

TOWN OF SPRING PRAIRIE

CHAPTER X

CABARET LICENSE

SECTION 10.00. License Required. Unless he first shall have obtained a Cabaret License from the Town Board, no holder of a class “B” intoxicating liquor or fermented malt beverage license within the Town of Spring Prairie shall:

- a. Afford to his patrons the music of one or more musicians and/or such music with dancing privileges.
- b. Specifically feature or advertise dancing by patrons or paid entertainers in his premises.

This section shall not apply to holders of temporary class “B” retailers licenses to sell fermented malt beverages at picnics or gatherings.

SECTION 10.10. Probationary Cabaret License. No person may apply for a regular cabaret license unless, at the time of such application, he has been issued a probationary cabaret license.

10.11. Any probationary license granted under this section shall be for a period of six (6) months and each probationary license shall be subject to revocation as hereinafter provided.

10.12. Each probationary license may be granted based upon the written agreement of the applicant to comply with conditions set forth by the Town Board. Conditions may only be imposed where findings of fact based upon evidence presented have been made and which address the safety, health and welfare of the general population, including, but without exception, noise, crowd disturbance and parking.

10.13. The Town Clerk shall be responsible for drafting and issuing all probationary licenses. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the Town Board. All such licenses shall be posted at the licensed premises in plain view.

SECTION 10.20. Regular License. After an applicant has held a probationary license for a period of six (6) months, and upon proper application, he shall be eligible for the issuance of a regular license. Whenever such an application for regular license is received by the Town Clerk, the Town Board shall request of the Walworth County Sheriff to report on whether any complaints have been

received concerning the holder of the probationary license during the term of said license. No application for a regular license shall be taken earlier than sixty (60) days prior to the expiration of the probationary license.

10.21. The Town Board shall either adopt, modify, or reject the application for regular license. Upon the favorable voting for granting of the license, it shall thereupon be issued by the Town Clerk. If such application is denied, the Town Board shall specify findings in support of the denial.

10.22. Each regular license granted under this section shall expire on June 30 of each year and each license shall be subject to revocation as hereinafter provided.

10.23. The Town Clerk shall be responsible for issuing all such regular licenses. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the Town Board. All such licenses shall be posted at the licensed premises in plain view.

SECTION 10.30. Renewal License. Any holder of a regular license granted under this ordinance who wishes to renew that license shall submit his application for renewal at least sixty (60) days before the present license expires.

SECTION 10.40. Applications and Hearings for Probationary, Regular and Renewal Licenses. The application for any license permitted under this Chapter shall be filed with the Clerk for presentation to the Town Board at any regular meeting or special meeting called for such purpose thereof.

10.41. Such application shall contain the following:

- a. Name, age, residence, occupation and citizenship of the applicant, if any individual, or the names of the principal officers, their residences and ages if the applicant is an association or corporation. It shall also contain the name or names of one or more persons whom such firm, partnership or association shall designate as manager or person in charge, with his address.
- b. The length of time such applicant, if an individual, or the manager or person in charge in case the applicant is a firm, partnership, corporation or association, has or have resided in Walworth County; his or their places of previous employment; whether he or any of them have been convicted of violating any law or ordinance regulating the conduct of taverns, public dance halls or public dances, and if so, when and in what court.

- c. The premises proposed to be licensed, including the location of the room or rooms to be occupied for the purpose of conducting any music or dance, and the total amount of floor space to be used for dancing purposes.
- d. Whether the applicant or applicants or manager has or have, either alone or with someone else, previously engaged as owner, lessee or employee in conducting a business with music and/or dancing, when, where and for how long.
- e. The name and address of the person owning the premises for which the license is sought.

10.42. All applications shall be accompanied by a fee of \$100.00.

10.43. Whenever such application is received by the Town Clerk for a probationary license, the Clerk shall publish a Class 1 notice of such application in a newspaper circulated in the Town. Thereafter, the Town Board shall then hold a public hearing upon due notice on the cabaret application, such notice of hearing to be contained in the Town Clerk's published notice. The Town Board may, at its sole discretion after review of the application, waive the requirement of a public hearing on any application for a regular or renewal license.

10.44. After any such public hearing and after due deliberation in open session, the Board shall vote on the application after full and complete consideration of the public health, safety and welfare. Upon the favorable voting for granting of the license, it shall thereupon be issued by the Town Clerk. In the event the application is denied, such denial shall be based upon specific findings of fact.

SECTION 10.50. Special Exemption Permit. Notwithstanding any requirement for a license hereunder, upon request and application of any party not licensed hereunder, the Town Board may issue a Special Exemption Permit allowing the applicant to afford his patrons and guests the music of one or more musicians and/or music with dancing privileges which would otherwise require the issuance of a license. The Special Exemption Permit shall be valid only within a specified 24-hour period. Any request for such a permit shall be in writing, shall specify the reason for the requested exemption, shall be filed with the Town Clerk at least 30 days prior to the date to be specified and shall be accompanied by a \$25 application fee. No party may be granted more than two such permits within any calendar year.

SECTION 10.60. Regulations. Every licensee, personally and through his agents or employees shall comply with the following regulations:

- 10.61. Good order shall be maintained at all times. Without limitation due to enumeration, a lack of “good order” for purposes of this section shall be deemed to include persistent loud noises to the annoyance or detriment of the surrounding property owners and patrons, using profane language or fighting and disorderly conduct as defined in town ordinances and/or state statute.
- 10.62. The license holder shall comply with all state statutes and regulations and all county and town ordinances including building code ordinances and zoning ordinances.
- 10.63. The licensee shall obey all reasonable orders or directions of any law enforcement officer.

SECTION 10.70. Revocation of License. The violation of any provision of this Chapter or the failure of the licensee to comply with the conditions set forth in any license pertaining to noise, parking, orderly premises, or any other condition shall be grounds for the Town Board to revoke the issued license. In the event such license is revoked, the fee paid for such license shall be forfeited and not returned to the holder.

- 10.71. Notwithstanding any other grounds for revocation of a license, conviction for the violation of any provision of Wisconsin laws relative to intoxicating liquor and/or fermented malt beverage licenses, local zoning or building or sanitary codes or disorderly conduct ordinances or laws shall be sufficient for the Board to revoke such license. In the event such license is revoked, the fee paid for such license shall be forfeited and not returned to the holder.
- 10.72. A recorded hearing shall be held for the purpose of revoking a license under this chapter. This hearing shall be preceded by written notice to the holder of such license at least ten (10) days prior to said hearing. All hearings for revocation shall be heard before the Town Board, which hearings shall afford the holder of such license an opportunity to present evidence on his or her behalf to cross-examine witnesses sworn under oath by the Town Chairman and all such other due process rights to which the applicant may be entitled. The Board, prior to revoking any such license, shall make specific findings of fact to support revocation of the license. In lieu of revoking said license, conditions set by the Committee to address specific nuisances, dangers or hazards may be imposed.
- 10.73. No licensee whose cabaret license has been revoked shall be entitled to reapply for a new probationary license unless at least one (1) year has elapsed from the date of such revocation.

SECTION 10.80. Penalty. In addition to and separate from any revocation of a license issued hereunder, any person violating the provisions of this Chapter shall upon conviction pay a forfeiture of not less than Ten Dollars (\$10.00), but not to exceed Two Hundred Dollars (\$200.00) and the cost of prosecution for each and every offense, and in default of payment thereof shall be imprisoned in the Walworth County Jail for a period not to exceed ninety (90) days or until such forfeiture is paid.