

CHAPTER 110: GENERAL BUSINESS LICENSING AND REGULATIONS

Section

- 110.01 Annual cigarette license application fee
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or agent of the licensee to permit any person, employee, entertainer, or patron to perform or engage in any live act, demonstration, dance, or exhibition on the premises of a licensed establishment which:

- (1) Shows his or her genitals, pubic area, vulva, anus, anal clef, or cleavage with less than a fully opaque covering; or
- (2) Shows any portion of the female breast below a point immediately above the top of the areola; or
- (3) Shows the covered male genitals in a discernibly turgid state.

§ 110.01 ANNUAL CIGARETTE LICENSE APPLICATION FEE.

The annual cigarette and tobacco products retailer license application fee under Wis. Stats. § 134.65(2) shall be \$25. (Ord. 154, passed 4-5-99)

§ 110.02 NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LICENSED ESTABLISHMENT.** Any establishment licensed by the Common Council of the city to sell alcohol beverages pursuant to Wis. Stats. Ch. 125.

**LICENSEE.** The holder of a retail "Class A," "Class B," Class "B," Class "A" or "Class C" license granted by the Common Council of the city pursuant to Wis. Stats. Ch. 125.

(B) *Prohibition.* It is unlawful for any person to perform or engage in, or for any licensee or manager

(C) *Exemptions.* The provisions of this section 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. (Ord. 153, passed 10-5-98) Penalty, see § 110.99

§ 110.03 SALE OF FIREWORKS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FIREWORKS.** As defined in Wis. Stats. § 167.10(1) and any subsequent amendments thereto.

**SALE AT WHOLESALE.** As defined in Wis. Stats. § 100.201(1)(e) and any subsequent amendments thereto.

(B) *Regulations.* No person shall possess, offer for sale, sell, or use fireworks within the city except:

(1) As authorized under Wis. Stats. § 167.10(2) or (3); or

(2) A person may sell or possess with intent to sell fireworks exclusively for sale at wholesale if all of the following apply:

(a) The person selling or possessing with intent to sell shall hold a duly issued Wisconsin seller's permit for sale of fireworks;

(b) The fireworks shall be stored, handled, and shipped from a premises not available or visible to the general public or other persons except those directly engaged in the conduct of the seller's business.

(c) All sales at wholesale shall only be made to persons who hold a seller's permit issued by the Department of Revenue under Wis. Stats. § 77.52(7) for resale of fireworks or similar seller's permit issued by the state of the person's residence.

(d) Except to a person or group authorized under Wis. Stats. § 167.10(2), all sales at wholesale shall be shipped by common motor carrier (such as United Parcel Services) in a sealed opaque container for delivery outside of this state; and

(e) The seller shall keep a record book of all sales at wholesale of fireworks showing the date of the sale, a detailed description of the fireworks sold, the name and address of the person to whom the fireworks were sold at wholesale, and such person's permit number issued under Wis. Stats. § 77.52(7) or equivalent issued by the state of residence of the reseller.

(Ord. 144, passed 12-6-93) Penalty, see § 110.99

#### § 110.04 BEACH HARBOR ROAD HAULING PERMIT.

(A) In order to recover the city's cost of maintenance and repair of Beach Harbor Road caused by excessively heavy loads, the city may legally place a road ban on the highway and allow overweight vehicles to haul sand by permit only.

(B) The Common Council determines that all loads of sand hauled across Beach Harbor Road in excess of one cubic yard shall require a permit to exceed the one cubic yard maximum.

(C) The cost of the permit will be a surcharge of \$0.15 per cubic yard of sand, payable to the City Clerk, for all loads in excess of one yard, transported over Beach Harbor Road.

(D) The revenue collected from hauling shall be utilized to maintain the dredged sand disposal area and the Beach Harbor Road.

(Res. 438, passed 7- -06)

#### § 110.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

(B) Any person, partnership, or corporation who violates any of the provisions of § 110.02 shall be subject to a forfeiture of not less than \$100 and not more than \$ 500 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this section constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under Wis. Stats. § 125.12.

(C) Any person violating the provisions of § 110.03 shall be subject to a forfeiture of \$1,000 for each violation, plus costs of the action.

(Ord. 144, passed 12-6-93; Ord. 153, passed 10-5-98)