

ORDINANCE

An Ordinance to amend Sections 11.030(3) and 11.030(5) of the Manitowoc Municipal Code for the Regulation of Adult Entertainment Taverns.

WHEREAS, the Common Council of the City of Manitowoc has previously adopted regulations concerning adult entertainment within the City of Manitowoc; and

WHEREAS, the Common Council reiterates its previous findings that certain activities as defined in Manitowoc Municipal Code Sections 11.030, and the businesses within which such activities or simulations thereof may occur, have in this and other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to affect the quality of life of the communities, and that these secondary effects are detrimental to the public health, safety and general welfare of citizens; and

WHEREAS, the Common Council reiterates its previous findings which recognizes that some activities described in Manitowoc Municipal Code Sections 11.030 are protected as expression under the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution, and the Common Council further recognizes that such rights are among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

WHEREAS, based on experience in this and other communities, the Common Council remains aware that businesses associated with such activities and such activities themselves may and do generate secondary effects which, the Common Council believes, are detrimental to the public health, safety and welfare of the citizens of the City of Manitowoc and have serious objectionable operational characteristics, particularly when located in proximity to each other and other areas as specified herein, thereby contributing to urban blight and downgrading the quality of life in the adjacent area and surrounding neighborhoods; and, the Common Council desires to prevent these adverse effects and thereby protecting the public health, safety and general welfare of the citizens of the City of Manitowoc.

NOW, THEREFORE, The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 11.030(3) is amended to read as follows:

“(3) **Issuance.** The City Clerk shall issue an adult entertainment tavern license to any holder of a “Class B” alcohol beverage license upon application and receipt of an annual license fee ~~from July 1st to June 30th~~ of \$1,000 for July 1st to June 30th provided the licensee’s building, structure, premises, or business within which the licensee is seeking to license the activities specified in this Section is not located within 1,000 feet of any of the following:

- a. School, whether pre-school, elementary, middle or high school, and whether public or private;
- b. Public library;
- c. Day-care facility;
- d. Recreational facility;
- e. Place of worship;
- f. Church;

g. Senior/elderly housing facility;

h. Park or playground;

The fee for a license for less than 12 months shall be prorated according to the number of months for which the license is issued. In addition, the Clerk shall issue a temporary adult entertainment license to any holder of a “Class B” alcohol beverage license for a period not to exceed seven consecutive days upon application and receipt of a temporary license fee of \$150.00.”

Section 2. Section 11.030(5) is amended to read as follows:

“(5) Regulations. The license holder shall comply with the additional following conditions:

...

(d) No employee of the adult entertainment establishment. while within 200 feet of the establishment, shall in any manner orally encourage or solicit any other person to come into the establishment.

...”

Section 3. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

Justin M. Nickels, Mayor

Fiscal Impact: Anticipated no more than \$100 for ordinance publication and code update costs of which are appropriated in the 2023 adopted budget. No additional tax levy or 2023 budget amendments.
Funding Source: 1100-15100-532100
Finance Director Approval: /SMA
Approved as to form: /EGN

This ordinance was drafted by Eric G. Nycz, Interim City Attorney.