ORDINANCE 155—VILLAGE OF STETSONVILLE

AN ORDINANCE PROHIBITING LIVE, TOTALLTY NUDE, NON-OBSCENE, EROTIC DANCING IN ESTABLISHMENTS LICENSE TO SELL ALCOHOL BEVERAGES AND CREATING AN EXCEPTION FROM SUCH PROHIBITION FOR THEATERS, CIVIC CENTERS, PERFORMING ARTS CENTER AND DINNER THEATERS WHERE LIVE DANCE, BALLET, MUSIC AND DRAMATIC PERFORMANCES OF SERIOUS ARTISTIC MERIT ARE OFFERED ON A REGULAR BASIS.

Whereas, The Board of the Village of Stetsonville has explicit authority under sec. 125.10(1) Stats, to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in ch. 125, Stats. and

Whereas, The Board of the Village of Stetsonville has authority under its general police powers set forth in Sec. 62.11(5) , Stats to act for the good order of the municipality and for health, safety and welfare of the public, and may carry out its powers by regulation and suppression, and

Whereas, The Board of the Village of Stetsonville recognizes it lacks authority to regulate obscenity in the light of sec. 66.051(3), Stats, and does not intend by adopting this ordinance to regulate obscenity, since nudity in an itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns, and

Whereas, Bars and taverns featuring totally live nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety and general welfare of citizen, and

Whereas, The Board of the Village of Stetsonville, recognizes the United States Supreme Court has the held that nude dancing is expressive conduct within the outer perimeters of the First Amendment of the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognized that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with the full protection of those rights, and

Whereas, However, the governing body is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the Village of Stetsonville, and

Whereas, Among the secondary effects are (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing (c) health risk associated with the spread of sexually transmitted diseases, and (d) the potential infiltration by organized crime for the purpose of unlawful conduct, and

Whereas, The governing body desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Village of Stetsonville, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight, and

Whereas, The governing body has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promote the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity.

Now, Therefore, the Board of the Village of Stetsonville do ordain as follows:

Section 1: **Nude dancing in Licensed Establishments Prohibited**
It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

(A) Show his or her genitals, pubic are, vulva, anus, and clef or cleavage with less than a fully opaque, covering, or
(B) Shows any portion of the female breast below a point of immediately above the top of the areola, or
(C) Shows the covered male genitals in a discernably turgid state.

Section 2: Exemptions
The provisions of this ordinance do not apply to the following establishments theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attractions is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

Section 3. Definitions
For purposes of this ordinance, the term “licensed establishment” means any establishment licensed by the Board of the Village of the Village of Stetsonville to sell alcohol beverages pursuant to ch 125, Stats. The term “licensee” means the holder of a retail “Class A”, “Class B”, Class “B”, Class “A”, or Class “C” license granted by the Board of the Village of Stetsonville pursuant to ch. 125, Stats.

Section 4. Penalties
Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to the a forfeiture of not less than $100, and not more than $500 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking, or non-renewing an alcohol beverage license under sec. 125.12 Stats.

Section 5. Severability
If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining of this remaining sections shall not be affected.

Section 6. Effective Date
This ordinance shall take effect upon passage and publication as required by law.

Vote taken and date: October 15, 1999
/s/ Randy Mayer, President

Attest: */s/ Luanne Olson,* Village Clerk