

Town of Somerset

Ordinance 2002-06

**AN ORDINANCE IMPOSING A MORATORIUM
ON THE EXPANSION OF OR CREATION OF
ANY SEXUALLY ORIENTED BUSINESSES
IN THE TOWN OF SOMERSET, WISCONSIN**

The Town Board of the Town of Somerset, Wisconsin does ordain as follows:

WHEREAS, the Town Board of the Town of Somerset is currently examining issues of local regulation of adult entertainment business; and

WHEREAS, the Town Board is currently examining materials relating to the secondary effects of adult entertainment businesses on the surrounding neighborhoods and the community as a whole; and

WHEREAS, the Town Board is currently examining proposed ordinances banning sexually oriented adult entertainment in premises which sell or serve beverages containing alcohol; and

WHEREAS, the Town Board of the Town of Somerset is currently examining a number of recent local and state court decisions relating to this issue for guidance in writing an ordinance that will effectively regulate sexually oriented adult entertainment, and

WHEREAS, the State of Wisconsin provides that a Town Board having adopted Village Powers as defined in Wisconsin Statutes 60.10(2)© and 60.22(3) may act to protect the health, safety and general welfare of the citizens it represents; and

WHEREAS, the Town Board of the Town of Somerset believes that the expansion of or creation of adult entertainment businesses for which there has been no planning would negatively affect the health, safety and general welfare of the citizens of the Town of Somerset;

THEREFORE, the Town Board of the Town of Somerset, Wisconsin does ordain as follows:

1. The Town Board of the Town of Somerset does hereby declare a one-year moratorium on the opening of any new adult entertainment business or the expansion of any existing adult entertainment business within the Town of Somerset effective from the date of approval and publication of this ordinance pending completion of a review process related to the above referenced issues.
2. "Adult Entertainment Businesses" shall be those businesses defined in St. Croix County Ordinance 17.20, section (2). These definitions shall be included by reference.

3. This moratorium does not apply to those facilities where live dance, ballet, music or dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by the emphasis on, or the advertising or promotion of, employees engaging in nude, erotic dancing or any other activity intended to produce sexual stimulation and/or gratification.
4. A finding of invalidity of any word or section of this ordinance shall not effect the applicability of any remaining words or sections which can be applied without reference to the invalid word or section.
5. This ordinance shall take effect upon its passage and publication or posting as provided by Wisconsin Statute.

Adopted this 5th day of June, 2002.

Attest:

Ed Schachtner, Town Chairman

Jeri Koester, Town Clerk/Treasurer

Approved: 6-5-02

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