

Chapter 70

ADULT ENTERTAINMENT

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[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 7, Ch. 12, of the 1996 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 77.	Nuisances — See Ch. 186.
Fermented malt beverages and intoxicating liquor — See Ch. 134.	Obscene material — See Ch. 191.
Minors — See Ch. 171.	Peace and good order — See Ch. 201.

§ 70-1. Purpose and intent.

It is declared to be the purpose and intent of this chapter to protect the public health, safety, welfare and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood, adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protections afforded to the citizens under the First and Fourteenth Amendments, it is not the intent of this chapter to inhibit freedom of speech or the press, but rather to deter those of low morals from imposing their lack of morals upon the rest of the community; and further recognizing that those parts of a community, which become centers of loose moral conduct, frequently become places of rowdiness, criminality, and indecent behavior.

§ 70-2. Definitions.

The following definitions are applicable in this chapter:

ADULT — Any person who has attained the age of 21 years.

ADULT ENTERTAINMENT — Any form of activity designed to stimulate one's appetite for desiring goods or a service, an overabundance of preoccupation with sexual displays or materials which arouse the appetites of those so preoccupied and involving sexual offenses and is contrary to the health, safety, and welfare of the community.

ENTERTAINMENT PREMISES (hereinafter referred to as "PREMISES") — The premises on or from which any individual, partnership, or corporation derives income from books, mini motion-picture displays, cabaret, or services of massage and/or relaxation.

SPECIFIED ANATOMICAL AREAS:

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

SPECIFIED SEXUAL ACTIVITIES:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

§ 70-3. License required; qualifications.

- A. Requirements. No individual, firm, partnership, or corporation shall operate premises providing adult entertainment without first obtaining a license authorizing the operation of such premises from the Village Board.
- B. Building qualifications. No license shall be granted until the Building Inspector shall determine that the premises complies with and conforms to all health and fire regulations of the Village Code of Ordinances, is properly ventilated and supplied with sufficient toilet conveniences, and is a safe and proper place for the purpose for which it is to be used.
- C. Licensee qualifications. Licenses shall be granted only to natural persons who:
 - (1) Have been residents of Wisconsin continuously for at least one year prior to the date of filing the application;
 - (2) Are 21 years of age or older;
 - (3) Does not have an arrest or conviction record subject to Sec. 111.321, 111.322 and 111.335, Wis. Stats.¹
- D.² Application. Application shall be made to the Village Clerk-Treasurer on the form provided. The form shall state the applicant's name, name of business and location, type of amusement, entertainment or sporting event. At the time the application is filed, the applicant shall pay the Clerk-Treasurer a deposit of \$100 that is nonrefundable. The application shall be referred to the Public Safety Committee who shall determine:

¹ Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. I).

² Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. I).

- (1) That the premises at the location requested will not be detrimental or endanger the public health and safety;
 - (2) That the premises will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;
 - (3) That the premises will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district;
 - (4) That adequate measures have been or will be taken to maintain good order surrounding the location. The Public Safety Committee shall then make a recommendation to the Village Board and a public hearing shall be held prior to the granting of the license.
 - (5) Upon approval of the application by the Village Board, the Clerk-Treasurer shall, upon payment of the required fee, issue the license to the applicant. Licenses shall be valid for one year from issuance and are nontransferable.
- E. Fee. The fee required to be paid in order to obtain a license for such a premise shall be \$500 per year. This fee shall cover costs related to licensing and shall include but not be limited to public hearings, committee meetings, inspection and law enforcement.³
- F. Bond. The applicant shall, in addition, post a surety bond with the Clerk-Treasurer in the sum of \$1,000 with surety to be approved by the Clerk-Treasurer provided that the aggregate liability of the surety for all losses shall in no event exceed the sum of the bond. The bond shall be forfeited on violation of disorderly conduct of individuals on premises.

§ 70-4. License conditions and restrictions.

In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in § 70-3C(3) above, the following conditions and restrictions shall apply to the issuance of licenses or permits pursuant to this section:

- A. The licensee shall comply with all applicable state, county and village laws, ordinances, rules and regulations.
- B. The licensee shall employ a sufficient number of personnel to ensure the orderly operation of such premises at all times.
- C. The licensee shall, at all times, ensure that the operation of such premises does not constitute a public nuisance as defined in § 191-2, or violate the orderly conduct ordinance, § 201-7, of the Municipal Code.
- D. Alcohol beverages shall not be allowed on the premises at any time.
- E. The licensee shall not allow or permit any intoxicated person or persons to enter or remain in these establishments.

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- F. No license shall be granted for operation on any premises upon which taxes or assessments are delinquent or other financial claims of the village are unpaid.
- G. Licenses or permits issued under this section shall be posted and displayed as provided in Sec. 125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his or her license or permit as therein required shall be presumed to be operating without a license.
- H. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer or other authorized officer of the village without any warrant and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall be deemed a violation of this section and a revocation of any license issued hereunder.
- I. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.
- J. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:
 - (1) The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the female's pubis, genitals and the buttocks at all times.
 - (2) The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubis area, genitals and buttocks at all times.

§ 70-5. Prohibited acts.

It shall be unlawful for any licensee to participate in any of the following:

- A. Book sales. The licensee shall not sell or offer for sale any book, magazine or other periodical which is distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- B. Mini motion pictures. The licensee shall not offer for viewing through coin-operated motion-picture devices any movie or other form of display which has significant displays of specified sexual activities, or specified anatomical areas.
- C. Cabarets. The licensee shall not feature or permit dancers, or other persons, to be engaged in specified sexual activities.

§ 70-6. Hours.

No premises for which a license has been issued shall be permitted to remain open to the public between the hours of 1:00 a.m. and 9:00 a.m., and during Daylight Savings Time between the hours of 2:00 a.m. and 9:00 a.m.

§ 70-7. Revocation.

The license of any premises shall be forfeited and revoked by the Village Board where the licensee permits disorderly or immoral conduct on the premises, or otherwise fails to comply with the requirements contained herein.

