

**TOWN OF ATHELSTANE
ADULT ENTERTAINMENT
ORDINANCE #28**

SECTION 1 - PURPOSE

It is the purpose of this Ordinance to regulate adult oriented establishment businesses (hereafter referred to as adult oriented establishments) to promote the health, safety, morals and the general welfare of the citizens of the Town of Athelstane, 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.

SECTION 2 – AUTHORITY

The authority to adopt regulations for the sale of alcohol beverages in connection with adult entertainment taverns is as follows:

- (1) The town board has been granted explicit authority pursuant to Wis Stats 125.10(1) to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in Wis Stats Ch. 125;
- (2) Bars and taverns featuring live totally or partially 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 citizens;
- (3) The town board recognizes the US Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the town board further recognizes that freedom of speech is among our most precious and highly protected rights and wishes to act consistently with full protection of those rights.
- (4) However, the town board is aware, based on the experiences of other communities, that bars and taverns in which live, totally or partially nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the town;
- (5) Among these 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 totally or partially nude dancing exist;
 - c. Health risks associated with the spread of sexually transmitted diseases; and

- d. The potential for infiltration by organized crime for the purpose of unlawful conduct.
- (6) The town board desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the town; 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
- (7) The town board has determined that enactment of an ordinance providing for the issuance of licenses to adult entertainment taverns promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity.

SECTION 3 – DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult Entertainment means 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 entertainer means a person employed at an adult entertainment tavern to engage in a live presentation, or a live dance of any type, which have as their dominant theme, or are distinguished or characterized by an emphasis on, any actual or simulated “specified sexual activities” or “specified anatomical areas” as defined herein, or the removal or articles of clothing or appearing partially or totally nude.

Adult entertainment tavern means any establishment licensed to sell alcohol beverages by the town, and which is ever used for live presentations, or live dances of any type or are distinguished or characterized by an emphasis on, any actual or simulated “specified sexual activities” or “specified anatomical areas”, or the removal or articles of clothing or appearing partially or totally nude.

Church means a building, whether situated within the Town of Athelstane 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

(3) Is a member of and on the premises of an adult oriented establishment operating as a private club.

Employee means a person which performs any service on the premises of a sexually oriented business on a full-time, part-time, contract 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, wages or other compensation by the operator of said business. The term “employee” does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises nor does the term “employee” include a person exclusively on the premises as a patron or customer.

Harmful to Minors means any 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

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.

Licensed establishment means any establishment licensed by the town to sell alcohol beverages pursuant to Wis Stats ch 125.

Licensee means the holder of retail “Class A”, “Class B” or “Class C” license granted by the town pursuant to Wis Stats ch 125.

Manager means the person on the premises who is responsible for the control and management of the sexually oriented business.

Nudity means 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.

Patron means an individual who is present upon the premises of a sexually oriented business.

Premises means the real property upon which the sexually oriented business is located.

Residential means, 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. Premises which are 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, nursing homes and hospitals shall not be considered to be residential.

Sensitive Areas. Includes land which has been designated for park or recreational activities, including but not limited to: a park, playground, open space or similar public land within the Town which is under the control, operation, or management of the Town, county or state authorities

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.

SECTION 4 – LICENSES

- (a) *Alcohol beverage license required.* No person shall operate an adult entertainment tavern within the town without first obtaining the appropriate alcohol beverage license under Ordinance #7, License/Registration/Permit.
- (b) *Operator's license required.* There shall be on the premises of each licensed adult entertainment tavern at all times that the establishment is open to the public the licensee or a person who has a valid operator's license issued under Ordinance #7 License/Registration/Permit.
- (c) *Applicability of alcohol beverage license regulations.* In addition to requirements of this Ordinance persons operating adult entertainment taverns shall be subject to all applicable licensing and regulatory provisions of Ordinance #7 License/Registration/Permit.

Adult Oriented Establishment License Required.

- (a) No adult oriented establishment shall be operated or maintained within the Town of Athelstane without first obtaining a license to operate issued by the Town of Athelstane.
- (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 may be transferred to any person, partnership or corporation.

Application for License.

- (a) **License Procedure.** Any person, partnership or corporation desiring to secure an adult oriented establishment 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.

(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, addresses 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 this 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, except traffic offenses;
- (8) The address of the adult oriented establishment to be operated by the applicant;
- (9) Proof of right to occupy;
- (10) If the applicant is a corporation, the dated 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;
- (11) If the applicant is a partnership or joint venture or any other type of organization where two (2) or more persons have a 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;
- (12) All applications shall include a certified survey map prepared by a licensed surveyor which shows the required minimum distances from properties with protected uses;
- (13) 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;
- (14) A copy of all applications and supporting documentation for licensing shall be maintained in the Town Clerk's office;

- (15) 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 all activities being conducted therein;
- (16) 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;
- (17) Each application shall contain the following statements signed by 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. The applicant has read the provisions of this Ordinance.

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.

Standards for Issuance of a License.

(a) 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 III, Wis Stats, the applicant shall not have been convicted of 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;
- 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 Application for License.
- b Shall be at least eighteen (18) years of age;
- c. Subject to Chapter III, Wis. Stats., no officer, director, or other person shall have been convicted of 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;

(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 III, Wis. Stats., no person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of 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.

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 Ordinance within five (5) years immediately preceding the date of the application.

(b) 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.

(c) 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.

(d) 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 sexually oriented businesses within one thousand (1,000) feet of the property proposed to be licensed, and the property lines of any sensitive area within one thousand (1,000) feet of the property proposed to be licensed. Measurements shall be from the closest exterior wall of the structure of the business to the nearest property line of sensitive areas.

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.

Approval or Renewal of License or Permit.

(a) 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 application is granted or denied or whether the application period is being extended for another sixty (60) day period.

(b) Renewals.

(1) Every license issued pursuant to this Ordinance shall be valid for one (1) year, 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) The license fee of One thousand dollars (\$1,000.00) shall be submitted with the renewal application. 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.

Denial of Application.

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.

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 for 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 Ordinance 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 undefaced 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) 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.

(k) 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 Section 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.

(l) The operator shall comply with building capacity limits as set by the Fire Department and state regulations are complied with at all times.

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

(n) 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.

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

(p) 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.

Prohibitions Applicable to Premises Holding Alcohol Beverage Licenses.

(a) It shall be unlawful for any owner or operator of premises holding a "Class A", "Class B" or "Class C" Alcohol Beverage license to permit any person to expose to public view on the licensed premises any specified anatomical area 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 licenses issued by the Town to the licensee.

Sexually Explicit Live Adult Entertainment.

(a) This Ordinance 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.

(b) No person shall open premises to the public offering live performances by persons appearing in a state displaying some 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 5 – REGULATIONS

Location.

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

a. Within one thousand (1,000) feet of an existing adult-oriented establishment

- b. Within one thousand (1,000) feet of any premises of a licensee of a Class “B” Fermented Malt Beverage Retailer’s License or “Class B” Liquor License.
 - c. Within one thousand (1,000) feet of a “sensitive area” as defined in Section Three (3).
 - d. Within one thousand (1,000) feet of an area predominantly used for residential purposes or within one thousand (1,000) feet of a church. No building 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 Section, distance are to be measured in a straight line, without regard to intervening structures or objects, from the property line of adult-oriented establishment to the nearest property line of another adult-oriented establishment, sensitive area 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.

Physical contact with Patrons.

No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises of a sexually oriented business during any performance. To prevent actual physical contact between the entertainer and any other person, employee or patron, all performances shall only occur on a stage or on a table that is elevated at least eighteen (18) inches above the immediate floor level and shall not be less than five (5) feet from any area occupied by any patron. Patrons shall not have any physical contact with and shall not be less than five (5) feet from any entertainer during any performance, including but not limited to, during the payment of a tip or gratuity.

Limitations on Performances.

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:

- 1. Shows his or her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or
- 2. Shows any portion of female breast below a point immediately above the top of the areola; or
- 3. Shows the male genitals in a discernible turgid state.

Entrance Attendant.

It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times when dancers are performing. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendants asked for and were furnished:

- 1. A valid operator’s, commercial operator’s or chauffeur’s driver’s license; or
- 2. Personal identification card issued by the state reflecting that such person is eighteen (18) years of age or older.

Permitting Ordinance Violation.

No person shall cause another to commit a violation of this Ordinance, nor shall any person permit such a violation to occur on any premises under his control, tenancy, management or ownership.

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 or 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 minors, possession or promotion of child pornography;
- d. Criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses;
- 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 driver's 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 current 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.

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

SECTION 6 – PENALTIES

Unless a specific penalty is provided for elsewhere in this Ordinance and in addition to all other remedies available to the Town of Athelstane 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 an initial forfeiture of Five Hundred Dollars 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) In addition to the above forfeitures, violators shall pay all costs of prosecution and any state penalty assessments

SEVERABILITY

In the event that any section or sections herein shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the others sections of this Ordinance and the remainder of said Ordinance shall remain in effect.

This ordinance adopted by the Tow Board of the Town of Athelstane on this 11th day of October, 2016.

The Town Board of Athelstane

By: _____ Attest _____
John Dobratz - Chairman Janice DuChateau - Clerk

Harold Tesch Jr - Supervisor

David Jose - Supervisor