

ORDINANCE NO. 2019-6

An Ordinance Regulating Dance Halls in the City of Arcadia, Wisconsin

The Common Council of the City of Arcadia, Wisconsin, do ordain as follows:

ARTICLE 1. DANCE LICENSE REQUIRED.

§1-1 No Person shall allow, permit, hold or conduct on premises owned or controlled by that Person a Public Dance, except such as may be held within or on premises duly licensed, or expressly excepted, under the provisions of this ordinance.

§1-2 All such Dance Hall licenses shall expire on the 31<sup>st</sup> day of December next following the date of issue.

ARTICLE 2. APPLICATION FOR LICENSES AND PERMITS-STANDARDS.

§2-1 All applications for Dance Hall licenses and permits shall be in writing on forms prescribed by the City Clerk; shall be signed by the applicant; shall contain the applicant's name, title, address and telephone number; shall be directed to the common council of the City of Arcadia and filed with the City Clerk at least two (2) days prior to any meeting of the common council at which action thereon may occur; shall contain the address of the premises where such Dance Hall is or will be located, established, conducted or managed; shall include a diagram of the premises in which the Dance Hall will be located; shall name any and all persons having any legal interest in the premises or business, and shall be filed only after payment to the City Clerk of the appropriate license fee and permit fee.

§2-2 The standards upon which the premises shall be judged in regard to suitability for holding Public Dances shall be whether public health, safety or welfare may be affected thereby. The Dance Hall shall conform to the Wisconsin State building code including but not limited to compliance with capacity limits and with fire suppression system requirements; shall have clean, sanitary and adequate restrooms with running water and properly operating plumbing; shall have adequate and proper ingress and egress; shall have adequate and proper fire exits; shall have adequate and proper lighting; shall have proper ventilation; shall have adequate, sufficient, proper, lighted, off-highway parking for patrons; shall have adequate entrance and exit lanes from the nearest public street to allow emergency vehicles to approach the Dance Hall; and shall have adequate facilities in every respect to protect the public's well-being, or no Dance Hall license or permit shall be issued.

ARTICLE 3. LICENSE AND PERMIT FEES.

§3-1 Annual Dance Hall license fee of \$100.00, unless a higher fee is established by resolution of the Common Council, shall be paid to the City Clerk by the owner of such premises at the time of making application for such license. This fee shall cover the cost of having the Fire Chief and Chief of Police of the City of Arcadia inspect the Dance Hall's facilities and operations to ensure that the provisions of this ordinance are being complied with.

§3-2 Such license shall be non-transferrable; the fee shall not be pro-rated for any number of months; and shall be for the particularly described premises at a period to expire on December 31<sup>st</sup> of the year in which the same is granted.

ARTICLE 4. DANCE STANDARDS.

§4-1 The following rules and regulations shall govern the conduct, operation and management of all Public Dances:

A. No person who is the proprietor of any Dance Hall, or who conducts, manages, or who is in charge of any Dance Hall, pavilion, or place where public dancing is permitted, either free of charge or otherwise in this City, shall permit during any Public Dance held in such a hall or pavilion, the presence of obviously intoxicated persons or a person obviously under the influence of drugs, in such Dance Hall, or on the premises on which such Dance Hall is situated, or the presence of any person contrary to the provisions of statutes of the State of Wisconsin.

B. Music at Public Dances shall be discontinued for the night at 1:00 a.m., the Dance Hall shall be closed to the public at 2:00 a.m. Monday through Friday and at 2:30 a.m. on Saturday and Sunday, and the Dance Hall shall not reopen thereafter until 8:00 a.m. on any day. Notwithstanding the foregoing, the owner or tenant shall be permitted to remain in the Dance Hall for an additional 30 minutes after the specified closing time solely for the purpose of cleaning the Dance Hall.

C. All Public Dances held in the nighttime shall be kept well and sufficiently lighted at all times, with no shade or screen covering the windows.

D. All exits must be kept unlocked from the interior at all times during a Public Dance.

E. No decorations shall be used which are flammable.

F. No person shall remain in or about a Dance Hall when a Public Dance is being held therein after having been requested to leave said hall and premises by any police officer of the City of Arcadia or the owner or tenant of said Dance Hall.

G. No person shall conduct himself at a Public Dance or on Dance Hall premises in a boisterous, abusive, obscene or disorderly manner while attending the same.

H. No intoxicating liquors shall be sold, served on, or consumed on the premises on which a Dance Hall is located. No fermented malt beverages or wine may be sold in the premises on which a Dance Hall is located. Wine and fermented malt beverages may be served or consumed on the premises where the Dance Hall is located, but no cover charge or other fee may be imposed upon admission to or exit from a Dance Hall nor may any fee which indirectly would represent payment for the sale of alcohol beverages be assessed, and only with an appropriate license therefor issued by the City.

I. The owner, proprietor, and tenant shall comply with all applicable laws in constructing, repairing, maintaining, and operating the Dance Hall.

ARTICLE 5. EXCLUSIONS.

§5-1 Notwithstanding any provision herein to the contrary, no Person conducting a Public Dance on property owned by any public school, Municipality, or organization recognized as exempt from Federal income taxes as a religious organization pursuant to 26 U.S.C. §501(c)(3) shall be required to obtain a Dance Hall license or permit as required by the terms and conditions of this ordinance.

ARTICLE 6. [Reserved for future use.]

ARTICLE 7. DEFINITIONS.

§7-1 The term "Municipality" as used in this ordinance means a city, village, town or school district.

§7-2 The term "Person" as used in this ordinance includes a natural person, corporation, limited liability company, or partnership.

§7-3 The term "Public Dance" as used in this ordinance is any dance or parties celebrating birthdays, weddings, anniversaries, holidays, or other special occasions at which admission may be had by private invitation or by the public whether free or otherwise.

§7-4 The term "Dance Hall" as used in this ordinance is any room, building, facility, or place, or portion thereof, at which a Public Dance may be held, and including but not limited to, a hall, cabaret, or facility, where the Public Dance may actually be held, all rooms, hallways or other parts of the same building and all adjoining premises adjacent to or near the building, area or space used for dancing, that is set aside or customarily used for parking vehicles and the ingress and egress of patrons of the dance or establishment. The term "Dance Hall" shall also include a room, building, facility, or place, or portion thereof, which is held out for rent to or use by the public for parties celebrating birthdays, weddings, anniversaries, holidays, or other special occasions, but shall not include a premises for which a license for on-premises consumption of intoxicating liquor has been issued and is in effect.

ARTICLE 8. PENALTIES.

§8-1 Any person who shall violate any of the provisions of this ordinance or who shall falsely represent age, parentage, or guardianship of any child in order to secure the admission of such child to a Public Dance or who falsely represents the age, parentage, or guardianship of any child under the age of 18 years in order to secure permission for such child to continue to attend such dance, shall forfeit a sum of not less than \$25.00 nor more than \$200.00 or in default thereof, shall be imprisoned in the County Jail for one (1) day for each \$50.00 of unpaid forfeiture.

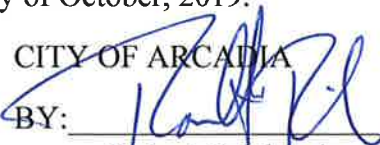
ARTICLE 9. SEVERABILITY OF ORDINANCE PROVISIONS.

§9-1 It is the intent of this Ordinance that its provisions are separable and the holding of any provisions unconstitutional or void, shall not affect the remainder thereof.

ARTICLE 10. EFFECTIVE DATE.

§10-1 This Ordinance shall take effect and be in force upon passage and publication as provided by law.

Dated at Arcadia, Wisconsin, this 2<sup>nd</sup> day of October, 2019.

CITY OF ARCADIA  
BY:   
Robert Reichwein, Mayor

ATTEST:

  
Angela Berg, City Clerk

Date of Adoption: October 2, 2019

Date of Publication: October 9, 2019

CITY OF ARCADIA ORDINANCE #2019-6  
An Ordinance Regulating Dance Halls in the City of Arcadia, Wisconsin

ENACTED October 2, 2019

The following is a summary of Ordinance #2019-6, in accordance with Wis. Stat. § 62.11(4)(c):

City of Arcadia Ordinance #2019-6 regulates dance halls in the City of Arcadia. To hold a public dance within the City of Arcadia, a person must obtain a license by filing an application with the office of the City Clerk in a form prescribed by the Clerk. The application for a license must be accompanied by the fee set by the common council of the City of Arcadia. Dance halls must comply with the dance standards as set forth in the Ordinance. Failure to observe these procedures or comply with the ordinance will result in a forfeiture of not less than \$25.00 or more than \$200.00. This Ordinance will take effect on the day after the date of publication of this summary.

The full text of this Ordinance may be obtained by contacting the city clerk for the City of Arcadia at 608-323-3359. The full text of this Ordinance may also be viewed at City Hall, 203 W. Main Street, Arcadia, Wisconsin, or by visiting <http://www.cityofarcadiawi.com>.