

6.04 NUDE ENTERTAINMENT

(1) DEFINITIONS.

(a) "Business Establishments" shall mean a business within the Village of Hilbert, Wisconsin, where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail intoxicating liquor license and/or fermented malt beverage retailer's license that has been issued by the Village of Hilbert, Wisconsin.

(b) "Liquor Administrator" shall mean the Village Clerk of the Village of Hilbert, Wisconsin.

(c) "Licensee" shall mean any person to whom a retail intoxicating liquor license and/or fermented malt beverage retailer's license has been issued by the Village of Hilbert, Wisconsin, including the officers and agents of the licensee.

(d) "License" shall mean a retail intoxicating liquor license or a fermented malt beverage retailer's license issued by the Village of Hilbert, Wisconsin.

(e) "Operators License" shall mean the operator's license issued for the business established pursuant to the Village of Hilbert, Wisconsin's Operator's License Ordinance.

(f) "Person" shall mean a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

(g) "Premises" shall mean the land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

(h) "Retail Licensee" shall mean any licensee including its officer and agents, who sells at retail any alcoholic beverage for the sale of which an operator's license is required.

(2) It shall be unlawful for and a person is guilty of performing nude activity when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such manner or attire as to expose to view portion of the breast referred to as the areola, nipple, or simulation thereof.

(3) A licensee or retail licensee is guilty of permitting nude activity when having control of the business establishment's premises which it knows or has reasonable cause to know, is being used by any person to appear on the premises in such manner or attire as to expose to view portions of the pubic area, anus, vulva or genitals, or any simulation thereof; or used by any female to appear on the premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof, it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

(4) Performing nude activities as set forth in Section II or permitting such activities as set forth in Section III is a violation and punishment shall be fixed as set forth by Ordinance No. 15.01.

(5) In the event that a violation of Section II and/or III of this Ordinance occurs, a Court of record, after notice and a hearing, shall impose any sanction referred to in Section IV and shall revoke the retail intoxicating liquor license or fermented malt beverage retailer's license.

(6) In the event that a violation of Section II or III above occurs, the Liquor Administrator shall prefer charges against the retail license pursuant to this Ordinance and after a hearing, a Court of record shall impose any sanction referred to in Section IV and shall revoke the operator's license.

(7) If any provision of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect other provisions or other applications, and to this end, the provisions of the Ordinances are declared to be severable.