



Legislation Text

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021318
SUBSTITUTE 1

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A substitute ordinance relating to procedures for denial, non-renewal and suspension of public dance hall licenses.

81-39-3 cr

108 rc

This ordinance repeals and recreates current code provisions related to public dance hall licenses, and establishes procedures for granting, denial, renewal, non-renewal and suspension of public dance hall licenses. In addition, applicants are required to submit a plan of operation for the premises on which the public dances are to take place. The plan shall include hours of operation, the number of patrons expected, the legal capacity limit of the premises, the number of off-street parking spaces available at the premises, whether or not the shows or exhibitions held at the premises will make use of sound amplification equipment and what plans, if any, the applicant has to provide security and for the orderly appearance and operation of the premises with respect to litter and noise.

..Body

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

Part 1. Section 81-39-3 of the code is created to read:

81-39. Dance Hall (Public) License.

3. License renewal applications shall be filed by the first day of the month preceding the month in which the license expires. There shall be an additional fee for filing of a late renewal application in the amount of \$25.

Part 2. Chapter 108 of the code is repealed and recreated to read:

CHAPTER 108 PUBLIC DANCE HALLS

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108-1. Findings. The common council finds that various public dance halls can be a source of noise, litter, large and unruly congregations of people, traffic and parking congestion that adversely affects the health, safety and welfare of the people of the city of Milwaukee. This chapter is established pursuant to the responsibility of the common council to legislate and license for the protection of the health, safety and welfare of the people of the city of Milwaukee and to diminish the undesirable secondary effects that can result from these operations.

108-3. Definition. In this chapter:

- a. "Public dance" means any dance of any nature or description to which the public generally may gain admission, either with or without the payment of a fee. Any dance 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 dance.
- b. "Public dance hall" means any room, place or space in which a public dance may be held, or in which classes in dancing are held and instruction in dancing given for hire.

108-5. License Required. 1. REQUIREMENT. a. No person may hold a public dance within the city until the dance hall has been licensed for such purpose.
b. A public dance hall license shall entitle the holder to permit dancing by patrons upon the premises to prerecorded music.
c. In addition to obtaining a public dance hall license, public dance halls which produce music by means other than prerecorded music are required to obtain a shows and exhibitions license pursuant to s. 84-40.

2. EXEMPTION. No public dance license shall be required for the following:

- a. Class "B" tavern premises holding a tavern amusement license, tavern dance license or special tavern dancing permit.
- b. Organizations formed exclusively for the purpose of ballet performance and instruction and which have received tax-exempt status from the United States internal revenue service upon the presentation of documentation of such status to the city clerk's office.

3. APPLICATION. a. Application for a public dance hall license shall be filed with the city clerk on a form provided therefore. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer of a corporation or limited liability corporation, and sworn to by the applicant.

b. The application shall require:

b-1. The name and permanent address of the applicant.

b-2. The name and address of the premise for which the license is to be granted, including the

aldermanic district in which it is situated.

b-3. The name and permanent address of the person owning the premises for which the license is to be granted.

b-4. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and permanent address of each of its officers, directors and designated managers, if any; the application shall be verified by an officer of the corporation. If one or more of the officers is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate officers.

b-5. If the applicant is a partnership, the application shall set forth the name and permanent address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

b-6. If the applicant is a club, association or other organization which is neither a corporation or partnership, the application shall set forth the exact name of the entity together with the names and permanent addresses of all officers and be verified by an officer of the club, association or organization.

b-7. All convictions, including ordinance violations exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the conviction occurred.

b-8. The date of birth of the applicant.

b-9. Whether the applicant has prior to the date of application been licensed to conduct a public dance hall in this city and the location of such dance hall, if any.

b-10. A completed plan of operation on a form provided therefore by the city clerk. The plan of operation shall require:

b-10-a. The planned hours of operation for the premises.

b-10-b. The number of patrons expected on a daily basis at the premises.

b-10-c. The legal capacity limit of the premises.

b-10-d. The number of off-street parking spaces available at the premises.

b-10-e. Whether or not the public dances held at the premises will make use of sound amplification equipment and, if so, what kind.

b-10-f. What plans, if any, the applicant has to provide security for the premises.

b-10-g. What plans, if any, the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise.

b-10-h. Any other licenses held by the applicant or attached to the premises.

b-11. Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

c. Post office box numbers shall not be acceptable for addresses required on applications for public dance hall licenses.

d. The building owner or applicant shall file with the license application an approved occupancy permit issued by the commissioner of city development for the operation of the premises.

4. CHANGES TO BE REPORTED. A licensee shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within 5 days after the change occurs.

5. FEE. All applications shall be accompanied by the fee specified in s. 81-39.

6. QUALIFICATIONS. No public dance hall licenses shall be granted to any persons or agents of corporations or limited liability corporations who are not 21 years of age or older and residents of the

state of Wisconsin.

108-7. Granting of License.

- 1. ISSUANCE.** a. Investigation. a-1. Applications shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health, all of whom shall cause an investigation to be made and report their findings to the common council licensing committee.
- a-2. The report to the common council licensing committee by the commissioner of neighborhood services shall include information related to the zoning district in which the premises of the public dance hall is to be located.
- b. The licensing committee shall hold a hearing on whether or not to grant each new license. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:
- b-1. The date, time and place of the hearing.
- b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial. If the possibility of denial is based on the fitness of the location of the premises to be licensed, the notice shall also be served upon the owner of the premises so that the owner has at least 3 days' notice of the hearing. Notice to the owner of the premises shall contain the same information and statements included under this paragraph related to the notice to the applicant.
- b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.
- b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.
- c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.
- d. A due process hearing shall be conducted in the following manner:
- d-1. All witnesses will be sworn in.
- d-2. The chair shall ask those opposed to the granting of the license to proceed first.
- d-3. The applicant shall be permitted an opportunity to cross-examine.
- d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.
- d-5. Committee members may ask questions of witnesses.
- d-6. Both proponents and opponents shall be permitted a brief summary statement.
- e. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:
- e-1. Whether or not the applicant meets the municipal requirements.
- e-2. The appropriateness of the location and premises where the public dance hall is to be located and whether the public dance hall will create undesirable neighborhood problems. Probative evidence relating to these matters may be taken from the plan of operation submitted pursuant to s. 108-5-3-b-10, but not the content of any music.
- e-3. Whether there is an overconcentration of businesses licensed under ch. 108 in the

neighborhood such that the concentration will have an adverse impact upon the public health, safety and welfare of the neighborhood.

e-4. The applicant's record in operating similarly licensed premises.

e-5. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the permitted activity.

e-6. Any other factors which reasonably relate to the public health, safety and welfare.

f. The recommendations of the committee regarding the applicant must not be based on evidence presented at the hearing related to type or content of any music.

h. The committee may make a recommendation immediately following the hearing or at a later date. 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 or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

i. If the common council grants the application for a public dance hall license, the city clerk shall issue an appropriate document to the applicant confirming that fact. The document shall also contain any restrictions or conditions which the common council may place on approval.

j. If the possibility of denial is based on the fitness of the location of the premises to be licensed, the owner of the premises shall have the same rights related to a due process hearing provided to the applicant under this subsection.

2. DISQUALIFICATION. a. Whenever an applicant for a new license has had his or her application denied for a reason not relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no public dance hall license shall be granted to the same person for that location for a period of 12 months following the date of denial.

b. Whenever an applicant for a new license has had his or her application denied for a reason relating to the fitness of the location of the premises to be licensed, no other application for a public dance hall license for the location shall be recommended for approval by the licensing committee within 3 years of the date of the denial unless the applicant or the owner of the premises has demonstrated a change of circumstances since the prior denial. Before the committee considers any application, the applicant or the owner of the premises shall file with the city clerk a written statement setting forth the change in circumstances relating to the fitness of the location of the proposed licensed premises since the prior denial. In considering whether changed circumstances exist, the committee shall consider, among other factors:

b-1. A change in the number of licensed public dance halls in the neighborhood.

b-2. A change in zoning applicable to the subject property.

b-3. New developments of land uses in the vicinity of the subject property.

c. Hearing. c-1. Whenever an application accompanied by a written statement of changed circumstances is filed, the committee shall hold a hearing to determine if changed circumstances exist. At the hearing, testimony shall be limited to that of the applicant and the applicant's attorney with respect to demonstration of a change in circumstances.

c-1-a. If the committee determines that the applicant has failed to demonstrate that a sufficient change in circumstances exists to justify a new hearing on the merits, the committee shall recommend that the application be denied.

c-1-b. If the committee determines that a sufficient change in circumstances has been demonstrated to justify a new hearing on the merits, the committee shall schedule a separate hearing on whether the application should be recommended for approval or denial.

c-2. Whenever the owner of the premises has filed a written statement of changed circumstances and no application for a public dance hall license for the location has been filed, the committee shall

hold a hearing to determine if changed circumstances exist. At the hearing, testimony shall be limited to that of the owner of the premises and the owner's attorney with respect to demonstration of a change in circumstances.

c-2-a. If the committee determines that the owner of the premises has failed to demonstrate that a sufficient change in circumstances exists, no application for a public dance hall license for the location shall be recommended for approval by the licensing committee within 3 years of the date that the application for a public dance hall license for the location was denied for a reason relating to the fitness of the location of the premises.

c-2-b. If the committee determines that a sufficient change in circumstances has been demonstrated, an application for a public dance hall license for the location may be recommended for approval by the licensing committee.

3. CHANGE IN PLAN OF OPERATION. If, after the license has been granted or issued, the licensee wishes to substantially deviate from the plan of operation as submitted with the original application, the licensee shall file a sworn, written request with the city clerk which states the nature of the change. No change shall take place until the request has been approved by the common council. The common council's approval shall be given only if it determines, in the manner set forth in sub. 1-e -2, that the change is compatible with the normal activity of the neighborhood in which the premises is located.

108-9. Renewal of Licenses. 1. PROCEDURE FOR RENEWAL. Applications for the renewal of a public dance hall license shall be made to the city clerk. The clerk shall refer the application for license renewal to the chief of police, the commissioner of neighborhood services and the commissioner of health for review. If the chief of police, the commissioner of neighborhood services and the commissioner of health indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless an objection has been filed with the city clerk at least 30 days prior to the date on which the license expires. This objection may be filed by any interested person. If an objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for a hearing on whether the application should be recommended for approval or denial to the common council.

2. PROCEDURE FOR NON-RENEWAL. a. If there is a possibility that the committee will not renew a license, a motion should be entertained to hold the application in committee and instruct the city clerk to forward proper notice to the applicant, unless such proper notice has already been sent, in which case the hearing shall proceed.

b. Prior to the date set for the hearing, the city clerk's office shall forward notice to the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

b-1. The date, time and place of the hearing.

b-2. A statement of the common council's intention not to renew the license or suspend the license in the event any objections to renewal are found to be true.

b-3. A statement of the reasons for non-renewal. If the possibility of denial is based on the fitness of the location of the premises to be licensed, the notice shall also be served upon the owner of the premises so that the owner has at least 3 days' notice of the hearing. Notice to the owner of the premises shall contain the same information and statements included under this paragraph related to the notice to the applicant.

b-4. A statement that an opportunity will be given to respond to and challenge such reasons for non-renewal and to present witnesses under oath and to confront and cross-examine opposing witnesses

under oath.

b-5. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. Hearings. c-1. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in s. 108-13.

c-2. If the possibility of non-renewal is based on the fitness of the location of the licensed premises, the owner of the premises shall have the same rights related to a due process hearing provided to the applicant as set forth in s. 108-13.

d. Disqualification. d-1. Whenever any license is denied renewal for a reason not relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no public dance hall license shall be granted to the same person for that location for a period of 12 months following the date of non-renewal.

d-2. Whenever any license is denied renewal for a reason relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no other application for a public dance hall license shall be recommended for approval by the licensing committee within 3 years of the date of the denial unless the applicant or owner of the premises has demonstrated a change of circumstances since the prior denial as set forth in s. 108-7-2.

e. Surrender. When any license is surrendered in lieu of a pending non-renewal proceeding, no other public dance hall license shall be granted to the same person for a period of 12 months following the date of its surrender.

108-11. Revocation or Suspension of Licenses.

1. PROCEDURE. a. Any license issued under this chapter may be suspended or revoked for cause by the common council after notice to the licensee and a hearing.

b. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn 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.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate ordinances that are grounds for revocation or suspension of a license, the city clerk shall issue a summons, as authorized by Wisconsin statutes, demanding that the licensee appear before the licensing committee, not less than 3 days nor more than 10 days from the date of issuance, to show cause why the license should not be revoked or suspended. A police officer shall serve the summons upon a licensee in accordance with Wisconsin statutes, and shall also serve a copy of the complaint with a copy of this section upon the licensee.

d. Upon receipt of evidence that the summons has been served, the licensing committee shall convene at the date and time designated in the summons for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation or suspension.

e. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the complaints and the licensee in connection with the revocation or suspension.

f. Hearings. f-1. All hearings held and committee recommendations prepared pursuant to this section shall be conducted as set forth in s. 108-13.

f-2. If the possibility of revocation is based on the fitness of the location of the licensed premises, the

owner of the premises shall have the same rights related to a due process hearing provided to the applicant as set forth in s. 108-13.

2. DISQUALIFICATION. a. Whenever any license is revoked for a reason not relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no public dance hall license shall be granted to the same person for that location for a period of 12 months following the date of revocation.

b. Whenever any license is revoked for a reason relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no other application for a public dance hall license for the location shall be recommended for approval by the licensing committee within 3 years of the date of the revocation unless the applicant has demonstrated a change of circumstances since the prior denial as set forth in s. 108-7-2.

3. SURRENDER. When any license is surrendered in lieu of a pending revocation or suspension proceeding, no other public dance hall license shall be granted to the same person for a period of 12 months following the date of its surrender.

108-13. Hearing Procedure.

1. AUTHORITY OF LICENSING COMMITTEE. The licensing committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a public dance hall license pursuant to this section. The chair of the licensing committee shall be the presiding officer.

2. COMMITTEE HEARING PROCEDURE.

a. The chair shall direct that oaths be administered and subpoenas issued upon request of either side.

b. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this section.

c. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

d. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

3. RECORD. A stenographic record shall be made of all proceedings before the committee and before the common council when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

4. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION. The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

a. Failure of the licensee to meet the municipal qualifications or any of the terms of this chapter.

b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employees, or patrons.

c. Failure to abide by conditions imposed by the common council pursuant to s. 108-7-1-i.

d. Neighborhood problems due to management or the appropriateness of the location and premises where the public dance hall is located.

e. A showing that the licensed premises has been the source of congregations of persons which have resulted in one or more of the following:

- e-1. Disturbance of the peace.
- e-2. Illegal drug activity.
- e-3. Public drunkenness.
- e-4. Drinking in public.
- e-5. Harassment of passers-by.
- e-6. Gambling.
- e-7. Prostitution.
- e-8. Sale of stolen goods.
- e-9. Public urination.
- e-10. Theft.
- e-11. Assaults.
- e-12. Battery.
- e-13. Acts of vandalism, including graffiti.
- e-14. Excessive littering.
- e-15. Loitering.
- e-16. Illegal parking.
- e-17. Loud noise at times when the licensed operation is open for business.
- e-18. Traffic violations.
- e-19. Curfew violations.
- e-20. Lewd conduct.
- e-21. Display of materials harmful to minors, pursuant to s. 106-9.6.
- e-22. Cruising.

f. Any other factor or factors which reasonably relate to the public health, safety and welfare or which demonstrate that the establishment has generated the undesirable secondary effects set forth in s. 108-1.

g. The recommendations of the committee regarding the applicant must not be based on evidence presented at the hearing related to type or content of any music.

5. COMMITTEE REPORT. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed, not renewed or revoked. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the license be renewed conditioned upon a suspension of the license for a defined period of time. When the committee elects to recommend that a license be renewed with a period of suspension, the license may be suspended for not less than 10 days and no longer than 90 days. All non-renewals, suspensions and revocations shall be effective upon service of notice of the non-renewal, suspension or revocation upon the licensee or person in charge of the premises at the time of service.

6. COUNCIL ACTION.

a. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

b. If the committee recommends that the license not be renewed, be revoked or suspended, then within 7 days of the receipt of the report and recommendation of the committee, the licensee may file

written exceptions to the report and recommendations of the committee.

c. Any exceptions filed by the licensee to the report and recommendations of the committee shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the full common council.

d. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by certified mail and also notify the city attorney that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be suspended or revoked or non-renewed, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendation presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendation and oral argument by the complainant objecting to the report and recommendation shall be permitted only at the discretion of the chair. If argument is permitted by the chair, argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions. Licensees shall appear only in person or by counsel. Corporate licensees shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

e. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. The vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending non-renewal, suspension or revocation with the committee's report and recommendation, the city clerk shall give notice of each suspension or revocation to the person whose license is non-renewed, suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused. If the common council finds the complaint to be malicious and without probable cause, the cost shall be paid by the complainant upon invoice from the city.

7. **REQUEST TO SURRENDER A LICENSE.** If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, revocation or suspension, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

108-15. Alteration of Premises. Any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a license, pursuant to s. 200-24, by the department of city development. An applicant whose application has been denied by the committee may appeal the decision to the common council.

108-17. Dance Hall License; Posting. Each dance hall license shall be posted in a conspicuous place within the hall in which the dance is held.

108-19. Supervision of Dance Hall Premises. The public dance hall licensee shall be responsible for the adequate supervision of the premises, and such supervision shall consist of persons 21 years of age or older.

108-21. Manner of Granting Permit to Hold Dance. Every owner of a licensed dance hall shall, immediately upon application being received by him or her from any person, club or society to lease or rent the hall for the purpose of holding a public dance, report to the chief of police the name and address of the person, club or society, and the date when such public dance is proposed to be held. The chief of police shall at once make an investigation for the purpose of determining whether such dance shall be held. If the chief of police determines that the proposed dance ought not to be held, the chief of police shall, within 5 days after receipt of the notice of application for lease or rental, notify the owner of the dance hall in writing that the proposed public dance shall not be held therein, and the owner of the dance hall shall thereupon refuse to permit the public dance or to be held in the hall.

108-23. Responsibility of Dance Hall Permittee. Any person or corporation or person acting on behalf of any corporation, organization or society leasing or renting a public dance hall under this chapter shall be personally responsible for the manner in which the dance is conducted and for the conduct of all persons in attendance who violate any city ordinance or state or federal law.

108-25. Permit Not Required of Licensee. Nothing in this chapter shall be construed as requiring the holder of a dance hall license to secure a dance permit where the dance is conducted in the hall under the direct personal supervision of the dance hall licensee; provided, however, that where the licensed dance hall premises are adjacent, contiguous or connect with premises licensed for the sale of intoxicating liquor or fermented malt beverages, no dance shall be conducted in such dance hall by the dance hall licensee or the holder of the intoxicating liquor or fermented malt beverage license, or under his or her supervision, unless the dance hall is licensed as a tavern dance hall or tavern amusement premises; provided further, the dance hall shall not be leased or rented to the same club, state, county or local fair association or agricultural society, lodge or society for more than 12 occasions in any calendar year.

108-27. Announcement of Curfew Hours. An announcement shall be made 20 minutes prior to the beginning of curfew hours specified in s. 106-23 to provide for the exit of those persons subject to s. 106-23. All entertainment shall cease for the 20-minute period prior to curfew.

108-29. Closing Hour. All public dances shall be discontinued and all public dance halls located in residential zoning districts as established under subch. 5 of ch. 295 shall be closed no later than 12:30 a.m., except where such premises are licensed under ss. 90-33 to 90-36. If a public dance hall is located in a zoning district other than a residential district established under subch. 5 of ch. 295, such dances shall be discontinued and such dance halls shall be closed no later than 1:00 a.m. on weekdays and 1:30 a.m. on Saturdays and Sundays, and shall not reopen before 10:30 a. m. The chief of police, upon application made to the chief not less than 5 days prior to the date of the holding of such public dance, may fix the closing not later than 3:00 a.m.

108-31. Penalty. Any person convicted of violating this chapter shall be fined not less than \$500 nor more than \$2,000 for each violation, plus costs of prosecution, and, in default thereof, be imprisoned for a period not to exceed 80 days, or until 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: _____

LRB02466-2

RGP

03/27/03