

**TOWN OF CEDARBURG
ORDINANCE NO. 2013-11**

**An Ordinance to Amend Chapter 175, including Sections 175-14 K, L and M regarding
the regulation of intoxicating beverage of the Town of Cedarburg Code of Ordinances,
Ozaukee County, Wisconsin,**

WHEREAS, The Town of Cedarburg is a body corporate and politic;

WHEREAS, the Town Board has adopted Chapter 195 regarding Adult-Oriented Establishments which prohibit adult oriented businesses to serve, sell, use, possess, provide or consume alcoholic beverages, and

WHEREAS, the Town of Cedarburg regulates intoxicating beverage licenses under Chapter 175 of the Town Code;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 175, specifically Sections 175-14 K, L and M, of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

(The text modified with a strikethrough shall be deleted).

(The text modified with an underline shall be added).

§ 175-14 Conditions of License. All retail Class "A," Class "B," "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this article, and subject to all other ordinances and regulations of the Town applicable thereto:

(Note: Subsections 175-14. A. – J. remain unchanged).

K. Improper exhibitions. It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in, any live act, demonstration, dance or exhibition on the licensed premises which:

(1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

(2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

(3) Exposes any portion of the female breast at or below the areola thereof; ~~or~~

(4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals; or

(5) Violates Chapter 195, which pursuant to Town Code Sec. 195-19. D. prohibits adult-oriented businesses from serving, selling, using, possessing, providing or consuming any intoxicating liquor, malt beverage or any other alcoholic beverage.

L. Improper conduct. No person possessing a Class "B" fermented malt beverage retailer's license or a "Class B" intoxicating liquor retailer's license, personally or through his employee, shall permit or engage in the following conduct on licensed premises, and no entertainer or employee shall engage in the following conduct on said licensed premises:

(1) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or sexual acts which are prohibited by law-;

(2) The actual or simulated touching, caressing or fondling on the breast, buttocks, anus, vulva or genitals- ;

(3) The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva or genitals-;

(4) The showing of films or slides depicting any of the acts which are prohibited by the regulations stated above-; or

(5) Violates Chapter 195, which pursuant to Town Code Sec. 195-19. D. prohibits adult-oriented businesses from serving, selling, using, possessing, providing or consuming any intoxicating liquor, malt beverage or any other alcoholic beverage.

M. Certain performances and costumes prohibited. No licensee, either personally or through his agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are employed by the licensee or through his agent or not, and no entertainer or employee shall furnish any entertainment or perform any act, stunt or dance unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises:

(1) That portion of every costume to be worn by dances, performers or entertainers covered by the provisions of this subsection and which relates to the breast or chest area and/or to the area of the sex organs and buttocks shall be of nontransparent material- ;

(2) The top portion of the costume worn by the female dancer, performer or entertainer or a female impersonator shall be so conformed, fabricated and affixed to the body so as to keep the areola of the breast completely covered at all times- ;

(3) The lower portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic hair and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this subsection- ;

(4) The lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic hair, sex organs and the cleavage of the buttocks at all times-; or

(5) Violates Chapter 195, which pursuant to Town Code Sec. 195-19. D. prohibits adult-oriented businesses from serving, selling, using, possessing, providing or consuming any intoxicating liquor, malt beverage or any other alcoholic beverage.

(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 7th day of August, 2013.


David M. Valentine
Town Chairman


Debra Otto
Town Clerk