
ENTERTAINMENT ESTABLISHMENT

BASIS

The single Entertainment Establishment license replaces both the current Dance Hall license (Chapter 3.28 of the City Code) and Cabaret license (Section 3.08.030 of the City Code). Both the Dance Hall and Cabaret licenses will no longer be issued by the City, and when all such current licenses expire or otherwise terminate, the holders of those licenses will be required to apply for an Entertainment Establishment license if subject to this ordinance.

An Entertainment Establishment license shall be required for any event center, any person or entity which provides entertainment as any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, or any person or entity which provides a venue for any such entertainment to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of hold the attention of, gaining the attention of, or diverting or amusing patrons, including, but not limited to any of the following:

- (a) Dancing by patron(s) to live or recorded music,
- (b) The presentation of music played on sound equipment operated by an agent or contractor of the establishment, commonly known as 'disc jockey' or 'DJ,' or
- (c) The presentation of live music whether amplified or unamplified, or
- (d) The presentation of music videos, music concerts or other similar forms of musical entertainment from any source, or
- (e) Any amusement or event such as live music or other live performance which is knowingly permitted by any Entertainment Establishment, including, but not limited to, presentations by single or multiple performers, such as hypnotists, pantomimes, comedians, dance acts, concerts, dances, live bands, karaoke or other live music.

An Entertainment Establishment license does not include book readings, storytelling, or the playing of ambient music. An Entertainment Establishment license is not required for several other activities, as set forth in Section 3.30.050 of the City Code. This ordinance covers entertainment establishments, teen clubs, art galleries, coffee shops and music store/music only venues.

LEGAL REFERENCE

Section 3.30, Code of the City of Wichita, Kansas.

REGULATIONS

It is the obligation of the owner, manager, licensee or responsible person of a teen club or entertainment establishment for the following:

- A. To maintain, at all times when the teen club or entertainment establishment is open for business, adequate security personnel for the premises of such business;
- B. Where dancing occurs, to maintain illumination in such entertainment establishment at a minimum level of one candle feet at a plane three feet above the dance floor;
- C. To provide for the orderly dispersal of patrons from the premises of the teen club or entertainment establishment at closing time, and shall prevent patrons from congregating or loitering on the premises of the teen club or entertainment establishment;
- D. To insure that an adequate number of security personnel are employed and in attendance before, during, and following each entertainment event as is necessary in order to maintain order and insure compliance with all applicable federal, state and city laws and ordinances;
- E. To designate a person in charge of and responsible for security who is on duty at all times when the teen club or entertainment establishment is open to the public or when patrons are leaving the premises at closing time, and to require security personnel to remain on the premises for a period of not less than thirty minutes after the closing time of such establishment to direct the orderly dispersal of patrons from the premises of the establishment and
- F. To exercise appropriate control over its invitees on the premises for such purposes as preventing unnecessary noise, litter, trespass, loitering, property damage, traffic obstruction and similar activities which may constitute a nuisance.

CONTROL OF PREMISES

If the history of operation of a teen club or entertainment establishment show inadequate control of litter, a health officer of the City may impose appropriate regulations, including the posting of a bond, to ensure litter prevention or clean-up as a condition of continued validity of the existing license or of the issuance of a future license. Such decision may be appealed pursuant to the procedures set forth in Section 3.30.100.

One of the purposes of the security personnel requirement is to maintain the public peace and order on the premises of the teen club or entertainment establishment. The licensee is under a continuing obligation to take reasonable measures, including calling the police department, to curtail any conduct which is or threatens to be a violation of state or local laws or offensive to public health, decency and morality, or peace and order, including, without limitation, minors in possession of liquor or tobacco products, use or possession of controlled substances, crimes of violence and disorderly conduct.

RIGHT OF ACCESS

During any hours in which any person is present on the premises, all teen clubs and entertainment establishments shall be open to inspection by City Health, Fire, Zoning, Building and license inspectors and Wichita Police Officers or other law enforcement agencies.

HOURS OF OPERATION

Entertainment Establishment: No entertainment is allowed on the premises between the hours of 2:00 a.m. and noon. No person, except an employee, shall be on the licensed premises of an entertainment establishment after 2:30 a.m.

Teen Club: No entertainment is allowed on the premises between the hours of midnight and noon. No person, except an employee, shall be on the licensed premises of a teen club after 12:30 a.m.

Admittance to a teen club is restricted to persons who are at least 13 years of age and under 19 years of age, and who possesses and displays a satisfactory photo identification, as defined by Section 3.30.020 of the Code, such as a school identification card with satisfactory photo identification indicating that the individual is in eighth grade or high school.

Art Gallery, Coffee Shop, Music Store/Music Only Venue: No entertainment is allowed on the premises between the hours of 2:00 a.m. and noon. Provided, however, music student recitals, music lessons, or closed recording sessions may be conducted at anytime the premises are open. Such premises shall be closed between the hours of 2:30 a.m. and 5:00 a.m.

PROHIBITED ACTIVITY

No licensee, owner, principal, officer, manager, responsible person or other employee of a teen club or entertainment establishment coming in contact with members of the public may knowingly, or in circumstances when he or she should have known, allow or permit the following to occur on the premises of an entertainment establishment or teen club:

1. Controlled Substances may not be possessed, offered for sale or consumed on the premises.
2. Minors under 18 may not be employed where cereal malt liquor or alcoholic liquor is dispensed or consumed.
3. Illegal consumption or possession of alcoholic liquor or cereal malt beverages by any person under the age of 21. Any such minor shall be requested to immediately leave the premises.
4. No patron shall be allowed to loiter, create a public nuisances or breach of the peace.
5. Noise may not exceed the maximum allowable noise levels set forth in Chapter 7.41 of the Code. Noise shall not be of such volume, intensity or duration as to disturb a person of reasonable sensibilities. The owner, manager or responsible person shall be strictly liable for all noise produced within the entertainment establishment or teen club.

Owners, operators, licensee or responsible person is required to limit the attendance at a teen club or entertainment establishment to such capacity as has been determined by the Fire Chief and Superintendent of Central Inspection.

When a new manager is hired who has not been identified to the Wichita Police Department, the applicant or licensee is required to furnish, within ten business days, the name, address and date of birth of such manager or responsible person to the City Treasurer. The licensee is required to notify the City Treasurer whenever a person listed on the application or supplemental list is discharged.

ENFORCING AUTHORITY

Chief of Police, Fire Chief, Office of Central Inspection

FEES

For one day..... \$ 25.00
For one month or less \$100.00

For six months or less.....\$275.00
For one year or less\$400.00

For any establishment offering entertainment that is regulated as an art gallery, coffee shop or music store/music only venue, an annual license fee of \$50.00 shall be paid.

Allow 30 days for approval.

Licenses are non-transferable and non-refundable, unless the initial application is denied.