



Legislation Details (With Text)

File #: 16205 **Version:** 1 **Name:** Entertainment licenses
Type: Ordinance **Status:** Passed
File created: 10/6/2009 **In control:** ALCOHOL LICENSE REVIEW COMMITTEE
On agenda: 12/8/2009 **Final action:** 12/15/2009
Enactment date: 12/31/2009 **Enactment #:** ORD-09-00174
Title: Amending Sections 38.06(11)(a), 38.06(11)(c), 38.06(11)(i) and 38.06(12)(c) of the Madison General Ordinances to lower the minimum patron capacity for a 21+ Entertainment license and an 18+ Center for the Visual and Performing Arts license, and to clarify the definition of live entertainment.
Sponsors: Michael E. Verveer, Marsha A. Rummel

Indexes:**Code sections:****Attachments:** 1. Amendment Form.pdf

Date	Ver.	Action By	Action	Result
12/15/2009	1	COMMON COUNCIL	Adopt With Amendment(s)	Pass
11/18/2009	1	ALCOHOL LICENSE REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/20/2009	1	COMMON COUNCIL	Referred	
10/6/2009	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

There would be an increase in General Fund revenues (estimated at \$3,000 annually) for licenses granted to establishments that are presently exempt.

Title

Amending Sections 38.06(11)(a), 38.06(11)(c), 38.06(11)(i) and 38.06(12)(c) of the Madison General Ordinances to lower the minimum patron capacity for a 21+ Entertainment license and an 18+ Center for the Visual and Performing Arts license, and to clarify the definition of live entertainment.

Body

DRAFTER'S ANALYSIS: This proposal lowers the minimum patron capacity for which a 21+ Entertainment license and an 18+ Center for the Visual and Performing Arts license from 100 patrons to 50 patrons. It also states that karaoke performances by a patron and acoustic music performances by a single performer are not live entertainment.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (a) entitled "Entertainment License Required" of Subsection (11) entitled "21 + Entertainment License" of Section 38.06 entitled "General Provisions and Hours" of the Madison General Ordinances is amended to read as follows:
"(a) Entertainment License Required. No holder of a "Class B" and/or Class "B" intoxicating liquor or fermented malt beverage license with a patron capacity of more than ~~one hundred forty nine (10049)~~ shall offer or allow live entertainment without first obtaining an Entertainment License from the City Clerk."
2. Subdivision (c) entitled "Live Entertainment Defined" of Subsection (11) entitled "21 + Entertainment License" of Section 38.06 entitled "General Provisions and Hours" of the Madison General Ordinances is amended to read as follows:
"(c) Live Entertainment Defined. A licensed establishment shall be deemed to offer or allow live

entertainment if any of the following activities are offered, permitted or allowed:

1. live music performances;
2. disc jockeys;
3. the establishment has a designated dance floor area.

Live entertainment does not include non amplified or acoustic music performed by a single artist, or performances where an uncompensated patron sings along with a machine that plays pre recorded music, commonly known as "karaoke."

3. Subdivision (i) entitled "Control of Premises" of Subsection (11) entitled "21 + Entertainment License" of Section 38.06 entitled "General Provisions and Hours" of the Madison General Ordinances is amended to read as follows:

"(i) Control of Premises. At no time may licensee relinquish control of the licensed premises or the service of alcohol to any other person or entity. The licensee must remain in control of the premises and must continue to be in control of the alcohol and service thereof through the licensee's own employees, including but not limited to checking identification of patrons, providing security within the licensed premises and at the door, collecting money or tickets from patrons for food, drinks, or for charges for entry to the establishment or any area within the establishment, during all events, including private parties. The licensee and its employees will be held responsible for all conduct taking place on its premises at all times including conduct taking place during private parties. Notwithstanding the limitations of this subdivision, a licensee may contract with an agency that is licensed by the State of Wisconsin as a supplier of uniformed private security personnel to engage in private security activities."

4. Subdivision (c) entitled "Definitions" of Subsection (12) entitled "18+ Centers For Visual And Performing Arts" of Section 38.06 entitled "General Provisions and Hours" of the Madison General Ordinances is amended to read as follows:

"(c) Definitions.

"Center For Visual and Performing Arts" means a licensed premises that meets all of the following criteria and will be allowed to have patrons eighteen (18) years of age and older on the premises during live entertainment performances only in accordance with provisions of this section:

1. Pays a fee to performers or an agreed-upon designee.
2. Has a legal capacity established by building inspection of no less than ~~one hundred forty~~ nine (10049) patrons.
3. Provides live entertainment as that term is defined in this subsection.

Patrons eighteen (18) years of age and older may be allowed onto the premises one half hour before the scheduled performance time and must be off the premises within one half hour after the performance ends.

"Live Entertainment" means a live music or disc jockey performance being heard and/or viewed at the time of performance and in the physical presence of a live audience. Live entertainment does not include non amplified or acoustic music performed by a single artist, or performances where an uncompensated patron sings along with a machine that plays pre recorded music, commonly known as "karaoke".

4. The license issued under this subsection shall be known as an " 18+ Center for the Visual and Performing Arts license".