

CHAPTER 20
TOWN OF DECATUR
ADULT ENTERTAINMENT CONTROL ORDINANCE

SECTION 1: Title/Purpose:

This Ordinance shall be entitled "Town of Decatur Adult Entertainment Control Ordinance". The purpose of this ordinance is to regulate the placement and operation of facilities within the Town of Decatur to further peace and good order.

SECTION 2: Authority

The Town Board of the Town of Decatur has the specific authority, powers and duties, pursuant to Sec. 60.61, 60.62, 61.35, and 62.23 Wisconsin Statutes, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec 60.10 Wisconsin Statutes, to regulate, prohibit and restrict construction, alteration, erection and enlargement of certain structures and buildings in the Town of Decatur, and to regulate and control certain uses, activities, businesses and operations in the Town of Decatur.

SECTION 3: Adoption of Ordinance

The Town Board of the Town of Decatur has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the certain uses, activities, businesses and operations in the Town of Decatur.

SECTION 4: General Provisions

No person shall cause, allow or permit the operation of the below noted adult entertainment uses, activities, business or operations in the Town of Decatur without a license issued by the Town Board of the Town of Decatur:

- a. Outdoor movie theater
- b. Adult bookstore
- c. Adult Motion picture theater
- d. Cabaret
- e. Dance hall
- f. Taverns with a dance hall license
- g. Massage parlor
- h. Casino/gambling hall

These uses, activities, businesses or operations will be prohibited in all areas in the Town of Decatur within any area circumscribed by a circle which has a radius consisting of the following distances from the outer perimeter of the premises of where these uses, activities, businesses or operations are to occur:

- a. within one thousand (1000) feet of the outer perimeter of any residential property
- b. within one thousand (1000) feet of the outer perimeter of any school premises
- c. within one thousand (1000) feet of the outer perimeter of any church or religious institution premises
- d. within one thousand (1000) feet of the outer perimeter of any nursing home or day care center premises

- e. within one thousand (1000) feet of the outer perimeter of any public park
- f. within one thousand (1000) feet of the outer perimeter of any group home premises
- g. within one thousand (1000) feet of the outer perimeter of any hospital or clinic premises
- h. within one thousand (1000) feet of the outer perimeter of any residence except the residence of the owner or occupant of the above noted use, activity, business or operation
- i. within one thousand (1000) feet of the outer perimeter of any other of the above noted uses, activities, businesses or operations

No person shall cause, allow or permit the operation of any of the above listed adult entertainment uses, activities, businesses or operations in the Town of Decatur without provisions established for adequate off street vehicle parking for customers.

No person shall cause, allow or permit the operation of adult entertainment uses, activities, businesses or operations within the Town of Decatur unless the following provisions have been made:

- a. No clear glass or transparent tinted glass shall exist within or on the building's exterior that would allow a casual traveler or shopper to view the uses, activities, business venture or operation which occur therein.
- b. In the event only part of a building is utilized for adult entertainment purposes, that portion shall be separate from any other parts of the business open to the general public, requiring separation by opaque walls, doors, glass or a combination of any such materials, and a sign in the general public portion shall identify the adult entertainment area.
- c. Every location subject to this adult entertainment ordinance shall have sign(s) on the building exterior stating the same, either attached to the building or painted or affixed thereon, either upon or immediately adjacent to any doorway allowing public access.
- d. Without a specific permit issued by the Town Board of the Town of Decatur to the contrary, no adult entertainment center shall admit an individual under the age of eighteen (18) years of age to an area subject to these restrictions.
- e. No adult entertainment center shall leave exposed to the general public any display, photograph, magazine, film, video or audio tape, recording or other device that is properly within the adult entertainment subject matter unless it is within the enclosed, signed area as set forth herein.

SECTION 5: License

No person shall cause, allow or permit the operation of any of the above noted uses, activities, businesses or operations without first being granted a license by the Town Board

of the Town of Decatur. Application for such license shall be to the Town Board of the Town of Decatur and must be in writing and include:

- a. Name, address and phone numbers of individual, partnership, corporation and/or Limited Liability Company responsible for the ownership and/ or operation of the premises.
- b. Complete list of all officers, directors and agents of any partnership, corporation and/or limited Liability Company involved in any way with the ownership and/or operation of the premises.
- c. The name to be, the address and phone number to be used for the premises.

The Town Board of the Town of Decatur will review the application and may request any further information they feel necessary to consider in the issuance of said license.

Licenses shall be good for one year, from July 1 through June 30, and application for renewal must be received and approved by the Town Board of the Town of Decatur prior to the end of the licensing year. Renewal may be denied if any of the provisions of this ordinance are not adhered to, any county, state, or federal regulations are not adhered to, or for any other reason deemed pertinent by the Town Board of the Town of Decatur including but not limited to the effects the adult entertainment establishment has on the community and/or the vicinity surrounding the premises.

The yearly fee for the license shall be an amount set by the Town Board of the Town of Decatur and shall be paid to the Town Treasurer prior to the issuance of the license for each year.

SECTION 6: Effective Date

This ordinance shall take effect immediately upon passage and publication as provided by law.

Adopted this 17th day of January, 2017

By the Town Board of the Town of Decatur

Allen Schneider, Town Chairperson

Ronald L. Schwartzlow, 1st Supervisor

Robert A. Gadow, 2nd Supervisor

Attested by:

Ann L. Schwartz, Clerk/Treasurer