



Legislation Details (With Text)

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Title: A substitute ordinance relating to show or exhibit licenses.

Sponsors: ALD. SCHERBERT

Indexes: LICENSES

Attachments:

Date	Ver.	Action By	Action	Result	Tally
9/28/1993	0	COMMON COUNCIL	REFERRED TO		
10/13/1993	1	CITY CLERK	DRAFT SUBMITTED		
10/26/1993	1	LICENSES COMMITTEE			
11/22/1993	2	JUDICIARY & LEGISLATION COMMITTEE			
1/18/1994	1	JUDICIARY & LEGISLATION COMMITTEE			
2/14/1994	2	CITY CLERK	DRAFT SUBMITTED		
2/22/1994	2	LICENSES COMMITTEE			
3/8/1994	2	CITY ATTORNEY	DISAPPROVED		
1/6/1998	2	LICENSES COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
1/20/1998	2	COMMON COUNCIL	PLACED ON FILE	Pass	16:0
6/4/1998	1	STEERING & RULES COMMITTEE	HEARING NOTICES SENT		
6/4/1998	1	STEERING & RULES COMMITTEE	REFERRED TO		
6/4/1998	1	STEERING & RULES COMMITTEE	REFERRED TO		
6/4/1998	1	STEERING & RULES COMMITTEE	HEARING NOTICES SENT		

930962
SUBSTITUTE 2

ALD. SCHERBERT
A substitute ordinance relating to show or exhibit licenses.
81-106 am
84-40 rc
- Analysis -

This ordinance makes the following changes to code provisions relating to show/exhibit licenses:

1. The common council is authorized to grant licenses. Currently the city clerk grants licenses.
2. Provisions are listed disqualifying an applicant from being granted a license (convictions which relate to the circumstances of having a show

or exhibit permit). Currently there are no such provisions.

3. Information required for the license application is expanded. Applicants must disclose various convictions within the preceding 10 years and the types of shows or exhibits to be held. If later there is a change in the types of shows or exhibits to be held, the licensee must file a request for the change. The change cannot take place until approved by the common council.

4. Grounds are listed for denial, suspension, revocation, and nonrenewal of licenses: making of false statements on the license application; conviction of the licensee for violation of laws relating to the licensed operation; police department objections; or neighborhood complaints with respect to the impact of a premises on the neighborhood.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-106 of the code is amended to read:

81-106. Show or Exhibit [[Permit]] >>License<< 1. Each show or exhibit [[permit]] >>license<< shall be issued for the calendar year.

2. The fee for each [[permit]] >>license<< shall be \$160.

Part 2. Section 84-40 of the code is repealed and recreated to read:

84-40. Show or Exhibition. 1. DEFINITIONS. In this section:

a. "Person" means any individual, firm, corporation, company, partnership or association acting in a fiduciary capacity.

b. "Show or exhibit" includes any theatrical or musical entertainment, side show, wrestling show, traveling caravan, vaudeville act, and any trained animals, wild animals, menagerie or other object of curiosity, all of which are operated or exhibited for profit.

2. LICENSE REQUIRED. It shall be unlawful for any person to conduct or operate within the city any show or exhibit without first securing a license therefor.

3. EXEMPTIONS. This section shall not apply to:

a. Shows or exhibits held in taverns, if a tavern also holds a tavern amusement or theater license, or to licensed theaters.

b. Any public show or exhibit conducted exclusively by charitable, eleemosynary, educational or religious organizations on their own premises.

4. APPLICATION. Application for a show or exhibit license shall be made to the city clerk on forms furnished by the city clerk, and shall contain the following:

a. Name, place and date of birth and street residence of applicant.

b. Whether the applicant is a natural person, corporation or partnership.

b-1. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors.

b-2. If the applicant is a partnership, the names and addresses of all partners.

c. A statement as to whether within the preceding 10 years the applicant has been convicted of any crime, misdemeanor or municipal ordinance violation relating to theft, damage or trespass property or operation of a business, including the nature and date of the convictions and the jurisdiction in which the conviction occurred.

d. The name and address of the premises intended to be licensed.

e. The types and general nature of the shows or exhibits to be held.

5. REFERRAL OF APPLICATION. Whenever an applicant for a show or exhibit license has complied with the conditions relative to the filing of the application, the application shall be referred to the chief of police who shall cause an investigation to be made of the applicant and report the findings of the investigation to the licensing committee of the common council.

6. COUNCIL ACTION ON APPLICATIONS. Following a hearing and a recommendation from the licensing committee, applications shall be referred to the common council which may grant or refuse licenses as it may deem best relating to the health, safety and general welfare of the community.

7. ISSUANCE; TERMS. a. The city clerk shall issue a license to an applicant whenever the common council shall grant a license for show or exhibitions, and the applicant has paid the required fee.

b. See ch. 81 for the required license fee.

8. CHANGE IN TYPE OF SHOW OR EXHIBIT. If, after the license has been granted or issued, the licensee wishes to substantially deviate

from the type of show or exhibit that was listed on the original application, the licensee must file a sworn, written request with the city clerk which states the change in the type of show or exhibit. No changes in entertainment shall take place until the request has been approved by the common council. The common council's approval may be given only if it determines that the new type of show or exhibit is basically compatible with the normal activity of the neighborhood in which the licensed premises is located.

9. LICENSE DENIAL, SUSPENSION, REVOCATION OR NONRENEWAL. a. The common council may in its judgment, after notice to the licensee and a hearing, deny, suspend, revoke or not renew any show or exhibition license granted under this section for the following causes:

- a-1. The making of any material false statement in any application for a license.
- a-2. The conviction of the licensee, his or her agent, manager or other employe for any violation of law relating to the licensed activity.
- a-3. Police department objections to conduct on the licensed premises.
- a-4. Neighborhood complaints with respect to the impact of the licensed premises on the neighborhood.

b. Denial of renewal, suspension or revocation proceedings may be instituted by the licensing committee of the common council upon its own motion, or upon written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

10. PENALTY. Any person violating any of the provisions of this section shall, upon conviction, forfeit not more than \$1,000, together with the costs of prosecution; and, in default of payment, shall be imprisoned in the house of correction or the county jail not to exceed 40 days, or until such forfeiture costs are paid.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

LRB93314.4
BJZ:ayr
1/13/94
Office of the City Attorney
Date: _____

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