

## Ordinance 250-2018

City of Juneau Common Council

### An Ordinance to Repeal from The City of Juneau Ordinances Chapter 8.12 – Nudity/Sexual Conduct

The Common Council of the City of Juneau ordains:

Chapter 8.12 - Nudity/Sexual Conduct of the Juneau Code of Ordinances is hereby amended to repeal the following:

#### **8.12.010 - Nudity or sexual conduct prohibited.**

- A. It is unlawful for any licensee, agent of the licensee or person holding an operator's license under Chapter 125 of the Wisconsin Statutes or this chapter to knowingly permit or knowingly allow any person to perform or to engage in the display or exposure of any specified anatomical areas upon the licensed premises.
- B. It is unlawful for any licensee, agent of the licensee, or person holding an operator's license under Chapter 125 of the Wisconsin Statutes or this chapter to knowingly permit or knowingly allow any person to engage in any specified sexual activity upon the licensed premises.
- C. It is unlawful for any licensee, agent of the licensee, or person holding an operator's license under Chapter 125 of the Wisconsin Statutes or this chapter to knowingly permit or knowingly allow any person to simulate, perform or depict, with or without artificial devices or inanimate objects, any specified sexual activity with any other person upon the licensed premises, including with another employee or independent contractor.
- D. It is unlawful for any licensee, agent of the licensee, or person holding an operator's license under Chapter 125 of the Wisconsin Statutes or this chapter to knowingly permit or knowingly allow any person to show, display or exhibit, on the licensed premises, any film, video, still picture, electronic reproduction or any other visual reproduction or image of any specified sexual activities or specified anatomical areas.
- E. It is unlawful for any licensee, agent of the licensee, or person holding an operator's license under Chapter 125 of the Wisconsin Statutes or this chapter to knowingly permit or knowingly allow any person engaged in any semi-nude or erotic dancing, upon the licensed premises so as to intentionally touch any patron, guest or customer of the licensed premises, either directly or through a medium, for purposes of passing a gratuity from the patron, guest or customer to the person, entertainer or performer, unless the patron, guest or customer maintains a distance of at least three feet from the person, entertainer or performer.
- F. It is unlawful for any licensee, agent of the licensee, or person holding an operator's license under Chapter 125 of the Wisconsin Statutes or this chapter to knowingly permit or knowingly allow any person to intentionally straddle the legs of another

employee or independent contractor or any patron, guest or customer at the licensed premises, regardless of whether there is a touch or touching.

- G. It is unlawful for any person, patron, guest, customer, employee or independent contractor of a licensed premises under Chapter 125 of the Wisconsin Statutes or this chapter to engage in any of the activities described in subsections A through F of this section.

#### **8.12.020 - Definitions.**

For purposes of this chapter, the term "licensed establishment" means any establishment licensed by the common council of the city of Juneau to sell alcohol beverages pursuant to Chapter 125, Wisconsin Statutes. The term "licensee" means the holder of a retail Class "A," Class "B," or Class "C" license granted by the common council of the city of Juneau pursuant to Chapter 125, Wisconsin Statutes.

"Specified anatomical areas" means:

1. Less than completely and opaquely covered human genitals, pubic region, and cleavage of the nates of the buttocks;
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered;
3. That portion of the human female breast directly or laterally below a point immediately above the top of the areola, which shall include the entire lower portion of the human 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 that the areola is not so exposed;
4. Any covering, tape, pastie, latex spray, or paint or other device which simulates or otherwise gives the appearance of the display or exposure of any of the specified anatomical areas listed above in this definition.

"Specified sexual activities" means simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, or excretory functions;
3. Fondling or erotic touching of human genitals, pubic region, anus, buttocks, or female breasts.

#### **8.12.030 - Closing hours.**

No premises for which an alcohol beverage license or permit has been issued shall remain open for the sale of alcohol beverages during the following hours:

- A. Wholesale License. Between five p.m. and eight a.m., except on Saturday when the closing hour shall be no later than nine p.m.;
- B. Retail Class "A" Liquor License. Between nine p.m. and eight a.m.;
- C. Retail Class "A" Fermented Malt Beverage License. Between twelve midnight and eight a.m.;
- D. Retail Class "B" Licenses and Permits. Between two a.m. and six a.m., Monday through Friday, and between two-thirty a.m. and six a.m. on Saturday and Sunday,

except on January 1 when there shall be no limit on the hours which the licensee may remain open. No package, container or bottle sales in unopened original containers for consumption off the premises may be made between the hours of twelve midnight and eight a.m.

**8.12.040 - Exceptions.**

The provisions of this chapter do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and 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 an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

**8.12.050 - Penalties.**

Any person, partnership or corporation who violates any of the provisions of this chapter shall be subject to a forfeiture of not less than one hundred dollars (\$100.00), and not more than five hundred dollars (\$500.00) per violation, plus costs. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this chapter constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under Section 125.12, Wisconsin Statutes.

**8.12.060 - Severability.**

If any section of the ordinance codified in this chapter is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

**8.12.070 - Effective date.**

This chapter shall take effect upon passage and publication as required by law.

First Reading: August 14<sup>th</sup>, 2018  
Second Reading: September 11<sup>th</sup>, 2018  
Publication Date: September 20<sup>th</sup>, 2018

Adopted by the Common Council this 20<sup>th</sup>, day of September, 2018.

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Dan Wegener, Mayor

ATTEST:

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Valerie Knetzger, Clerk/Treasurer