

CHAPTER 31- LICENSING AND REGULATION OF ADULT ENTERTAINMENT ESTABLISHMENTS

31.01. Purpose and intent. It is the purpose of this section to protect the public health, safety, welfare and morals of the community, and to protect children, who may be attracted to these establishments, and to prevent and control detrimental effects upon neighboring properties and existing and proposed land uses in the neighborhoods.

31.02 Definitions. As used in this section, the following terms will have the following meanings, unless the context clearly indicates a different meaning:

- a. Adult Entertainment Establishments are adult book stores, adult motion picture theaters, adult mini motion picture theaters or any kind of theater, gentlemen's clubs, or establishment offering any kind of show or performance emphasizing specified sexual activities or specified anatomical areas.
- b. Adult bookstores are any commercial establishment, which does not otherwise qualify as a theater or non profit free lending library, that either has five percent or more of its stock on the premises, or has five percent or more of its stock on display, in stores, periodicals, photographs, drawings, sculpture, motion pictures, films, or other visual representations which depict sadomasochistic abuse, sexual conduct, or sexual excitement, as defined by state law, to wit; or has on the premises one or more mechanical devices intended for viewing such material.
- c. Adult motion picture theaters are any enclosed building used for presenting motion picture films, video cassettes, cable television or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities" as hereafter defined, for observation by patrons therein.
- d. Adult mini motion picture theaters is an enclosed building with a capacity of 50 or more person used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas" (as defined in this section), for observation by patrons therein.
- e. Specified sexual activities:
 1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy;
 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- f. Specified anatomical areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, whether or not covered.

31.03 Conditional Use Permit. No Adult Establishment license shall be issued unless the licensed premises have been issued a Conditional Use Permit for such use.

31.04. Procedure. The rules and procedures set forth in Chapter 19 regulating Licenses shall be apply to an Adult Establishment License.

31.05 Premier resort area business designation. As a condition of receiving an Adult Establishment License, each licensee shall submit a sworn statement that the licensed business is subject to the Premiere resort area tax as a theatrical producer, as provided under s. 77.994 Wis Stats.

31.06 Performers and entertainers. Each performer is required to complete a form signed by the performer or entertainer providing their name, date of birth, residential and business address, contact information, social security number and employer identification number. The form shall also include a sworn statement that they are a performer or entertainer subject to the premier resort area tax. The licensee shall maintain a file of all performers and entertainers appearing on the licensed premises.

31.07 Security staff. All adult businesses shall provide at least one security staff person for each 35 patrons or fraction thereof. Security staff shall be on the premises at all times while the business is open. Security staff must be management level employees or staff for whom security is a primary duty. Nothing in this subsection shall be construed to authorize the licensee to exceed maximum occupancy limits established in conformance with building codes.

- a. Security staff shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security staff shall be uniformed in such a manner so as to be readily identifiable as a security person by the public, or shall wear shirts, name tags or other uniform clothing clearly identifying them as security employees of the adult business.
- b. Failure to comply with every such requirement shall be grounds for suspension or revocation of the license issued pursuant to these regulations.

31.08 Live Entertainment—Special Provisions. The following additional requirements shall pertain to adult establishment licenses providing live entertainment.

- a. No person shall perform live entertainment for patrons of an adult business except upon a stage at least eighteen inches above the level of the floor, which is separated by a distance of at least eighteen inches from any area occupied by patrons, and no patron shall be permitted within eighteen inches of the stage while

the entertainer is performing. Without exception, no person shall perform live entertainment for patrons of any all-nude adult business unless separated by a distance of at least eighteen inches from any area occupied by patrons.

- b. The adult business shall provide separate dressing room facilities for entertainers that are exclusively dedicated to the entertainers' use. No cameras or other surveillance devices shall be installed or maintained by the adult business owner or operator in the dressing room facilities for the purpose of broadcasting or projecting images for viewing by the patrons of the establishment or for broadcasting or projecting images over the Internet.
- c. Any new adult business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons.
- d. No entertainer, before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer before, during or after performances by such entertainer. This subsection shall only apply to physical contact on the premises of the adult business, and is intended to prohibit conduct such as "lap dancing," "hair draping," or "leg wrapping" or other similar activities involving physical contact between any entertainer and a patron. This subsection is not in any way intended to limit or restrict the entertainer's performance on stage.
- e. No patron shall directly pay or give any gratuity to any entertainer by placing such gratuity on the body or in the clothing of the entertainer. Acceptable tipping practices include hand-to-hand, before, during or immediately after a performance as well as placing tips on a stage during a performance. .

31.09 Signage. The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises. The notice shall be constructed and posted to the satisfaction of the director of public safety. No person under the age of eighteen years shall be permitted within the premises of an adult business at any time. An adult business may establish an older minimum age requirement (e.g., twenty-one years) and post signs accordingly.

31.10 Hours of Operation. Any business subject to this chapter shall close and remain closed from 12:00 midnight to nine a.m.

31.11 Interior Visibility. All indoor areas of the licensed premises within which patrons are permitted, except rest rooms, shall be open to view and accessible by the management at all times.

31.12 Partitions. No licensed premises shall be partitioned or divided into any private booth or cubicle accessible to limited numbers of patrons of the establishment and shielded from view of other persons within the establishment.

31.13 Tips, gratuities and payments to entertainers. All form of compensation given or paid to any entertainer or performer by a patron shall be collected by the Licensee and reported as by the licensee on it sales tax return.

31.14 Performers and entertainers. Licensees shall require all performers and entertainers to provide proof of age

31.15 Penalties. The penalties provided under Chapter 19 shall apply to Adult Entertainment licenses.

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