

## CABARET ORDINANCE

**Section I. Title/Purpose.** This Ordinance is entitled "Cabaret Ordinance." The Purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by regulating cabarets in the Town of Shelby.

**Section II. Adoption of Ordinance.** The Town Board of the Town of Shelby hereby adopts the following:

A. License Required. No person shall hereafter keep, maintain, conduct, or operate any cabaret as defined in Section II.B. without first obtaining a license.

B. Definition. A cabaret is defined as a place to which the general public is admitted and where entertainment, such as music of any type, be it instrumental music performed by an individual or group, vocal, by mechanical means or otherwise, singing, vaudeville, or dancing is furnished to patrons by the management, with or without special charge, and where liquid refreshment or foods are sold. "Cabaret" and "Premises" means any land, building, structure or combination thereof, and includes the lot and parcel of land on which any building or structure so licensed is situated.

C. Licenses and Fees. Holders of cabaret licenses shall be permitted to conduct a cabaret as defined in subsection B, above. The license fee for a cabaret license shall be One Hundred Dollars (\$100.00) for the year or any part of the year. Each license shall terminate of the 30<sup>th</sup> day of June the next following its issuance.

D. Applications. Any person desiring a cabaret license shall pay to the Town of Shelby the license fee, together with their application in writing, giving the location of the premises to be licensed by legal description and the street and numbers of all entrances thereto, the name of the owner of such premises, the name of the lessee, if any, the name of the person proposing to operate such cabaret, the name of the manager to be in charge of such cabaret, a description of other businesses to be conducted upon the licensed premises and a statement of the nature of the entertainment to be furnished.

E. Investigation. Each application submitted in accordance with the preceding subsection shall be transmitted by the Town Clerk to the Police Department, Fire Department, and Building Inspector for investigation, and said officers shall report to the Chairperson of the Town Board the result of their investigations and their recommendations on such application; and thereafter said application

shall be presented for action by the Town Board at the next or any subsequent meeting thereof.

F. Granting License. A license shall be granted to each applicant who shall be approved by a majority vote of the Town Board and shall be issued by the Town Clerk and contain with particularity a description of the premises licensed and the name and address of the licensee. The licenses shall be numbered consecutively beginning with the number one in each year, and such license shall be posted in clear view in the premises licensed at all times when they shall be in use.

G. Transfer of License. No cabaret license shall be transferable as to location, but may be transferred as to ownership by the Town of Shelby upon approval of the new owner's application for such transfer and payment of the license fee.

H. Discretion. The Town Board shall have discretion to refuse the granting of any license or transfer thereof it, in its judgment, the granting or transfer of such license shall be against the public interests, either because of the unsuitability of the location, undesirability or unreliability of the applicant or applicant's manager or because of the failure of such applicant or applicant's manager to observe the provisions of the Town of Shelby Ordinances in the prior conduct of a cabaret, dance hall, tavern, or other similar place.

I. Waiver of Requirements. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of the Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper.

J. Conditions. No cabaret shall be licensed, maintained or operated except in conformity with the following regulations:

1. Efficient means shall be employed to prevent the ordinary sounds of music, dancing, singing, or entertainment within or outside the cabaret from being heard on surrounding premises or on the public street.
2. All cabarets shall be electrically lighted at all times when any patrons shall be therein, and all times when the same is open to the public.
3. Cabarets shall be closed to the public, and no patron shall be permitted therein between 2:00 a.m. and 6:00 a.m. Monday through Friday, and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday.

4. No person under the legal drinking age shall be permitted in any cabaret when such presence is contrary to any state or local regulations.
5. No prostitute or procurer shall knowingly be permitted upon the premises of any cabaret.
6. No intoxicated person shall be permitted to remain in any cabaret.
7. Every cabaret shall comply with all applicable state and local laws and regulations.
8. The sale, service, or consumption of commodities for which licenses are otherwise required shall not be permitted in any cabaret unless the proper license or licenses are obtained for said premises, in the name of the owner or manager of such cabaret.
9. Entertainment or dancing shall conform with all other Federal, State or local ordinances.

K. Revocation, Suspension, Refusal to Issue or Renew.

1. Any resident of the Town of Shelby may file a sworn, written complaint with the Town of Shelby alleging that a person holding a license issued under the Ordinance has violated the Ordinance or any other state or local regulation. Upon the filing of the complaint, the Town of Shelby may issue a summons at the discretion of the Town Board of the Town of Shelby signed by the Chairperson of the Town Board and directed to any police officer in the Town of Shelby. The summons shall command the licensee complained of to appear before the Town of Shelby on a day and place named in the summons, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why licensee's license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Chapter 801, Wisconsin Statutes, for service in civil actions in circuit court.
2. If the license does not appear as required by the summons, the allegations of the complaint shall be taken as true, and if the Town Board finds the allegations sufficient, the license shall be revoked or suspended. The Town of Shelby

shall give notice of the revocation of suspension to the licensee whose license is revoked or suspended.

3. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. If, upon a hearing, the Town Board finds the complaint is true, the license shall either be suspended or revoked. The Town of Shelby shall give notice of the suspension or revocation to the licensee whose license is suspended or revoked. If the Town Board finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. If the Town Board finds the complaint to be malicious and without provable cause, the costs shall be paid by the complainant.

**Section III. Enforcement and Penalties.** Any person violating any provision of this Ordinance shall be subject to a forfeiture of One Hundred Dollars (\$100.00).

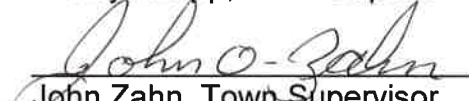
**Section IV. Severability.** The provisions of this Ordinance shall be deemed sever-able, and it is expressly declared that the Town Board would have passed the provisions of the Ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section V. Effective Date.** This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.


Date passed: March 22, 2010

  
Lynnetta P. Kopp, Town Chair

  
Randy Knapp, Town Supervisor

  
John Zahn, Town Supervisor

ATTEST:

  
Cathy Brott, Town Clerk