

9.15.000 CABARET LICENSE AND PERMIT.

9.15.010 License Required. No holder of a “Class B” Intoxicating Liquor or Fermented Malt Beverage License shall afford his patrons music using mechanical devices or musicians and furnish or permit entertainment by, or performance of, any act, stunt, or dance by performers on his premises, or performers without music, whether such performers are paid, or not, unless he first shall have obtained a cabaret license from the City Clerk.

9.15.020 License Fee, Expiration. The application for a cabaret license shall be made in writing and sworn to by the applicant and filed with the City Clerk on forms he shall prescribe containing information required to conform with the provisions of this ordinance. Whenever anything occurs to change any fact set out in the application, such licensee shall file with the City Clerk a notice in writing of such change within ten (10) days after the occurrence. The fee for an annual license shall be one hundred (\$100.00) dollars and shall expire June 30th of each year; the fee for applications approved during the year shall be prorated on the basis of what the remaining months or fractions thereof bears to 12; a one-day license fee shall be fifteen (\$15.00) dollars.

9.15.030 License Application. All applications for cabaret licenses shall be filed with the City Clerk at least fifteen (15) days prior to the granting of any such license, be published in a weekly paper published in the City of Port Washington at least once. Such publication shall include the name and address of the applicant, and the kind of license applied for. The Common Council or duly authorized committee shall act upon such applications as may be presented.

9.15.040 Restrictions. The following restrictions shall apply:

1. No dancing shall be permitted within six (6) feet of a bar over which patrons are directly served.
2. While dancing is in progress, the dance area shall be illuminated by at least 2 foot candles per square foot.
3. The licensee or his agent shall obey all reasonable orders or directions of any police officer.
4. The performance of any act, stunt or dance by performers upon the licensed premises shall be given only on a raised portion of the floor separated by a railing or other device from the patrons at least two (2) feet in height.
5. No licensee or his agent or employee shall permit any patron to participate in any act, stunt or dance with performers.
6. No licensee shall suffer or permit any female entertainer employed on the premises, other than a musician, to sit at any table or in any booth or to fraternize elsewhere on the premises with patrons.
7. No licensee or his agent or employee shall permit any entertainer, except a musician, to perform on the licensed premises who is not 21 years of age or over.

Prior to said entertainer performing in the City of Port Washington, the licensee shall file with the City Clerk on a form to be prescribed by said Clerk, the name, age, last permanent address, booking agent, if any and list of arrests for misdemeanors or felonies, if any. The establishment of the following by the licensee shall constitute prima facie evidence of innocence as a defense to any prosecution hereunder.

That the performer has executed a sworn affidavit to the facts set forth in the form filed with the Clerk and said affidavit is filed with the Clerk.

That the licensee acted in good faith in reliance upon such sworn affidavit.

8. Separate and private dressing room facilities on the premises shall be provided for any such entertainer.
9. Entertainment guidelines approved by the Common Council and on file with the City Clerk will be furnished all entertainers prior to the commencement of such engagement. No licensee or his agent shall permit such guidelines to be violated.

9.15.050 Revocation of License. Upon complaint made in writing under oath by any resident and filing with the City Clerk that any such licensed person or his agent has violated any provision of this chapter, the Common Council shall issue a summons, to be signed by the Clerk, directed to any peace officer or constable therein, commanding the person so complained of to appear before them on a day and at a place in such summons named, not less than three (3) nor more than ten (10) days from its date, and show cause why his license should not be revoked. Such summons shall be served at least three (3) days before the time at which such person is commanded to appear, and may be served either personally or upon the person in charge of the place to which such license relates.

9.15.060 Procedure on Hearing. If such person shall not appear as required by the summons, the complaint shall be taken as true; and if the council shall deem its allegation sufficient, the license shall be revoked, and notice thereof shall be given to the person whose license is so revoked; but if such person shall appear and deny the complaint, each party may produce witnesses and be heard by council. If upon such hearing the council shall find the complaint to be true, the license shall be suspended for not less than ten (10) days nor more than ninety (90) days or revoked, and if untrue, the proceeding shall be dismissed without costs to the accused, and if the complaint be found by the council to be malicious and without probable cause, the cost shall be paid by the complainant, and the council may require security therefor before issuing the summons as aforesaid. When a license is revoked, it shall be so entered of record by the Clerk, and no other license shall be granted to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any license so revoked be refunded.

9.15.70 Automatic Revocation. In the event any licensee is convicted of two (2) violations, upon such second conviction, any license issued hereunder shall be immediately forfeited, in addition to such penalties as may be provided by Sec 25.04 of this code.