

CHAPTER 87
POOL, BOWLING, CARNIVALS

TABLE

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87-1. Pool and Billiard Table Licenses.

1. LICENSE REQUIRED. No person, firm or corporation shall erect or keep or permit to be placed upon the premises within the limits of the city any pool or billiard table, used or kept for hire, without first having obtained a license as provided in this section. Any such person, firm or corporation who shall violate this section shall, upon conviction thereof, forfeit the sum of \$50 together with the costs of such action or, in default of the payment of such forfeiture, shall be imprisoned in the county jail of Milwaukee county until such forfeiture is paid for a term not to exceed 30 days, provided, however, the licensing and regulations provisions of this section do not apply to pool and billiard tables which are supplied for the exclusive use by members and guests of religious, charitable, educational or fraternal organizations, and are not available for use by the general public, and are not used for private profit although a charge may be made for playing.

2. DEFINITION. "Billiard table" means any table, coin operated or not, surrounded by a ledge or cushion with or without pockets upon which balls are impelled by a stick or cue and which includes all forms of games known as "carom, billiards, pocket billiards, 3-cushion billiards, English billiards" and all other games played on a billiard, pool or snooker table and which also includes the games known as "15-ball pool, 8-ball pool, bottle pool, pea pool" and all other games played on a so-called billiard table and also all games played on a so-called "pigeon-hole table."

3. APPLICATION. a. Approval. All applications for licenses shall be made to the common council which may grant or refuse to grant such license as it may deem best for the good order of the city.

b. Filing. Every applicant for said license shall file a written application upon blanks furnished by the city clerk stating his full name and complete address, or if more than one person, the full name and addresses of all parties financially interested.

d. Residence. The applicant shall have been a resident of the state of Wisconsin continuously for at least 90 days prior to the date of the application.

e. Clubs or Corporations. Any club, society or corporation not exempt under sub. 1 shall include in the application a complete list of the officers of such club, society or corporation, with their names and addresses, including street and number; and shall also give the state in which said club, society or corporation is organized; and the names of one or more persons whom the said club, society or corporation decides to designate as its manager or managers, person or persons in charge with their addresses. The application shall also include the following:

e-1. The premises where said business is maintained, including the street and number.

e-2. The age of the applicant or manager of the club, society or corporation.

e-3. Whether the applicant or manager has been a resident of the state of Wisconsin continuously for at least 90 days prior to the date of the application.

e-4. Whether the applicant has ever been engaged in operating said business before, when and where, and how long in each place within the last 5 years.

e-5. The application shall be signed by the applicant or, in the case of a club, society or corporation the application shall be signed by the manager or any of its officers, and all such applications shall be filed with the city clerk to be submitted to the common council.

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f. Investigation. Before any license is issued, an investigation of the character of the applicant or officers of the club, firm or corporation making such application shall be made by the police department, and a written report thereon filed with the city clerk and made a part of the application.

g. Compliance. No license shall be issued until the person, firm or corporation applying for the same shall satisfy the common council that he has complied in every manner with the provisions of the code and the laws of the state of Wisconsin.

4. ISSUANCE. a. By City Clerk. It shall be the duty of the city clerk whenever a license shall be granted by the common council, and the applicant shall have procured and filed with the city clerk a receipt showing payment of the sum required for such license to the city treasurer, to prepare and deliver to such applicant a license in accordance with this section. It shall contain the signature of the city clerk and be sealed with the corporate seal of the city.

b. Transferability. The license may be transferred, upon proper application and with the consent and approval of the common council, as to location; however, said license shall not be transferable as to person.

5. LICENSE FEE. See ch. 81 for the required license fee.

6. OTHER POOL AND BILLIARD TABLE REGULATIONS. a. Posting. Every licensee shall keep his license conspicuously posted in the room or rooms in which he maintains said pool or billiard tables.

b. Hours. It shall be unlawful for any person, firm, corporation, society or club to operate a billiard or pool table between the hours of 2 a.m. and 6 a.m. Monday through Friday and 2:30 a.m. and 6 a.m. on Saturday and Sunday. It shall be unlawful to harbor, or permit any person or persons to be, or remain in any room where billiard or pool tables are maintained for hire at any time between these hours, except to permit regular employes to remain therein to perform necessary work.

c. Minors. It shall be unlawful for any person to play pool or billiards or to be permitted to remain for any purpose in such pool or billiard room who has not attained the age of 16 years unless accompanied by a parent or guardian.

d. Gambling Prohibited. No gambling of any kind or form shall be permitted on any premises where billiard or pool tables are used and kept for hire.

e. View of Interior. No room or said premises operating under this section shall allow or permit any paint, screens, curtains, blinds, partitions or other obstructions to be placed upon or between any window and the opposite wall of such room. A clear view of the entire interior from the front street to the rear of such room and from all windows to the walls opposite such window or windows must be maintained at all times. No partitions forming rooms, stalls or other enclosures where the public congregate shall be permitted. This provision, however, shall not be construed to include the maintenance of wash rooms and toilet rooms for proper purposes, or the maintenance of closets for storing purposes exclusively. And provided, further, that any room which is not located on the ground floor, or which room does not directly front or abut on any street, shall be so constructed and maintained that a clear and unobstructed view of the entire interior may at all times be had from any entrance to and from any window in said room.

f. Sanitary Requirements. All premises shall be kept in a clean and sanitary condition at all times and shall comply with the rules and regulations as set forth in the code.

7. VIOLATIONS. a. Penalty. Any person, firm or corporation violating this section shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$100 together with the costs of such action for each and every offense or, in default of the payment of such fine, be imprisoned in the Milwaukee county jail until such fine is paid not to exceed a period of 30 days.

b. Revocation. The common council may revoke the license of any person licensed under this section for any of the reasons set forth in s. 87-2-7, and the common council shall issue an order to such licensee to appear before it or its utilities and licenses committee and show cause why the license should not be revoked.

87-2. Pool and Billiard Hall License.

1. DEFINITIONS. a. "Billiard hall" as used in this section means:

a-1. Any place at which one or more billiard tables are provided to be played on for compensation, excluding any Class "B" retail intoxicating liquor premises.

a-2. Any Class "B" retail intoxicating liquor premises at which 3 or more billiard tables are provided to be played on for compensation.

b. "Billiard table" means any table, coin-operated or not, surrounded by a ledge or cushion with or without pockets upon which balls are impelled by a stick or cue and which include all forms of games known as "carom, billiards, pocket billiards, 3-cushion billiards, English billiards" and all other games played on a billiard, pool or snooker table and which also include the games known as "15-ball pool, 8-ball pool, bottle pool, pea-pool" and all other games played on a so-called billiard table and also all games played on a so-called "pigeon-hole table."

2. LICENSE REQUIRED. No person or persons, firms, association, corporation, club or organization shall maintain, operate, conduct or pursue the business or occupation of keeping any billiard hall within the city without a license as herein provided. The licensing and regulations provisions of this section do not apply to:

a. Billiard halls provided on premises of religious, charitable, educational or fraternal organizations for the use of members or their guests and not for private profit although a charge is made for playing; or

b. Billiard halls provided on the premises of bona fide clubs or social organizations not operating for private profit which provide other membership privileges and activities although a charge is made for playing.

3. APPLICATION. An application for a license shall be filed with the city clerk on forms to be furnished by him, which forms shall require to be included the following information:

a. The name and address of the applicant.

b. In the case of a partnership, it should state the names and addresses of all partners.

c. In the case of a corporation, it should state the name and address of all officers, directors and stockholders presently holding stock and all who have for 6 months prior to the making of said application been officers, directors or stockholders.

d. In the case of clubs, associations or other organizations it should state the names and addresses of all officers.

e. Whether or not the person or persons named in the application have ever been convicted of any federal, state or municipal violation, subject to s. 111.335, Wis. Stats.

f. The location of the premises to be licensed and the name and address of the owner or owners of said premises.

g. The number of billiard tables to be located upon the premises to be licensed.

4. APPROVAL OF APPLICATION.

a. By Council. All licenses provided for shall be issued only after a report of the common council shall have been adopted approving said application and only after the payment of the license fee. All such licenses shall be valid from July 1 until June 30.

b. Terms. Such license shall bear the date of issue, the name of the licensee, the purpose for which issued, and the location of the room or building wherein the licensee is authorized to carry on and conduct such business. Such license shall not be transferable by the holder to any other person, persons, firm, or corporation but such license may be transferred by the holder to another location provided that the licensee shall make written application for such transfer to the city clerk and such transfer is approved by resolution of the common council. The transfer fee specified in ch. 81 shall also be paid by the applicant.

c. Partnership, etc. A license issued to a partnership shall not be voided by withdrawal of a partner so long as one of the original partners remain but if a new partner becomes a member, a new license shall be required unless he already holds a license. A license issued to a corporation shall be voided if an unqualified person becomes a principal officer or stockholder owning 20% or more of the capital stock in the corporation. All changes in the membership of the partnership or all

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changes in the identity of the principal officers or stockholders owning 20% or more of the capital stock of a corporation shall be reported to the city clerk within 10 days after they occur.

d. Investigation. The chief of police shall cause to be made an investigation of all persons named in the application for a license and report his findings to the proper licensing committee.

e. Requirements. The license shall not be issued if the applicant or any partner or the principal officer or any stockholder holding more than 20% of the capital stock of the corporation, if the applicant is a corporation:

e-1. Has been convicted of a felony or has been convicted of a misdemeanor involving moral turpitude, subject to s. 111.335, Wis. Stats.

e-2. Is not of good moral character.

e-3. Was the owner, part owner, principal officer or stockholder of any billiard hall in the city or elsewhere the license for which was revoked within the previous 5 years.

e-4. Has not been a resident of the state of Wisconsin continuously for at least 90 days prior to the date of the application.

e-5. Is under 18 years of age.

f. Fee. See ch. 81 for the required license fee.

5. HEARINGS. The general health, safety and welfare of the public is of primary concern to the common council. The application for a license may be denied as to a particular location within the city whenever the common council finds that the location and physical layout of the premises are such and the layout characteristics are such that it is against the health, safety and general welfare of the public to permit the operation of a billiard hall at that location. Any premises declared to be unsafe by the written report of the commissioner of neighborhood services, or a fire hazard by the written report of the fire chief shall be deemed ineligible for a license. In determining whether or not a license should be issued, a hearing shall be held before issuance by the common council or committee on utilities and licenses. At such hearing the following factors shall be considered:

a. All information required under subs. 3 and 4.

b. Objections from any citizens living within or operating a business within the immediate vicinity of the proposed location.

c. The proximity of the proposed location to any church, school or publicly owned building.

d. The conformity of the premises at the proposed location to existing building and zoning ordinances.

e. Any matters both for and against issuance of said license brought to the attention of the committee by interested parties.

7. REVOCATION OF LICENSE.

a. The common council may suspend or revoke the license of any licensee for cause, after notice to the licensee and a hearing before the council or its utilities and licenses committee, on any of the following grounds:

a-1. The making of any material false statement on any application for a license.

a-2. The conviction of the licensee, of the agent or employe of the licensee, of any offense under the ordinances of the city, or the statutes of the state of Wisconsin, the circumstances of which are substantially related to the licensed activity.

a-3. The licensed premises is being operated in a manner which has a substantial adverse impact upon the health, safety or welfare of the immediate neighborhood.

a-4. For any reasonable cause which is in the best interests and good order of the city.

b. Written notice of the charges and time and place of hearings shall be served on the licensee either in person or by certified registered mail addressed to the licensed premises. No revocation or suspension shall occur unless the licensee has been so notified or a reasonable attempt to so notify has been made by the proper authorities and the licensee is unable to be found.

c. If a license is suspended or revoked, no portion of the license fee shall be returned.

8. CONDUCT OF BUSINESS.

a. Minors. No person under the age of 16 shall be admitted to or permitted to play pool or billiards in any licensed premises or to frequent, lodge, congregate or gather in such place unless accompanied by his parent or guardian.

b. Card Playing. In no event shall card playing be permitted on such licensed premises even if such card playing is for social purposes.

c. Lighting. All premises in which the game of pool and billiards are played shall be so arranged and shall be so lighted at all hours that a full view of the interior shall be seen from the public thoroughfare or from adjacent rooms to which the public is admitted.

d. Posting. There shall be conspicuously posted and displayed in any premises licensed under this section:

d-1. The license issued pursuant to this section.

d-2. A copy of this section which shall be supplied to the licensee by the city clerk.

d-3. Not less than one sign giving notice that no person under the age of 16 years is permitted on the licensed premises unless accompanied by his or her parent or guardian.

e. Gambling. No person while in a billiard hall shall gamble or make any bet.

f. Liquor. No person while in a billiard hall shall have in his possession any intoxicating liquor or fermented malt beverage unless such premises is also licensed as a Class "B" tavern pursuant to the provisions of ch. 90 of the code or ch. 125, Wis. Stats.

g. Hours. No person, firm, corporation, society or club may operate a billiard hall between the hours of midnight and 6 a.m. Monday through Friday and midnight and 10 a.m. on Saturdays and Sundays. If such billiard hall is licensed as a Class "B" tavern, the prohibited hours of operation shall be between 2 a.m. and 6 a.m. Monday through Friday and 2:30 a.m. and 6 a.m. on Saturdays and Sundays. It shall be unlawful to harbor or permit any person to be or remain in any room where billiard or pool tables are maintained for hire at any time between these hours, except to permit regular employees to remain there to perform necessary work.

9. TABLE LICENSE AN ADDITIONAL REQUIREMENT. Any person, firm or corporation licensed to operate a billiard hall pursuant to this chapter shall, in addition, be required to have pool table licenses as provided for in s. 87-1.

10. PENALTY. Any person who shall violate this section and any owner, operator, or person in charge of a billiard hall who shall allow any other person to violate the provisions hereof shall pay a forfeiture of not less than \$10 nor more than \$200, or be imprisoned in the county jail or house of correction until such forfeiture is paid, such time not to exceed 90 days. Any person or persons, firm, association, club, organization or corporation licensed hereunder shall be responsible for all acts of its agents, servants, or employes whether or not such licensee is present on the premises licensed.

87-3. Bowling Alley Licenses. 1. LICENSE REQUIRED. No person, firm or corporation shall operate a bowling alley which is used or kept for hire in the city without first having procured a license. Any such person, firm, or corporation who shall violate this section shall upon conviction thereof forfeit the sum of \$50 together with the costs of such action or, in default of the payment of said forfeiture, shall be imprisoned in the county jail of Milwaukee county until such forfeiture is paid for a term not to exceed 30 days.

2. APPLICATION. Application shall be filed with the city clerk and shall comply with all the provisions as set forth in s. 87-1.

3. ISSUANCE. a. By City Clerk. It shall be the duty of the city clerk whenever a license shall be granted by the common council, and the applicant shall have procured and filed with the city clerk a receipt showing payment of the sum required for such license to the city treasurer, to prepare and deliver to such applicant a license in accordance with this section. It shall contain the signature of the city clerk and be sealed with the corporate seal of the city.

b. Transferability. The license may be transferred, upon proper application and with the consent and approval of the common council, as to location; however, said license shall not be transferable as to person.

4. LICENSE FEE. See ch. 81 for the required license fee for bowling alleys.

5. OTHER BOWLING ALLEY REGULATIONS. a. Posting. Every licensee shall keep his license conspicuously posted in the room or rooms in which he maintains said bowling alley.

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c. Gambling Prohibited. No dice shall be thrown for money nor shall cards, raffles or other games of chance or gambling in any form be permitted in any room where licensed bowling alleys referred to in this section are located (nor shall there be any open or secret connection within any place where persons congregate for gambling or immoral purposes).

6. VIOLATIONS. a. Penalty. Any person, firm or corporation violating this section shall upon conviction thereof be punished by a fine of not less than \$10 nor more than \$100 together with the costs of such action, or in default of payment thereof, be sentenced to the Milwaukee county jail until such fine is paid, not to exceed a term of 30 days.

b. Revocation. b-1. The common council may suspend or revoke the license of any licensee on any one or more of the following grounds:

b-1-a. Violation of any laws of the state of Wisconsin upon the licensed premises by the licensee, its agents, servants, employees or representatives, subject to s. 111.335, Wis. Stats.

b-1-b. Violation of any ordinance of the city upon the licensed premises by the licensee, its agents, servants, employees or representatives, subject to s. 111.335, Wis. Stats.

b-1-c. If said license was procured by fraudulent conduct or false statement of the material facts or if a fact concerning applicant was not disclosed at the time of filing where such fact would have constituted just cause for refusing to issue such license.

b-1-d. Permitting or suffering any activity on the licensed premises which may be detrimental to welfare, safety or health of the public.

b-2. In all such cases, written notice of the charge or charges and time and place of hearing shall be served on the licensee either in person or by certified registered mail addressed to the licensed premises. No revocation or suspension shall occur unless the licensee shall have been so notified, or a reasonable attempt to so notify the licensee has been made, by the proper authorities and the licensee is unable to be found.

b-3. In the event any license is suspended or revoked, the licensee shall not be permitted the return of any portion of the license fee.

b-4. Any premises which shall be declared to be unsafe or a fire hazard by the written report of the commissioner of neighborhood services shall be deemed ineligible for a license.

87-14. Carnival Site Permits. 1. DEFINITIONS. In this section:

a. "Carnival" means the temporary setting up, maintaining or operating of mechanical rides such as ferris wheels, merry-go-rounds, bumper cars, etc., for the use of which a fee is charged.

b. "Carnival site" means the actual location upon which a carnival operation is temporarily set up, maintained or operated.

c. "Person" means a natural person, sole proprietorship, partnership, corporation or association.

2. PERMIT, REGISTRATION REQUIRED. a. No person may set up, maintain or operate a carnival in the city without first registering with the Wisconsin department of commerce, as required by ch. Comm 34, Wis. Adm. Code.

b. No person owning or controlling real property in the city may allow the property to be used as a carnival site unless the carnival operator has been properly registered with the Wisconsin department of commerce, and unless the property owner or carnival operator has applied for and received a carnival site permit from the city.

3. APPLICATION.

a. Basic Requirement. Any person desiring a carnival site permit shall apply for the permit not less than 45 days before the date for which the permit is sought. The application shall be made in writing on a form provided therefor by the city clerk. The application shall require:

a-1. The name, permanent address and telephone number of the applicant.

a-2. The specific location of the carnival.

a-3. The dates during which the carnival shall be set up, maintained or operated.

a-4. The hours during which the carnival will operate.

a-5. The name of the carnival operator to be employed.

a-6. Such other reasonable and pertinent information which the city clerk or common council may require.

b. Alternative Dates Due to Inclement Weather. Applicants for carnival site permits may at the time of application specify on the application alternative dates during which the carnival shall be set up, maintained or operated.

4. APPROVAL BY COUNCIL MEMBERS. a. The completed application shall be referred to the common council member representing the district in which the site for which the permit is sought is located. The common council member shall determine whether to grant each carnival site permit and shall inform the city clerk of his or her decision.

b. In making his or her determination, the common council member shall consider the following factors:

b-1. The appropriateness of the location and site for which the permit is sought and whether the event for which the permit is sought will create undesirable neighborhood problems.

b-2. The hours during which the carnival would be operated on the site and the likely effect of the carnival on the surrounding area.

b-3. Whether previous permits granted to the same applicant or to other applicants for the same site have resulted in neighborhood problems including, but not limited to, complaints of loud music, noise, litter, disorderly assemblages, loitering or public urination.

b-4. Whether the applicant has been charged or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity for which the permit is sought.

b-5. Any other factors which reasonably relate to the public health, safety and welfare.

5. ISSUANCE. a. Permit. Upon approval of the common council member of the completed carnival site permit application and payment of the permit fee specified in s. 81-17, the city clerk shall issue the carnival site permit and transmit notice of the permit to the chief of police, the commissioner of neighborhood services and the commissioner of health. The carnival site permit shall include the following information:

a-1. The specific location of the carnival.

a-2. The dates during which the carnival will be set up, maintained or operated.

a-3. The name of the person to whom the permit is issued.

b. Whenever a permit holder wishes to invoke the alternative dates specified on the application pursuant to sub. 3-b, the permit holder shall submit to the city clerk the carnival site permit issued for the original dates and a sworn written statement that no carnival was operated on the dates specified on the permit. The city clerk shall issue the new carnival site permit in accordance with this subsection.

c. No carnival shall operate at any site in the city between the hours of midnight and 10 a.m., or for more than 7 consecutive days.

6. APPEAL PROCEDURE. a. In the event an application for a carnival site permit is denied by a common council member, an applicant may appeal the decision of a common council member to the licensing committee of the common council. A hearing of an appeal shall be conducted as set forth in s. 90-5-8-b. The committee may make a decision immediately following the hearing or on a later date. In making its decision, committee members may consider the factors set forth in sub. 4-b. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present. In these instances, the decision of the licensing committee shall be final and the applicant shall have no right of appeal to the common council.

b. In those instances in which a permit is sought for a site in a district where the common council seat is vacant, the application shall be referred directly to the licensing committee of the council for a decision as to whether to grant the permit. A hearing on whether to grant a permit shall be conducted as set forth in s. 90-5-8-b. In making its decision, committee members may consider the factors set forth in sub. 4-b.

c. An applicant may appeal the decision of the licensing committee to the common council. In the case of an appeal, the committee shall forward its decision in writing to the common council for vote at the next meeting at which such matter will be considered. In making its decision, common council members may consider the factors set forth in sub. 4-b.

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d. The city clerk may issue a carnival site permit to an applicant who files his or her application fewer than 45 days before the event for which the permit is sought provided the applicant waives his or her right to an appeal of any decision made by a common council member pursuant to sub. 4.

7. PENALTY. Any person violating this section on conviction thereof shall be subject to a forfeiture of not more than \$100, or in default of the payment of such forfeiture be imprisoned in the house of correction for not less than 10 nor more than 30 days.

**LEGISLATIVE HISTORY
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Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
87-1-3-d	rc	950844	10/17/95	11/3/95
87-1-3-e-3	rc	950844	10/17/95	11/3/95
87-1-3-e-5	am	950844	10/17/95	11/3/95
87-1-4-a	am	890828	9/19/89	10/7/89
87-1-6-b	am	900942	11/6/90	11/23/90
87-1-6-b	am	021691	3/25/2003	4/11/2003
87-2-4-e-4	rc	950844	10/17/95	11/3/95
87-2-5-0	am	980963	12/18/98	1/1/99
87-2-8-g	am	900942	11/6/90	11/23/90
87-3-3-a	am	890828	9/19/89	10/7/89
87-3-6-b-4	am	951346	1/23/96	2/9/96
87-3-6-b-4	am	980963	12/18/98	1/1/99
87-14	rc	83-494	2/12/85	
87-14-0	am	040773	2/22/2005	3/11/2005
87-14-1-0	am	040773	2/22/2005	3/11/2005
87-14-2	rc	960374	7/12/96	7/31/96
87-14-2-0	am	040773	2/22/2005	3/11/2005
87-14-2-a	am	961523	2/11/97	2/28/97
87-14-2-b	am	961523	2/11/97	2/28/97
87-14-3	rp	960374	7/12/96	7/31/96
87-14-3	rc	040773	2/22/2005	3/11/2005
87-14-3-b-1	am	980963	12/18/98	1/1/99
87-14-3-c	rc	890460	6/27/89	7/18/89
87-14-3-e	rc	890460	6/27/89	7/18/89
87-14-3-f	rc	890460	6/27/89	7/18/89
87-14-4	rn to 87-14-3	960374	7/12/96	7/31/96
87-14-4	rn to 87-14-7	040773	2/22/2005	3/11/2005
87-14-4	cr	040773	2/22/2005	3/11/2005
87-14-4-a	rc	890460	6/27/89	7/18/89
87-14-5	rn to 87-14-4	960374	7/12/96	7/31/96
87-14-5	cr	040773	2/11/2005	3/11/2005
87-14-6	cr	040773	2/11/2005	3/11/2005

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