



# City of West Allis

## Legislation Text

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An Ordinance to Create Section 9.034 of the West Allis Revised Municipal Code Relating to Tavern Entertainment License - Other Entertainment.

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

PART I. Section 9.034 of the Revised Municipal Code of the City of West Allis is hereby created to read:

### 9.034 TAVERN ENTERTAINMENT LICENSE - OTHER ENTERTAINMENT.

(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 Ordinance 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 \$250.00. 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:

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

2. 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.

3. 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.

4. 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.

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

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 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 premise 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 \$250.00 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 non-renewals 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.

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

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

ATTR-CreateSec9.034-TavernEntLic-OtherEnt