

ORDINANCE # 43  
ADULT ENTERTAINMENT ORDINANCE  
STATE OF WISCONSIN

Town of Namakagon  
Bayfield County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Namakagon Adult Entertainment Ordinance. The purpose of this ordinance is to regulate for public health and safety reasons adult entertainment in the town.

SECTION II – AUTHORITY

The town board has the specific authority under ss. [29.038](#), [66.0407](#), [66.0413](#), [125.14](#), [169.01](#), and [175.25](#), and chapter 823, Wis. stats., and general authority under its village powers under s. [60.22](#), Wis. stats., to adopt this ordinance.

SECTION III - SUBDIVISION AND NUMBERING OF THIS  
ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION IV - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of where adult entertainment establishments are allowed in the Town of Namakagon.

## SECTION V – DEFINITIONS

- A. Adult Entertainment Establishment. Adults only entertainment establishment means an establishment which features services which constitute adult material, or exhibitions of persons totally nude or topless, bottomless, lap dancing, strippers, male or female, and similar entertainment which constitutes adult material.
- B. Adult Cabarets. A restaurant providing adult entertainment as a floor show.
- C. "Town" means the Town of Namakagon, Bayfield County, Wisconsin.
- D. "Town board" means the board of supervisors for the Town of Namakagon, Bayfield County, Wisconsin, and includes designees of the board authorized to act for the board, specifically including the town clerk and town chair.
- E. "Town chair" means the chairperson of the Town of Namakagon, Bayfield County, Wisconsin.
- F. "Town clerk" means the clerk of the Town of Namakagon, Bayfield County, Wisconsin.

## SECTION VI – PERMITTED USES

In addition to all other applicable requirements of this ordinance, all adult entertainment uses shall meet the following standards.

- A. No more than one adult entertainment uses defined herein may be established on any one parcel and any adult entertainment uses defined herein shall be at least 1000 feet from any other adult entertainment use. No adult entertainment use shall be permitted within property zoned residential or abutting any property that is zoned residential. An adult entertainment establishment also must be at least 1000 feet from any school, library, civic center, church, park, playground, or daycare facility.
- B. Signs advertising any adult entertainment uses defined herein shall conform with the Bayfield County Sign Ordinance and will not depict or describe "specified anatomical areas" or "specified sexual activities" and provided further that there shall be no flashing or traveling lights outside the building. (2)

- C. Adequate parking shall be provided and all shall be lighted.
- D. There shall be no display windows on the premises.
- E. The owner/or operator of the adult entertainment establishment shall comply with all federal, state, and local laws and ordinances including obscenity, liquor, and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- F. In the case of adult cabarets, the hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within the community.

## SECTION XII – ENFORCEMENT PROVISIONS

### A. Penalties.

1. 1st Offense. Any person who violates this ordinance shall, upon conviction, shall have there liquor license suspended for 6 months, a \$500 fine, and pay the costs of prosecution,

2. Second and Subsequent Offenses; Penalty. Any person guilty of violating this ordinance or any person who has previously been convicted of a violation of this ordinance shall, have the liquor license for the premises revoked for a period of 1 year and forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution.

## SECTION XIII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 16<sup>th</sup> day of June, 2015.

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Town Chairman

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Supervisor

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Town Clerk