



City of West Allis

Legislation Details (With Text)

File #: O-2009-0003 **Version:** 1

Type: Ordinance **Status:** Placed On File

File created: 2/3/2009 **In control:** License and Health Committee (INACTIVE)

On agenda: 3/17/2009 **Final action:** 3/17/2009

Title: An Ordinance to Amend Section 9.032 of the Revised Municipal Code Relating to Live Music Licenses for Taverns.

Sponsors: Michael J. Czaplewski

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/17/2009	1	License and Health Committee (INACTIVE)		
3/17/2009	1	Common Council	Placed on File	Pass
3/17/2009	1	License and Health Committee (INACTIVE)		Pass
2/24/2009	1	License and Health Committee (INACTIVE)		
2/24/2009	1	License and Health Committee (INACTIVE)	Held	
2/3/2009	1	Common Council		
2/3/2009	1	License and Health Committee (INACTIVE)	Held	

An Ordinance to Amend Section 9.032 of the Revised Municipal Code Relating to Live Music Licenses for Taverns.

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 9.032 of the Revised Municipal Code of the City of West Allis is hereby amended to read:

9.032 TAVERN LIVE MUSIC LICENSES.

(1) License Required.

(a) 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 live music or singing without having first obtained a license therefore 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. No dancing shall be permitted under such license unless a

dance hall license has been obtained pursuant to Section 9.05.

(b) An establishment that has a license under this section need not obtain a separate license under Section 9.031 to provide karaoke music.

(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 therefore.

(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 a live music license shall be \$150.00. The fee shall accompany each application. The full license fee shall be charged for the whole or fraction of the license year.

(4) Off-Street Parking. Any Class "B" or "C" establishment shall, prior to being issued a license, meet the off-street parking requirements of Section 12.19 of the Revised Municipal Code. Such off-street parking shall be available and maintained during the term of the live music license.

(5) 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:

1. That all of the statements made in the application are true;

2. Subject to Sections 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;

3. 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;

4. That the proposed instrumental music will comply with all applicable rules, regulations, ordinances and state laws, specifically including, but not limited to, noise limitations;

5. If the applicant is a corporation, that it is licensed to do business and is in good standing with the State of Wisconsin;

6. 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 premise 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.

(6) 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.

(7) 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.

(8) Revocation, Suspension or Non-renewal. 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 Section 125.12 of the Wisconsin Statutes and Section 9.02(20) of the Revised Municipal Code shall apply to revocation, suspensions and non-renewals of live music licenses.

(9) Special Permits. A special live 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 Paragraphs (2) and (4). 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 live music shall be issued for the same premises in any license year. Subsequent to the issuance of an initial permit for 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 premise. 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 \$15.00 shall accompany the application. Such fee shall be nonrefundable.

(10) 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 Sections 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 Section 800.095(4), Wis. Stats.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Amend Sec 9.032-Tavern Live Music Licenses