Village of Menomonee Falls, Wisconsin

GENERAL GOVERNMENT COMMITTEE

MINUTES

Monday, July 7, 2025

Present:	Chairman Paul Tadda; Trustee Ann Lessila
Absent:	Trustee Brad Jubber
Staff Present:	Village Manager Mark Fitzgerald; Village Attorney Adam Koenings; Deputy Village Clerk Kadie Butteris

Chairman Tadda called the meeting to order at 6:15 p.m.

Consideration of an Ordinance Repealing Article III of Chapter 10 of the Municipal Code to Eliminate Theater Licenses

Motion by Trustee Ann Lessila, second by Chairman Paul Tadda to recommend an Ordinance Repealing Article III of Chapter 10 of the Municipal Code to Eliminate Theater Licenses and to correct the typo in the third Whereas clause, removing the three words "and Village Staff".

Vote: 2 - 0 Motion Carried

ADJOURNMENT

Motion by Trustee Ann Lessila, second by Chairman Paul Tadda to adjourn.

Vote: 2 - 0 Motion Carried

General Committee adjourned at 6:22 p.m.

Minutes submitted by Trustee Paul Tadda
Minutes transcribed by Kadie Butteris, Deputy Village Clerk

General Government Committee **1.**

Meeting Date:	07/07/2025
Topic:	Theater License Repeal
From:	Adam Koenings, Village Attorney
Department:	Legal
Presenter:	Adam Koenings
Date of Committee Action (if required):	07/07/2025
Date of Village Board Action (if required):	07/07/2025

Information

Subject:

Consideration of an Ordinance Repealing Article III of Chapter 10 of the Municipal Code to Eliminate Theater Licenses

Background Information:

Article III of Chapter 10 of the Municipal Code requires theater operators to obtain an annual permit from the Village. The ordinance was adopted prior to 1963 and its outdated provisions no longer serve a meaningful purpose in the community. To the extent some of the provisions are still relevant, the Village's building and zoning codes provide sufficient regulation. While Marcus Cinema is the only theater in the Village that is required to obtain a permit, repealing Article III will allow the Clerk's Office to better allocate the small amount of resources currently spent on this annual permit.

Key Issues for Consideration:

Action By Committee or Village Board:

Recommend the Village Board adopt an ordinance repealing Article III of Chapter 10 of the Municipal Code to eliminate theater licenses.

Attachments

Proposed Ordinance

Article III of Chapter 10

Village of Menomonee Falls Ordinance No. ____-O-25

AN ORDINANCE REPEALING ARTICLE III OF CHAPTER 10 OF THE MUNICIPAL CODE OF THE VILLAGE OF MENOMONEE FALLS TO ELIMINATE THEATER LICENSES

WHEREAS, the Village of Menomonee Falls currently requires licenses for theaters within the Village; and

WHEREAS, Article III of Chapter 10 of the Municipal Code of the Village of Menomonee Falls governs the licensure of theaters and the duties of licensees; and

WHEREAS, there is only one (1) entity within the Village that requires a theater license and Village staff; and

WHEREAS, Village staff recommends that the Board of Trustees amend the Municipal Code to remove licensure requirements for theaters; and

WHEREAS, it is deemed to be in the best interest of the Village of Menomonee Falls that the Municipal Code of the Village of Menomonee Falls be further modified and amended in the manner hereinafter more particularly set forth;

NOW, THEREFORE, the Village Board of the Village of Menomonee Falls do ordain as follows:

Section 1. Article III [**Theaters**] of Chapter 10 [**Amusements, Entertainments and Special Events**] is hereby repealed in its entirety.

Section 2. Except as specifically modified and amended by this ordinance, the Municipal Code of the Village of Menomonee Falls shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Section 4. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Adopted by the Board of Trustees of the Village of Menomonee Falls on the _____ day of _____, 2025.

Date Published/Posted: _____

By: _____
Jeremy Walz, Village President

Attest: _____
Amy Dishinger, Village Clerk

ARTICLE III. THEATERS

DIVISION 1. GENERALLY

Sec. 10-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Theater means any building or part of a building regularly or generally used for the exhibitions of movies or the performance of theatrical, operatic, vaudeville or other plays and performances to which an entrance fee is paid, but shall not include buildings or parts of buildings used only occasionally for the exhibition of movies or the performance of plays, lectures, concerts, and the like.

(Code 1963, § 9.10(1))

Cross reference(s)—Definitions generally, § 1-2.

Sec. 10-42. Duties of licensee.

A licensee under this article shall comply with the following requirements and standards of operation:

(1) *Conduct and operation.*

a. *Quiet and good order.* The licensee shall maintain quiet and good order upon the premises where any theater or drive-in theater is operated, and loitering shall not be permitted in or about the entrances to or exits from such theater.

b. *Hours of operation.* The licensee shall not conduct any show, exhibition or entertainment or remain open to the public between 2:00 a.m. and 12:00 noon on Sunday, and between 2:00 a.m. and 9:00 a.m. on other days, except that when daylight saving time is in effect the closing hour shall be 3:00 a.m.

c. *Children must be accompanied.* The licensee shall not admit any child under the age of 15 years to any drive-in theater unless accompanied by or with the express consent of and in direct personal charge of such child's parent or other responsible person.

d. *Gambling prohibited.* The licensee shall not, either directly or indirectly, maintain, operate or carry on any lottery, game of chance, game of skill, bank night, screeno, luck-o-grams, or any other games of similar nature, or engage in any similar device or plan.

e. *Consumption of intoxicating beverages on premises prohibited.* No person shall consume or be permitted to consume any alcoholic or fermented malt beverages on the premises of a theater or drive-in theater.

For the purpose of enforcing this subsection (1), any officer of the police department of the village may, while on duty and during the hours in which the licensed premises is open for business, enter upon the licensed premises.

(2) *Standards for maintenance of premises.*

a. *Access.* A drive-in theater licensee shall provide access to public streets or other public ways from at least two points at all times. Such means of access shall be kept clear by the licensee at all times to facilitate departure of persons in vehicles and to permit entrance of fire apparatus or ambulances in case of emergency. Drives shall be channelized by the licensee and limited to not more than three lanes to control traffic.

b. *Paving or treatment.* All drives and areas used by vehicles must be satisfactorily paved by the drive-in theater licensee or treated to avoid creating dust.

c. *Lighting.* Exits and aisles, and passageways leading to them, shall be kept adequately lighted by the theater and drive-in theater licensee at all times when open to the public. The licensee shall provide artificial light whenever natural light is inadequate.

d. *Electrical installations.* Except as otherwise provided by law, the theater and drive-in theater licensee shall provide electrical installations conforming to the requirements of the village electrical code. The electrical system shall be installed, maintained and operated in a safe and workmanlike manner. Installations shall be inspected and approved by the village electrical inspector before the theater is opened to the public and shall thereafter be open to inspection by the electrical inspector at all reasonable hours.

e. *Fire extinguishing equipment.* Fire extinguishing equipment shall be furnished by all licensees in such amount and in such locations as may be directed by the fire chief. Fire extinguishing equipment shall be inspected and approved by the fire chief before the theater is opened to the public and shall thereafter be open to inspection by the fire chief at all reasonable hours.

f. *Sanitary facilities.* Adequate and proper sanitary facilities, approved by the health authority, shall be provided by all licensees.

g. *Attendants.* At all times when any theater is open to the public, the licensee shall provide an adequate number of qualified attendants on duty at all times, who shall patrol the exits, entrances and parking spaces to see that order is maintained, that disorderly or immoral conduct is prevented, that the entrances and exits are kept free from congestion, and that this section and all other governing ordinances, rules and regulations pertaining to theaters are observed.

h. *Fence or wall.* The licensee of any drive-in theater shall provide a wall or fence of adequate height to screen the patrons and cars in attendance at the theater from the view of the surrounding property. Such fence shall be of design and structure approved by the building inspector. The perimeter of the fence shall be landscaped with suitable plants and shrubbery to preserve, as far as possible, harmony with the appearance of the surrounding property.

i. *Noise.* Individual loudspeakers for each car shall be provided, and no central loudspeaker shall be permitted by the drive-in theater licensee.

j. *Commercial activities.* Any sale of soft drinks, confections or other articles of merchandise shall be governed by the laws and ordinances governing such business and shall require the same license as if such sales were conducted elsewhere.

(Code 1963, § 9.10(8))

Secs. 10-43—10-55. Reserved.

DIVISION 2. LICENSE

Sec. 10-56. Required.

No person shall operate a theater or drive-in theater in the village without first obtaining a license as provided in this division.

(Code 1963, § 9.10(2))

Sec. 10-57. Application procedure.

(a) Applications for licenses shall be made upon forms provided by the village manager or village manager's designee, and shall state:

(1) The name, home address and proposed business address of the applicant;

(2) The capacity of the theater in terms of seats;

(3) The hours of operation of such theater; and

(4) Such other information as may be reasonably necessary to effectuate the purpose of this section.

(b) An application for a drive-in theater permit shall be accompanied by a plan or drawing of such drive-in theater, showing its location, size and capacity; location and size of entrances and exits; kind of ground surface; location, size and construction of all structures; location, size and construction of walls, fences or barriers surrounding such premises.

(Code 1963, § 9.10(2), (3))

Sec. 10-58. Investigation.

After receipt of an application, the village manager or village manager's designee shall refer it to the village staff for an investigation as to compliance with all laws and ordinances.

(Code 1963, § 9.10(5)(a))

Sec. 10-59. Issuance.

When an application is approved by the village staff, which approval will be given if the theater will comply with all laws and ordinances, and the village manager or village manager's designee has determined that all procedural requirements of this division have been met. Such village manager or village manager's designee shall issue the license required by this division upon payment of the license fee.

(Code 1963, § 9.10(6))

Sec. 10-60. Term.

All licenses issued under this division shall expire on December 31 in the year in which the license was issued.

(Code 1963, § 9.10(7)(b))

Sec. 10-61. Suspension and revocation.

(a) Any license issued under this division shall be suspended or revoked by the village board after public hearing upon report to it by any investigating department which has approved the issuance of such license that:

(1) The licensee is operating in violation of this division or any other governing law, ordinance or regulation.

(2) The licensee is operating so as to constitute a nuisance by reason of noise on the premises.

(b) Notice of such public hearing or such suspension or revocation shall be promptly communicated to the holder of such license by the village manager or village manager's designee by mailing such notice to the applicant at the address set out in the application for such license.

(Code 1963, § 9.10(9))

Secs. 10-62—10-80. Reserved.