# CHAPTER 16: REGULATION OF ADULT-ORIENTED ESTABLISHMENTS (11/10/2026)


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**16.01 DEFINITIONS**

(1) ADULT BOOKSTORE. An establishment that has a facility or facilities including but not limited to booths, cubicles, rooms, or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.

(2) ADULT ENTERTAINMENT. Any exhibition of any motion picture, live performance, display, or dance of any type which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.

(3) ADULT MOTION PICTURE THEATER. An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.

(4) ADULT-ORIENTED ESTABLISHMENT. Any premises including, without limitation, "adult bookstores" or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-oriented Establishment" further includes without limitation any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

(5) BOOTHS/CUBICLES/ROOMS/COMPARTMENTS/STALLS. Enclosures that are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures where the entertainment is dispensed for a fee but a fee is not charged for mere access to the enclosure. However, "booth," "cubicle," "room," "compartment," or "stall" does not mean such enclosures that are private offices used by the owners, managers, or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any person other than employees, nor shall this definition apply to hotels, motels, or other similar establishments licensed by the State of Wisconsin pursuant to Wisconsin law.

(6) OPERATORS. Any person, partnership, or corporation operating, conducting, maintaining, or owning any adult-oriented establishment.

(7) SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely-covered human genitals, pubic region, buttocks, female breasts below the point immediately above the top of the areola; or, human male genitals in a discernible turgid state, even if opaquely covered.

(8) SPECIFIED SEXUAL ACTIVITIES. Simulated or actual:

(a) Showing of human genitals in a state of sexual stimulation or arousal;

(b) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus; or

(c) Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

**16.02 LICENSE**

(1) LICENSE. Except as provided below, from and after the effective date of this Ordinance, no adult-oriented establishment shall be operated or maintained in the Town of Rhine without first obtaining a license to operate issued by the Town Board. A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain location. Any person who desires to operate more than one (1) adult-oriented establishment must have a license for each. No license or interest in a license may be transferred to any person. All adult-oriented establishments existing at the time of the passage of this Ordinance must submit an application for a license within ninety (90) days of the passage of this Ordinance. A license fee of One Thousand Dollars ($1,000.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned. A license renewal fee of One Thousand Dollars ($1,000.00) shall be submitted with the application for renewal. A license must be renewed every year.

(2) APPLICATION FOR LICENSE. Any person desiring to secure a license shall make application to the Town Clerk. The applicant for a license shall furnish the following information under oath:

(a) The name and address of the intended operator;

(b) The name and address of the owner of the premises if different from the operator;

(c) The name and address of the adult-oriented establishment to be operated by the applicant;

(d) Written proof that the individual is at least twenty-one (21) years of age;

(e) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent(s), and the name and address of all shareholders owning more than five percent (5%) of the stock in such corporation, and all officers and directors of the corporation;

(f) If the establishment is in operation, the date on which the owner acquired the establishment for which the license is sought, and the date on which the establishment began operations as an adult-oriented business at the location for which the license is sought;

(g) If the establishment is a corporation, a certified copy of the Articles of Incorporation and a certified copy of a Certificate of Good Standing disclosing that the corporation is authorized to transact business in the State of Wisconsin.

(h) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of a recorded deed.

(i) If the operator is not the fee owner of the tract of land, then the lease, purchase contract, purchase option contract, lease option contract, or other documents evidencing the legally-enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract of land for the establishment.

(j) The address and location of the adult-oriented establishment to be operated by the applicant is zoned for Business (B-1). If the address and location of the proposed adult-oriented establishment is located in any other zoning district other than B-1, an application for zoning change must be filed with the Town Clerk and approved by the Town Board prior to granting of license.

(3) ISSUANCE OF LICENSE. The Town shall approve the issuance of a license after a public hearing within forty-five (45) days after receipt of the application unless the Town finds one or more of the following to be true:

(a) The applicant is under twenty-one (21) years of age;

(b) The applicant or the applicant's spouse is overdue in the payment of Town taxes, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to an adult-oriented establishment.

(c) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application.

(d) The applicant is residing with a person who has been denied a license by the Town to operate an adult-oriented establishment within the preceding twelve (12) months.

(e) The premises to be used have not been approved by the Building Inspector, Fire Department, or any other local, state, or federal official as being in compliance with applicable laws, regulations, and ordinances.

(f) The fee required by this Ordinance has not been paid.

(g) Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult-oriented establishment.

(4) HEARING. The Town Board, before revoking or suspending any license, shall give the operator at least ten (10) days' written notice of the charges against him and the opportunity for a public hearing before the Town Board or its designated committee.

(5) TRANSFER. The transfer of a license or any interest therein shall automatically and immediately revoke the license.

(6) INSPECTION. Any applicant or licensee shall permit representatives of the County Sheriff's Department, County Health Department, Fire Department, Building Inspector, or other Town or State departments or agencies to inspect the premises of an adult-oriented establishment for the purpose of ensuring compliance with this Ordinance and all relevant State and federal laws.

**16.03 PHYSICAL LAYOUT AND OPERATION**

(1) EXTERIOR. It shall be unlawful for an owner or operator of an adult-oriented establishment:

(a) To allow the merchandise or activities of the establishment to be visible from a point outside the establishment;

(b) To allow the exterior portion of the adult-oriented establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner, except to the extent permitted by this Ordinance;

(c) To allow exterior portions of the establishment to be painted in a color, other than a single color, with a complementary color of trim;

(2) SIGNAGE. The operator shall comply with the Town's Sign Ordinance. In addition, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

(3) BOOTH/ROOM/CUBICLE. Any adult-oriented establishment having available for customers, patrons, or members in a booth, room, or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock, or other control-type devices;

(b) Every booth, room, or cubicle shall meet the following construction requirements:

1. Each booth, room, or cubicle shall be separated from adjacent booths, rooms, or cubicles and any nonpublic areas by a wall;

2. Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the same;

3. All walls shall be solid and without any openings, extended from floor to a height of not less than six (6) feet and be light-colored, nonabsorbent, smooth-textured, and easily cleanable;

4. The floor must be light-colored, nonabsorbent, smooth-textured, and easily cleanable;

5. The lighting level of each booth, room, or cubicle, when not in use, shall be a minimum of ten- (10-) foot candles at all times as measured from the floor.

(c) Only one (1) individual shall occupy a booth, room, or cubicle at any time. No occupants shall engage in any type of sexual activity, cause any bodily discharge, or litter while in the booth. No individual shall damage or deface any portion of the booth.

(4) RESPONSIBILITIES OF THE OPERATOR. 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.

(5) MINORS. It shall be unlawful to allow a person who is younger than twenty-one (21) years of age to enter or be on the premises of an adult-oriented establishment at any time that the establishment is open for business. The operator must ensure that an attendant is stationed at each public entrance at all times during regular business hours. The attendant shall prohibit any person under the age of twenty-one (21) from entering the establishment. It shall be presumed that an attendant knew a person was under the age of twenty-one (21) unless such attendant asked for and was furnished either a valid operator's driver's license or a valid personal identification certificate issued by a state reflecting that the person is twenty-one (21) years of age or older.

(6) HOURS. An adult-oriented establishment may remain open for business no longer than the hours from between 10:00 a.m. to 12 midnight, seven (7) days a week.

## 16.04 LOCATION RESTRICTIONS

No adult-oriented establishment shall be located within 1,000 feet of any of the following: *(Rev. 11/10/2026)*

(1) Church, synagogue, or regular place of religious worship;

(2) A public or private elementary or secondary school;

(3) A boundary of any residential district;

(4) A public park;

(5) A licensed daycare center; or

(6) Another adult-oriented establishment.

## 16.05 MEASUREMENT

For the purposes of this Ordinance, measurement shall be made in a straight line without regard to intervening structures or objects from the nearest portion of the building or structure used as part of the premises where an adult-oriented establishment is conducted to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district, or residential lot or licensed daycare center. The distance between any two (2) adult-oriented businesses shall be measured in a straight line without regard to intervening structures or objects from the closest exterior wall of the structure in which such business is located.

**16.06 NONCONFORMING USES**. Any business lawfully operating on the effective date of this Ordinance that is in violation of the locational or structural configuration requirements of this Ordinance shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period of not to exceed two (2) years unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a nonconforming use. The nonconforming use is required to submit an application for a permit and otherwise comply with the requirements of this Ordinance.

## 16.07 MISCELLANEOUS

(1) PENALTIES. Any person who fails to comply with any provision of this Ordinance shall be subject to a forfeiture of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) and the costs of prosecution, including reasonable attorneys' fees, for each violation. Each day that a violation exists or continues shall constitute a separate offense.

(2) OTHER REMEDIES. In addition to other remedies, the Town reserves the right to institute appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this Ordinance or to prevent any illegal act, conduct, business, or use in or about the subject premises.

(3) INTERPRETATION. The provisions of this Ordinance are considered minimum requirements. Where the provisions of this Ordinance impose greater restrictions than any statute or other regulation, the provisions of this Ordinance shall apply. Where the provisions of any statute or other regulation impose greater restrictions, the provisions of the statute or regulation shall prevail.

(4) SEVERABILITY. If any provision of this Ordinance is declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance in its entirety or any part thereof other than that so declared to be invalid. The balance of the Ordinance not found invalid shall be enforced.

(5) RULES OF CONSTRUCTION. In the construction of this Ordinance, references to the male gender shall include the female and references to the singular shall include the plural. References to "person" or "persons" extends to natural persons, firms, corporations, partnerships, limited liability companies, or other entities.

**16.08 EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication or posting.