

An Ordinance Providing for the Licensing and Regulation of Adult-Oriented Activity and Adult Establishments within the Town of Bridge Creek

Ordinance No. 17-005

WHEREAS the Town Board of the Town of Bridge Creek, Eau Claire County, State of Wisconsin finds that:

(1) That adult-oriented business establishments are regulated in nearby town, county and other municipal jurisdictions.

(2) That the Town of Bridge Creek currently has no regulations applicable to adult-oriented business establishments, and the Town is therefore a potentially attractive area for the location or relocation of adult-oriented business establishments; and

WHEREAS, it is a lawful purpose of the Town Board of the Town of Bridge Creek to enact regulatory ordinances protecting and promoting the general welfare, orderly conduct, health and safety of its citizens; and

WHEREAS, the Town Board of the Town of Bridge Creek believes that it is in the best interest of the health and safety of the citizens of the Town of Bridge Creek to regulate, and thereby, diminish the dangerous secondary effects that accompany adult-oriented establishments; and

WHEREAS, these dangerous and negative secondary effects associated with adult-oriented businesses include but are not limited to; increased criminal activity of both a sexual and violent nature; lowered property values; loss of pride in a community; an increase in sexually transmitted diseases; and

WHEREAS, the Town Board finds that sexually oriented businesses are frequently used for unlawful sexual activities, including sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the Town which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses have

a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, the Town Board desires to minimize and control these adverse secondary effects and thereby protect the health, safety, and welfare of the citizens; and

WHEREAS, it is not the intent of the Town to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BRIDGE CREEK THAT:

Section 1. The Town Code of the Town of Bridge Creek is hereby amended by adding Ordinance 17-005 to read as follows:

ADULT-ORIENTED ESTABLISHMENTS

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17.005.1 Purpose.

It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the town, and to establish reasonable

and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the town. It is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

17.005.2 Definitions.

(1) Adult-oriented establishments" shall include, but not be limited to, "adult bookstores", "adult motion picture theaters", "adult mini-motion picture theaters", "adult bath houses", "adult massage parlors", "adult modeling studios", "adult body painting studios", "adult novelty shops" and "adult cabarets". It further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(2) "Adult Bookstore" means an establishment having as a substantial or significant portion of its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to "specific anatomical areas" or "specified sexual activities", as defined below.

(3) "Adult motion picture theater" means an enclosed building with a capacity of (25) or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", as defined below, for observation by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity less than (25) persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", as defined below, for observation by patrons therein.

(5) "Adult bath houses" means an establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.

(6) "Adult massage parlors" means an establishment or business with or without sleeping accommodations which provides services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which

establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.

(7) "Adult modeling studios" means an establishment or business which provides the service of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, and drawing or otherwise.

(8) "Adult body painting studios" means an establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.

(9) "Adult novelty shop" means an establishment or business having as a substantial or significant portion of its stock in trade in novelty or other items including movies, tapes, video, books, and any device, which are distinguished or characterized by an emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.

(10) "Adult cabaret" means a cabaret which features dancers, strippers, male or female impersonators, or similar entertainers, performing or presenting material having as its dominant theme, or distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas" as defined below.

(11) "Entertainer" means a dancer, stripper, impersonator or similar performer.

(12) "Adult entertainment" means any exhibition of any motion pictures, live performers, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated "specified sexual activities", or "specified anatomical areas", as defined below.

(13) "Youth center" means any center that provides, on a regular basis, recreational, vocational, academic or social services for persons younger than 21 years old for those persons and their families.

(14) "Sensitive Areas" means an area which could be negatively affected by being in close proximity to an adult oriented establishment, including but not limited to child care facilities, schools, places of worship, libraries, community centers, and recreation areas.

(15) "Specified sexual activities" means simulated or actual:

- a. Showing of human genitals in a state of sexual stimulation or arousal.
- b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.

c. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(16) "Specified anatomical areas" means:

a. Less than completely and opaquely covered human genital, pubic region, perineum, buttocks, female breasts below the point immediately above the top of the areola;

b. Human male genitals in a discernible turgid state, even if opaquely covered.

(17) "Operators" means any person, association, partnership or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

17.005.3 License.

(1) Except as provided in subsection (d) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the Town of Bridge Creek without first obtaining a license to operate issued by the Town of Bridge Creek.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation, which desires to operate more than one adult-oriented establishment, must have a license for each.

(3) No license or interest may be transferred to any person, partnership or corporation.

(4) All adult-oriented establishments existing at the time of the passage of this ordinance must submit an application for a license within ninety (90) days of passage of this ordinance. If an application is not received within said ninety (90) day period, then such existing adult-oriented establishment shall cease operations.

17.005.4 Application for License.

(1) Any person, partnership, or corporation desiring to secure a license shall make application to the Town Clerk for the Town of Bridge Creek. The application shall be filed in triplicate with and dated by the Town Clerk. A copy of the application shall be distributed promptly by the Town Clerk to the Eau Claire County Sheriff's Department and to the applicant.

(2) The application for a license shall be upon a form provided by the Town Clerk. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five (5) percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

- (a) Name and addresses, including all aliases.
- (b) Written proof that the individual(s) is at least eighteen (18) years of age.
- (c) All residential addresses of the applicant(s) for the past three (3) years.
- (d) The applicants' height, weight, color of eyes and hair.
- (e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.
- (f) Whether the applicant(s) previously operated in this or any other county, town or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
- (g) All criminal statutes, whether federal or state, or town ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere/no contest on all charges, except minor traffic violations.
- (h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of each applicant.
- (i) The address of the adult-oriented establishment to be operated by the applicant(s).
- (j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.
- (k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
- (l) The length of time each applicant has been a resident of the Town Bridge Creek, Eau Claire County and State of Wisconsin, or its environs, immediately preceding the date of the application.
- (m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.
- (n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name.

(p) Evidence in form deemed sufficient to the Town Clerk that the location for the proposed adult-oriented establishment complies with all requirements of any county or other zoning ordinances now existing or hereafter amended.

(3) After receiving the results of the investigation conducted by the Eau Claire County Sheriff's Department, the Town Clerk shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed sixty (60) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the Town Clerk shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending full town board consideration.

(4) Whenever an application is denied or held for further investigation, the Town Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the Town Board at which time the applicant may present evidence as to why his/her license should not be denied. The Board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the Board and no agreement is reached with the applicant concerning the basis for denial, either party may institute suit for declaratory judgment in the Eau Claire County Circuit Court, State of Wisconsin, within five (5) days of the date of any such denial and may seek a judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Town Clerk.

17.005.6. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the Town Clerk.

17.005.7. Application for permit.

(1) Any person desiring to secure a permit as an employee or entertainer shall make

application to the Town Clerk. The application shall be filed in triplicate with and dated by the Town Clerk. A copy of the application shall be distributed promptly by the Town Clerk to the Eau Claire County Sheriff's Department and to the applicant.

(2) The application for a permit shall be upon a form provided by the Town Clerk. An applicant for a permit shall furnish the following information under oath:

(a) Name and address, including all aliases.

(b) Written proof that the individual is at least eighteen (18) years of age.

(c) All residential addresses of the applicant for the past three (3) years.

(d) The applicant's height, weight, color of eyes, and hair.

(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

(g) All criminal statutes, whether federal, state or town ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere/no contest on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.

(i) The length of time the applicant has been a resident of the Town of Bridge Creek, Eau Claire County and State of Wisconsin or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this ordinance and is in compliance with them.

(3) After receiving the results of the investigation conducted by Eau Claire County Sheriff's Department, the Town Clerk shall notify the applicant that the application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional sixty (60) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the Town Clerk shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the Town Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the Board at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Town Clerk.

17.005.8. Standards for issuance of permit.

(1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age.

(ii) The applicant shall not have been convicted of or pleaded nolo contendere/no contest to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under § 17.005.3 shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder required to be named under § 17.005.3 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or

other type of organization shall have been convicted of or pleaded nolo contendere/no contest to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Eau Claire County Sheriff's Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the Town Clerk.

17.005.9. Fees.

(1) A license fee of one hundred dollars (\$1,000.00) shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned.

(2) A permit fee of five hundred dollars (\$500.00) shall be submitted with the application for a permit. If the application is denied, one-half (½) of the fee shall be returned.

17.005.10. Display of license or permit.

(1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Eau Claire County Sheriff's Department or any person designated by the Town Board.

17.005.11. Renewal of license or permit.

(1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk. A copy of the application for renewal shall be distributed promptly by the Town Clerk to the Eau Claire County Sheriff's Department and to the operator. The application for renewal shall be a form provided by the Town Clerk and shall contain such information and data, given under oath or affirmation, as may be required by the Town Board.

(2) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days

before the license expires. If the application is denied, one-half (½) of the total fees collected shall be returned.

(3) If the Eau Claire County Sheriff's Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Town Clerk.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult- oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the Town Clerk. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk. A copy of the application for renewal shall be distributed promptly by the Town Clerk to the Eau Claire County Sheriff's Department and to the employee. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and data, given under oath or affirmation, as may be required by the Town Board.

(5) A permit renewal fee of two hundred dollars (\$200.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied one-half (½) of the fee shall be returned.

(6) If the Eau Claire County Sheriff's Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the Town Clerk.

17.005.12. Revocation of license or permit.

(1) The Town Board of the Town of Bridge Creek may revoke a license for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material acts were omitted from any application.

(b) The operator or any employee of the operator violated any provision of this ordinance or any rule or regulation adopted by the Town Board of the Town of Bridge Creek pursuant to this ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of sixty (60) days if the Town Board of the Town of Bridge Creek shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator becomes ineligible to obtain a license.

(d) Any cost or fee required to be paid by this ordinance is not paid.

(2) The Town Board of the Town of Bridge Creek before revoking or suspending any license or permit shall give the operator at least ten (10) days written notice of the charges against the operator, and the opportunity for a public hearing before the Town Board at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(4) Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license.

17.005.13. Physical Layout Of Adult-Oriented Establishment.

Any adult-oriented establishment having available for customers, patrons, or any members a booth, room or cubicle for a private viewing of any adult entertainment must comply with the following requirements:

(1) Access. Each booth, room or cubicle shall be totally accessible to and from aisle and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.

(2) Construction. Every booth, room or cubicle shall meet the following construction requirements:

(a) Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.

(b) Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the room.

(c) All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable.

(d) The floor must be light colored, non-absorbent, smooth textured and easily cleanable.

(e) The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times, as measured from the floor.

(3) Occupants. Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individuals shall damage or deface any portion of the booth.

17.005.14. Responsibilities of the operator.

(1) Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(2) Any act or omission of any employee that constitutes a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(3) No operator or employee of an adult-oriented establishment shall allow any minor to loiter nearby or to frequent an adult-oriented establishment or allow any minor to view adult entertainment as defined herein.

(4) The operator shall maintain the premises in a clean and sanitary manner at all times.

(5) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

(6) The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.

(7) No operator shall suffer, allow or permit any employee or entertainer and no employee or entertainer shall intentionally touch the clothed or unclothed body of any patron or customer at the establishment premises, at any point below the neck and above the knee of the person, excluding that part of the person's arm below the wrist, commonly referred to as the hand. It shall further be unlawful for any patron or customer in or upon the establishment premises, to touch any portion of the clothed or unclothed body of an operator, employee or entertainer below the neck and above the knee, excluding that part of the operator's, employee's or performer's arm below the wrist, commonly referred to as the hand.

(8) Display of ordinance. This Ordinance shall be displayed on the exterior of every licensed premise with such ordinance to be clearly visible to patrons entering the premises from the outside and shall be posted within eight (8) feet of any exterior entryway. The ordinance shall also be placed

in each room and any enclosed location or booth within an establishment licensed under this section. The Town Board of the Town of Bridge Creek may, by formal motion or resolution, authorize the posting of an abbreviated form of this ordinance, so as to notify patrons, employees and operators of the regulations stated in this section. The exterior signs shall be in block letters, written in black on a white background surface, and be no less than one inch in size. The interior signs shall be of a similar type and color with a minimum height of ½-inch each. Upon application of the owner, abbreviated versions of this ordinance may be posted or other amendments to this section may be approved, consistent with the intent of this ordinance in keeping affected persons apprised of the requirements of this ordinance.

17.005.15. Location.

(1) No adult-oriented establishment shall be located:

(a) Within five hundred (500) feet of an existing adult-oriented establishment, or other late night business including but not limited to laundromats or movie theaters.

(b) Within five hundred (500) feet of any premises of a Licensee of a Class "B" Fermented Malt Beverage Retailer's License or Retail "Class B" Liquor License.

(c) Within five hundred (500) feet of a "youth center" or "sensitive area" as defined by this Ordinance.

(d) Within five hundred (500) feet of an existing structure presently used primarily for residential purposes.

(2) For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of another adult-oriented establishment, sensitive area, or the premises of a Licensee of a "Class B" Fermented Malt Beverage Retailer's License or Retail "Class B" Liquor License, or a residential dwelling.

(3) The Town Board may waive the above restrictions if it is found that an adjacent activity or use proposed is in the best interest of the Town and that the safety and welfare of the community is protected. The waiver may be introduced by the Town Board, or by written request or petition.

17.005.16. Hours of operation.

(1) No adult-oriented establishment shall be open between the hours twelve a.m. (12 a.m.) and eight a.m. (8:00 a.m.).

17.005.17. Administration procedure and review.

Any person may request, in writing by a letter to the Town Clerk, review regarding the granting, denial, renewal, non-renewal, revocation or suspension of a license for an adult-oriented establishment.

17.005.18 Exclusions.

All private schools and public schools as defined in Wisconsin State Statutes Chapter 115, located within the Town of Bridge Creek are exempt from obtaining a license hereunder when instructing pupils in professional nursing care or human growth and development as a part of its curriculum. All licensed medical care or professional nursing care facilities located within the Town of Bridge Creek, and agents of the Town of Bridge Creek and all corresponding, Town, County, state and federal departments and agencies are exempt from obtaining a license hereunder when engaged in the providing of medical care or human growth and development education.

17.005.19. Penalties and prosecution.

(1) In addition to all other remedies available to the Town of Bridge Creek in equity and under law, any person who shall violate any provision of this ordinance or who shall fail to obtain a license or permit as required hereunder, or who shall operate after his or her license is revoked, shall be subject to penalty, on a per diem or per occurrence basis as follows.

(a) Any person who operates an adult-oriented establishment who fails to obtain a license or permit as required under this ordinance, shall be subject to an initial fine of Two Thousand Five Hundred and no/100 Dollars (\$2,500.00) and additional fines of Three Hundred and no/100 Dollars (\$300.00) per day for each day that the person continues to operate an adult-oriented establishment without a license or permit in violation of this ordinance.

(b) Any person who operates an adult-orientation establishment after his or her license has been revoked shall be subject to an initial fine of One Thousand and no/100 Dollars to Twenty Five Hundred and no/100 Dollars (\$1,000.00 - \$2,500.00) and additional fines of Three Hundred and no/100 Dollars (\$300.00) per day for each day the person continues to operate an adult-oriented establishment in violation of this ordinance.

(c) Any person with a valid license for an adult-oriented establishment who violates any provision of this ordinance shall be subject to a fine of Three Hundred and no/100 Dollars (\$300.00) per day for each day the person is in violation of this ordinance.

17.005.20. Severability.

(1) The several sections of this ordinance are declared to be severable. If any section, provision, phrase, word or any portion of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section, word, phrase, provisions or portion thereof directly specified in the decision, and not

affect the validity of all other provision, words, sections or portions thereof of the ordinance which shall remain in full force and effect.

17.005.21 Effective Date.

This ordinance shall take effect after passage and publication as provided by law.

Approved:

Chairman: Jeffrey Heibel

Supervisor: Brian [Signature]

Supervisor: Wm. [Signature]

Supervisor: Stephen Weiss

Supervisor: _____

Clerk: Kathy Olson

Adopted: 9-21-17

Published: 10-10-17

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