

**ORDINANCE NO. 2023-06**

**VILLAGE OF YORKVILLE  
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO REPEAL AND RECREATE ARTICLE XX OF CHAPTER 14 OF THE  
CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,  
WISCONSIN, RELATING TO THE LICENSURE OF ADULT ORIENTED ENTERTAINMENT  
ESTABLISHMENTS**

**WHEREAS**, the Village of Yorkville Long-Range Planning/Ordinance Committee (“LRPC”) reviewed and discussed various studies and materials related to impacts of Adult Establishment Uses locating in a neighborhood, as well as this draft ordinance, on May 10, 2022, June 14, 2022, September 13, 2022, October 11, 2022, November 10, 2022, December 13, 2022, January 10, 2023, March 14, 2023, and April 11, 2023; and

**WHEREAS**, the LRPC is comprised of residents of the Village as well as officials of the Village and is tasked with reviewing ordinances that impact the long term plans and growth in the Village; and

**WHEREAS**, the Village Plan Commission reviewed and discussed various studies and materials related to the impacts of Adult Establishment Uses locating in a neighborhood as well as this draft ordinance on May 8, 2023, and June 12, 2023 and held a public hearing to receive public input on May 8, 2023 and June 12, 2023; and

**WHEREAS**, the Village Board reviewed and discussed various studies and materials related to the impacts of Adult Establishment Uses locating in a neighborhood as well as this draft ordinance on May 8, 2023 and June 12, 2023 and attended the public hearing to receive public input on May 8, 2023, and June 12, 2023.

**NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE,  
RACINE COUNTY, WISCONSIN, HEREBY DO ORDAIN AS FOLLOWS:**

1. That Article XX, Chapter 14 of the Code of Ordinances for the Village of Yorkville, be, and hereby is repealed and recreated to read as follows:

**“Article XX. Adult Oriented Entertainment Establishments**

**Division 1. Generally**

**Sec. 14-981. Findings.**

Based on evidence concerning the adverse secondary effects of adult oriented establishments on the community, as set forth in reports made available to the Village Board, and on the holdings and findings in:

- (1) Report to the American Center for Law and Justice on the Secondary Impacts of Sexual Oriented Businesses;

- (2) The Affidavit of Richard McCleary for the case of *New Albany DVD LLC v. City of Albany*;
- (3) National Law Center Summaries of SOB Land Use Studies;
- (4) Workplace Perspectives on Erotic Dancing, a Minneapolis Minnesota Study;
- (5) The studies conducted in Newport News, Virginia, Garden Grove, California, Dallas, Texas, Houston Texas;
- (6) the Effects of Sexually Oriented Businesses by Louis F. Cormus III, which summarized studies conducted in Phoenix, Arizona; Garden Grove California; Los Angeles, California; Whittier California; Indianapolis, Indiana; Minneapolis, Minnesota; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; Seattle, Washington; New York City, New York (specifically, Times Square); Dallas, Texas; Environmental Research Group Report; Tucson, Arizona; Manatee County, Florida; State of Minnesota; New Hanover County, North Carolina; Town and Village of Ellicottville, New York; Islip, New York; New York City, New York; Oklahoma City, Oklahoma; Houston Texas; Newport News; and Des Moines, Washington;
- (7) The Police Memorandum dated May 1, 1990, to the Tucson, Arizona City Prosecutor;
- (8) Rural Hotspots: The Case of Adult Businesses by Dr. Richard McCleary;
- (9) The findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Colman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), *Association of Club Executives of Dallas, Inc., et al. v. City of Dallas*, 22-CV-00177 (N.D. Tex. May 24, 2022).

The Board finds that there is convincing evidence that the secondary effects of adult establishments include an increased risk of:

- (1) Crime statistics show that all types of crimes, especially sex-related crimes, occur with greater frequency in neighborhoods where adult oriented establishments are located.
- (2) Adult oriented establishments may contribute to an increased public health risk through the spread of sexually transmitted diseases, and such increased risk is a significant and legitimate matter of concern to the Village.
- (3) Studies on the relationship between adult oriented establishments and neighboring property values have consistently found a negative effect on both residential and commercial property values.
- (4) There is an increased potential for the infiltration of organized crime into the community via the operation of adult oriented establishments for the purpose of perpetrating unlawful conduct.

- (5) The consumption of alcoholic beverages on the premises of an adult oriented establishment exacerbates the harmful secondary effects that such businesses have on the community.
- (6) Human trafficking may be prevalent in certain adult establishments.
- (7) Prostitution may be prevalent in certain adult establishments.

Given this well-documented correlation between adult oriented establishments and the harmful secondary effects itemized above, the Village Board has determined that the locational criteria imposed by the zoning code are not alone adequate to protect the health, safety and general welfare of Village residents, so the board deems it necessary to regulate, to the extent allowed by law, the operation of adult oriented establishments within the Village. By this article, it is not the Village Board's intent to suppress the constitutionally protected speech occurring within adult oriented establishments, nor does the Village Board anticipate that the limited regulations contained herein will have the effect of "chilling" the expression of such speech within the Village. To the contrary, the Village Board's purpose in adopting this article is limited to minimizing the occurrence and impact of the harmful secondary effects associated with adult oriented establishments and ensuring that the protected speech occurring therein is expressed in a safe, healthy, and lawful environment.

#### **Sec. 14-982. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

*Adult bookstore* means an establishment:

- (1) Which has a facility or facilities for the presentation of "adult entertainment", as defined in this section, including adult oriented films, computer video, movies or live performances for observation by patrons therein; or
- (2) Having as a substantial or significant portion of its stock in trade, for sale, rent, trade, lease, inspection or viewing, books, films, video cassettes, DVDs, or magazines or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities as defined in this section.

*Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which features:

- (1) Live performances which are characterized or distinguished by the exposure of specified anatomical areas or the removal of articles of clothing; or
- (2) Films, motion pictures, videocassettes, video reproductions, slides or other visual representations which are distinguished or characterized by depicting or describing specified anatomical areas or specified sexual activities.

*Adult entertainment* means any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas.

*Adult mini-motion picture theater* means an enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

*Adult modeling studio* means any establishment or business where individuals pay money or other consideration to observe, sketch, draw, paint, sculpt or photograph a person who displays his or her specified anatomical areas. Adult modeling studios shall not include a proprietary school licensed by the state or a college, technical college, or university; or adult modeling in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing;
- (2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
- (3) Where no more than one nude or seminude model is on the premises at any one time.

*Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons therein.

*Adult novelty shop* means an establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or design for specified sexual activity or stimulating such activity.

*Adult oriented establishment* means any premises including, but not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult modeling studios, adult novelty shops, or adult cabarets. It further means any premises to which public patrons or members are invited or admitted and wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. The term "adult oriented establishment" further includes any establishment open to the public upon the premises of which is conducted an enterprise having as its dominant theme or which is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as herein defined.

*Booths, cubicles, rooms, compartments and stalls* mean enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business adult entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the adult entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, the terms "booth," "cubicle," "room," "compartment" and "stall" do not mean such

enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing adult entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the state pursuant to Wis. Stat. ch. 50.

*Nudity* means the appearance of the human bare anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or the nipple or areola of the female breast, with less than a fully opaque covering; or showing of the covered male genitals in a discernibly turgid state. *Operators* means any person, partnership, or corporation operating, conducting, maintaining or owning any adult oriented establishment.

*Specified anatomical areas* means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below the point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if opaquely covered.  
Specified sexual activities means simulated or actual:
  - a. Showing of human genitals in a state of sexual stimulation or arousal.
  - b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus.
  - c. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

#### **Sec. 14-983. Physical layout of establishment.**

- (a) *Manager's Stations.* Each adult establishment shall have one (1) or more manager's stations. The interior of each adult establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one (1) manager's station to every part of each area, except restrooms, of the establishment to which any adult establishment patron is permitted access for any purpose. The cashier's or manager's station shall be located so that someone working there can quickly move to physically halt any attempted or accidental entry by a minor. An employee shall occupy the station at all times when patrons are in and on the premises.
- (b) *Adult booths prohibited.* Adult booths, rooms, or cubicles for the private viewing of any adult entertainment shall be prohibited in all adult establishments.
- (c) *Stages.* All live performers in an adult establishment shall perform only on a stage elevated no less than thirty-six (36) inches above floor level. There shall be a metal railing attached to the floor by bolts surrounding the stage which shall keep patrons at least forty-eight (48) inches from the stage. There shall also be a metal railing attached to the floor by bolts at the end of the stage.

- (d) *Display windows prohibited.* All points of access into structures containing adult establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior.
- (e) *Residential quarters not allowed.* No residential quarters shall be allowed on a premises with an adult establishment.

**Sec. 14-984. Compliance with regulations.**

- (a) It shall be a violation of the provisions of this section for an operator to authorize or knowingly permit any employee action that is in violation of this section. Any violation by an operator of this subsection shall be separate and distinct from the employee's violation, and both the employee's and the operator's violations shall be punishable as set forth herein.
- (b) Any act or omission of any employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
- (c) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view adult entertainment.
- (d) The adult establishment shall clearly post and enforce a no loitering policy.
- (e) The operator must ensure that at least one employee is on duty and situated such that he or she has an unobstructed view of each part of every area, except restrooms, of the establishment to which any adult establishment patron is permitted access for any purpose.
- (f) The operator shall maintain the premises in a clean and sanitary manner at all times.
- (g) The operator shall maintain at least ten footcandles of light in the public portions of the establishment, including aisles, at all times.
- (h) The operator shall ensure compliance of the establishment and its patrons with the provisions of this section.
- (i) It shall be a violation of this section for any person to knowingly or intentionally appear in a state of nudity in an adult oriented establishment.
- (j) The sale, use, or consumption of alcohol on the premises of an adult oriented establishment is prohibited.

**Sec. 14-985. Hours of operation.**

- (a) No adult oriented establishment shall be open between the hours of 2:00 a.m. and 12:00 p.m., noon.

- (b) All adult oriented establishments shall be open to inspection at all reasonable times by the code enforcement officer, the county sheriff's department, the building inspectors, and the health department.

**Sec. 14-986. Exemptions.**

- (a) The provisions of this article do not apply to the following establishments: theatres, performing arts centers, civic centers, and dinner theatres 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 of entertainment which is intended for the sexual interests or titillation of customers, and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or seminude performances. While expressive live nudity may occur within these establishments, this article seeks only to minimize and prevent the secondary effects of adult oriented establishments on the community, and the Village Board is not aware of any negative secondary effects that have been associated with these establishments.
- (b) The provisions of this article also do not apply to any medical or therapeutic treatment facilities that are owned and operated by medical professionals licensed to practice within this state.

**Secs. 14-987—14-1000. Reserved.**

**Division 2. Business License**

**Sec. 14-1001. Required.**

- (a) Except as provided in subsection (d) of this section, no adult oriented establishment shall be operated or maintained in the Village without first obtaining a business license to operate issued by the Village.
- (b) A business license may be issued only for one adult oriented establishment located at a fixed and certain place. Any person who desires to operate more than one adult oriented establishment must have a business license for each.
- (c) No business license or interest in a business license may be transferred to any person.
- (d) All adult oriented establishments existing at the time of the passage of this section must submit an application for a business license within 60 days of the passage of this section.
- (e) Notwithstanding section 14-1002, an adult oriented establishment business license shall not be granted to a premises in which the Village Board has determined that said premises operated as an adult oriented establishment without a business license within one year prior to the date of application. This prohibition applies to a premise for a period of one year following the Village Board's determination.

**Sec. 14-1002. Application.**

- (a) Any person desiring to secure a license shall make application to the administrator/clerk. The application shall be filed in triplicate and dated by the administrator/clerk. A copy of the application shall be distributed promptly by the administrator/clerk to the code enforcement officer and to the applicant.
- (b) The application for a license shall be upon a form provided by the administrator/clerk. An applicant for a license shall furnish the following information under oath:
  - (1) Demographics.
    - a. *Individual.*
      - 1. Applicant's legal name, all of the applicant's aliases, and the applicant's age;
      - 2. Applicant's business address.
    - b. *Corporations.*
      - 1. Applicant corporation's complete name and official business address;
      - 2. Legal names, all aliases, the ages, and business addresses of all of the directors, officers, and managers of the corporation and of every person owning or controlling more than twenty-five (25) percent of the voting shares of the corporation;
      - 3. Applicant corporation's date and place of incorporation and the objective for which it was formed;
      - 4. Proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Wisconsin;
      - 5. Name of the registered corporate agent and the address of the registered office for service of process.
    - c. *Partnerships (general or limited), joint ventures, or any other type of organization where two (2) or more persons share in the profits and liabilities of the organization.*
      - 1. Applicant organization's complete name and official business address;
      - 2. Legal name, all aliases, the ages, and business addresses of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
    - d. *Land trusts.*
      - 1. Applicant land trust's complete name;



2. Legal name, all aliases, and the business address of the trustee of the land trust;
  3. Legal name, all aliases, the ages, and business addresses of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust;
  4. The interest, if any, that the land trust holds in the permitted premises.
- (2) If a corporation or partnership is an interest holder that shall be disclosed pursuant to subsections (b)(1)(b) and (c), then such interest holders shall disclose the information required in said subsections with respect to their interest holders.
  - (3) The general character and nature of the applicant's business.
  - (4) The length of time that the applicant has been in the business of the character specified in response to subsection (3) above.
  - (5) The location (including street address and legal description) and telephone number of the premises for which the adult establishment permit is sought.
  - (6) The specific name of the business that is to be operated under the adult establishment permit.
  - (7) The identity of each fee simple owner of the permitted premises.
  - (8) A diagram showing the internal and external configuration of the permitted premises, including all doors, windows, entrances, exits, the fixed structural internal features of the permitted premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms.  
  
A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches and sufficient to show clearly the various interior dimensions of all areas of the permitted premises and to demonstrate compliance with the provisions of this article. The approval or use of the diagram required pursuant to this subsection shall not be deemed to be, and may not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.
  - (9) The specific type(s) of adult establishment(s) that the applicant proposes to operate on the permitted premises.
  - (10) A copy of each adult establishment's permit, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to subsection (1) or (2) above.

- (11) The name of the individual(s) who shall be the day-to-day, on-site manager(s) of the proposed adult establishment.
  - (12) Whether the applicant or any person required to be named is currently operating, or has previously operated, in this or any other county or state, under an adult oriented establishment license or similar business license or permit; and whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
  - (13) Consent from the applicant(s) for the Village to conduct a background check on the applicant(s).
- (c) Within 30 days of receiving an application for a new license or an application to renew a license, the administrator/clerk shall notify the applicant whether the application is granted or denied. Any application for a license that does not include all of the information and documents required under this section, or the appropriate application fee required by this section, shall be deemed to be incomplete and shall be returned to the applicant without any action thereon being taken by the Village.
  - (d) Whenever an application is denied, or a license is not renewed, the administrator/clerk shall advise the applicant in writing of the reasons for such action. Administrative review under Chapter 2, Article VII of this code may be requested when a license is denied.
  - (e) Refusal of the applicant to give any information relevant to the application or his refusal or failure to appear at any reasonable time and place for examination under oath regarding such application or his refusal to submit to or cooperate with regard to any information required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the administrator/clerk.

**Sec. 14-1003. Standards for issuance.**

To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

- (1) If the applicant is an individual:
  - a. The applicant must be at least 18 years of age.
  - b. The applicant shall not have been found to have previously violated this article within five years immediately preceding the date of the application.
- (2) If the applicant is a corporation:
  - a. All officers, directors, and stockholders required to be named under section 14-1002(b) shall be at least 18 years of age.

- b. No officer, director, or stockholder required to be named under section 14-1002(b) shall have been found to have previously violated this article within five years immediately preceding the date of the application.
- (3) If the applicant is a partnership, limited liability company, joint venture or any other type of organization where two or more persons have a financial interest:
- a. All persons having a financial interest in the partnership, limited liability company, joint venture or other type of organization shall be at least 18 years of age.
  - b. No person having a financial interest in the partnership, limited liability company, joint venture or other type of organization shall have been found to have violated any provision of this article within five years immediately preceding the date of the application.

### **Division 3. Entertainer and Employee Licensing**

#### **Sec. 14-1004. License for entertainers and managers required.**

- (a) No person shall work as an entertainer at an adult establishment without having first obtained an entertainer's license from the administrator/clerk.
  - (1) Purpose. To ensure the entertainers comply with this Article and provide enforcement mechanisms for the Village against violators.
- (b) No person shall work as a manager of an adult establishment without having first obtained a manager's license from the administrator/clerk.
  - (1) Purpose. To require licensed managers at adult establishments to monitor the conduct of patrons at adult establishments on the premises and ensure compliance with this Article.
    - a. "On site viewing" of adult entertainment means patrons viewing films, videos, live entertainment, and other such entertainment on the premises, whether or not for a fee or other consideration, as opposed to strictly the sale or rental of adult books, magazines, novelties and videos.

#### **Sec. 14-1005. Application.**

- (a) Any person desiring to secure an entertainer or manager license shall make application to the administrator/clerk. The application shall be filed in triplicate and dated by the administrator/clerk. A copy of the application shall be distributed promptly by the administrator/clerk to the code enforcement officer and to the applicant.
- (b) The application for an entertainer or manager license shall be upon a form provided by the administrator/clerk. An applicant for a license shall furnish the following information under oath:

- (1) Name (including any aliases, previous names, and stage names or nick names used while entertaining), current address, and date of birth.
  - (2) Written proof that the individual is at least 18 years of age. Any of the following shall be accepted as documentation of age:
    - a. A driver's license issued by any state bearing the applicant's photograph and date of birth; or
    - b. A state issued identification card bearing the applicant's photograph and date of birth; or
    - c. An official passport issued by the United States of America
    - d. An immigration card issued by the United States of America; or
    - e. Any other picture identification that the city determines to be acceptable.
  - (3) The name, if known, and address of all adult oriented establishments the applicant will be working at under this license.
  - (4) A description of the applicant's principal activities and exact nature of the service or performances to be conducted.
  - (5) The names and addresses of employers or individuals or businesses for whom the applicant was an employee or independent contractor for the period of three (3) years immediately prior to the application.
  - (6) Consent from the applicant(s) for the Village to conduct a background check on the applicant(s).
- (c) Within 30 days of receiving an application for a new license or an application to renew a license, the administrator/clerk shall notify the applicant whether the application is granted or denied. Any application for a license that does not include all of the information and documents required under this section, or the appropriate application fee required by this section, shall be deemed to be incomplete and shall be returned to the applicant without any action thereon being taken by the Village.
- (d) Whenever an application is denied, or a license is not renewed, the administrator/clerk shall advise the applicant in writing of the reasons for such action. Administrative review under Chapter 2, Article VII of this code may be requested when a license is denied.
- (e) Refusal of the applicant to give any information relevant to the application or his refusal or failure to appear at any reasonable time and place for examination under oath regarding such application or his refusal to submit to or cooperate with regard to any information required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the administrator/clerk.

**Sec. 14-1006. Standards for issuance.**

To receive a license as an entertainer at or manager of an adult oriented establishment, an applicant must meet the following standards:

- (a) The applicant must be at least 18 years of age.
- (b) The applicant shall not have been found to have previously violated any adult establishment law, ordinance, or resolution from any U.S. state or municipality within five years immediately preceding the date of the application.

**Division 4. Fees, Renewal, Revocation for both  
Business and Entertainer/Employee Licenses**

**Sec. 14-1007. Fees.**

A license fee, as set forth in section 14-35 and on the fee schedule on file at the administrator/clerk's office, shall be submitted with the application for a business or entertainer/employee license, respectively. If the application is denied, one half of the fee shall be returned.

**Sec. 14-1008. Display.**

The business license shall be displayed in a conspicuous public place in the adult oriented establishment.

**Sec. 14-1009. Renewal.**

- (a) Every license issued pursuant to this article will terminate at the expiration of one year from date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the administrator/clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be upon a form provided by the administrator/clerk and shall contain such information and data given under oath or affirmation as is required for an application for a new license.
- (b) The license renewal fee is one-half the amount of the initial application fee as set forth in the schedule of fees on file in the Village administrator/clerk's office and which may be revised by Village Board resolution shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty as set forth in the schedule of fees on file in the Village administrator/clerk's office and which may be revised by Village Board resolution shall be assessed against any applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one half of the total fees collected shall be returned.
- (c) Any law enforcement agencies with any information bearing on the operator's qualifications may file that information with the administrator/clerk.

- (d) The building inspector shall inspect the establishment prior to the renewal of a license to determine compliance with the provisions of this article.

**Sec. 14-1010. Revocation.**

- (a) The Village Board may revoke, suspend, or refuse to renew a license for any of the following reasons:
  - (1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
  - (2) The operator or any employee of the operator violates any provision of this article, the Yorkville Zoning Code, or any rules or regulations adopted by the Village Board pursuant to this article provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Village Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
  - (3) The operator becomes ineligible to obtain a license or permit.
  - (4) Any cost or fee required to be paid by this article is not paid.
- (b) The Village Board, before revoking or suspending any license or permit, shall give the operator at least ten days written notice of the charges and an opportunity for a public hearing in accordance with article VII of chapter 2. If the operator does not file a timely request for a public hearing, the allegations set forth in the charges shall be taken as true, and if the Village Board finds the charges sufficient the license shall be revoked or suspended. If the operator files a written request for a hearing with the administrator/clerk within ten days of receipt of the charges, a public hearing shall be held in accordance with article VII of chapter 2.
- (c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- (d) Any operator whose license is revoked shall not be eligible to reapply for a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult oriented establishment for six months from the date of revocation of the license. For purposes of this section, a revocation of a license takes effect when the licensed premises ceases operations as an adult oriented establishment.

**Sec. 14-1011. Penalties and Prosecution.**

Any person who shall violate any provisions of this Article or who shall fail to obtain a license or permit as required hereunder shall be subject to penalty as provided in Section 1-14 of this Village Code for each offense.

**Sec. 14-1012. Severability.**

If any section, subsection, or clause of this Article shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

**Secs. 14-1013—14-1020. Reserved.”**

2. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 12<sup>th</sup> day of June, 2023.

**VILLAGE OF YORKVILLE**

Ayes: 5

By: /s/ Douglas Nelson  
Douglas Nelson, President

Nays: 0

Attest: /s/ Michael McKinney  
Michael McKinney, Administrator/Clerk

Abstentions: 0

Absences: 0

**NOTICE OF PUBLIC HEARING  
VILLAGE OF YORKVILLE**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Village Board and Plan Commission of the Village of Yorkville, Racine County, Wisconsin, shall hold a joint public hearing at 6:00 p.m. on Monday, May 8, 2023, in the Yorkville Village Board Room, located in the Union Grove Municipal Center, 925 15<sup>th</sup> Avenue, Union Grove, Wisconsin, regarding proposed revisions to Chapters 14 and 55 of the Village of Yorkville's Municipal Code of Ordinances related to adult-oriented establishments. All interested parties will be heard.

A copy of the proposed ordinance will be available for public inspection prior to the public hearing, beginning on Thursday, April 20, 2023, and for at least two weeks thereafter during regular office hours, at the Village of Yorkville Administrator/Clerk's office, 925 15<sup>th</sup> Avenue, Union Grove, Wisconsin 53182, weekdays from 8:00 a.m. to 4:30 p.m., before consideration and possible adoption by the Village Board. If you have any questions, please contact the Village Administrator/Clerk at (262) 878-2123; the e-mail for the Administrator/Clerk is [michael@villageofyorkville.com](mailto:michael@villageofyorkville.com).

Dated these 20<sup>th</sup> and 27<sup>th</sup> days of April, 2023.

Michael McKinney  
*Administrator/Clerk*



# Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

**Southern Lakes Newspapers, LLC**, certifies that it is the publisher of the Westline Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 2 time(s) for 2 consecutive weeks(s); That the first publication was on the 20<sup>th</sup> day of April, 2023; The last publication was on the 27<sup>th</sup> day of April, 2023.

Signed \_\_\_\_\_

By Denelle Janssen, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

27 day of April 2023

Notary Public, State of Wisconsin

My commission expires 4/20/24

KAREN WHITTINGTON  
Notary Public  
State of Wisconsin

## NOTICE OF PUBLIC HEARING VILLAGE OF YORKVILLE

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Michael McKinney  
Administrator/Clerk

(Published in Westline Report  
April 20 & 27, 2023  
WNAXLP - 436245)

**Village of Yorkville**  
**Notice of Newly Enacted Ordinances**

Please take notice that, on Monday, June 12, 2023, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2023-03, entitled "An Ordinance creating Article VIII of Chapter 38 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the adoption of an official map".
- Ordinance 2023-05, entitled "An Ordinance repealing and recreating Division 22 of Chapter 55 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to adult establishment uses"
- Ordinance 2023-06, entitled "An Ordinance repealing and recreating Article XX of Chapter 14 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the licensure of adult oriented entertainment establishments"
- Ordinance 2023-08, entitled "An Ordinance amending Section 54-219 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to sewer service connection charges".

These ordinances take effect upon publication of this notice. The full text of these ordinances may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15<sup>th</sup> Avenue, Union Grove, Wisconsin 53182, or through the Village's website at [www.villageofyorkville.com](http://www.villageofyorkville.com). The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney  
*Administrator/Clerk*

# Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive week(s); That the first publication was on the 15<sup>th</sup> day of June, 2023; The last publication was on the 15<sup>th</sup> day of June, 2023.

Signed Heidi Schulz  
By Heidi Schulz, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

15<sup>th</sup> day of June, 2023.

Karen Whittington  
Notary Public, State of Wisconsin

My commission expires 1/20/26

KAREN WHITTINGTON  
Notary Public  
State of Wisconsin

## NOTICE OF NEWLY ENACTED ORDINANCES Village of Yorkville

Please take notice that, on Monday, June 12, 2023, the Village Board of the Village of Yorkville adopted the following ordinances:

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Michael McKinney  
Administrator/Clerk

(Published in Westine Report  
June 15, 2023  
WNAXLP - 439506)