

1988

1.02(1)

AN ORDINANCE OF THE TOWN OF PELICAN, WISCONSIN, PROHIBITING NUDE OR NEARLY NUDE ACTIVITIES IN ESTABLISHMENTS WITH A RETAIL CLASS "A" LIQUOR LICENSE AND/OR RETAIL CLASS "B" LIQUOR LICENSE AND/OR A CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE AND/OR A CLASS "B" FERMENTED MALT BEVERAGE RETAILER'S LICENSE, AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF, INCLUDING THE SUSPENSION OR REVOCATION OF THE SAID LICENSES AND THE REVOCATION OF THE ESTABLISHMENT'S OPERATOR'S LICENSE.

WHEREAS, the Town Board of the Town of Pelican, Wisconsin, determines such conduct or activities involving nude or nearly nude dancing as injurious to the citizens of the Town of Pelican, Wisconsin; and

WHEREAS, the Town Board of the Town of Pelican, Wisconsin, believe that this Ordinance is necessary:

1. To protect property values;
2. To prevent blight and the deterioration of the Town's neighborhoods;
3. To promote a climate conducive to the maintenance of residences and businesses to the Town's neighborhoods;
4. To enhance the quality of life within the Town.
5. To stabilize the Town's neighborhoods; and
6. To decrease the incidence of crime, disorderly conduct and juvenile delinquency; now, Therefore,

BE IT ORDAINED BY TOWN OF PELICAN, WISCONSIN:

1.02(2) DEFINITIONS

A. Business Establishments shall mean a business within the Town of Pelican, Wisconsin, where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail Class "A" liquor license and/or retail Class "B" liquor license and/or a Class "A" fermented malt beverage retailer's license and/or a Class "B" fermented malt beverage retailer's license that has been issued by the Town of Pelican, Wisconsin.

B. Licensee shall mean any person to whom a retail Class "A" liquor license and/or retail Class "B" liquor license and/or a Class "A" fermented malt beverage retailer's license and/or a Class "B" fermented malt beverage retailer's license has been issued by the Town of Pelican, Wisconsin, including the officers and agents of the licensee.

C. License shall mean a retail Class "A" liquor license and/or retail Class "B" liquor license and/or a Class "A" fermented malt beverage retailer's license and/or a Class "B" fermented malt beverage retailer's license issued by the Town of Pelican, Wisconsin.

D. Operator's License shall mean the operator's license issued for the business establishment pursuant to the Town of Pelican, Wisconsin, Licenses and Permits Ordinance.

E. Person shall mean a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

F. Premises shall mean the land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

G. Retail Licensee shall mean any licensee including its officer and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.

1.02(3)

It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such manner or attire as to expose to view portion of the breast referred to as the areola, nipple, or simulation thereof.

1.02(4)

A license or retail licensee is guilty of permitting nude or nearly nude activity when having control of the business establishment's premises which it knows or has reasonable cause to know, is being used by any person to appear on the premises in such manner or attire as to expose to view portions of the pubic area, anus, vulva or genitals, or any simulation thereof; or used by any female to appear on the premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof, it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

1.02(5)

A. Performing nude or nearly nude activities as set forth in 1.02(3) or permitting such activities as set forth in 1.02.(4) is a violation and punishment shall be fixed as set forth in Wis. Stat. 125.11.

B. The second violation of 1.02(3) or 1.02(4) above within a twelve-month period shall constitute a Class B Misdemeanor with punishment as set forth in Wis. Stat. 939.51.

C. Three or more violations of 1.02(3) or 1.02(4) within a twelve-month period shall constitute a Class A Misdemeanor with punishment as set forth in Wis. Stat. 939.51.

1.02(6)

A. In the event that a violation of 1.02(3) and/or 1.02(4) of this Ordinance occurs, the Town of Pelican Town Board shall forthwith institute proceedings in the manner and under the procedure established by Wis. Stat. 125.129 to determine whether the liquor license, at whose business establishment the activity prohibited by this Ordinance occurred, shall have his/or or its license suspended or revoked.

B. In the event three or more violations of 1.02(3) and/or 1.02(4) above occur at a business establishment within a twelve-month period, the Town Board, after a hearing, shall revoke the said retail drink license or retail cereal malt beverage liquor license or both.

1.02(7)

A. In the event that a violation of 1.02(3) or 1.02(4) occurs, the Town Chairman shall prefer charges against the retail license pursuant to the Town of Pelican Code of Ordinances, and after notice, a hearing, etc., held by the Town Board, the occupational license shall either be revoked or suspended.

B. In the event that three or more violations of 1.02(3) or 1.02(4) above occur at a business establishment within a twelve-month period, after notice and hearing, etc., pursuant to the Town of Pelican Code of Ordinances, the Town Board shall revoke the occupational license of the retail licensee.

1.02(8)

If any provision of this ordinance, or the application thereof, is held invalid, such invalidity shall not affect other provisions or other applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of the Ordinance are declared to be severable.

1.02(9)

This Ordinance shall be in full force and effect on
May 9-----, 1988.

Dated this 25 day of April-----, 1988.

Ludwig Strenz

Ludwig Strenz
Chairman, Town of Pelican

Kenneth Gardner

Kenneth Gardner
Clerk, Town of Pelican