

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 32, ADULT ENTERTAINMENT  
TABLE OF CONTENTS**

<b>SECTION</b>	<b>TITLE</b>	<b>PAGE</b>
32.01	GENERALLY .....	1
32.02	LICENSING PROVISIONS .....	10
32.03	REGULATORY PROVISIONS .....	18
32.04	ENFORCEMENT .....	22

## CHAPTER 32

### ADULT ENTERTAINMENT

**32.01 GENERALLY.** (1) TITLE. This article shall be known and may be cited as the “Adult Entertainment Ordinance”.

- (2) AUTHORITY. This article is enacted pursuant to the City of Platteville (hereinafter “City”) home rule power, in the interest of the public health, peace, safety, morals and general welfare of the people of the City; and the authority of the City to regulate the sale and consumption of alcoholic beverages under the Twenty-first Amendment to the Constitution of the United States and chapter 125 of the Wisconsin Statutes.
- (3) JURISDICTION. This ordinance shall be effective throughout the City.
- (4) FINDINGS OF FACTS. Based on information and belief, the City of Platteville hereby finds:
- (a) Establishments exist or may exist within the City where books, magazines, motion pictures, video tapes, prints, photographs, periodicals, records, novelties and/or devices which depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold, leased or rented.
- (b) Establishments exist or may exist within the City:
1. Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
  2. Where dancers, entertainers, performers or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical areas; or
  3. Where lap dancing occurs.
- (c) The activities described in subsections (a) and (b) occur at establishments for the purpose of making a profit, and, as such, are subject to regulation by the City in the interest of the health, safety, morals and general welfare of the people of the City.

## CHAPTER 32 Adult Entertainment

- (d) The competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce and total community environment in the City.
- (e) The commercial exploitation of nudity and semi-nudity consists of the use of nude and semi-nude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in or promoting the nude or semi-nude entertainment in exchange for or as consideration for nude or semi-nude performance by such individuals.
- (f) The commercial exploitation of nude and semi-nude acts, exhibitions and nude entertainment frequently occurs at commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.
- (g) There is a direct relationship between the consumption of alcoholic beverages and the nude and semi-nude activities mentioned above and an increase in criminal activities, moral degradation and the disturbances of the peace and the good order of the community. The concurrences of these activities are hazardous to the health and the safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.
- (h) The combination of the sale and consumption of alcoholic beverages with the performance of nude and semi-nude acts, exhibitions and entertainment is adverse to the public's interest and the quality of life, tone of commerce and total community environment in the City.
- (i) In order to promote and preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and the citizens thereof, it is necessary and advisable for the City to prohibit certain forms of nude and semi-nude acts, exhibitions, entertainment and commercial establishments at which alcoholic beverages are, or are available to be, sold or consumed.
- (j) In order to preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators and persons on the premises of the commercial establishment subject hereto.
- (k) There is a direct relationship between the display or depiction of specified anatomical areas in subsection (b) 2 and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community and the concurrences of these activities is hazardous to the

health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce and total community environment in the City.

- (l) When the activities described in subsections (a) and (b) are presented in establishments within the City, other activities which are illegal, immoral or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include but are not limited to prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances and violent crimes against persons and property.
- (m) When the activities described in subsections (a) and (b) are present in establishments within the City, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere which promotes crime, particularly the kinds detailed in subsection (g) and ultimately lead residents and businesses to move to other locations.
- (n) Physical contact within establishments at which the activities described in subsections (a) and (b) occur between employees exhibiting specified anatomical areas and customers poses a threat to the health of both and may lead to the spread of communicable and social diseases.
- (o) In order to preserve and safeguard the health, safety, morals and general welfare of the people of the City, it is necessary and advisable for the City to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers and customers at establishments where the activities described in subsections (a) and (b) occur.
- (p) The potential dangers to the health, safety, morals and general welfare of the people of the City from the activities described in subsections (a) and (b) occurring at establishments without first obtaining a license under this article are so great as to require the licensure of such establishments prior to their being permitted to operate.
- (q) "Lap dancing" does not contain any element of communication and is therefore conduct rather than expression.
- (r) "Lap dancing" in establishments poses a threat to the health and safety of the participants and promotes the spread of communicable and social diseases.

## CHAPTER 32 Adult Entertainment

- (s) The Common Council finds that sexually oriented business is frequently used for unlawful and unhealthy sexual activities, including prostitution and sexual liaison of a casual nature.
  - (t) The concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulations of sexually oriented businesses in order to protect the health and well-being of the citizens.
  - (u) Licensing is a legitimate reasonable means of accountability to ensure that operators of sexually oriented businesses comply with the reasonable regulations within this article and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- (5) **RULES OF CONSTRUCTION.** This article shall be liberally construed to accomplish its purpose of licensing, regulating and dispersing adult entertainment establishments. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the other provisions of same. The sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and not affect the validity of all other provisions, sections or portions thereof of the ordinance which shall remain in full force and effect.
- (6) **PURPOSE.** It is the intent of the Common Council in adopting this article to establish reasonable and uniform regulations that will reduce the adverse secondary effects adult entertainment establishments have upon the residents of the City and protect the health, safety, morals and general welfare of the people of the City.
- (7) **DEFINITIONS.** In this article, unless the context suggests otherwise, the following terms are defined:
- (a) *Adult arcade:* Any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this article, "Adult arcade" is included within the definition of "adult theater".
  - (b) *Adult bookstore/adult video store:* An establishment which sells or offers adult material for sale or rent for commercial gain; unless the establishment demonstrates either:
    - 1. The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than

forty (40) percent of the gross income from the sale or rental of goods or services at the establishment; or

2. The individual items of adult material offered for sale or rental comprise less than ten (10) percent of the individual items, as stock-in-trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.

(c) *Adult booth:* A small enclosed or partitioned area inside an adult entertainment establishment which is:

1. Designed or used for the viewing of adult material by one (1) or more persons; and
2. Is accessible to any person, regardless of whether a fee is charged for access.

The term “adult booth” includes but is not limited to a “peep show” booth, or other booth used to view “adult material”. The term “adult booth” does not include a foyer through which any person can enter or exit the establishment, or a restroom.

(d) *Adult dancing establishment:* An establishment where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.

(e) *Adult entertainment establishment:* Any adult arcade, adult theater, adult bookstore/adult video store, adult motel or adult dancing establishment; or any other establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to massage establishments, tanning salons, modeling studios, or lingerie studios.

1. Excluded from this definition are any educational institutions where the exposure of specified anatomical areas is associated with a curriculum or program.
2. An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.

(f) *Adult material:* Any one (1) or more of the following, regardless of whether it is new or used:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or

devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

2. Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- (g) *Adult motel*: Any hotel, motel, boardinghouse, rooming house or other place of temporary lodging which includes the word “adult” in any name it uses or otherwise advertises the presentation of adult material. The term “adult motel” is included within the definition of “adult theater”.
- (h) *Adult theater*: An establishment operated for commercial gain which consists of an enclosed building or a portion or part thereof or an open-air area used for viewing of adult material. “Adult motels”, “adult arcade”, “adult booth” and “adult motion picture theater” are included within the definition of “adult theater”. An establishment which has “adult booths” is considered to be an “adult theater”.
- (i) *Adult video store*: See “Adult bookstore”.
- (j) *Aids Information Sign*: A sign warning persons entering an adult entertainment establishment of the current danger of contracting AIDS, the nature of the danger, the means of transmission of AIDS and the procedures a reasonable person would follow to avoid contracting AIDS.
- (k) *Alcoholic beverage*: “Alcoholic beverage” shall be defined as set forth in Chapter 125, Wis. Stats.
1. It shall be prima facie evidence that a beverage is an alcoholic beverage if proof exists:
    - a. The beverage in question was or is known as whiskey, moonshine whiskey, shine, rum, gin, tequila, vodka, scotch, scotch whiskey, brandy, beer, malt liquor, or by any other similar name or names; or
    - b. The beverage was contained in a bottle or can labeled as any of the above names, or a name similar thereto, and the bottle or can bears the manufacturer’s insignia, name or trademark.
    - c. The sale of such beverages is subject to the requirements of Chapter 125, Wis. Statutes and/or Chapter 36 of the ordinances of the City of Platteville.

2. Any person who, by experience in the handling of alcoholic beverages, or who by taste, smell/or drinking of such alcoholic beverages has knowledge of the alcoholic nature thereof, may testify as to his opinion about whether such beverage is an alcoholic beverage.
- (l) *Common Council:* The Common Council of the City of Platteville, Grant County, Wisconsin.
  - (m) *Commercial gain:* Operated for pecuniary gain, which, for the purpose of this code, operation for commercial or pecuniary gain shall not depend on actual profit or loss.
  - (n) *Commercial establishment:* Any business, location or place which conducts or allows to be conducted on its premises any activity for commercial gain.
  - (o) *Conviction:* A determination of guilt resulting from plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended.
  - (p) *Department:* The fire department, police department and building inspector(s).
  - (q) *Educational institution:* A premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and/or courses of study required for accreditation by or membership in the State Department of Education of Wisconsin, the University of Wisconsin, or a member of an association of private colleges of the State of Wisconsin. The term “educational institution” includes a premises or site upon which there is a day care center, nursery school, kindergarten, elementary school, junior high school, senior high school; professional institution or an institution of higher education, including a community college, junior college, or four-year college or university; libraries, art galleries and museums open to the public; or any special institution of learning. However, the term “educational institution” does not include a premises or site upon which there is a vocational institution operated for commercial gain.
  - (r) *Employee:* Any person who works or performs in an adult entertainment establishment, irrespective of whether the person is paid a salary or wage by the owner or manager of the premises.
  - (s) *Establishment:* The site or premises on which the adult entertainment establishment is located, including the interior of the establishment, or portion thereof, upon which certain activities or operations are being conducted for commercial gain.



## CHAPTER 32 Adult Entertainment

- (t) *Inspector:* A respective employee of the City police department; City planning, zoning and building department; or officers of the City fire rescue department, who are authorized pursuant to this code to inspect licensed premises.
- (u) *Licensed premises:* See "Establishment".
- (v) *Licensee:* Any person whose application for an adult entertainment establishment has been granted and who totally or partially owns, operates or controls the establishment.
- (w) *Operator:* Any person who engages or participates in any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bouncer, bartender, dancer, disc jockey, sales clerk, ticket taker, movies projectionist or supervisor.
- (x) *Ordinance:* The adult entertainment ordinance.
- (y) *Person:* Includes, but is not limited to, an individual(s), firm(s), association(s), joint venture(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(s), corporation(s), and all other or any other similar entity.
- (z) *Principal stockholder:* Any person, as defined in subsection (7)(y) above, who owns or controls, legally or beneficially, ten (10) percent or more of a corporation's capital stock, and includes the officers and directors. If no stockholder of a corporation owns or controls, legally or beneficially, at least ten (10) percent of the capital stock, all stockholders shall be considered principal stockholders. And, if a corporation is registered with the Securities and Exchange Commission, or pursuant to Chapter 180, Wisconsin Statutes and its stock is for sale to the general public, it shall not be considered to have any principal stockholders.
- (aa) *Private performance:* The display or exposure of any specified anatomical area by an employee at an adult entertainment establishment to a person other than another employee while the person is in an area within the establishment not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons within the establishment.
- (bb) *Specified anatomical areas:* 1. Less than completely and opaquely covered:
  - a. Human genitals and public regions; or

- b. Cleavage of the human buttocks; or
  - c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola; this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (cc) *Specified sexual activities* means:
1. Human genitals in a state of sexual stimulation, arousal or tumescence; or
  2. Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
  3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
  4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 3.
- (dd) *Lap dance*, also known as a “straddle dance”, “face dance” or “flash dance”, means the use by an employee, whether clothed or partially or totally nude, of any part of his or her body to touch, massage, rub, stroke, caress, or fondle the genital or pubic area of a person while at the establishment, or the touching of the genital or pubic area of any employee by a person while at the establishment. It shall be a “lap dance” regardless of whether the “touch” or “touching” occurs while the employee is displaying or exposing any specified anatomical area. It shall also be a “lap dance” regardless of whether the “touch” or “touching” is direct or through a medium.
- (8) REGULATION OF OBSECEINITY SUBJECT TO STATE LAW. It is not the intent of the council to legislate with respect to matters of obscenity. These matters are regulated by state law.
  - (9) REGULATION OF MASSAGE ESTABLISHMENTS SUBJECT TO STATE LAW. It is not the intent of the council to legislate, limit or conflict with respect to matters of

## CHAPTER 32 Adult Entertainment

massage establishments which are or may be regulated by state law or state regulatory agency.

- (10) **ZONING ADMINISTRATION APPROVAL.** No application for a license as provided in section 32.02 of this ordinance shall be approved until the appropriate provisions of the municipal zoning ordinances have been complied with, the required zoning approval obtained and the respective zoning official officially notifies the Common Council of compliance.
- (11) **APPEALS.** In the event the notice of denial of an application for a license was grounded in whole or in part upon failure to comply with or satisfy all applicable zoning regulations, the aggrieved party shall first file an application with the zoning board of adjustment for a variance within thirty (30) days of the mailing of the notice of denial, receive a public hearing before the zoning Board of Appeals and obtain a final decision therefrom within one hundred twenty (120) days of the date of application denial. If the Board of Appeals grants the variance, the aggrieved party shall notify the Common Council of the variance within thirty (30) days of the grant of the variance.
- (12) **NOTICE.** Except as otherwise provided, any notice required under this ordinance shall be accomplished by sending a written notification by certified mail, return receipt requested, to the mailing address set forth on the application for the license. This mailing address shall be considered the correct mailing address unless the City Clerk has been otherwise notified in writing by certified mail, return receipt requested, by the licensee of the new address. The licensee shall have the burden of proving the occupational licensing department received the new address.
- (13) **IMMUNITY FROM PROSECUTION.** The City or any department shall be immune from prosecution, civil or criminal, while acting within the scope of its authority under this ordinance, and shall have authority to enter any adult entertainment establishment at all reasonable times to inspect the premises and enforce this ordinance.
- (14) **POWERS OF COUNCIL.** The Common Council, through the City Attorney, may bring suit in the circuit court to restrain, enjoin or otherwise prevent the violation of sections 32.03 and 32.04 of this ordinance.

**32.02 LICENSING PROVISIONS.** (1) **ADULT ENTERTAINMENT LICENSE.** (a) No adult entertainment establishment shall be permitted to operate without first having been issued an adult entertainment license by the Common Council pursuant to this ordinance.

(b) Adult entertainment licenses referred to in this ordinance shall be licenses limited to the following classifications:

1. Adult bookstore/adult video store; or

## CHAPTER 32 Adult Entertainment

2. Adult theater (adult arcade, adult booth and adult motel are considered an adult theater); or
  3. Adult dancing establishment.
- (c) An adult entertainment license for a particular adult entertainment establishment shall be limited to one (1) classification of license.
- (d) An adult entertainment establishment may hold more than one (1) classification of adult entertainment license.
- (2) **ADMINISTRATION.** The ultimate responsibility for the administration of this ordinance is vested in the Common Council. Several departments have been delegated responsibility pursuant to the provisions outlined in this Ordinance:
- (a) Upon formal notification by the Common Council that a license shall be issued, granted, denied, renewed, suspended, revoked or canceled, the City Clerk shall then issue the official notice of the grant, denial revocation, renewal, suspension and cancellation of the license for existing or proposed adult entertainment establishments in the City.
  - (b) The Police Department is responsible for verifying information contained on an application for an adult entertainment license and for inspecting any proposed, licensed or nonlicensed establishment in the City in order to ascertain whether it is in compliance with applicable statutes and ordinances and for enforcing applicable statutes and ordinances, including those set forth in sections 32.02, 43.03 and 32.04 of this ordinance.
  - (c) The Police Department is responsible for the periodic inspections of licensed premises and any proposed establishment in order to ascertain whether it complies with or is complying with section 32.03 of this ordinance and all applicable ordinances, statutes, ordinances and regulations in effect in the City.
  - (d) The building inspector of the Community Planning and Development Department is responsible for inspecting any proposed establishment for which a license is being applied for in order to ascertain whether it complies with or is complying with section 32.03 of this ordinance and all applicable building ordinances, statutes, and regulations in effect in the city. The respective building official shall compare and certify that all aspects of the submitted floor plan, site plan and certified survey accurately depict the actual structure and comply with the provisions of this ordinance.
  - (e) The fire department is responsible for the inspection of licensed premises or any proposed establishment to ascertain whether it complies with or is

## CHAPTER 32 Adult Entertainment

complying with section 32.03 of this ordinance and all applicable fire ordinances, statutes, and regulations in effect in the City.

- (f) The zoning division of the Community Planning and Development Department is responsible for ascertaining whether a proposed establishment for which a license is being applied for complies with the applicable portions of section 32.03 of this ordinance, and all applicable zoning regulations and land use laws.
- (3) APPLICATION. (a) *Filing*. Any person desiring to operate an adult entertainment establishment shall file with the City Clerk a sworn license application on a standard application form supplied by the City Clerk.
- (b) *Contents*. The application shall contain the following information and shall be accompanied by the following documents:
1. If the application is:
    - a. An individual, his legal name, any aliases, and date of birth;
    - b. A partnership, the full and complete name of the partnership and the legal names of all partners, dates of birth, and all aliases used by all of the partners, whether the partnership is general or limited, and, if in existence, a copy of the partnership agreement; or
    - c. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth and all aliases used, the capacity of all officers, directors and principal stockholders, and, if applicable, the name of the registered corporate agent and the address of the registered office for service of process; and
  2. The application shall list the current local and legal domiciliary residential address of the principal stockholders of the corporation; for purposes of this subsection, principal stockholders are persons and not corporate or other legal entities; when the principal stockholder is a corporate or other legal entity, the application must trace back the ownership through any layers of corporate organization to the eventual principal stockholder who is a person; and
  3. If the applicant intends to conduct the establishment under a name other than that of the applicant, the applicant shall state the establishment's fictitious name and all legal names, dates of birth and all aliases used by all interested persons; and

## CHAPTER 32 Adult Entertainment

4. Whether preceding the day of the application, the applicant or any of the other individuals listed pursuant to subparagraph 1. Above, has an arrest or conviction record, or has habitually been a law offender or has been convicted of a felony, unless the person has been duly pardoned; and
5. Whether the applicant or any of the other individuals listed pursuant to subparagraph 1. Above has had a previous license under this ordinance suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this ordinance has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation; and
6. Whether the applicant or any other individuals listed pursuant to subparagraph 1. Above holds any other licenses under this ordinance and, if so, the names and locations of such other licensed establishments; and
7. The single classification of license for which the applicant is filing; and
8. The location of the proposed establishment, including a legal description of the property site, and a legal street address; and
9. The names of all employees only at time of renewal or initial licensing, dates of birth and aliases used for the proposed establishment, if known, or, if presently unknown a statement to that effect; and
10. The applicant's mailing address; and
11. A floor plan drawn to appropriate scale of the proposed establishment indicating, but not limited to:
  - a. All windows, all doors, all entrances and exits; and
  - b. All fixed structural interior features, including but not limited to doors, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters and similar structures; and
  - c. All proposed improvements or enlargements to be made, which shall be indicated and calculated in terms of percentage of increase in floor size; and

12. The petition number of the adopted zoning resolution approving the use, or the circumstances in support of a claim the use has a valid nonconforming status; and
  13. List the name and phone number of the person for the building division to contact to schedule the inspection; and
  14. List the phone number of the existing or proposed establishment; and
  15. A notarized, signed and sworn statement that the information within the application is truthful, independently verifiable and complete.
- (c) *Copies.* 1. In addition to the requirements of subsection (b) above, the applicant shall supply a minimum of six (6) copies of the application, or more as may be required, to the City Clerk.
2. An application shall not be considered complete until the application satisfies the requirements of subsection (b) and paragraph 1. above.
- (d) *Application fee.* Each application shall be accompanied by a nonrefundable fee in the amount as established from time to time by a resolution of the Common Council to defray the costs of processing and investigating of the application. If the application for a license is approved and a license is granted, half of the application fee shall be applied as a credit towards the annual license fee required for the first year pursuant to section 32.02(7)(e) of this ordinance.
- (4) INVESTIGATION OF APPLICATION. (a) Upon receipt of an application properly filed with the City Clerk and upon payment of the nonrefundable application fee, the City Clerk shall send the attached photocopies of the application to the police department, fire department and the appropriate building and zoning/planning officials. Each department shall promptly conduct an investigation of the applicant, application and the proposed establishment in accordance with its responsibilities outlined in section 32.03, and at the conclusion of the investigation shall date and sign the application.
- (b) A department shall indicate on an application if it finds that the proposed establishment will be in violation of any provision of section 32.03 of this ordinance, or of any building, fire, health or zoning statute, ordinance or regulation. If the application fails to satisfy this ordinance or any other ordinance, the department shall specifically state its reasons on a separate letter attached to the photocopy of the application and offer suggestions for correction.

CHAPTER 32 Adult Entertainment

- (5) REVIEW. (a) The departments shall conduct and complete an investigation of the application within fifty (50) days from receipt of the application. All communications regarding approval or denial shall be issued by and through the City Clerk. Any statements issued directly or independently by the review departments shall not be deemed to create a reliance or estoppel situation as to the provisions of this ordinance.
- (b) The Common Council shall issue or deny an application for an adult entertainment license within seventy-five (75) days from the date of the receipt of a complete application. The date of the proper filing of the application shall be the date the applicant furnishes the fully completed and sworn application and the required number of copies. The Common Council may in appropriate cases, conditionally approve an application, subject to the applicant taking whatever remedial measures are necessary to comply with this ordinance within a time period specified, and may direct the issuance of the license at such time as the applicant complies with the conditions imposed.
- (c) If the Common Council approves the application and directs the issuance of the license, the City Clerk shall notify the applicant and issue the license to the applicant upon payment of the appropriate annual license fee provided in section 32.02(7)(e), with credit as provided herein.
- (d) The Common Council may deny the application if:
1. The application violates or fails to meet the provisions of this ordinance;
  2. The application contains material false information;
  3. The applicant or any of the other individuals listed pursuant to section 32.02(3) has a license under this ordinance which has been suspended or revoked; or
  4. The granting of the application would violate a statute or ordinance, or an order from a court of law which effectively prohibits the applicant from obtaining an adult entertainment license.
  5. The applicant or any of the other individuals required to be listed, has an arrest or conviction record, or has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned, subject to the provisions of Wisconsin Statutes Sections 111.321, 111.322 and 111.335.
- (6) ESTABLISHMENT EXISTING ON EFFECTIVE DATE. (a) Operators of adult entertainment establishments existing and operating on the effective date of this



## CHAPTER 32 Adult Entertainment

article shall make an application for license hereunder, complete with all required information and the required number of copies, within sixty (60) days of the effective date. After completion of the application, the establishment shall be permitted to operate until November 1, 1990, pending issuance of the license or until the application for license is denied, whichever comes first.

- (b) Notwithstanding subsection (a) above, every adult theater in existence at the effective date of this article shall comply with the structure requirements in section 32.03 prior to May 1, 1991.
  - (c) Notwithstanding subsection (a) above, every adult dancing establishment in existence at the effective date of this article shall comply with the structure requirements in section 32.03 prior to May 1, 1991.
  - (d) Except as stated above, every existing adult entertainment establishment must satisfy all requirements of this ordinance prior to the issuance of the license, particularly the general requirements of section 32.03.
  - (e) If an application for license is denied, the operation of an existing adult entertainment establishment shall cease within ten (10) business days of receipt of notice. Operation without a valid license is subject to the provisions of section 32.04.
  - (f) If an operator of an existing and operating adult entertainment establishment at the effective date of this article fails to receive an adult entertainment license pursuant to this ordinance by November 1, 1990, operation of the establishment shall cease. Operation without a license after November 1, 1990, is subject to the provisions of section 32.04.
  - (g) Every existing adult entertainment establishment shall present proof of its compliance or of its legal nonconforming zoning status to the zoning division prior to issuance of the license.
  - (h) Any conviction for violation of this ordinance, including but not limited to violations which occur between the effective date and when the existing establishments obtain an adult entertainment license, as outlined in subsection (a) of this section, shall be considered and applied to the suspension provisions outlined in section 32.04.
  - (i) Except for the above provisions, all other provisions of this ordinance shall apply to such licensees.
- (7) LICENSE. (a) *Contents.* An adult entertainment license shall state on its face the name of the licensee, the business, local residential and legal domiciliary residential address of the licensee, the name of the establishment, the street address of the

establishment, the classification(s) of the license, the date of application, the application number, the date of license issuance, and the date of license expiration.

- (b) *Term.* All licenses issued under this ordinance shall be annual licenses which shall commence running on November 1, on which date they shall have been paid for and shall expire on October 31 of the following year. If a license is issued after November 1, but by the last day of April, of the following year, the applicant shall pay the prorated license fee. If a license is issued after April 30, but by October 31 of the following year, the applicant shall pay one-half the appropriate license fee.
- (c) *Renewal.* Licenses shall be entitled to renewal annually subject to the provisions of this ordinance. Prior to the October 31 expiration date, the annual license may be renewed by presenting the license for the previous year and by paying the appropriate license fee.
- (d) *Expiration.* A license shall expire for failure to obtain in hand a renewal pursuant to this ordinance by November 1. An expired license may be renewed by:
  - 1. Presentment of an affidavit stating that the establishment has not been operated as an adult entertainment establishment subsequent to expiration;
  - 2. The payment of the appropriate license fee; and
  - 3. Payment of a penalty of ten (10) percent of the appropriate license fee for the month of November and if renewed after November 30, an additional penalty of five (5) percent of the appropriate license fee for the month of December, and each successive month.
- (e) *Annual license fees.* The annual license fees under this ordinance for an adult entertainment establishment shall be in an amount as included in the fee schedule established from time to time by a resolution of the Common Council.
  - 1. The annual license fees collected under this ordinance are declared to be regulatory fees which are collected for the purpose of examination and periodic inspection of adult entertainment establishments pursuant to this ordinance and the administration thereof.
  - 2. The fees shall be based upon the information contained in the license application, subject to verification, by inspection, of the several departments delegated responsibility pursuant to section 32.02(2).

CHAPTER 32 Adult Entertainment

9. The fee schedule may be revised pursuant to resolution adopted by the Common Council when necessary to ensure the fees cover the costs of administering and enforcing this article.
- (f) *Distribution of fees.*
1. The City Clerk shall be responsible for the collection of the application and annual license fees pursuant to this ordinance.
  2. The distribution of the application fees to the various departments to defray costs of the implementation of this article shall be made pursuant to resolution adopted by the Common Council. The distribution may be revised by resolution when necessary to ensure the distribution of fees covers the costs of the respective departments for the application procedures.
  3. The distribution of the annual license fees shall be made pursuant to resolution adopted by the Common Council. The distribution may be revised by resolution when necessary to ensure the distribution of fees covers the costs of the respective departments for the implementation, enforcement and compliance review of the regulations of this ordinance.
- (8) **TRANSFER OF LICENSE.** (a) A licensee shall not transfer his license to another person, or thereby surrender possession, control and operation of the licensed establishment to such other person.
- (b) A licensee shall not transfer his license to another location.
- (c) Any attempted transfer of a license either directly or indirectly in violation of this section is hereby declared void and the license shall be deemed abandoned and the license shall be forfeited.
- (9) **CHANGED NAME.** No licensee may change the name of an adult entertainment establishment unless and until he satisfies each of the following requirements:
- (a) Gives the City Clerk thirty (30) days' notice in writing of the proposed name change;
  - (b) Pays the City Clerk a change-of-name fee in the amount as established from time to time by a resolution of the Common Council.

**32.03 REGULATORY PROVISIONS. (1) GENERAL REQUIREMENTS.** (a) Each adult entertainment establishment shall, regardless of whether it is licensed, observe the following general requirements:

## CHAPTER 32 Adult Entertainment

1. Conform to all applicable building statutes, ordinances, and regulations, whether federal, state or local; and
  2. Conform to all applicable fire statutes, ordinances, and regulations, whether federal, state or local; and
  3. Conform to all applicable health statutes, ordinances, and regulations, whether federal, state or local; and
  4. Conform to all applicable zoning regulations and land use laws, whether state or local; and
  5. Keep the adult entertainment license posted in a conspicuous place at the establishment at all times, which license shall be available for inspection upon request at all times by the public; and
  6. Opaquely cover each non-opaque area through which a person outside the establishment may otherwise see inside the establishment, except as otherwise provided by law.
- (b) This ordinance, particularly the enforcement provisions, shall not be construed to supersede the other powers and duties of the departments listed in section 32.02(2). The independent powers of the departments, shall not be limited by this ordinance.
- (2) SUPPLEMENTARY REQUIREMENTS. (a) *Adult theater*. In addition to the general requirements for an adult entertainment establishment, an adult theater shall, regardless of whether it is licensed, observe the following special requirements:
1. If the adult theater contains a hall or auditorium area, the area shall comply with each of the following provisions:
    - a. Have individual or separate seats, not couches, benches, beds or the like, to accommodate the maximum number of persons who may occupy the area; and
    - b. Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
    - c. Have a sign posted in a conspicuous place at or near each entrance way to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area; and

- d. Post an AIDS information sign on the side of the door which opens and allows patrons to enter the theater.
    - e. Provide and display to the public, at a place near the main entrance of the establishment, information, brochures or pamphlets available from the Grant County Health Department that deal with AIDS or communicable diseases.
  2. If the adult theater contains adult booths, each adult booth shall comply with each of the following provisions:
    - a. Have a sign posted in a conspicuous place at or near the entrance way which states that only one (1) person may occupy the booth; and
    - b. Have a permanently open entrance way for each booth not less than three (3) feet two (2) inches wide and not less than seven (7) feet high, which will never be closed or partially closed by any curtain, door or other partition which would be capable of wholly or partially obscuring any person situated in the booth; no curtains, doors or other partitions shall be affixed, attached or connected to the permanently open entrance way of any booth; and
    - c. Have one (1) individual seat, not a couch, bench or the like; and
    - d. Have a continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times; and
    - e. Have, except for the open entrance way for each, for each booth walls or partitions of solid construction without any holes or openings in such walls or partitions; and
    - f. Post an AIDS information sign at the open entrance way to the adult booths; and
    - g. Provide and display to the public, at a place near the main entrance of the establishment, information, brochures or pamphlets available from the Grant County Health Department that deal with AIDS or communicable diseases.
  3. If the adult theater is designed to permit outdoor viewing by a person(s) seated in automobiles, it shall have the motion picture

screen so situated and the perimeter of the establishment so fenced or screened, that the adult material to be seen by those persons may not be seen from any public right-of-way or from surrounding properties.

(b) *Adult dancing establishment.* In addition to the general requirements for an adult entertainment establishment contained in sections 32.03(1) and 32.03(3), an adult dancing establishment shall, regardless of whether it is licensed, observe the following special requirements:

1. In adult entertainment establishments which do not sell, serve or allow the consumption of alcoholic beverages, the exposure by any employee of human genitals, pubic region or cleavage of the human buttocks, or any other specified anatomical area defined in section 32.01(7)(bb) or any simulation thereof to public view shall be restricted to the stage required in (2) below. Non-employees or patrons shall not be permitted closer than four (4) feet to the stage edge when any employees expose those anatomical areas listed in this subsection.
2. It shall have a stage provided for the display or exposure of human genitals, pubic region or cleavage of the human buttocks or any other specified anatomical area defined in section 32.01(7)(bb) by any employee to a person other than another employee consisting of a permanent platform (or other similar permanent structure) raised a minimum of eighteen (18) inches above the surrounding floor and encompassing an area of at least one hundred (100) square feet; and
3. Any area in which a private performance occurs shall:
  - a. Have a permanently open entrance way not less than seven (7) feet wide and not less than seven (7) feet high, which entrance way will never be closed or partially closed by any curtain, door or other partition which would be capable of wholly or partially obscuring any person situated in the area; and
  - b. Have a wall-to-wall, floor-to-ceiling partition of solid construction without any holes or openings which partition may be completely or partially transparent and which partition separates the employee from the person viewing the display; and
  - c. Have, except for the entrance way, walls or partitions of solid construction without any holes or openings in such walls or partitions.

- (3) PROHIBITION OF ALCOHOLIC BEVERAGES. (a) No person or employee shall expose to public view his or her human genitals, pubic region, cleavage of the human buttocks, or any simulation thereof in any establishment selling, serving or allowing the consumption of alcoholic beverages.
- (b) No person maintaining, owning or operating an establishment serving alcoholic beverages shall suffer or permit any person or employee to expose to public view his or her human genitals, pubic region, cleavage of the human buttocks, or simulation thereof within the establishment selling, serving or allowing the consumption of alcoholic beverages.
- (c) No person maintaining, owning or operating an establishment serving alcoholic beverages shall suffer or permit the exposure to public view of any human genitals, pubic region, or cleavage of the human buttocks, or the simulation thereof within the establishment selling, serving or allowing the consumption of alcoholic beverages.
- (d) No person shall cause and no person maintaining, owning or operating an establishment serving alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or projection of film which depicts specified anatomical areas, engage in any specified sexual activities or any other sexual act prohibited by law, or any simulation thereof, within any establishment selling, serving or allowing the consumption of alcoholic beverages.

**32.04 ENFORCEMENT.** (1) The Common Council may revoke, suspend, refuse to issue or refuse to renew any license under this ordinance, as provided in this section.

- (a) Revocation or Suspension of License. 1. Any resident of the City of Platteville may file a sworn written complaint with the City Clerk alleging that a person holding a license issued under this ordinance has violated this ordinance or does not possess the qualification required under this ordinance to hold the license. Upon the filing of the complaint, the Common Council shall issue a Summons, signed by the Clerk and directed to any peace officer in the municipality. The Summons shall command the licensee complained of to appear before the Common Council on a day and place named in the Summons, not less than three days and not more than ten days from the date of issuance, and to show cause why his or her license should not be revoked or suspended. The Summons and a copy of the complaint shall be served on the licensee at least three days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Chapter 801 for service of civil actions in Circuit Court.

2. Procedure on Hearing.
  - a. If the licensee does not appear as required by the Summons, the allegations of the Complaint shall be taken as true and if the Common Council finds the allegations sufficient, the license shall be suspended or revoked. The Clerk shall give notice of the suspension or revocation to the person whose license is suspended or revoked.
  - b. If the licensee appears as required by the Summons and denies the Complaint, both the Complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided an written transcript of the hearing at his or her expense. The hearing shall be heard before the Common Council and if the Complaint is found to be true, the license shall either be suspended for not less than ten days not more than ninety days or revoked.
  - c. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
  - d. If the Common Council finds the Complaint untrue, the proceedings shall be dismissed without costs to the licensee. If the Common Council finds the Complaint to be malicious and without probable cause, the Complainant shall be ordered to pay the costs. The Common Council may require the complainant to provide security for such costs before issuing the Summons as provided above.
3. Judicial Review. The action of the Common Council in granting or failing to grant, suspending or revoking any license or the failure of the Common Council to revoke or suspend any license for good cause, may be reviewed by the Circuit Court in and for Grant County, Wisconsin, upon application by any applicant, licensee or resident of the municipality. The procedure on review shall be the same as in civil actions instituted in the Circuit Court. The person desiring review shall file pleadings, which shall be served on the municipal governing body in the manner provided in Chapter 801 for service in civil actions and a copy of the pleadings shall also be served on any other interested party. The Common Council, applicant, licensee or other interested party shall have twenty days to file an answer to the Complaint. Following the filing of the answer, the matter shall be deemed at issue and hearing may be had within five days, upon due notice served upon the opposing parties. A hearing shall be before the Court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the Court shall be



transmitted to each of the parties and shall be binding unless it is appealed to the Court of Appeals.

- (b) Refusal to Renew Licenses. The Common Council may refuse to renew a license for the causes set forth in sub-paragraph (1)(a). Prior to the time for the renewal of the license, the Common Council shall notify the licensee in writing of the intention not to renew the license and provide the licensee an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub-paragraph (2)(b) and judicial review shall be as provided in sub-paragraph (3).
  - (c) Refusal to Issue Licenses. If the Common Council decides not to issue a new license under this Chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.
  - (d) Effect of Suspension. If a license is suspended, all operations within the adult entertainment establishment shall cease for the period of the suspension, and the license shall be suspended for the suspension. During the period of suspension, no other person shall be allowed to operate an adult entertainment establishment at that location. No part of the fee paid for any license so suspended may be refunded.
  - (e) Effective Date of Suspension. All periods of suspension shall begin fifteen days, including Saturdays, Sundays and holidays, after the date the City Clerk mails the notice of suspension to the licensee or on the date the licensee surrenders its license to the City Clerk, whichever occurs first.
  - (f) Effect of Revocation. If a license is revoked, the licensee shall not be allowed to obtain another adult entertainment license for a period of two years, and no license shall be issued during that time to any other person for the location and premises upon which the adult entertainment establishment was situated for a period of 30 days.
  - (g) Effective Date of Revocation. The revocation shall begin fifteen days, including Saturdays, Sundays and holidays, after the date the City Clerk mails the notice of revocation to the licensee or the date the licensee surrenders its license to the City Clerk, whichever occurs first.
- (2) The following violations of this ordinance may be enforced by the issuance of a municipal citation meeting the requirements of local ordinance 1.10. The issuance of a citation shall not preclude the City of Platteville or any other authorized person thereof from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

## CHAPTER 32 Adult Entertainment

- (a) Operation of establishment without valid adult entertainment license. It shall be unlawful for any person to operate or participate in the operation of an adult entertainment establishment when the person knows or should know:
1. That the establishment does not have an adult entertainment license for the applicable classification, except as stated in section 32.02(6); or
  2. The application for a license pursuant to section 32.02(6) has been denied or was not issued prior to November 1, 1990; or
  3. That the establishment has a license which is under suspension; or
  4. That the establishment has a license which has been revoked; or,
  5. That the establishment has a license which has expired.
- (b) Violations of Section 32.03. 1. It shall be unlawful for any person to be an operator of an adult entertainment establishment which does not satisfy all of the general requirements of section 32.03 of this ordinance.
2. It shall be unlawful for any person to be an operator of an adult theater which does not satisfy all of the special requirements of section 32.03(2)(a).
  3. It shall be unlawful for any person to be an operator of an adult dancing establishment which does not satisfy all of the special requirements of section 32.03(2)(b).
- (c) Allowing employee to engage in prohibited acts. It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this ordinance, to knowingly or with reason to know, permit, suffer or allow any employee:
1. To engage in a lap dance with a person at the establishment; or
  2. To contract or otherwise agree with a person to engage in a lap dance with a person at the establishment; or
  3. Contract or otherwise agree with a person to engage in any specified sexual activity at the establishment; or
  4. To display or expose any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee; or

## CHAPTER 32 Adult Entertainment

5. To allow any person, excluding another employee, to touch any portion of the clothed or unclothed body of the employee below the neck and above the knee, excluding that part of the employee's arm below the wrist, commonly referred to as the hand; or
  6. To engage in a private performance unless such person is in an area which complies with the special requirements of section 32.03(2)(b)3; or
  7. To intentionally touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, 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.
- (d) Advertising prohibited activity. It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this ordinance, to advertise the presentation of any activity prohibited by any applicable state statute or local ordinance.
- (e) Minors prohibited. Except as otherwise provided by law, it shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this ordinance to permit, suffer or allow:
1. Admittance to the establishment of a person under eighteen (18) years of age; or
  2. A person under eighteen (18) years of age to remain at the establishment; or
  3. A person under eighteen (18) years of age to purchase goods or services at the establishment; or
  4. A person to work at the establishment as an employee who is under eighteen (18) years of age.
- (f) Working at establishment which does not have valid adult entertainment license. It shall be unlawful for any person to work in an adult entertainment establishment that he or she knows or should know is not licensed under this ordinance, except under the provisions of section 32.02(6), or which has a license which is under suspension, has been revoked or canceled, or has expired.
- (g) Engaging in prohibited activity. It shall be unlawful for any employee of an adult entertainment establishment, regardless of whether it is licensed under this ordinance:

CHAPTER 32 Adult Entertainment

1. To engage in a lap dance with a person at the establishment;
  2. To contract or otherwise agree with a person to engage in a lap dance with a person at the establishment; or
  3. To engage in any specified sexual activity at the establishment; or
  4. To display or expose at the establishment less than completely and opaquely covered any specified anatomical area unless such employee is continuously positioned away from any person other than another employee is in an area as described in section 32.03(2); or
  5. To engage in the display or exposure of any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee; or
  6. To engage in a private performance unless such employee is in an area which complies with the special requirements set forth in section 32.03(2); or
  7. To intentionally touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, 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; or
  8. To allow any person, excluding another employee, to touch any portion of the clothed or unclothed body of the employee below the neck and above the knee, excluding that part of the employee's arm below the wrist, commonly referred to as the hand.
- (h) Touching of employee by non-employee. It shall be unlawful for any person in an adult entertainment establishment, other than another employee, to intentionally touch the unclothed or clothed body of any employee at any point below the neck and above the knee of the employee, excluding that part of the employee's arm below the wrist, commonly referred to as the hand.
- (i) Exceeding occupancy limit of adult booth. It shall be unlawful for any person(s) to exceed the occupancy restrictions for an adult booth specified in section 32.03(2)(a)(2).
- (j) Use of restrooms or dressing rooms. 1. Notwithstanding any provision indicating to the contrary, it shall not be unlawful for any employee of an

adult entertainment establishment, regardless of whether it is licensed under this ordinance, to expose any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only and restricted to employees.

2. The restrictions of section 32.03 and section 32.04, including but not limited to sections 32.04(2)(c)(g) and (h), also apply to all restrooms and dressing rooms.
3. Notwithstanding any provision indicating to the contrary, it shall be not deemed unlawful for any person to expose any specified anatomical area during that person's bona fide use of a restroom.

(k) Hours of operation. 1. Except as provided in 3 below, it shall be unlawful for any operator of an adult entertainment establishment to allow such establishment to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

2. Except as provided in 4 below, it shall be unlawful for any employee of an adult entertainment establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

3. Any operator of an adult dancing establishment which is permitted to sell, serve or allow the consumption of alcoholic beverages, may remain open for business, or to permit an employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service during the hours of operation provided in Wisconsin Statutes Section 125.68(4)(c).

4. Any employee of an adult dancing establishment which is permitted to sell, serve, or allow the consumption of alcoholic beverages, may engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service during the hours of operation provided in Wisconsin Statutes Section 125.68(4)(c).

(l) Alteration of license. It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment license without the written permission of the occupational licensing department.

(m) False statement or false information in applying for license. It shall be unlawful for any person applying for an adult entertainment license to make a false statement which is intended to facilitate the issuance of a license, or

to provide false information which is intended to facilitate the issuance of a license.

- (3) Penalties. (a) In this paragraph, “violation” means a violation of section 32.04(2).
- (b) A person who commits a violation is subject to a forfeiture of:
1. Not more than \$500.00 if the person has not committed a previous violation within twelve months of the violation; or,
  2. Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within twelve months of the violation.
- (c) A Court shall suspend any license or permit issued under this chapter to a person for:
1. Not more than three days, if the Court finds that the person committed a violation within twelve months after committing one previous violation;
  2. Not less than three days nor more than ten days, if the Court finds that the person committed a violation within twelve months after committing two other violations; or,
  3. Not less than fifteen days nor more than thirty days, if the Court finds that the person committed the violation within twelve months after committing three other violations.
- (d) The Court shall promptly mail notice of a suspension under this paragraph to the City Clerk which issued the license or permit to the person.