



Legislation Text

File #: 021773, **Version:** 2

021773

SUBSTITUTE 2

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A substitute ordinance relating to the definition of a center for visual and performing arts under liquor and tavern regulations.

90-1-5 rn
90-1-5 cr
90-1-6rn
90-1-7rn
90-1-8rn
90-1-9rn
90-1-10 rn
90-1-11 rn
90-1-12 rn
90-1-13 rn
90-1-14 rn
90-1-15 rn
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90-1-17 rn
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90-1-22 rn
90-1-23 rn
90-1-24 rn
90-1-25 rn
90-1-26 rn
90-1-27 rn
90-1-28 rn
90-1-29 rn
90-1-30 rn
90-1-31 rn

Wisconsin state statutes provide certain exemptions from alcohol beverage regulations to “center(s)

for the visual and performing arts". Pursuant to these provisions, s. 90-19-1-c of the code permits underage persons to enter centers for the visual or performing arts at times when alcohol beverages are available for sale, an otherwise prohibited practice. The statutes do not, however, define what these centers are. This ordinance defines a "center for the visual and performing arts" as a facility fulfilling all of the following criteria, as relevant :

1. A center for the visual and performing arts shall have either of the following:
 - a. At least one stage larger than 1,000 square feet in size.
 - b. A collection of recognized works of art placed on regular public display.
2. At a center for the visual and performing arts that is also a theater, the service of alcohol beverages shall be incidental to the main function of the licensed premise as evidenced by the service of alcohol beverages no earlier than 2 hours before a given day's scheduled performance, no later than 2 hours after a given day's scheduled performance and only in a designated lobby area. Further, certain facilities are specifically designated as centers for the visual and performing arts.

Whereas, Section 125.07(3)(a)(3), Wis. Stats., permits underage persons to enter "centers for the visual and performing arts" at times when alcohol beverages are available for sale, an otherwise prohibited practice; and

Whereas, State statutes do not provide a definition of "center for the visual and performing arts"; and

Whereas, It is in the best interest of the City of Milwaukee to prevent abuse of this exemption by facilities that do not reflect the legislative intent of s. 125.07(3)(a)(3), Wis. Stats.; now, therefore,

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

Part 1. Section 90-1-5 to 31 of the code is renumbered 90-1-6 to 32.

Part 2. Section 90-1-5 of the code is created to read:

90-1. Definitions.

5. CENTER FOR THE VISUAL AND PERFORMING ARTS. A "center for the visual and performing arts" means a facility fulfilling all the relevant criteria of both pars. a and b.

a. A center for the visual and performing arts shall have either of the following:

a-1. At least one stage larger than 1,000 square feet in size.

a-2. A collection of recognized works of art placed on regular public display, as testified to before the licensing committee of the common council by recognized experts or art critics.

b. At a center for the visual and performing arts that is also a theater, the service of alcohol beverages shall be incidental to the main function of the licensed premise as evidenced by the service of alcohol beverages no earlier than 2 hours before a given day's scheduled performance, no later than 2 hours after a given day's scheduled performance and only in a designated lobby area.

c. Notwithstanding pars. a and b, the following facilities shall be deemed centers for the visual and performing arts: the Eagles' Club, 2401 West Wisconsin Avenue; the Historic Turner Restaurant, 1034 North 4th Street; the Irish Cultural Center, 2133 West Wisconsin Avenue; the Milwaukee Repertory Theater, 108 East Wells Street; the Miramar Theatre, 2844 West Oakland Avenue; the Modjeska Theatre, 1134 West Historic Mitchell Street; and the Riverside Theater, 116 West Wisconsin Avenue.

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: _____

LRB03129-2

jro

05/12/03