

ORDINANCE RELATING TO
SPECIAL ADULT ENTERTAINMENT
PERMITS

The Town Board of the Town of Trempealeau, Trempealeau County, Wisconsin does ordain as follows:

SECTION 1: No premises licensed to sell fermented malt beverages or intoxicating liquors within the limits of the Town of Trempealeau shall offer, provide or permit any entertainment or service by any person who partially exposes to view his or her genitals, pubic area, buttocks, or anus, or her vulva or breasts below the top of the areola without first obtaining a special adult entertainment permit.

SECTION 2: The Town Clerk shall issue a special adult entertainment permit to any holder of a license to sell fermented malt beverages and intoxicating liquors pursuant to these ordinances upon the receipt of an annual fee of \$5,200.00. Said fee shall permit the specified licenseholder to provide adult entertainment, as specified herein for a period of one year from the issuance date designated on the license. This license is personal to the licensee and is not assignable. There shall be no refund of the annual fee based upon months or days of operation. The license shall not be transferable to any purchaser or successor in interest through any type of conveyance or transfer of any kind, nature or description.

SECTION 3: The permit holder shall comply with the following conditions with respect to the permit:

a) An entertainer or employee shall at all times provide an opaque covering over his or her genitals and female breasts below the top of the areola. Said entertainer or employee shall not be visible from outside the licensed premises.

b) At the entrance to the premises, a suitable warning advising potential patrons of the nature of the entertainment or employment practices, as it relates to semi-nudity, shall be prominently displayed.

c) There shall be no photograph or other visual representations depicting or displaying the genitals, pubic area, buttocks, or anus of any person or the vulva or breasts below the top of the areola of a female or of any activity prohibited in this ordinance visible from outside the premises.

d) No employee of the premises shall in any manner orally encourage or solicit any other person to come into the premises on the basis of the entertainment or service policies of the premises.

e) The special adult entertainment permit shall be prominently displayed along with the license to sell fermented malt beverages and intoxicating liquors.

f) No patron shall be permitted to touch the sexual or genital parts of any entertainer or employee in the premises.

g) No entertainer shall perform acts of or acts which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

h) Advertisements in any public media shall be limited to the name and address of the establishment and the words "Adult Entertainment".

i) There shall only be permitted entrance to the premises at the front or main entrance to the licensed premises. All other entries to the premises shall be locked from the outside.

j) No person under the age of eighteen shall be permitted upon the premises which has been issued a special adult entertainment permit under this ordinance.

k) The licensed premises shall only be permitted to offer the entertainment or service between the hours of 7:00 p.m. and 12:00 midnight.

l) During the time that the premises are open and offering the entertainment or service, there shall be upon the premises a licensed inspector. The inspector must be duly approved by the Town Board of the Town of Trempealeau. The inspector must be at least eighteen years of age, a resident of the Town of Trempealeau and of good moral character. The licensee under this ordinance shall be required to pay a fee equal to \$10.00 per hour of operation. The Clerk shall retain \$1.00 per hour of said fee and remit the balance of \$9.00 to the inspector for the services to be rendered. The inspector shall be given the authority to enforce this ordinance and issue citations for violations hereof. Additional functions and restrictions with regard to the inspector may be provided by resolution of the Town Board.

SECTION 4: Any licensee who shall violate the terms of this ordinance shall be subject to a forfeiture of not less than \$500.00 per occurrence, and in addition, such violation shall be considered grounds for suspension or revocation of the fermented malt beverage and intoxicating liquors license issued to the licensee.

SECTION 5: The Town may refuse to issue or renew any fermented malt beverage license, intoxicating liquor license or any other license or permit pursuant to Section 66.117, Wis. Stats. to any person or organization who has not paid an overdue forfeiture for a violation of this ordinance.

SECTION 6: The restrictions of this ordinance shall apply to any establishment which intends to offer the entertainment contemplated herein. No such activity shall be permitted without the acquisition of the special adult entertainment permit. Violations shall subject the individual or establishment to a forfeiture of not less than \$500.00 per occurrence.

SECTION 7: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by any Circuit Court, or higher Court, to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance regardless of the invalidity or unconstitutionality of any such language.

SECTION 8: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by any Circuit Court, or higher Court, to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance regardless of the invalidity or unconstitutionality of any such language.

SECTION 9: This ordinance shall take effect and be in force after its passage and publication as provided by law.

George Walski

George Walski
Town Chairman

Passed and adopted this 30th day of December,
1983.

Published January 5, 1984.

ATTEST:

/s/
Town Clerk