CHAPTER 108
PUBLIC ENTERTAINMENT PREMISES

TABLE

108-1  Findings
108-3  Definitions
108-5  License Required
108-7  Issuance of License
108-9  Renewal of Licenses
108-11 Nonrenewal, Revocation or Suspension of Licenses
108-12 Appeal rights
108-15 Alteration of Premises
108-16 Standards for Special Event Campgrounds
108-17 Public Entertainment Premises License; Posting.
108-18 Minors; Billiards
108-19 Supervision of Public Entertainment Premises
108-20 Gambling Prohibited
108-21 Announcement of Curfew Hours
108-22 Costume Regulations
108-23 Hours for Public Entertainment
108-25 Penalty

108-1. Findings. The common council finds that public entertainment premises 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 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 negative secondary effects that can result from these operations.

108-3. Definitions. In this chapter:

1. BILLIARD TABLE means any table, coin operated or not, surrounded by a ledge or cushion with or without pockets upon which balls are impelled by a stick or cue and which includes all forms of games known as "carom, billiards, pocket billiards, 3-cushion billiards, English billiards" and all other games played on a billiard, pool or snooker table and which also includes the games known as "15-ball pool, 8-ball pool, bottle pool, pea pool" and all other games played on a so-called billiard table and also all games played on a so-called "pigeon-hole table."

2. CARNIVAL means the temporary setting up, maintaining or operating of mechanical rides such as ferris wheels, merry-go-rounds, bumper cars, etc., for the use of which a fee is charged.

2.5. FESTIVAL means a special event campground or program of cultural events, celebrations or entertainment conducted by any person, group, organization or association outdoors on private property within the city of Milwaukee.

3. LICENSING COMMITTEE means the standing committee of the common council which is assigned jurisdiction over licensing matters.

4. MOTION PICTURE HOUSE means any building, or parts thereof, used for the purpose of exhibiting motion pictures of any kind for admission to which remuneration or any other consideration is paid, charged or received.

5. PERSON means any individual, firm, corporation, limited liability company, partnership or association acting in a fiduciary capacity.

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
108-5 Public Entertainment Premises

flashing light devices and decoration. This term includes a carnival, festival, 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.

7. PUBLIC ENTERTAINMENT PREMISES means any room, place or space in which public entertainment is held, and includes any room, place or space in which activities described in sub. 6 are conducted.

7. SPECIAL EVENT CAMPGROUND means any parcel or tract of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight used by 4 or more camping units, during the course of a single event, such as a fair, rally or festival, for a maximum of 7 consecutive nights or the maximum number of nights permitted by the zoning code, whichever is less. In this subsection, “camping unit” means any portable device, not more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

8. THEATER means any building, or parts thereof, used for dramatic or operatic or other exhibitions, plays or performances for admission to which remuneration or any other consideration is paid, charged or received.

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.

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 application for a new public entertainment premises license or for a deviation from the type of entertainment specified on a previously-approved plan of operation 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. The August common council recess shall not be included when determining the 60-day period. The 60-day provision shall not apply if the application relates to a premises for which one or more other licenses subject to the licensing procedures of ch. 85 are sought or held, in which case the timeline set forth in ch. 85 applies.

c. Any nonprofit organization which leases its premises for holding public entertainment shall first obtain a public entertainment premises license.

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

a. A theater or motion picture house at which the only person or organization providing motion pictures or theater performances is the person or organization that owns the premises.

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.

c. Billiard tables provided on the premises of bona fide clubs or social organizations not operating for private profit which provide other membership privileges and activities, even though there is a charge for playing billiards.

d. Any public show or exhibition conducted exclusively by nonprofit, eleemosynary, educational, or religious organizations on their own premises.

e. Any dance studio, which means a room, place or space in which dancing instruction is given for hire.

f. Television programming or recorded background music which is incidental to operation of the establishment located on the premises and is either:

f-1. In the case of a licensed alcohol beverage premises, operated by the licensee, manager or bartender.

f-2. In the case of a premises without an alcohol beverage license, operated by a regular employee of the establishment.

g. Any public entertainment event held in the city hall rotunda when authorized by the chair of the common council’s public works committee pursuant to common council resolution file number 80-1039, adopted on February 10, 1981.

h. The showing of motion pictures by an eleemosynary organization on land owned by the city or Milwaukee county, provided motion pictures are not shown more than twice monthly at a single location.
3. APPLICATION. a. Filing. Application for a public entertainment premises license shall be filed with the city clerk on a form provided therefor.
   b. Content. 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 or permit is to be granted, including the aldermanic district in which it is situated.
      b-3 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 name and address of each of its officers, directors and designated managers, if any; the application shall be verified by an officer of the corporation.
      b-4. If the applicant is a partnership, the application shall set forth the name and resident 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 paragraph pertaining to a corporate applicant shall apply to the corporate partners.
      b-5. 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 resident addresses of all officers and be verified by an officer of the club, association or organization.
      b-6. The date of birth of the applicant.
      b-7. A completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall require:
         b-7-a. The planned hours of operation for the premises.
         b-7-b. The number of patrons expected on a daily basis at the premises.
         b-7-c. The legal occupancy limit of the premises.
         b-7-d. The number of off-street parking spaces available at the premises.
         b-7-e. Whether or not the public entertainment premises will make use of sound amplification equipment and, if so, what kind.
         b-7-f. What plans the applicant has to provide security for the premises. This shall include a description of any proposed security provisions for off-street parking and loading areas, the number of security personnel expected to be on the premises, their responsibilities of these guards, the equipment they will use in carrying out their duties and their licensing, certification or training credentials.
      b-7-g. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise. This shall include a description of designated or likely outdoor smoking areas, the number and placement of exterior and interior trash receptacles, crowd control barriers and sanitation facilities, as well as a description of how applicable noise standards will be met for the subject premises.
      b-7-h. Any other licenses held by the applicant or attached to the premises.
      b-7-i. A description, with particularity, of the type of entertainment, exhibition, music, dancing, singing, floor show or other performances to be held on the premises, in order for the common council to determine whether or not the applicant's proposed operations are basically compatible with the normal activity of the neighborhood in which the licensed premises is to be located.
      b-7-j. A description of any provisions made for clean-up of the premises, including identification of the solid waste contractor to be used by the applicant.
      b-7-k. For a carnival to be held outside, what plans the applicant has in the event of inclement weather, including alternative dates and times during which the carnival may be set up, maintained or operated.
      b-8. A site plan showing:
         b-8-a. The locations of all entrances and exits. This shall include a description of how patrons will enter and leave the premises, the proposed location of the waiting line, estimated waiting time, and the location where security searches or identification verification will occur at the entrance to the premises.
         b-8-b. The locations and dimensions of any off-street parking and loading areas for customers and entertainers available at the premises.
      b-9 Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.
   c. Fingerprinting. All applicants shall be fingerprinted as provided in s. 85-21-1.
d. Investigation. Applications shall be referred to the chief of police and the commissioner of neighborhood services, both of whom shall cause an investigation to be made and report their findings to the licensing committee in accordance with the provisions of s. 85-21-2. The commissioner of neighborhood services shall include information regarding whether the premises is located in a residential district.

4. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

5. TEMPORARY PUBLIC ENTERTAINMENT PREMISES PERMIT.
   a. Authority. The granting of a temporary public entertainment premises permit shall authorize the permit holder to operate public entertainment lasting no longer than 4 consecutive days, except in the case of a carnival or festival, in which case the public entertainment may be offered up to 14 consecutive days, but only between the hours of 8 a.m. and midnight. This authority shall be contingent upon the permit holder also obtaining any other special privileges or licenses required for the conduct of a public entertainment. An existing public entertainment premises license holder seeking a temporary change of plan shall comply with s. 85-39.
   b. Application. Application for a temporary public entertainment premises permit and the review of the permit application shall be conducted as set forth in sub. 3 provided that application for a temporary public entertainment premises permit shall be made to the city clerk by the filing deadline established by the city clerk for the date for which the permit is sought.
   c. Approval by Council Member. The completed application shall be referred to the common council member representing the district in which the site for which the permit is sought is located. The common council member shall determine whether to grant each 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:
      c-1. The appropriateness of the location and site for which the permit is sought and whether the event for which the permit is sought will create undesirable neighborhood problems.
      c-2. The hours during which the public entertainment would be operated on the site and the likely effect of the event on the surrounding area.
      c-3. Whether previous permits granted to the same applicant or to other applicants for the same site have resulted in neighborhood problems including, but not limited to, complaints of loud music, noise, litter, disorderly assemblages, loitering or public urination.
      c-4. Whether 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.
      c-5. Any other factors which reasonably relate to the public health, safety and welfare.
   d. The decision of the council member regarding the applicant shall not be based on the type or content of any music or entertainment that will be provided at the event for which a permit is sought.
   e. Committee Action. e-1. If the common council member grants the application for a temporary public entertainment premises permit, the city clerk shall issue an appropriate document to the applicant confirming that fact and specifying the date, period of time and specific location for which the permit shall be in effect. The document shall also contain any restrictions or conditions which the common council may place on approvals. The city clerk shall, within 24 hours after the issuance of the approving document, inform the chief of police of the date, place and event for which the permit was issued.
      e-2. If an application filed prior to the deadline set by the city clerk is denied by a common council member under par. c, the city clerk shall forward the application to the licensing committee for a hearing on the appeal of the decision of a common council member.
   e-3. Notwithstanding the provisions of sub. 1, if a written objection to the application is filed by an interested person, the city clerk shall forward the application to the licensing committee for a hearing.
   f. Hearing Procedure. f-1. Any hearing required under the subsection shall be conducted in accordance with ss. 85-2.7 and 85-5.
Public Entertainment Premises 108-7

1. The committee may make a recommendation immediately following the hearing or on a later date. In making the recommendation, committee members may consider the factors set forth in par. c.

2. Written notice of the committee's recommendation shall be provided if the decision is made at a later date or if the applicant was not present. The recommendation of the licensing committee shall be final, and the applicant shall have no right to be heard before the common council.

3. Limit. No more than 4 temporary public entertainment premises permits shall be issued for the same premises in any calendar month. No more than 20 temporary public entertainment premises permits shall be issued for the same premises in any license year.

4. New Year's Holiday. No permit shall be required for entertainment, exhibitions or dancing on New Year's Eve or New Year's Day.

5. Display of Permit. i-1. Every person issued a temporary public entertainment premises permit pursuant to this subsection shall post the permit in a conspicuous place in the premises during those times when entertainment, exhibitions or dancing is taking place.

i-2. It shall be unlawful for any person to post a permit or certificate or to be permitted to post a permit or certificate upon premises other than those mentioned in the application, or knowingly to deface or destroy a permit.

i-3. Failure to appropriately post a permit or certificate shall be treated in the same manner as operating without a permit.

6. FEE. All applications shall be accompanied by the fee specified in s. 81-101.2.

7. QUALIFICATION. No public entertainment premises license shall be granted to anyone who is not a resident of the state of Wisconsin.


1. PROCEDURE FOR RENEWAL. Applications for the renewal of a public entertainment premises license shall be made to the city clerk. The clerk shall refer the application for license renewal to the chief of police and the commissioner of neighborhood services for review. If the chief of police and the commissioner of neighborhood services indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city
108-11 Public Entertainment Premises

clerk at least 45 days prior to the date on which the license expires, provided that the renewal was filed by the date established by the city clerk. If the applicant fails to file within the time frame established by the city clerk, an objection may be filed within 10 days of the filing of the renewal application. An objection may be filed by any interested person. If a written 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 its recommendation to the common council.

2. Procedure for Nonrenewal. If there is a possibility that the licensing committee will not renew the license, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.


1. PROCEDURE. a. Procedures for Revocation or Suspension. Any license issued under this chapter may be revoked or suspended for cause by the common council. 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 interested party.

b. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

2. REQUEST TO SURRENDER A LICENSE OR WITHDRAW A RENEWAL APPLICATION. Whenever any licensee wishes to surrender a license or withdraw a renewal application, the procedures for disqualification of a license provided in s. 85-13 shall apply.

3. GROUNDS FOR NONRENEWAL, SUSPENSION OR REVOCATION. The recommendation of the committee regarding the licensee shall be based on the preponderance of evidence presented at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence presented at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence of circumstances specified in s. 85-4-4.

4. COUNCIL ACTION. Following the receipt of a report and recommendation of the committee, the common council shall consider the report and recommendations pursuant to the procedures provided in s. 85-5.

5. WHEN ALCOHOL BEVERAGE LICENSE SUSPENDED. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

108-12. Appeal Rights. Any aggrieved applicant for, or holder of, a public entertainment premises license may seek judicial review to appeal the 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.

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.

108-16. Standards for Special Event Campgrounds. All special event campgrounds shall meet the following standards:

1. The campground operator shall obtain a campground permit from the department of neighborhood services in accordance with ch. DHS 178, Wis. Adm. Code. The permit application shall be accompanied by a plan of operation and a site plan that meets all applicable requirements of ch. DHS 178, Wis. Adm. Code. The department of neighborhood services shall not issue a campground permit to any permit applicant who has outstanding violations of the code of ordinances. For an indoor campground, a certificate of occupancy
shall be obtained in accordance with s. 200-42. In addition to the campground permit, and the temporary public entertainment premises permit required by this section, other permits and licenses, including but not limited to an alcohol beverage license or a food dealer license, may be required for campground operations.

2. All roads and parking areas in the campground shall be paved with concrete, asphalt macadam, tar macadam, crushed stone, paving blocks, traffic bond or other paving material.

3. The campground shall be located not less than 600 feet from the nearest residential use.

4. The campground operator shall prepare an emergency evacuation plan and provide copies of the plan to all campers. A copy of the plan shall also be provided to the city at the time of application for the temporary public entertainment premises permit.

5. No open-air fires shall be permitted at the campground except fires in substantial burners built of metal, concrete or brick that are well-covered or screened to prevent the escape of sparks and burning embers.

6. No cooking shall be permitted at indoor campsites except cooking that is explicitly permitted by a food dealer license or license for temporary operation of a food establishment issued by the health department.

7. The campground operator shall provide on-site, 24-hour security service on the campground premises. The name of the business or organization providing security, and the cellular telephone number used by the business or organization, shall be provided to the department of neighborhood services at the time of campground permit application.

8. The campground shall contain fire department access lanes at least 20 feet wide.

9. All parts of the campground shall be located within 400 feet of the nearest fire hydrant.

10. The campground premises shall be restored to its original condition at the termination of campground operation.

108-17. Public Entertainment Premises License; Posting. Each public entertainment premises license or permit shall be posted in a conspicuous place on the premises on which the public entertainment is held.

108-18. Minors; Billiards. It shall be unlawful for any person who has not attained the age of 16 years to play billiards in a licensed premises unless accompanied by a parent or guardian. It shall further be unlawful to permit any person who has not attained the age of 16 years to play billiards in a licensed premises unless that person is accompanied by a parent or guardian.

108-19. Supervision of Public Entertainment Premises. On any licensed public entertainment premises with an authorized occupancy of 150 or more persons under s. 108-7-3, the licensee shall be responsible for the adequate supervision of the premises, and the supervision shall consist of persons 21 years of age or older.

108-20. Gambling Prohibited. No dice shall be thrown for money, and no cards, raffles or other games of chance involving money, or gambling in any form, shall be permitted, in any licensed public entertainment premises.

108-21. 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.


1. CERTAIN COSTUMES PROHIBITED. No licensee, either personally or through his or her agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether the dancers, performers or entertainers are employed by the licensee or through his or her agent or not, and no entertainer or employee shall furnish any entertainment or perform any act, stunt or dance unless the dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises:

a. That portion of every costume to be worn by dancers, performers or entertainers covered by this subsection and which relates to the breast or chest area, or to the area of the sex organs and buttocks, shall be of nontransparent material.
b. The top portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall be so conformed, fabricated and affixed to the body so as to keep the areola and the nipple of the breast completely covered at all times.

c. The lower portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic hair and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this section.

d. The lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic hair, sex organ and the cleavage of the buttocks at all times.

108-23 Hours for Public Entertainment

1. INDOOR PUBLIC ENTERTAINMENT. Indoor public entertainment shall be permitted as established by the common council in its approval of the licensee's plan of operation.

2. OUTDOOR PUBLIC ENTERTAINMENT. Outdoor public entertainment shall be discontinued no later than 10:00 p.m. Sunday through Thursday nights and no later than 12:00 a.m. on Friday and Saturday nights, unless a different time of discontinuation, either earlier or later, is established by the common council in its approval of the licensee’s plan of operation.

108-25 Penalty. Any person convicted of violating this chapter shall forfeit 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.