

**TITLE 7 - LICENSING AND REGULATIONS**

**Chapter 10 - Live, Public Nudity in Licensed Establishments**

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**7.10.1 General.**

**7.10.1.01 Purpose**

The purpose of this chapter is to minimize, prevent and control the negative secondary effects associated with the presence of live, public nudity in establishments licensed to serve alcohol beverages which the Town Board believes are detrimental to the public health, safety and welfare of the citizens of the Town of Grafton; while at the same time recognizing the limited protection afforded nude dancing under the First Amendment of the United States Constitution.

**7.10.1.02 Severability**

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

**7.10.1.03 Prohibition**

It is unlawful for any person, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or appear live in a state of public nudity on the premises of a licensed establishment, which:

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

**7.10.1.04 Exemptions**

The provisions of this chapter do not apply to the following licensed establishments: theaters, performing arts centers, civil 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 gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, persons or employees engaging in a state of live public nudity.

**7.10.1.05 Definitions**

- (A) Licensed Establishment. For purposes of this chapter, the term “licensed establishment” means any establishment licensed by the Town Board of the Town of Grafton to sell alcohol beverages, pursuant to Ch. 125, Wis. Stats.

**7.10.1.06 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 \$100.00, and not more than \$500.00 per violation. A separate offense and violation shall be deemed

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committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under Sec. 125.12, Wis. Stats.

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