnership or corporation operating, conducting, maintaining or owning any adult-oriented establishment.
- q. "Specified anatomical areas" means: **[Ord. O-2004-0050, 12/21/2004]**
  - i. Less than completely and opaquely covered:
    - (1) Human genitals, pubic region; or
    - (2) Showing the areola or nipple of a female breast.
  - ii. Human male genitals in a discernible turgid state, even if opaquely covered.
- r. "Specified sexual activities" means simulated or actual: **[Ord. O-2004-0050, 12/21/2004]**
  - i. Showing of human genitals in a state of sexual stimulation or arousal;
  - ii. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
  - iii. Fondling or erotic touching of human genitals, pubic region, or areola or nipple of a female breast.
  - iv. Excretory functions, as part of or in connection with any of the activities set forth in subsections 1 through 3 above.

- s. "Substantial," as used in various definitions shall mean fifty percent (50%) or more of a business' stock in trade, display space, floor space or retail sales in any one month during the license year.
2. License.
- Except as provided in subsection (e) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the City of West Allis without first obtaining a license to operate issued by the City of West Allis.
  - A license may be issued for only one (1) adult-oriented establishment located at a fixed and certain place per application filed. Any person, partnership or corporation which desires to operate more than one adult-oriented establishment must have a license for each.
  - No license or interest in a license may be transferred to any person, partnership or corporation except as set forth in subsection (11).
  - It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to, the operation of any adult-oriented establishment which does not have a valid license pursuant to this ordinance.
  - Nothing in this ordinance shall be construed as to permit material or performances prohibited by sec. 944.21 of the Wisconsin Statutes.
3. Application for License.
- Any person, partnership or corporation desiring to secure a license shall make application to the City Clerk. The application shall be filed with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the City of West Allis Police Department, Building Inspector and Health Department and to the applicant.
  - The application for a license shall be upon a form provided by the City Clerk. An applicant for a license shall furnish the following information under oath:
    - The names (including all aliases), addresses and dates of birth of the applicant and any partner or limited partner in a partnership applicant; and any shareholder holding more than ten (10%) percent of the stock of a corporate applicant and each corporate officer and director.
    - Written proof that any person required to be named under paragraph (3)(b) 1. of this section is at least eighteen (18) years of age.
    - The exact nature of the adult use to be conducted and the proposed address of the adult-oriented establishment to be operated.
    - Whether any person required to be named under paragraph (3)(b) 1. of this section is currently operating, or has previously operated, in this or any other county, city or state under an adult-oriented establishment license or similar business license or permit; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
    - If the applicant is a corporation, the application shall also specify the name of the corporation, the date and state of incorporation and the name and address of the registered agent.
    - Proof of ownership or proof of a lease or other legally enforceable right to possess and use the premises where the adult-oriented business is to be located.
  - Within sixty (60) days of receiving an application for a license, the Common Council shall grant or deny the license or hold the application for an additional thirty (30) days for further investigation. The City Clerk shall notify the applicant whether the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Common Council shall grant or deny the permit and the City Clerk shall advise the applicant in writing whether the application is granted or denied.
  - Whenever an application is held for further investigation, the City Clerk/Treasurer shall advise the applicant in writing of the reasons for such action. If an application is denied, the City Clerk/Treasurer shall advise the applicant in writing of the reasons therefor and that the applicant has the right to request that the Common Council review said determination, pursuant to sec. 9.28(17). **[Ord. 6358, 2/3/1998]**
  - Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof.
4. Standards for Issuance of License.
- To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:
    - If the applicant is an individual:
      - The applicant shall be at least eighteen (18) years of age.
      - The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.
      - Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, the applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person has been duly pardoned.
    - If the applicant is a corporation: **[Ord. 6359, 2/3/1998]**
      - All officers, directors, shareholders and agents required to be named under section (3)(b)1. of this section shall be at least eighteen (18) years of age.
      - Neither the corporate applicant nor any officer, director or shareholder required to be named under subsection (3)(b)1. of this ordinance shall have been found to have previously violated sec. 9.28 of the Revised Municipal Code within five (5) years immediately preceding the date of application.
      - Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, no officer, director, shareholder or agent required to be named under subsection (3)(b)1. of this ordinance, or the corporate applicant, shall have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
    - If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
      - All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
      - Neither the applicant nor any person having a financial interest in the organization shall have been found to have violated any provision of this section within five (5) years immediately preceding the date of application.
      - Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, no applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
  - Any act or omission by any person identified in subsection (4)(a) that results in a conviction identified in subsection (4)(a) shall be deemed the act or omission of the applicant for purposes of determining whether the license shall be granted. **[Ord. 6359, 2/3/1998]**
  - Prior to granting the license, the Common Council shall determine whether the applicant complies with sec. 9.28(13) or is exempt or excluded under sec. 9.28(18) and has substantially complied with all building, zoning, plumbing, electrical, fire and health codes. **[Ord. 6359, 2/3/1998]**
5. Permit Required. In addition to the license requirements previously set forth for owners and operators of adult-oriented establishments, no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the City Clerk under authority of the Common Council. During the pendency of an application for an annual permit, the City Clerk shall issue the applicant a temporary permit which shall be valid only until such time as the application for an annual permit is approved or denied by the Common Council pursuant to the procedures set forth herein. Under no circumstances shall any temporary permit be valid for more than ninety (90) days. Temporary permits shall be nontransferable. **[Ord. O-2006-0025, 5/16/2006]**
6. Application for Permit.
- Any person desiring to secure a permit shall make application to the City Clerk. The application shall be filed with and dated by the City Clerk. A copy of the application shall be distributed to the West Allis Police Department and to the applicant.
  - The application for a permit shall be upon a form provided by the City Clerk. An application shall furnish the following information under oath:

- i. Name (including all aliases), age and address.
    - ii. Written proof that the individual is at least eighteen (18) years of age.
    - iii. Whether the applicant, while previously operating in this or any other municipality or state under an adult-oriented establishment license or similar business license or permit, has ever had such a license or permit revoked or suspended, the reason therefor, and the business entity or trade name for whom applicant was employed or associated at the time of such suspension or revocation.
  - c. Within sixty (60) days of receiving an application for a permit, the Common Council shall grant or deny the permit or hold the application for an additional thirty (30) days for further investigation. The City Clerk shall notify the applicant whether the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Common Council shall grant or deny the permit and the City Clerk shall advise the applicant in writing whether the application is granted or denied.
  - d. Whenever an application is denied or held for further investigation, the City Clerk shall advise the applicant in writing of the reasons for such action, and that the applicant has the right to request that the Common Council review said determination, pursuant to sec. 68.11 of the Wisconsin Statutes, and sec. 2.48(5) of the West Allis Revised Municipal Code.
  - e. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof.
7. Standards for Issuance of Permit.
- a. To receive a permit as an employee for an adult-oriented establishment, an applicant must meet the following standards:
    - i. The applicant shall be at least eighteen (18) years of age.
    - ii. The applicant shall not have been found to have previously violated this section within five (5) years immediately preceding the date of the application.
    - iii. Subject to §§ 111.321, 111.322 and 111.335 of the Wisconsin Statutes, the applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application unless the applicant has been duly pardoned.
8. Fees. **[Ord. O-2009-0033, 11/3/2009]**
- a. A license fee of five hundred seventy-five dollars (\$575.00) shall be submitted with the application for a license.
  - b. A permit fee of sixty dollars (\$60.00) shall be submitted with the application for a permit.
9. Display of License or Permit.
- a. The license shall be displayed in a conspicuous public place in the adult-oriented establishment.
  - b. The permit shall be carried by an employee upon his or her person and shall be displayed upon request of any member of the West Allis Police Department or any person designated by the Common Council.
10. Renewal of License or Permit.
- a. Every license issued pursuant to this section shall terminate on June 30 pursuant to Section 9.01, unless sooner revoked, and must be renewed before operation is allowed in the following license year. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed with and dated by the City Clerk. A copy of the application for renewal shall be distributed promptly by the City Clerk to the West Allis Police Department, Building Inspector, Health Department and to the operator. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. The application shall otherwise be considered pursuant to Section 9.28(3). It is not guaranteed that operators filing late applications will receive a decision on their application prior to expiration of the license year.
  - b. A license renewal fee of five hundred seventy-five dollars (\$575.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred fifty dollars (\$150.00) shall be assessed against any applicant who filed for a renewal less than sixty (60) days before the license expires. **[Ord. O-2009-0033, 11/3/2009]**
  - c. If the West Allis Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the City Clerk.
  - d. Every permit issued pursuant to this section shall terminate on June 30 pursuant to Section 9.01, unless sooner revoked, and must be renewed before an employee is allowed to continue employment in an adult-oriented establishment. Any employee desiring to renew a permit shall make application to the City Clerk. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the West Allis Police Department and to the employee. The application shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for a new permit. The application shall otherwise be considered pursuant to Section 9.28(6). It is not guaranteed that employees filing late applications will receive a decision on their application prior to expiration of the permit year.
  - e. A permit renewal fee of sixty dollars (\$60.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of twenty-five dollars (\$25.00) shall be assessed against any applicant who files for a renewal less than sixty (60) days before the permit expires. **[Ord. O-2009-0033, 11/3/2009]**
  - f. If the West Allis Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the City Clerk.
11. Transfer of License or Permit.
- a. A license is personal to the owner(s) and operator designated in the application, provided it may be transferred pursuant to this section. A transfer application must be filed by the tenth day next following any change of the owner(s) or operators designated on the application. In the event that a transfer application is not timely filed, then the license shall be invalid for any purpose relating to the operation of the adult-oriented business, and any transfer shall require the filing of an original application and be subject to the regulations applicable thereto.
  - b. The Clerk shall prescribe a form on which license transfer applications shall be made. The form shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended by the transfer application. The transfer application shall contain a statement under oath that the individual signing the transfer application has personal knowledge of the information contained therein and that the information is true and correct and shall not be complete unless accompanied by a nonrefundable transfer fee of one hundred dollars (\$100). Transfer applications shall be filed in the same place and at the same time as original applications and the fee shall be payable in the same manner as for original applications.
  - c. Transfer applications shall be reviewed, issued and subject to appeal in the same manner as original applications and they shall be issued for the remaining term of the license to be transferred.
  - d. Any transfer of an adult-oriented establishment, other than as provided in this section, from the licensed premises to any other premises shall cause such license to lapse and become void. A license which has lapsed and become void shall be subject to revocation under Section 9.28(12).
  - e. Permits shall not be transferrable.
12. Revocation, suspension and non-renewal of license or permit.
- a. A license or permit issued under this section may be suspended or revoked for any of the following reasons:
    - i. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
    - ii. The operator, entertainer or any employee of the operator, violates any provision of this section or any rule or regulation adopted by the Common Council pursuant to this section; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee or customer, the penalty shall not exceed a suspension of thirty (30) days if the Common Council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
    - iii. The operator or employee becomes ineligible to obtain a license or permit.

- iv. An operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.
  - v. Any cost or fee required to be paid by this section is not paid.
  - vi. Any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult-oriented establishment.
  - vii. Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.
- b. The Common Council, upon receipt of information that provides a reasonable basis to believe that a violation of this section has occurred, shall serve written notice of said violation(s) on the operator or employee. Said written notice shall include specific charges and shall provide the operator or employee with notice that revocation, suspension or nonrenewal of the license or permit will occur, unless a written request for a review of the Common Council's decision is made to the Common Council within thirty (30) days after service of said notice to the operator or employee. Unless otherwise extended by an agreement with the aggrieved party, within fifteen (15) days of receipt of a request for review, the Common Council shall conduct a hearing, pursuant to sec. 9.28(17) of the Revised Municipal Code. **[Ord. 6358, 2/3/1998]**
- c. The transfer of a license or permit or any interest in a license or permit without approval of the Common Council as set forth in subsection (11) shall automatically and immediately revoke the license or permit.
- d. Any operator or employee whose license or permit is revoked and who seeks to obtain a license or permit under this section must apply for a license or permit according to the application provisions set forth in this section and must meet the standards for the issuance of a license or permit as set forth in this section. No location or premises for which a license has been revoked shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license. No employee whose permit has been revoked shall be eligible for a permit for six (6) months from the date of revocation.
13. Location.
- a. No adult-oriented establishment shall be located:
    - i. Within a residential district as defined in Chapter 12 of the West Allis Revised Municipal Code.
    - ii. Within five hundred (500) feet of an existing adult-oriented establishment.
    - iii. Within five hundred (500) feet of any residential area.
    - iv. Within five hundred (500) feet of any pre-existing school, church or day care center.
    - v. Within five hundred (500) feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor where such establishment also possesses an entertainment license under section 9.033.
  - b. For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of another adult-oriented establishment, school, place of worship or residential district or establishment selling or dispensing fermented malt beverages or intoxicating liquor and possessing an entertainment license.
14. Hours of Operation.
- a. No adult-oriented establishment shall be open between the hours of 2 a.m. and 8 a.m., Monday through Friday, between the hours of 3 a.m. and 8 a.m. on Saturdays, or between the hours of 3 a.m. and 12:00 noon on Sundays.
  - b. All adult-oriented establishments shall be open to inspection at all reasonable times by the West Allis Police Department, the Building Inspector and the Health Department.
15. Physical Layout of Adult-Oriented Establishment. Any adult-oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:
- a. Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.
  - b. Construction. Every booth, room or cubicle shall meet the following construction requirements:
    - i. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.
    - ii. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the same.
    - iii. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable.
    - iv. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.
    - v. The lighting level of each booth, room or cubicle shall be a minimum of ten (10) foot candles at all times, as measured from the floor.
  - c. Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.
16. Responsibility of the Operator.
- a. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone numbers, date of employment and termination, and duties of each employee and such other information as may be required by the Common Council. The above information on each employee shall be maintained in the register on the premises for a period of one (1) year following termination of the employee and shall be made immediately available for inspection upon demand of a member of the West Allis Police Department at all reasonable times.
  - b. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
  - c. Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's permit should be revoked, suspended or renewed. **[Ord. 6360, 2/3/1998]**
  - d. There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Said list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the West Allis Police Department at all reasonable times.
  - e. No minor shall be allowed to enter or remain inside an adult oriented establishment or be permitted to loiter on the business premises. For purposes of this section, "business premises" shall include property owned or leased by the adult oriented establishment and contiguous with the licensed premises, parking lots or sidewalk approaches. **[Ord. 6360, 2/3/1998]**
  - f. The operator shall maintain the premises in a clean and sanitary manner at all times.
  - g. The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.
  - h. The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.
  - i. View from street. No adult-oriented establishment shall be situated in such manner as to allow public view of either its stock in trade or adult entertainment from outside of the establishment.
17. Administrative Review Procedure. Except as otherwise set forth herein, the provisions of Chapter 68 of the Wisconsin Statutes, and sec. 2.48 of the Revised Municipal Code, shall govern the administrative procedure and review concerning the granting, denial, renewal, nonrenewal, suspension or revocation of a license or permit. A decision of the Common Council may be reviewed upon the request of an aggrieved person and shall be made to the City Clerk/Treasurer within thirty (30) days of the decision. Upon such appeal, the Common Council shall afford the aggrieved person with a hearing substantially in compliance with § 68.11 of the Wisconsin Statutes, except that the Common Council shall hear and review its own decisions. The decision of the Common Council subsequent to the hearing shall

be the "final determination," as set forth in § 68.12 of the Wisconsin Statutes. Any party to a proceeding resulting in a final determination may seek judicial review, pursuant to the provisions contained in § 68.13 of the Wisconsin Statutes. [Ord. 6358, 2/3/1998]

18. Exclusions and Exemptions.

- a. All private schools and public schools, as defined in Chapter 115 of the Wisconsin Statutes, located within the City of West Allis are exempt from obtaining a permit hereunder when instructing pupils in sex education as part of its curriculum.
- b. Licensed medical care facilities and the West Allis Health Department are exempt from obtaining a permit, when engaged in the providing of medical care or sex education.
- c. ~~Any establishment holding a Class "B" Fermented Malt Beverage License or Class "B" Intoxicating Liquor License, is ineligible to obtain a permit to conduct an adult-oriented establishment but may obtain an entertainment license pursuant to Section 9.032 of this Code.~~(reserved)

19. Penalties and Prosecution.

- a. Any person, partnership or corporation who is found to have violated this section shall forfeit a definite sum of not more than one thousand dollars (\$1,000), together with the costs of prosecution, and, in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until payment of the forfeiture and costs, but not in excess of the number of days set forth in § 800.095(4) of the Wisconsin Statutes. In addition to the monetary penalty imposed, violation of this section may further result in the suspension, revocation or nonrenewal of any license or permit issued under this section.
- b. Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

20. Severability. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof of the ordinance which shall remain in full force and effect.

21. Enforcement. The City of West Allis Police Department shall have the authority to enter any adult-oriented establishment at all reasonable times to inspect the premises and enforce this section.

22. Discontinuation of Operation. Any discontinuation in the operation of the adult-oriented business for a period of twelve (12) months shall also cause the license to lapse and become void. A license holder whose license has lapsed and become void shall thereafter be subject to Paragraph 9.28(12).

23. Adult Cabaret Entertainment Standards. [Ord. 6541 (amended) 2/6/2001]

- a. Sufficient lighting shall be provided and equally distributed throughout the premises which are open to or used by patrons so that the lighting level is a minimum of ten (10) footcandles, as measured from the floor.
- b. No dances or other entertainment shall occur closer than one (1) foot to any patron.
- c. No employee, dancer, or other entertainer shall, during the entertainment, allow, encourage, or knowingly permit any patron or other person to touch, caress, or fondle, directly or indirectly, the employee, dancer, or entertainer.
- d. No employee, dancer, or other entertainer shall, during the entertainment, knowingly touch, caress, or fondle, directly or indirectly, any patron or any other employee, dancer, or entertainer.
- e. A dancer or entertainer employed or otherwise working or performing at an adult cabaret may accept a gratuity or other payment from a patron but no direct physical contact is permitted other than hand to hand.
- f. No patron or customer shall touch, caress, or fondle a dancer or other entertainer except that a gratuity may be paid as set forth in Paragraph (e).

**SECTION 12:**AMENDMENT "18.03 Public Nuisances" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

18.03 Public Nuisances

The following acts, omissions, places, conditions, and things are specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other nuisances:

1. Nuisances Affecting Health, Welfare, and Enjoyment of Property.

- a. Noxious Odors, Etc. Any use of property, substances, or things within the City emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the City.
- b. Street Pollution. Any use of property which causes any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, stone, or other materials to flow into or be deposited upon any street, gutter, alley, sidewalk, or public place within the City.
- c. Release of Dust Into the Air. The handling, transportation, or disposition of any substance or material which is likely to be scattered by the air or wind, or is susceptible to being airborne or wind-borne, or operating or maintaining or causing to be operated or maintained any premises, open area, right-of-way, storage pile of materials, vehicle, construction, demolition or wrecking operations, stone or concrete crushing operation, or any other enterprise, which involves any dust likely to be scattered by the wind or air, or susceptible to being wind-borne or airborne such that there is a discharge of any dust emissions and the visible settlement of dust on property beyond the property on which it originated so as to damage or to interfere with the use and enjoyment of adjacent properties, including public property and right-of-way.
  - i. "Dust" shall mean solid particulate matter released into or carried in the air by natural forces, by any combustion, construction work, or mechanical or industrial processes or devices.
  - ii. "Interfere with the use of adjacent properties" includes, but is not limited to, requiring the owner, occupants, or users of the adjacent property to close doors or windows on buildings or vehicles to prevent dust from entering, requiring the owner or user of vehicles or other tangible personal property to wipe, brush, wash, or blow off accumulated dust prior to normal operation or use, or requiring the sweeping, washing, or other cleaning of paved surfaces to prevent further tracking or scattering of the dust.
- d. General Pollution. Waste which is prepared or stored on any premises in a manner which creates or may create a public health hazard, safety hazard or blighting condition.

2. Nuisances Affecting Morals and Decency. [Ord. O-2005-0008, 2/1/2005]

- a. For the purposes of this section, "nuisance activity" means any of the following activities, behaviors or conduct whenever engaged in by premises owners, operators, occupants or persons associated with the premises:
  - i. Disorderly Houses. All disorderly houses, gambling houses and buildings or structures kept or resorted to for the purpose of gambling, or any drug or criminal gang houses as defined in sec. 823.113, (1) and (1)(b) Wis. Stats., and all buildings or structures where the sale, manufacture or delivery of drug paraphernalia as defined in sec. 961.571(1)(a), Wis. Stats., occurs.
  - ii. Gambling Devices. The keeping of gambling devices ~~as defined in Section 9.08(1)(c) of the Revised Municipal Code.~~
  - iii. Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided by the ordinances of the City.
  - iv. Continuous Violation of City Ordinances. Any place or premises within the City where City ordinances or state laws relating to public health, safety, peace, morals or welfare are repeatedly violated.
  - v. Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.



- vi. Establishment Violating Laws Related to Obscenity, Etc. Any place or premises within the City where the laws related to obscenity and related offenses set forth in secs. 944.20 to 944.34 of the Wisconsin Statutes occur.
- vii. An act of harassment as defined in sec. 947.013, Wis. Stats.
- viii. Disorderly conduct as defined in sec. 947.01, Wis. Stats.
- ix. Battery, substantial battery or aggravated battery as defined in sec. 940.19, Wis. Stats.
- x. Littering of premises as defined in Section 7.05 of the West Allis Revised Municipal Code.
- xi. Theft as defined in sec. 943.20, Wis. Stats.
- xii. Arson as defined in sec. 943.02, Wis. Stats.
- xiii. Possession, manufacture or delivery of a controlled substance or related offenses as defined in Chapter 961, Wis. Stats.
- xiv. Gambling as defined in sec. 945.02, Wis. Stats.
- xv. Keeping an animal in violation of Section 7.12 of the West Allis Revised Municipal Code. [Ord. O-2007-0041, 10/16/2007]
- xvi. Trespass to land as defined in sec. 943.13, Wis. Stats., or criminal trespass to dwelling as defined in sec. 943.14, Wis. Stats.
- xvii. Any conspiracy to commit, as defined in Section 6.02(5) of the West Allis Revised Municipal Code or sec. 939.31, Wis. Stats., or attempt to commit, as defined in sec. 939.32, Wis. Stats., any of the activities, behaviors or conduct enumerated in Paragraphs (1) to (16).
- xviii. Discharge of a firearm or air rifle as defined in Section 6.01(1) and (2) of the West Allis Revised Municipal Code.
- xix. Loitering as defined in Section 6.02(9) of the West Allis Revised Municipal Code.
- xx. Persons associated "with" means any person who, whenever engaged in nuisance activity, enters, patronizes, visits or attempts to enter, patronize or visit, or wishes to enter, patronize or visit, a premises or person present on the premises, including any officer, director, customer, agent, employee or independent contractor of a premises owner.

3. Nuisances Affecting Peace and Safety.

- a. Dangerous Signs and Billboards. All signs, billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places frequented by the public, so situated, constructed, or maintained as to endanger the public safety.
- b. Illegal Buildings. All buildings erected, repaired, altered, or maintained without a permit or in violation of City ordinances relating to materials and manner of construction of buildings.
- c. Unauthorized Traffic Signs. All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance, or manner of operation, interfere with the effectiveness of any such device, sign, or signal.
- d. Obstruction of Intersections. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- e. Low-Hanging Tree Limbs. All limbs of trees, bushes, shrubs, or other plants which project over or into any public sidewalk, street, or other public place and interfere with the full use and enjoyment thereof.
- f. Dangerous Trees. All trees which are a menace to public safety because of disease or other condition of the tree or are the cause of substantial annoyance to the general public.
- g. Dilapidated Buildings. All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.
- h. Low-Hanging Wires and Cables. All wires and cables over streets, alleys, or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- i. Noisy Animals. The keeping or harboring of any animal which, by frequent or habitual howling, yelping, barking, crowing, or making of other noises, to the great discomfort of the peace and quiet of the neighborhood or in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities.
- j. Obstructions of Streets; Excavations. All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.
- k. Blighted Buildings and Premises. Premises existing within the City which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management, or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, enjoyment of property, or welfare of the people of the City.
- l. Suffocation Hazards. Any abandoned, unattended or discarded ice box, refrigerator, walk-in cooler, or other container of any kind, which has an air-tight door, left outside of any building or dwelling without first removing the door from the said ice box, refrigerator, walk-in cooler, or other container.
- m. Excessive Noise. The making, continuation, or causing to be made or continued any noise which either injures, endangers the comfort, repose, health, or safety of another, or substantially annoys another between the hours of 10:00 p.m. and 7:00 a.m. This provision shall not apply to noise necessary for the protection or preservation of property, or the health, or safety of a person or to emergency short-term operations which are necessary to protect the public health, safety, and welfare including emergency utility and public works operations.

**SECTION 13: AMENDMENT** "12.40 C-1 Central Business District" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

12.40 C-1 Central Business District

The C-1 Central Business District is intended to accommodate those retail and office uses which are characteristic of the unique shopping streets of the "downtown" area of the City, and discourage uses which detract from, or are incompatible with, pedestrian, shopping and service oriented traffic, such as manufacturing or wholesale distribution uses.

1. Permitted Uses.

- a. Barbers and beauty shops.
- b. Books and stationary stores.
- c. Bridal and wedding salons.
- d. Camera stores and photographic equipment sales and services.
- e. Clothing stores.
- f. Computer and computer software sales and service.
- g. Costume rental stores.
- h. Curtains and draperies sales.
- i. Drug stores.
- j. Electronic equipment sales and service.
- k. Employment agencies and offices conditioned upon the following: [Ord. O-2005-0022, 5/17/2005]
  - i. Transportation for temporary employees shall not be provided by, or on behalf of, the employment agency from the agency or office to the work site.
  - ii. Employees shall not report to the employment agency or office for work assignments. The employees shall report directly to the work site assigned. Applicants for employment shall not be allowed to use public property as a waiting area.
  - iii. Restroom facilities adequate for applicants shall be provided on site.
- l. Financial institutions without drive-through facilities, except check-cashing businesses as defined in Section 9.32. [Ord. O-2006-0061, 10/17/2006]

- m. Florist shops.
- n. Hardware stores.
- o. Hobby or gift stores.
- p. Home improvement, furnishings, appliances and accessory sales. [Ord. O-2003-0028, 4/2/2003]
- q. Jewelry stores.
- r. Keymaking and locksmithing stores.
- s. Laundry and dry cleaning — pick up only.
- t. Leather goods sales.
- u. Luggage stores.
- v. Millinery shops.
- w. Tattoo and/or body piercing establishments. [Ord. O-2016-0020, 5/3/2016]

Editor's Note: Former Subsection (1)(w), which set forth liquor stores as a permitted use, was repealed 5-20-2014 by Ord. O-2014-0022.

- x. Office supply stores.
- y. Offices; business, professional and governmental. [Ord. O-2015-0001, 1/20/2015]
- z. Medical clinics. [Ord. O-2015-0001, 1/20/2015]
- aa. Photography studios and film developing.
- ab. Post offices.
- ac. Printing services; blueprinting and photocopying.
- ad. Restricted productions and repair, limited to the following: artwork; clothing custom manufacturing and alterations, for retail only; hearing aid devices; jewelry from precious metals; watches; dentures; and optical lenses.
- ae. Sewing machine sales and service.
- af. Shoe sales and repair stores.
- ag. Small appliance sales and service.
- ah. Specialty stores including arts and crafts and related uses.
- ai. Sporting goods stores.
- aj. Tobacco retailers. [Ord. 6279, 12/17/1996; Ord. O-2016-0032, 7/5/2016]
  - i. No tobacco retailer shall be located within one thousand (1,000) feet of parcels occupied by the following uses:
    - (1) A public or private kindergarten, elementary, junior high or high school;
    - (2) Libraries;
    - (3) Zoned parkland; or
    - (4) Another tobacco retailer or establishment licensed to sell any tobacco product or tobacco paraphernalia as defined within Section 12.06.
- ak. Trophy and award sales.
- al. Resale stores. [Ord. O-2007-0026, 8/7/2007 (repeal and recreate); Ord. O-2015-0029, 5/7/2015]
- am. Videotape sales and rental.
- an. Places of assembly including clubs, lodges, meeting halls and theaters, limited to a maximum of up to five thousand (5,000) square feet of building area and subject to the provisions of Sec. 9.28 of the Revised Municipal Code. [Ord. 6415, 1/5/1999; Ord. O-2007-0027, 8/7/2007 repeal; Ord. O-2011-0083, 1/3/2012 add; Ord. O-2013-0013, 3/5/2013]
- ao. Day-care facilities. [Ord. 6618, 6/18/2002]
- ap. Tanning and toning salons. [Ord. O-2005-022, 5/17/2005]
- aq. Public utility service structures not larger than six (6) feet tall and twenty-five (25) square feet in surface area, conditioned upon the following: [Ord. O-2008-0006, 2/5/2008; Ord. O-2008-0031, 7/1/2008]
  - i. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right-of-way by landscaping or other means, as necessary, as approved by the Department of Development staff; and
    - (1) If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than twenty (20) days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.
  - ii. Public utility service structures shall not be located within any front yard or corner side yard on private property.
- ar. Grocery stores. [Ord. O-2015-0002, 1/6/2015]
- as. Instruction and/or training facility, small. [Ord. O-2017-0007, 2/23/2017]
- at. Art galleries. [Ord. O-2017-0050, 11/21/2017]
- au. Tourist Rooming House, conditioned upon the following:
  - i. The structure is a single or two-family residence, or a mixed-use or multifamily containing not more than 4 dwelling units.
- av. Taverns and cocktail lounges.

## 2. Special Uses.

- a. Any permitted use with drive-through facilities, except check-cashing businesses as defined in Section 9.32. [Ord. O-2006-0061, 10/17/2006]
- b. Food production, limited. [Ord. O-2015-0002, 1/6/2015]
- c. Massage Therapy. [Ord. O-2017-0044, 10/17/2017]

Editor's Note: Former Subsection (2)(c), Candy and ice cream stores, was repealed 1/6/2015 by Ord. O-2015-0002.

- d. Department stores.
- e. Hotels and motels.
- f. Laundries and dry cleaners.
- g. Mixed residential and commercial uses.
- h. Multiple family developments.
- i. Restaurants.
- j. Retirement homes and communities.
- k. Instruction and/or training facility. [Ord. O-2017-0007, 2/23/2017]
- l. [Reserved]
- m. Community living arrangements as licensed under Sec. 46.22 of Wisconsin Statutes [Ord. 6501, amend, 2/15/2000]
- n. Printing, commercial. [Ord. 6522, amend, 6/6/2000]
- o. Outdoor dining areas for "food establishments" under Section 7.04(1)(c). [Ord. 6568, 5/15/2000]
- p. Indoor recreation facilities including the following: [Ord. O-2003-0040, 6/17/2003]
  - i. Indoor driving range and batting cages.
  - ii. Indoor volleyball courts.
  - iii. Indoor basketball courts.
  - iv. Indoor bowling alleys.
  - v. Game centers and tournament facilities (not arcades as regulated in Section 9-109.037 of the Revised Municipal Code).
- q. Radio and television stations. [Ord. O-2003-0044, 6/17/2003]

- r. Athletic, health clubs. [Ord. O-2005-0022, 5/17/2005; Ord. O-2015-0001, 1/20/2015]
  - s. Museums. [Ord. O-2008-0023, 5/20/2008]
  - t. Places of assembly including clubs, lodges, meeting halls and theaters, greater than five thousand (5,000) square feet of building area and subject to the provisions of Sec. 9.28 of the Revised Municipal Code. [Ord. O-2011-0083, 1/3/2012; Ord. O-2013-0013, 3/5/2013]
  - u. Collocation/attachment of telecommunication equipment to existing structures. [Ord. O-2012-0036, 9/18/2012]
  - v. Animal grooming. [Ord. O-2015-0016, 3/3/2015]
  - w. Pet shops. [Ord. O-2015-0016, 3/3/2015]
  - x. Veterinary clinics. [Ord. O-2015-0016, 3/3/2015]
3. Required Conditions.
- a. Dwelling units are not permitted below the second floor.
  - b. All businesses, servicing or processing, storage or merchandise display, except off-street parking or off-street loading, shall be conducted within completely enclosed buildings.
  - c. Establishments of the "drive-in" type, offering goods or services directly to customers waiting in parked motor vehicles, are not permitted unless specifically authorized herein.
  - d. Multi-family dwellings will comply with the bulk regulations of the RC-2 District.
  - e. Outdoor Storage. Outdoor storage, display or repair shall not be permitted. [Ord. O-2003-0028, 4/2/2003]
  - f. Commercial Vehicles. A maximum of two commercial vehicles may be associated with a use. Open vehicles, utility trucks, trailers and similar vehicles shall not be permitted. [Ord. O-2003-0028, 4/2/2003]
  - g. Interior Storage Spaces. A maximum of 25% of a businesses interior floor area may be used for general wholesale, warehousing and storage. Such areas shall not be visible from the exterior of the building. [Ord. O-2003-0028, 4/2/2003]
  - h. Interior Spaces. Interior walls parallel to window glazing shall be not less than 6 feet from the plane of the window glazing. [Ord. O-2003-0028, 4/2/2003]
  - i. Display Racks and Fixtures. Display racks within 4 feet of a window shall be open-backed and shall not obscure more than 50% of the glazing area. [Ord. O-2003-0028, 4/2/2003]
  - j. Window Coverings. Operable interior window coverings may be used. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque. [Ord. O-2003-0028, 4/2/2003]
  - k. Site Plan. A site, landscaping and screening plan in accordance with Section 12.13 of the Revised Municipal Code shall be required when commercial vehicles are associated with a use. [Ord. O-2003-0028, 4/2/2003]
  - l. All business establishments shall contain on-site retail or be service establishments dealing directly with consumers. [Ord. O-2015-0002, 1/6/2015]
  - m. Outdoor animal holding areas shall not be allowed. [Ord. O-2015-0016, 3/3/2015]
4. Floor Area Ratio. The floor area ratio shall not exceed 2.0.
5. Yard Requirements. The C-1 District shall have no yard requirements.
6. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be provided in accordance with Section 12.19 of this subchapter. Credit shall be given to day-care uses for use of public off-street parking spaces located within the C-1 Central Business District. [Ord. 6618, 6/18/2002]

**SECTION 14:** **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 15:** **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 16:** **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL \_\_\_\_\_.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Rebecca Grill, City Clerk, City Of West Allis

\_\_\_\_\_  
Dan Devine, Mayor City Of West Allis