



Legislation Text

File #: 031164, Version: 1

031164

SUBSTITUTE 1

ALD. BOHL AND GORDON

A substitute ordinance relating to the issuance of special tavern dancing permits.

90-33-3 rc

This ordinance establishes a procedure for the application for and the granting and denial of special tavern dancing permits. It requires those seeking special tavern dancing permits to apply for them to the city clerk no later than 45 days before the event for which the permit is sought is to be held. Applications are then referred to the common council member representing the district in which the premises for which the permit is sought is located. The common council member is given criteria based on which he or she may grant or deny each application. Applicants may appeal denials to the licensing committee of the common council.

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

Part 1. Section 90-33-3 of the code is repealed and recreated to read:

90-33. Kinds of Tavern Amusement, Dancing and Music Licenses.

3. SPECIAL TAVERN DANCING PERMIT.

- a. A special permit authorizing dancing upon tavern premises may be issued to the holder of a tavern license by the city clerk, provided the license holder complies with all the provisions of this subsection. The city clerk shall notify the police department of the issuance of all permits issued pursuant to this subsection.
- b. Any license holder desiring a special tavern dance permit shall apply for the permit not less than 45 days before the date for which the permit is sought. This application shall be made in writing on a form provided therefor by the city clerk. Each permit sought shall require a separate application. The completed application shall be referred to the common council member representing the district in which the premises for which the permit is sought is located. The common council member shall determine whether or not to grant each special tavern dancing permit and shall inform the city clerk of his or her decision. In making his or her determination, the common council member shall consider the following factors:
 - b-1. The appropriateness of the location and premises for which the permit is sought and whether the event for which the permit is sought will create undesirable neighborhood problems.
 - b-2. The hours during which dancing would be permitted on the premises and the likely effect of this activity on the surrounding area.
 - b-3. Whether previous permits granted to the same applicant or to other applicants for the same

premises have resulted in neighborhood problems including, but not limited to, complaints of loud music, noise, litter, disorderly assemblages, loitering or public urination.

b-4. Whether or not the applicant has been charged or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity for which the permit is sought.

b-5. Any other factors which reasonably relate to the public health, safety and welfare.

c. An applicant may appeal the decision of a common council member to the licensing committee of the common council. A hearing of an appeal shall be conducted as set forth in s. 90-5-8-b. The committee may make a decision immediately following the hearing or on a later date. In making its decision, committee members may consider the factors set forth in par. b-1 to 5. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present. In these instances, the decision of the licensing committee shall be final and the applicant shall have no right of appeal to the common council.

d. In those instances in which a permit is sought for a premises in a district where the common council seat is vacant, the application shall be referred directly to the licensing committee of the council for a decision as to whether or not to grant the permit. A hearing on whether or not to grant a permit shall be conducted as set forth in s. 90-5-8-b. In making its decision, committee members may consider the factors set forth in par. b-1 to 5. An applicant may appeal the decision of the licensing committee to the common council. In the case of an appeal, the committee shall forward its decision in writing to the common council for vote at the next meeting at which such matter will be considered. In making its decision, common council members may consider the factors set forth in par. b 1 to 5.

e. The city clerk may grant a special dancing permit to an applicant who files his or her application fewer than 45 days before the event for which the permit is sought provided the applicant waives his or her right to an appeal of any decision made by a common council member pursuant to par. b.

f. No more than 20 special dancing permits shall be issued for the same premises in any license year. No more than 4 special dancing permits shall be issued for the same premises in any calendar month. No more than one permit shall be issued to a premises during a particular 24-hour period.

g. Every person issued a special dancing permit pursuant to this section shall post the permit in a conspicuous place in the premises during those times when dancing is taking place. It shall be unlawful for any person to post a permit or to be permitted to post it upon premises other than those mentioned in the application, or knowingly to deface or destroy a permit.

h. Dancing shall be permitted only during normal tavern operating hours as established by s. 90-15-3.

i. No permit shall be required for dancing in taverns on New Year's Eve or New Year's Day.

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:_____

LRB03496-1

jro

12/17/03