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SECTION 1.0

INTRODUCTION

Section 1.01. Title.

This ordinance shall be known as, referred to, or cited as the Ordinance to Regulate Lewd and Sexually Explicit Conduct, Town of Silver Cliff, Marinette County, Wisconsin.

Section 1.02. Abrogation and Greater Restrictions.

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, when this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 1.03. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Silver Cliff, Marinette County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Section 1.04. Severability.

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 1.05. Effective Date.

This ordinance shall be effective after a public hearing, adoption by the Town Board of Silver Cliff and publication or posting as provided by law.

Section 1.06. Background Findings.

The Town of Silver Cliff, Marinette County, Wisconsin has made the following findings associated with adult-oriented activities and adult establishments:

- (a) It is a lawful purpose of the Town Board of the Town of Silver Cliff, Wisconsin, to enact regulatory ordinances protecting and promoting the general welfare, orderly conduct, health, and safety of its citizens.
- (b) The Town Board of the Town of Silver Cliff believes that it is in the best interest of the health and safety of the citizens of the Town of Silver Cliff to regulate, and thereby diminish the dangerous or harmful secondary effects that accompany adult-oriented establishments. These dangerous and negative secondary effects associated with adult-oriented businesses include, but are not limited to:
 - (1) Increased criminal activity of both a sexual and/or violent nature,
 - (2) Lowered area property values,
 - (3) Urban blight and a loss of pride in a community, and
 - (4) An increase in sexually transmitted diseases.

- (c) The Town Board of the Town of Silver Cliff has knowledge of studies conducted by Tucson, Arizona, Garden Grove, California, New York City, New York, Oklahoma City, Oklahoma, Dallas, Texas, Phoenix, Arizona, and Newport News, Virginia, that indicate that adult-oriented establishments have either a strong or direct correlation to increased crime.
- (d) The Town Board of the Town of Silver Cliff has knowledge of a land use study conducted by the City of Phoenix, Arizona, which concentrated on the link between adult-oriented establishments and their relation to increased crime and found that the number of sex offenses was, on average, five hundred and six percent (506%) greater in neighborhoods where adult-oriented establishments were located, and which also concluded that the rate of other sex crimes, such as rape, lewd and lascivious behavior, and child molestation, was 132 percent (132%) greater than in control areas without adult-oriented businesses.
- (e) The Town Board of the Town of Silver Cliff has knowledge of studies conducted by Garden Grove, California, New York City, New York, Oklahoma City, Oklahoma, Dallas, Texas, Newport News, Virginia, and Cleburne, Texas, that indicate a correlation between the location of adult-oriented establishments and decreased property values of the surrounding areas.
- (f) The Town Board of the Town of Silver Cliff has knowledge of studies conducted by Ellicottville, New York, Islip, New York, Amarillo, and Texas, Dallas, Texas which conclude that when adult-oriented establishments are allowed to concentrate in one area, the negative secondary effects of adult-oriented establishments may be magnified.
- (g) The Village Board of Trustees of Ellicottville, New York, found that isolation of adult-oriented establishments limits their negative secondary effects.
- (h) A report by the Islip, New York, Department of Planning found that the location of two (2) adult-oriented establishments located near each other created a "dead zone" in an otherwise healthy business district.
- (i) A legislative report prepared by the Sexually Oriented Business Revision Committee for the Houston City Council concluded that due to criminal activity associated with adult-oriented establishments, licenses should be required of all adult-oriented establishment employees.
- (j) A report based on a memorandum from the Tucson Police Department Investigative Services to the City Prosecutor, conducted by the City of Tucson, Arizona, dated May 1, 1990, concluded that police officers found a wide variety of illegal sexual conduct at all adult-oriented establishments and that virtually every establishment had employees arrested for prostitution or obscene sex shows, and which found that one of the employees arrested for such acts was a fifteen (15) year old girl.
- (k) A legislative report prepared by the Sexually Oriented Business Revision Committee for the Houston City Council concluded that the lack of clear lines of view, insufficient lighting, and locked rooms decreases the ability of adult-oriented establishment owners, managers, and employees from monitoring behavior and preventing lewd behavior on the part of customers, and that this is behavior which may lead to unsanitary conditions and the spread of communicable diseases.
- (l) It is a lawful purpose of the Silver Cliff Town Board to enact rules and regulations as are necessary for the preservation of health and to prevent the spread of communicable or

sexually transmitted diseases in the Town of Silver Cliff. It has been found by localities through the State of Wisconsin, particularly Milwaukee, Racine, Waukesha, Delafield, Kenosha, and West Allis, as well as communities around the country, including Indianapolis, Indiana, Chattanooga, Tennessee, Newport News, Virginia, Marion County, Indiana, Detroit, Michigan, and Seattle, Washington, as well as other communities around the country, that sexually-oriented adult entertainment establishments are predisposed to the creation of unsafe and unsanitary conditions, that operators and employees of such businesses tend to participate in sex-related offenses on the premises--creating substantial law-enforcement problems, and that the operational characteristics of such businesses have a deleterious effect on surrounding areas, resulting in neighborhood blight and reduced property values, especially when such businesses are concentrated in one (1) area. Many such establishments install movie viewing booths with doors, in which patrons view videotapes, movies, films, and other forms of entertainment categorized by their emphasis on depicting, describing, or relating to specified sexual activities or specified anatomical areas, and that such booths have been and are being used by patrons to engage in sexual acts, resulting in unsanitary, unhealthful, and unsafe conditions in said booths and establishments. This Ordinance is intended to establish standards in order to prevent the spread of communicable or sexually transmitted diseases and to eliminate the deleterious effects described above, in the Town of Silver Cliff.

(m) The Town of Silver Cliff also finds that there is an increasing likelihood of commercial exploitation of human sexuality by owners of premises holding "Class B" alcohol beverage licenses in the State of Wisconsin. Such exploitation takes place in the form of employing or permitting persons to perform or exhibit their nude or semi-nude bodies to other persons as an inducement to other persons to purchase alcoholic beverages. The direct result of such exploitation is criminal activity, moral degradation, and disturbance of the peace and good order of the community. In addition, this commercial exploitation of such nude and semi-nude acts is adverse to the public's interest in the quality of life, commercial activity, and total community environment in the Town of Silver Cliff.

(n) The Town Board of the Town of Silver Cliff, based in part upon the foregoing and with the purpose to diminish negative secondary effects of adult-oriented establishments, adopts this Ordinance.

SECTION 2.0

RULES AND DEFINITIONS

Section 2.01. Rules. In the construction of this Ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

(1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.

(2) The word "shall" is mandatory and not discretionary.

(3) The word "may" is permissive.

Section 2.02. Definitions

Adult Bath House. An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, which is not operated by a medical practitioner or a professional physical 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 Section.

Adult Body Painting Studio. 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, an adult body painting studio shall not be deemed to include a tattoo parlor.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein. This includes an establishment having its stock in trade, for sale, rent, trade, lease, inspection, or viewing books, films, video cassettes, DVD's, motion pictures, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, DVD's, films, motion pictures, or other offered entertainment for observation by patrons therein.

Adult Cabaret. 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 herein.

Adult Entertainment. Any exhibition of any motion pictures, live performance, display or dance of any type, which has a significant or substantial portion of such performance or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, as defined herein, appearing unclothed, or the removal of articles of clothing to reveal specified anatomical areas.

Adult Massage Parlors. 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 a 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.

Adult Mini-Motion Picture Theater. An enclosed building with a capacity for less than twenty-five (25) patrons, including establishments that have coin operated video or motion picture booths, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

Adult Modeling Studio. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.

Adult Motel. A hotel, motel, or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, DVD's, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and which may have a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater. An enclosed building with a capacity of twenty-five (25) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

Adult Motion Picture Theater (Outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas, as defined herein, for observation by patrons.

Adult Novelty Shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities or specified anatomical areas, as defined herein, or stimulating such activity.

Adult Oriented Establishment. An establishment which includes, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion theaters, adult bath houses, adult body painting studios, adult motels, adult novelty shops or adult cabarets, and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes 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 profit, direct or indirect. An adult oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

Booth, Room or Cubicle. Such enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but fee is not charged for mere access to

the enclosure. However, booth, room, or cubicle does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which closures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50, Wis. Stats.

Church. A building whether situated within the Town of Silver Cliff or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Customer. Any person who:

- (1) Is allowed to enter an adult oriented establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
 - (2) Enters an adult oriented business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
- Is a member of and on the premises of an adult oriented establishment operating as a private club.

Community. The Town of Silver Cliff, Marinette County, State of Wisconsin.

Day Care Center. A facility licensed by the state of Wisconsin pursuant to Sec.48.65, Wis. Stats., whether situated within the Town or not.

Door, Curtain or Portal Partition. A non-transparent closure device which prevents activity taking place within a booth, room or cubicle from being seen or viewed from outside the booth, room or cubicle.

Employee. A person who performs any service on the premises of a sexually oriented business on a full-time, part-time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

Entertainer. Any person who provides entertainment within an adult-oriented establishment as defined in this Ordinance, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.

Harmful to Minors. That quality of any description or representation, in whatever form, of nudity, specified sexual activities or specified anatomical areas, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and whether it has serious literary, artistic, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.

Knowingly. Having general knowledge of, or reason to know, or a belief or ground for

belief which warrants further inspection or inquiry of both:

- (1) The character and content of any material described herein which is reasonably suspect under this Section; and
- (2) The age of a minor, provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the age of such minor.

Knowledge of Minor's Age. Means:

- (1) Knowledge or information that the person is a minor; and
- (2) Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.

Manager. The operator or agent licensed under this Ordinance who shall not be licensed as a massage technician.

Massage. Any process or procedure consisting of rubbing, stroking, kneading or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for consideration.

Massage Room. The area where private massage is performed.

Massage Technician. A person who practices, administers or uses massage for a consideration, and who holds a valid license under this Ordinance.

Minor. Any person under the age of eighteen (18) years.

Nudity. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernible turgid state.

Operator. Any person operating, conducting, maintaining or owning any adult-oriented establishment.

Patron. Any person who patronizes any adult-oriented establishment under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefore.

Residential. Pertaining to the use of land, whether situated within the Town or not, for premises such as homes, townhouses, duplexes, condominiums, apartments and mobile homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premises which is designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses and hospitals shall not be considered to be residential.

Sadomasochistic Abuse. Flagellation or torture by a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

School. A building, whether situated within the Town or not, where persons regularly assemble for the purpose of instruction or education, together with playgrounds, stadiums and other structures or grounds used in conjunction therewith. The term is limited to:

- (1) Public and private schools used for primary or secondary education in which any regular kindergarten or grades one (1) through twelve (12) classes are taught and
- (2) Special educational facilities in which students who have physical or learning

disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

Sensitive Areas. Includes land which has been designated for park or recreational activities, including but not limited to: a park, playground, nature trail, swimming pool, reservoir, river, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Town which is under the control, operation or management of the town, county or state authorities.

Sexual Conduct. The commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.

Sexual Intercourse. Physical sexual contact between individuals that involves the genitalia of at least one (1) person including, but not limited to, heterosexual intercourse, sodomy, fellatio or cunnilingus.

Specified Anatomical Areas. Less than completely and opaquely covered:

- (1) Human genitals, pubic region;
- (2) Buttock; or
- (3) Female breast below a point immediately above the top of the areola.
- (4) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Simulated or actual:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

Substantial. As used in various definitions, shall mean fifty percent (50%) or more of a business' stock in trade, display space, floor space or retail sales in any one (1) month during the license year.

Waiting Area. An area adjacent to the main entrance that is separate from any area where massages are given.

Youth Center. Any center that provides, on a regular basis, recreational, vocational, academic or social services for persons younger than twenty-one (21) years old for those persons and their families.

SECTION 3.0

PUBLIC INDECENCY PROHIBITED

- (a) Any person who, within the Town of Silver Cliff limits, knowingly or intentionally, in a public place, commits public indecency by doing one of the following:
 - (1) Engaging in specified sexual activities;
 - (2) Displaying specified anatomical areas; or
 - (3) Appearing in a state of nudity.
- (b) In addition to any other actions allowed by law or taken by the Town Board,

including the action of applicable license revocation or non-renewal, anyone who violates any of the provisions of this Section shall forfeit not less than Two Hundred Fifty Dollars (\$250.00), and not more than Two Thousand Dollars (\$2,000.00), for each offense, together with costs, and if such forfeiture and costs are not paid, such person so convicted shall be subject to such other penalties available by law.

SECTION 4.0

EXPOSING MINORS TO HARMFUL MATERIALS

(a) It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor, or knowingly to sell to a minor an admission ticket or pass, or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which in whole or in part depicts nudity, or specified sexual activities and which is harmful to minors.

(b) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts specified anatomical area or shows specified sexual activities and which is harmful to others.

(2) Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any material enumerated in Subsection (b)(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of specified sexual activities and which, taken as a whole, is harmful to minors.

(c) It shall be unlawful for any person knowingly to admit a minor to any premises whereon there is exhibited nudity or specified sexual activities which is harmful to minors.

(d) Any person violating this Section shall be subject to the penalty provisions of Section 17.0.

(e) It shall be unlawful for any business establishment which offers for sale or rent any books, magazines, videotapes, DVD's, or other such materials which contain specified anatomical areas or specified sexual activities to display said materials in a way in which they can be seen or accessed by minors.

SECTION 5.0

ENTERTAINMENT FEATURING LIVE SEXUALLY EXPLICIT PERFORMANCES

5.01. Prohibitions Applicable to Premises Holding Alcohol Beverage Licenses.

(a) It shall be unlawful for any owner or operator of premises holding a Class "A," or "Class A," Class "B," or "Class B," or "Class C" Alcohol Beverage license to permit

any person to expose to public view on the licensed premises any specified anatomical areas as defined in this Ordinance, or to employ any device which is intended to give the appearance of or simulate such specified anatomical areas or publicly display or perform any specified sexual activities on the licensed premises.

(b) Any licensee who permits a violation of Subsection (a) above shall be subject to revocation of all alcohol beverage license(s) issued by the Town to the licensee.

5.02. Sexually Explicit Live Adult Entertainment.

(a) This Section applies only to premises offering live performances by persons appearing in a state displaying some portions of specified anatomical areas not covered by fully opaque coverings. Appearance in public in a state of nudity is prohibited by Section 3.0(a).

(b) No person shall open premises to the public, offering live performances by persons appearing in a state displaying any portions of specified anatomical areas not covered by fully opaque coverings, whether such persons are paid for such performance or not, unless the person opening the premises has obtained an adult-oriented establishment license from the Town Clerk.

SECTION 6.0

ADULT-ORIENTED ESTABLISHMENTS

6.01. Intent of Ordinance.

It is the purpose of this Ordinance to regulate adult-oriented establishment businesses (hereinafter referred to as adult-oriented establishments) to promote the health, safety, morals and the general welfare of the citizens of the Town of Silver Cliff, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments, and to establish reasonable and uniform regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.

6.02. Adult-Oriented Establishment License Required.

(a) Except as provided in Subsection (d) below, no adult-oriented establishment shall be operated or maintained within the corporate limits of the Town of Silver Cliff without first obtaining a license to operate issued by the Town of Silver Cliff.

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

(c) No license or interest in a license maybe transferred to any person, partnership, or corporation except as set forth in Section 12.0.

(d) All adult-oriented establishments existing at the time of the original passage of this

Ordinance, must submit an application for a license within said ninety (90) days of the 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.

6.03. Application for License.

6.03(a) License Procedure.

Any person, partnership, or corporation desiring to secure an adult-oriented establishment license 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 within ten (10) days of receipt thereof to the Fire Inspector, Building Inspector, appropriate law enforcement authorities, and to the applicant.

6.03(b) Required Information.

The application for a license shall be upon a form provided by the Town Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, all officers or directors of a corporate applicant, all members of any limited liability company applicant, and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

- (1) Name, including all aliases, address and date of birth of applicant;
- (2) Written proof that the individual is at least eighteen (18) years of age;
- (3) All residential addresses of the applicant for the past ten (10) years;
- (4) The business, occupation or employment of the applicant for ten (10) years immediately preceding the date of application;
- (5) The exact nature of the adult-oriented use to be conducted and the address of the adult-oriented establishment to be operated by the applicant.
- (6) Whether the applicant previously operated in this or any other state, county or municipality under an adult oriented establishment license or similar business license; whether the applicant 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;
- (7) All criminal convictions, whether federal or State, or municipal Ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except traffic offenses;
- (8) Fingerprints and two (2) portrait photographs of at least two (2) inches by two (2) inches of the applicant;
- (9) The address of the adult-oriented establishment to be operated by the applicant;
- (10) Proof of right to occupy under Section 7.0. and
- (11) If the applicant is a corporation, the date and state of incorporation, the name and address other registered agent and the name and address of any shareholder(s) who individually or jointly owns or controls more than ten percent (10%) of the stock in said corporation and all persons responsible for the management and operation of the adult-oriented establishments;
- (12) If the applicant is a partnership or joint venture or any other type of organization where two (2) or more persons have financial interest, the application shall specify the

name of the entity, the name and address of any general partner(s) and all persons responsible for the management and operation of the adult-oriented establishment.

(13) The application shall be accompanied by:

a. A sketch or diagram drawn to scale of the floor plan(s). A professionally prepared sketch or diagram in the nature of an engineer or architect's blueprint is recommended but shall not be required. Each sketch or diagram shall be oriented to the north or to some designated street or landmark. Each sketch or diagram shall be drawn to a designated scale or with marked dimensions of all areas, walls, doors, windows or other material aspects of the premises. Each sketch or diagram shall include at least the following:

b. The internal and external configuration of the premises, including a statement of total floor space occupied by the structure.

c. A statement fully describing the external signage intended to be displayed elsewhere in the Town to advertise the business.

d. The location of one (1) or more manager's station or office.

e. The location of all electrical wiring and fixtures, including but not limited to lighting fixtures, sound systems, special effects equipment, video display equipment, video surveillance systems, etc.

f. Designation of any portion of the premises in which customers will not be permitted or in which sexually oriented business activities will not be conducted.

g. A plan or description of the safety and security measures for the inside and the outside of the premises, its customers, and employees.

h. A designation of the place(s) at which the license, a copy of the floor plan(s) and other necessary permits, licenses, and signage will be conspicuously posted.

i. The Town Board may waive the foregoing sketch or diagram requirements, only for renewal applications, if the applicant expressly adopts by reference a floor plan that was previously approved and certifies that the configuration of the premises has not been altered or enlarged since it was approved.

(14) All new applications shall include a certified survey map prepared by a licensed surveyor or licensed engineer which shows the required minimum distances from properties with protected uses.

(15) A nonrefundable application fee of One Thousand Dollars (\$1,000.00) shall accompany all applications. An application shall not be considered filed until all applicable fees are paid and all information required by the application form has been submitted.

(16) A copy of all applications and supporting documentation for licensing shall be maintained in the Town Clerk's office.

(17) The operator of a sexually oriented business shall permit and cooperate with the appropriate town, county, or state enforcement personnel regarding lawful inspections of the entire premises and of all activities being conducted therein.

(18) Each applicant shall sign a waiver and authorization form authorizing the Town to request on behalf of the applicant criminal history reports from any appropriate state and/or federal agency.

(19) Each application shall contain the following statements signed by the applicant:

a. "I represent that I have personal knowledge of all statements made and

information given in this application and that the information is true and correct.”

- b. If required by law, that an outdoor sign was posted in conformance with this Ordinance and state law not later than the 60th day before the application was filed, and
- c. The applicant has read the provisions of this Ordinance.

6.03(c) Failure to Provide Information.

Failure or refusal of the applicant to provide any information for the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or refusal to submit to or cooperate with any investigation required by this Section, shall constitute an admission by the applicant of ineligibility for such license and shall be grounds for denial thereof.

SECTION 7.0

STANDARDS FOR ISSUANCE OF A LICENSE

7.01. General Requirements.

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

- (1) If the applicant is an individual:
 - a. The applicant shall be at least eighteen (18) years of age,
 - b. Subject to Chapter 111, Wis. Stats., the applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, or other crime of a sexual nature in any jurisdiction within ten (10) years immediately preceding the date of the application, and
 - c. The applicant shall not have been found to have previously violated this Ordinance within ten (10) years immediately preceding the date of the application.
- (2) If the applicant is a corporation:
 - a. All officers, directors, and others required to be named under Section 6.03(b) shall be at least eighteen (18) years of age,
 - b. Subject to Chapter 111, Wis. Stats., no officer, director, or other person shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, or other crime of a sexual nature in any jurisdiction within ten (10) years immediately preceding the date of the application, and
 - c. No officer, director or other person required to be named under this Ordinance shall have been found to have previously violated this Ordinance within ten (10) years immediately preceding the date of the application.
- (3) If the applicant is a partnership, joint venture, limited liability company or any other type of organization where two (2) or more persons have a financial interest:
 - a. 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;
 - b. Subject to Chapter 111, Wis. Stats., no person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution

or other crime of a sexual nature in any jurisdiction within ten (10) years immediately preceding the date of the application; and

c. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this Section within five (5) years immediately preceding the date of the application.

7.02. Investigation.

No license shall be issued unless law enforcement authorities have investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the Town Clerk no later than fourteen (14) days after the application.

7.03. Inspection.

The Building Inspector, Fire Inspector and/or law enforcement authorities shall inspect the premises proposed to be licensed to verify compliance with their respective Codes, and shall report compliance findings to the Town Clerk within fourteen (14) days of the date of application.

7.04. Proof.

No license shall be issued unless the applicant provides proof of one (1) of the following:

- (1) Ownership of a properly zoned building or parcel of real property under the Marinette County Zoning Code upon which a building can be constructed. "Proper" includes permissible non-conforming use status.
- (2) A lease on a building which is properly zoned under the Marinette County Zoning Code to house a venture. Proper zoning includes permissible non-conforming use status.
- (3) An option to purchase property which is properly zoned under the Marinette County Zoning Code for the venture.
- (4) An option to lease property which is properly zoned under the Marinette County Zoning Code for the venture. Proper zoning includes permissible non-conforming use status.

7.05. Drawing.

The applicant shall file with the Town Clerk a current surveyor's certificate and straight line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing adult-oriented establishments within one thousand five hundred (1,500) feet of the property proposed to be licensed, and the property lines of any sensitive area within one thousand five hundred (1,500) feet of the property proposed to be licensed. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted. Measurements shall be from the closest exterior wall of the structure of the business to the nearest property line of sensitive areas.

SECTION 8.0

LICENSE FEE

~~A non-refundable adult-oriented establishment license application fee as prescribed in Section 6.03(b)(15) shall be submitted with the application for a license.~~

A non-refundable adult-oriented license fee of one thousand dollars (\$1,000) shall be submitted to the Town Clerk after the application has been approved SECTION 9.0 and before the license will be issued

DISPLAY OF LICENSE OR PERMIT

The adult oriented establishment license shall be displayed in a conspicuous public place in the adult oriented establishment. Any license of employees or agents that work in said establishment that relate to this license or establishment shall be displayed with the adult oriented establishment license.

SECTION 10.0

APPROVAL OR RENEWAL OF LICENSE OR PERMIT

10.01. Notice of Determination on Application.

Within sixty (60) days of receiving an application for a license, the Town Clerk shall notify the applicant whether the ^{license} application is granted or denied or whether the application period is being extended for another sixty (60) day period.

10.02. Renewals.

(1) Every license issued pursuant to this Section will terminate on December 31 of the year it is issued, 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 ninety (90) 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 by the Town Clerk to the Building Inspector, Fire Inspector, law enforcement authorities and the applicant. 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 is required for an application for a new license.

(2) A license renewal fee of \$1,000 shall be submitted with the application for renewal. In addition to the renewal fee, double the basic renewal fee shall be assessed against an applicant who does not file for a renewal ninety (90) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

SECTION 11.0

DENIAL OF APPLICATION

(a) Whenever an initial application is denied, the Town Clerk shall, within fourteen (14) days of the denial, 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 at the next regularly scheduled meeting of the Town Board.

(b) 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 Ordinance 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.

SECTION 12.0

TRANSFER OF LICENSE

(a) A license is personal to the owner(s) and operator designated in the application, provided it may be transferred pursuant to this Section. A transfer application must be filed no less than ten (10) days before any change of the owner(s) or operators designated on the application. In the event that a transfer application is not timely filed, then the license shall be invalid for any purpose relating to the operation of the adult-oriented business, and any transfer shall require the filing of an original application and be subject to the regulations applicable thereto.

(b) The Town Clerk shall prescribe a form on which license transfer applications shall be made. The form shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended by the transfer application. The transfer application shall contain a statement under oath that the individual signing the transfer application has personal knowledge of the information contained therein and that the information is true and correct and shall not be complete unless accompanied by a nonrefundable transfer fee of ~~\$1,000~~ \$1,000. Transfer applications shall be filed in the same place ~~and at the same time~~ as original applications, and the fee shall be payable in the same manner as for original applications.

(c) Transfer applications shall be reviewed, issued and subject to appeal in the same manner as original applications, and they shall be issued for the remaining term of the license to be transferred.

(d) Any transfer of an adult-oriented establishment, other than as provided in this Section, from the licensed premises to any other premises shall cause such license to lapse and become void. A license which has lapsed and become void shall be subject to revocation under Section 18.0.

SECTION 13.0

PHYSICAL LAYOUTS AND LAYOUTS OF ADULT ORIENTED ESTABLISHMENTS

Any adult oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any motion picture, videotape or compact disc in which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas must comply with the following requirements:

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

13.02. Construction. Every booth, room or cubicle shall meet the following construction requirements:

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

(2) Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of any one occupying same.

(3) 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.

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

(5) 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.

13.03. Occupants.

Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of specified sexual activity, cause any bodily discharge or litter while in the booth. No person shall alter, damage or deface any portion of any such booth, room or cubicle in such a manner that it no longer complies with the provisions of this Section.

13.04. Location.

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

a. Within one thousand (1,000) feet of an existing adult-oriented establishment, or other late night business including, but not limited to, laundromats, video rental stores or movie theaters.

b. Within one thousand (1,000) 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 one thousand (1,000) feet of a "youth center" or "sensitive area" as

defined in Section 2.0.

d. Within one thousand (1,000) feet of an area predominantly used for residential purposes or within one thousand (1,000) feet of a school or church. No building shall be used in part for an adult-oriented establishment activity if the structure also contains a residential use such as an apartment(s).

(2) For purposes of this Subsection, 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, youth center 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 or modify the above restrictions if it is found that an adjacent activity or proposed use is in the best interest of the Town and general public, and that the safety and welfare of the community is protected. The waiver or modification may be introduced the Town Board or by written request or petition.

13.05. Hours of Operation.

No adult-oriented establishment shall be open between the hours of 12:00 midnight and 8:00 a.m., including for private or by-invitation-only events.

SECTION 14.0

RESPONSIBILITIES OF OPERATORS

(a) An operator, licensed under this Ordinance shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, sex telephone numbers, Social Security Number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises of a period of three (3) years following termination.

(b) The operator shall make the register of employees available immediately for inspection by law enforcement officers upon demand of a member of a law enforcement agency at all reasonable times.

(c) Every act or omission by an employee constituting a violation of the provisions of this Section 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.

(d) Any act or omission of any employee constituting 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.

(e) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view

sexually-explicit live adult entertainment or materials containing depictions of specified sexual activities or specified anatomical areas as defined herein.

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

(g) The operator shall ensure compliance of the establishment and its patrons with the provisions of this Ordinance.

(h) The operator shall ensure there is conspicuously posted inside each booth, room or cubicle an un-mutilated and un-defaced sign or poster supplied by the Town which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

(i) The operator shall ensure there is conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Town pertaining to sexually transmitted diseases.

(j) A copy of 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. A copy of this Ordinance shall also be placed in each room and any enclosed location or booth within an establishment licensed under this Ordinance. The Town Board of the Town of Silver Cliff 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 Ordinance. The exterior signs shall be in block letters,, written in black on a white background surface, and be no less than one (1) inch in size. The interior signs shall be of a similar type and color with a minimum height of one-half (1/2) inch each. Upon application of the owner, abbreviated versions of this Ordinance may be posted or other amendments to this Ordinance may be approved, consistent with the intent of this Ordinance in keeping affected persons apprised of the requirements of this Ordinance.

(k) 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.

(l) 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. Included within improper conduct under this Subsection are any acts in violation of Sec. 944.36, Wis. Stats.

(m) Good order shall be maintained at all times on the premises. Without limitation due to enumeration, a lack of "good order" for purposes of this Ordinance shall be deemed to include persistent loud noises to the annoyance or detriment of surrounding property owners/tenants, patrons urinating in public, profane language, disorderly conduct, and

violations of other Town Ordinances.

(n) The operator shall comply with building capacity limits, as set by the Fire Department, Town Building Code and/or state regulations, are complied with at all times.

(o) The operator and/or license holder shall comply with all applicable State Statutes and regulations and Town and/or county ordinances.

(p) The performance of any dance by performers under the auspices of the management shall be given only on a raised portion of the floor separated by a railing or other device from the patrons so as to deter patrons from participating in the dance.

(q) The use of simulated sexual organs during dances or performances is prohibited.

(r) No operator or license holder shall permit any amateur dancing, entertainment, or performances on the license holder's premises in violation of this Ordinance or any applicable state or federal laws or municipal ordinance.

(s) The Town shall charge its reasonable costs for supplying any posters, brochures, pamphlets and other information required under this Ordinance.

SECTION 15.0

REGISTRATION OF EMPLOYEES

15.01. Registration Requirement.

All operators, employees, independent contractors and entertainers working in any adult oriented establishment shall, prior to the beginning of employment or contracted duties, register with the Town of Silver Cliff's Town Clerk. Specifically included within the scope of this Section is any person desiring to provide entertainment in the Town as an entertainer at any facility governed by this Ordinance. Such registration shall include the following:

- (1) Full name and any aliases used,
- (2) Stage name and booking agent, if any,
- (3) Permanent address and any temporary address,
- (4) Date and place of birth,
- (5) Telephone number(s),
- (6) Date of employment and name of employer,
- (7) Description information concerning height, weight, hair and eye color, gender and race,
- (8) Two (2) forms of identification with at least one form being photo identification confirming such information and identity,
- (9) If requested, by the Town or a law enforcement agency, fingerprints,
- (10) Social Security Number, and
- (11) Proof that the individual is at least eighteen (18) years old. (Note: The personal information provided in this Section shall be confidential, and shall not be disclosed to the public except to the extent required by state or federal law).

15.02. Employee Background Checks.

(1) Prior to employment of any person by the sexually oriented business, the owner or operator of the sexually oriented business shall conduct a criminal background check

of all prospective employees to ensure that no person employed has any conviction(s) or any time of service in jail or prison for any of the following offenses:

- a. Sexual assault or aggravated sexual assault,
- b. Incest, solicitation of a child or harboring a runaway child,
- c. Prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, obscenity, display or distribution, sale, distribution or display of harmful material to a minor, sexual performance by a child, employment harmful to a minor, possession or promotion of child pornography,
- d. Criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses, or
- e. Public lewdness, indecent exposure, public intoxication, drinks solicitation, or possession of a controlled substance.

(2) The operator shall maintain a current registration card or file on the premises clearly identifying all managers, employees, and/or entertainment personnel currently on the premises or employed by the business. The information contained on the registration card shall include at least:

- a. Full legal name.
- b. All aliases or stage names.
- c. Date of birth.
- d. Race.
- e. Hair and eye color.
- f. Current residence address and telephone number.
- g. Wisconsin drivers license number or Wisconsin ID.
- h. Social Security Number.
- i. Color photograph of full-face view.
- j. Date of criminal background check.

(3) The following records shall be supplied:

- a. Within five (5) days of employment of an employee, each manager shall send a copy of the criminal background check (with redacted social security number) and registration card to the Town Clerk.
- b. Each manager shall maintain on the premises and make available for inspection upon request by Town enforcement personnel the criminal background information and current registration card for all employees.
- c. A manager commits an offense if he/she fails to make the criminal background information or current registration card available for immediate inspection upon request by Town Enforcement Personnel.

15.03. Registration Validity.

Such registration shall be valid for one (1) year from the date of registration.

15.04. Duty of Employer.

No person shall permit entertainment or employment by an individual subject to this Section without prior registration as required herein.

15.05. Fees.

The registration fee of \$35 shall be paid per registration, which shall be paid to the Town to cover costs of the identification card.

SECTION 16.0

EXCLUSIONS

All private schools and public schools as defined in Chapter 115, Wis. Stats., located within the Town of Silver Cliff, are exempt from obtaining a license hereunder when instructing pupils in professional care nursing or human growth and development as a part of its curriculum. All licensed medical care or professional nursing care facilities or state-licensed massage therapy clinics located within the Town of Silver Cliff and all corresponding town, municipal, 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.

SECTION 17.0

PENALTY

Unless a specific penalty is provided for elsewhere in this Ordinance and in addition to all other remedies available to the Town of Silver Cliff 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/her license or permit is revoked, shall be subject to penalties, 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 forfeiture of five hundred dollars (\$500.00) and additional forfeitures of three hundred 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-oriented establishment after his/her license has been revoked shall be subject to initial forfeiture of five hundred dollars (\$500.00) and additional forfeitures of three hundred 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 permit or license for an adult-oriented establishment who violates any provision of this Ordinance shall be subject to a forfeiture of three hundred dollars (\$300.00) per day for each day the person is in violation of this Ordinance.

(d) Any person who violates Section 4.0., Exposing Minors to Harmful Materials, shall be subject to a penalty of \$300 per violation, with each day of violation constituting a

(e) For other violations of this Ordinance not enumerated elsewhere in the Ordinance, separate the general penalty of \$300 per violation shall apply, with each day of violation violation.

(f) In addition to the above forfeitures, violators shall pay all costs of prosecution and any state penalty assessments.

SECTION 18.0

LICENSE SUSPENSION, REVOCATION, OR NON- RENEWAL OF LICENSES

18.01. In General. Any license granted herein may be revoked, suspended, or not renewed by the Town of Silver Cliff because, but not limited to, of the following:

(1) If the applicant has made or recorded any statement required by this Section knowing it to be false or fraudulent or intentionally deceptive,

(2) For the violation of any provision of this Ordinance, except for establishment license matters involving a violation of Building Codes,

(3) After one (1) conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or an offense involving substance in Subsection II of Ch. 961, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant,

(4) If the licensee, operator or employer becomes ineligible to obtain a license,

(5) If an operator employs an employee who is not registered or who provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without being registered with the Town of Silver Cliff,

(6) If any cost or fee required to be paid by this Ordinance is not paid,

(7) If any intoxicating liquor or fermented malt beverage, narcotic, or controlled substance is served or consumed on the premises of the adult oriented establishment,

(8) If any operator, employee, or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any material depicting specified sexual activities or specified anatomical areas,

18.02. Notice of Hearing. No license shall be revoked, suspended or renewed by the Town of Silver Cliff except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Town Board. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.

18.03. Hearing. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Town Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Town Board shall prepare findings of fact and conclusions as to what, if any, action the Town Board will take with respect to the license. The Town Board shall provide the complainant and licensee with a copy of the report.

18.04. Miscellaneous.

(1) Any transfer of a license or any interest in a license which is not in accordance with Section 12.0 shall automatically and immediately revoke the license.

(2) 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.

SECTION 19.0

ADOPTION

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Silver Cliff. On this 12th day of May, 2009.

Signed: Gaylord H. Berg Chairman
Steve Bishop Town Clerk
Henry G. Bushell Supervisor
Jeff Schud Supervisor

