



## Legislation Text

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File #: 140669, Version: 0

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140669  
ORIGINAL

### THE CHAIR

An ordinance relating to the licensing of public entertainment premises.

108-1 am  
108-3-6 am  
108-5-1-a am  
108-5-1-b rc  
108-5-2-f-0 am  
108-12 cr

This ordinance provides that:

1. With respect to the licensing of public entertainment premises, the common council recognizes its obligation to promote and protect the freedom of speech and expression guaranteed under the United States and Wisconsin Constitutions.
2. The definition of “public entertainment” is revised to explicitly include dancing by patrons to prerecorded or live music, as well as dancing by performers for or without compensation.
3. The common council shall approve every public entertainment premises license application within 60 days after the city clerk certifies that the application is complete, unless the application is denied in writing by the common council following a licensing committee hearing conducted in accordance with the procedures of ch. 85.
4. No public entertainment premises license shall be required for the playing of television programming which is incidental to operation of an establishment.
5. Any aggrieved applicant for, or holder of, a public entertainment premises license may seek judicial review to appeal the common council’s denial of a new license or license transfer, or the suspension, nonrenewal or revocation of an existing license pursuant to s. 68.13, Wis. Stats.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 108-1 of the code is amended to read:

**108-1. Findings.** The common council finds that [[various]] public entertainment premises [[can]] >> promote urban vitality and enrich people’s lives through artistic, cultural and recreational entertainment. However, various public entertainment premises can also<< be a source of >> excessive<< noise [[,]] >>and<< litter, large and unruly congregations of people, traffic and parking congestion that adversely [[affects]] >>affect the surrounding neighborhood and<< the health, safety and welfare of the people of the city. This chapter is established pursuant to the responsibility of the

common council to >>protect the freedom of speech and expression guaranteed under the United States and Wisconsin Constitutions, to<< legislate and license for the protection of the health, safety and welfare of the people of the city >>\_<< and to >>avoid or<< diminish the ~~[[undesirable]]~~ >>negative<< secondary effects that can result from these operations.

Part 2. Section 108-3-6 of the code is amended to read:

### **108-3. Definitions.**

**6. PUBLIC ENTERTAINMENT** means any entertainment of any nature or description to which the public generally may gain admission, either with or without the payment of a fee. Any entertainment operated commercially for gain by membership, season ticket, invitation or other system open or offered to the public generally shall be deemed to constitute a public entertainment. This definition includes dances, >>dancing by patrons to prerecorded or live music, dancing by performers for or without compensation,<< shows and exhibitions provided for a fee including plays, skits, musical revues, children's theater, dance productions, musical concerts, opera and the production or provision of sights or sounds or visual or auditory sensations which are designed to or may divert, entertain or otherwise appeal to members of the public who are admitted to a place of entertainment, which is produced by any means, including radio, phonograph, jukebox, television, video reproduction, tape recorder, piano, orchestra or band or any other musical instrument, slide or movie projector, spotlights, or interruptible or flashing light devices and decoration. This term includes a carnival, motion picture house or theater and, when offered to the public for a fee, bowling, billiard tables or amusement machines as defined in s. 107-13.

Part 3. Section 108-5-1-a of the code is amended to read:

### **108-5. License Required.**

#### **1. REQUIREMENT.**

a. No person may conduct or operate >>a<< public entertainment >>premises<< within the city without first securing either an annual license or permit therefor.

Part 4. Section 108-5-1-b of the code is repealed and recreated to read:

b. To promote and protect the freedom of speech and expression guaranteed under the First and Fourteenth Amendments to the United States Constitution and article I, section 3 of the Wisconsin Constitution, the common council shall approve every public entertainment premises license application within 60 days after the city clerk certifies that the application is complete, unless the application is denied in writing by the common council following a licensing committee hearing conducted in accordance with the procedures of ch. 85.

Part 5. Section 108-5-2-f-0 of the code is amended to read:

#### **2. EXEMPTION.**

f. ~~[[Recorded]]~~ >>Television programming or recorded<< background music which is incidental to operation of the establishment located on the premises and is either:

Part 6. Section 108-12 of the code is created to read:

**108-12. Appeal Rights.** Any aggrieved applicant for, or holder of, a public entertainment premises license may seek judicial review to appeal the common council's denial of a new license or license transfer, or the suspension, nonrenewal or revocation of an existing license pursuant to s. 68.13, Wis. Stats.

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: \_\_\_\_\_

LRB154414-1  
Jeff Osterman  
09/03/2014