

ORDINANCE

An Ordinance to amend Section 11.170 of the Manitowoc Municipal Code regulating Theaters, Circuses and Carnivals Licenses.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 11.170 is amended to read as follows:

“11.170 Theaters, Circuses and Carnivals.

(1) Definitions.

Carnival. The term carnival shall mean an exhibition open to the public including amusement activities, rides, booths for the conduct of games of skill, or sideshows. The conduct of five or less carnival activities incidental to a picnic or similar gatherings shall not be included within the definition of carnival hereunder.

Circus. The term circus shall mean a public exhibition consisting of acts such as performing animals, acrobats, clowns or similar acts or exhibitions which is open to the public.

Theater. A theater is a building regularly used for live or filmed performances with a seating capacity of more than 50 people. The term shall not include school facilities or any other facility which is not regularly used for performances open to the public.

(2) License Required. Any person or persons owning, conducting, operating or managing for gain within the limits of the City of Manitowoc any theater, circus or carnival shall first obtain a license therefor under this section. Any event approved by the City as a “special event” shall not also require a license under this section.

(3) License Fee. The annual license fee for a theater shall be \$150.00. The fee for a circus or carnival shall be \$100.00 per day, except that the fee for any circus or carnival sponsored by a bona fide nonprofit organization shall be \$50.00 per day.

(4) Application. Applications for a license required by this section shall be made on a form furnished by the City Clerk which shall be properly verified and shall contain the name, place of residence, age and occupation of the applicant or applicants, the purpose for which a license is being requested and the place where the licensed activity will occur. In the case of a circus or carnival, the application shall include the names of three places where the event was held within the previous 60 days and the three places where the event will next be held following its completion in the City of Manitowoc, as well as any other facts or information requested or required by any City department which is relevant to the regulation of the licensed activity. In the case of a circus or carnival the application shall also list any applicable admission charges, and, in the case of an event sponsored by a bona fide nonprofit organization, the application shall specify the nature of any financial benefit to the nonprofit organization as part of its sponsorship of the event.

(5) Issuance. No license shall be issued hereunder by the City Clerk until the applicant shall have first paid the amount of the license fee, inspection approvals or determinations of inapplicability have been received by the Police Department; and Fire Rescue Department, ~~and Building Inspection Department~~ and required proof of insurance has been furnished.

(6) Smoking Prohibited in Theaters. No smoking shall be permitted in any theater or in any enclosed or semi-enclosed area of a carnival or circus while there is a performance of any kind being conducted in such theater.

(7) Inspection. Upon receipt of an application for a license hereunder, the Police Chief, ~~and Fire Chief, and Director of Building Inspection~~ shall make or cause to be made such inspection as may be required to assure compliance with all applicable codes and ordinances. Each of the above-named departments shall report back to the City Clerk to inform the Clerk either that any applicable inspections have been made or that the event to be licensed does not require an inspection.

(8) **Insurance.** No license shall be granted for any theater, circus or carnival hereunder unless the licensee shall have procured and filed with the City Clerk a certificate showing in existence a general liability insurance policy with limits of not less than ~~\$100,000~~ 1,000,000 for injuries to any one person and not less than ~~\$300,000~~ 2,000,000 for injuries arising out of any one accident, as well as property limits of not less than \$50,000 for any one accident. The policy for circuses and carnivals shall be endorsed to name the City of Manitowoc as an Additional Insured and to provide the City of Manitowoc with 30 days' notice of cancellation. The certificate or insurance shall be on a form subject to approval by the City Attorney."

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

Justin M. Nickels, Mayor

APPROVED _____

Fiscal Impact:	n/a
Funding Source:	n/a
Finance Director Approval:	/sc
Approved as to form:	/kmm

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney

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