

2  
3  
4 **ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND**  
5 **USE PLANNING COMMITTEE CREATING SECTION 20-646 OF THE RACINE**  
6 **COUNTY CODE OF ORDINANCES ESTABLISHING A MORATORIUM ON**  
7 **CONSIDERATION AND/OR ISSUANCE OF ZONING PERMITS, CERTIFICATES OF**  
8 **COMPLIANCE, OCCUPANCY PERMITS, SITE PLAN REVIEW, AND ZONING**  
9 **APPROVALS FOR ADULT ESTABLISHMENT USES**

10  
11 To the Honorable Members of the Racine County Board of Supervisors:

12  
13 The Racine County Board of Supervisors does hereby ordain as follows:

14  
15 **Part 1**

16  
17 **Sec. 20-646 Moratorium.**

18  
19 (a) **Findings to establish a Moratorium.** A public hearing was held on December  
20 16, 2019 and based upon that hearing, the Racine County Board of Supervisors  
21 does find as follows:

22  
23 (1) Studies in other communities indicate that adult establishments and certain  
24 activities that frequently occur in or around adult establishments, have tended  
25 to further the increase of criminal and other offensive activity, to disrupt the  
26 peace and order of communities, to depreciate the value of real property, to  
27 harm the economic welfare of communities, to encourage or facilitate the  
28 spread of sexually transmitted diseases, and to affect the quality of life of the  
29 communities; and

30  
31 (2) These secondary effects of adult establishments are detrimental to the public  
32 health, safety and general welfare of Racine County residents, businesses and  
33 visitors; and

34  
35 (3) The Racine County Board of Supervisors has previously adopted regulations  
36 to limit the secondary effects of adult establishments within the County,  
37 including Racine County Code of Ordinances Chapter 20, Zoning, Division 22.  
38 B-7 Adult Establishment Uses, Sections 20-636 through Section 20-655; and

39  
40 (4) Developments in the law subsequent to the adoption of those regulations may  
41 impair or impact those regulations, including without limitation the constitutional  
42 effect;

43  
44 (5) Kenosha County, which has a substantially similar ordinance, has declared a  
45 moratorium to study and enact a revised ordinance for these very reasons; and

46  
47 (6) A moratorium on consideration and/or issuance of zoning permits, certificates  
48 of compliance, site plan review, and zoning approvals for adult entertainment  
49 establishments is necessary to allow the Racine County Economic  
50 Development and Land Use Planning Committee to study how the zoning  
51 ordinance should be changed to address developments in the law while still  
52 protecting the public health, safety and general welfare of Racine County  
53 residents, businesses and visitors.

5 **(b) Declaration of Moratorium and Exclusions. Based upon the findings of**  
6 **sec. 20-640(a)**, a moratorium is hereby declared with respect to the acceptance  
7 of applications for and the issuance of any zoning permits, certificates of  
8 compliance, site plan review, and zoning approvals as described in the Racine  
9 County Code of Ordinances, Chapter 20, Zoning, Division 22. B-7 Adult  
10 Establishment Uses. This moratorium excludes those services provided by  
11 medical practitioners, professional physical therapists, professional  
12 occupational therapists, or licensed massage therapists officially licensed and  
13 registered by the State of Wisconsin.  
14

15 **(c) Duration of Moratorium.** This moratorium shall be in effect for nine (9) months  
16 following the effective date of this ordinance or until such time as a revised  
17 Adult Establishment Uses ordinance is adopted and takes effect, whichever is  
18 earlier.  
19

20 **(d) Direction to Develop Revised Ordinance.** During the period of this  
21 moratorium, the Economic Development and Land Use Planning Committee is  
22 directed to draft a revised ordinance providing comprehensive regulation of  
23 adult establishments to protect health, safety and general welfare of the public  
24 and aligns with current legal requirements as part of the County's  
25 comprehensive plan which shall be presented to the Racine County Board of  
26 Supervisors on the earliest possible date. It is the intention of the Board of  
27 Supervisors to adopt a revised ordinance prior to the expiration of this  
28 moratorium.  
29

30 **(e) Subjects for Consideration.** In preparing a revised ordinance, the Economic  
31 Development and Land Use Planning Committee shall review and evaluate  
32 Division 22. B-7 Adult Establishment Uses found in Chapter 20, Zoning, of the  
33 Racine County Code of Ordinances, consider available studies and information  
34 concerning the secondary effects of adult establishments in Racine County and  
35 elsewhere, consult with legal counsel, solicit input from appropriate county  
36 staff, and interested members of the general public, and review any other  
37 information the Economic Development and Land Use Planning Committee  
38 deems appropriate. The Economic Development and Land Use Planning  
39 Committee shall consider including, but not limited to, the following:  
40

- 41 A. The under-inclusiveness or over-inclusiveness of Racine County Ordinances,  
42 Chapter 20, Zoning, Division 7. Adult Establishment Uses.
- 43 B. The appropriateness of current separation requirements between different  
44 adult establishments and between adult establishments and other land uses.
- 45 C. The secondary effects of different kinds of adult establishments and the need  
46 to treat the establishments differently.
- 47 D. The extent to which some kinds of adult establishments may be banned entirely  
48 and the extent to which such a ban would reflect community standards.
- 49 E. The need for a licensing ordinance governing the ongoing operation of adult  
50 establishments.
- 51 F. The availability of sites for the location of adult establishments.  
52  
53  
54  
55  
56  
57  
58

5 (f) **Severability.** If a section, subsection, paragraph, sentence, clause, or phrase  
6 of this ordinance is declared unconstitutional or invalid for any reason by any  
7 court of competent jurisdiction, such decision shall not affect the validity of the  
8 remaining portions of this ordinance.  
9

10 (g) **Construction.** If the provisions of this ordinance are found to be inconsistent  
11 with other provisions of the Racine County Code of Ordinances, this ordinance  
12 is deemed to control.  
13

14 **The Racine County Clerk is directed to transmit duplicate copies of this**  
15 **ordinance to all Racine County municipalities within seven (7) days after this**  
16 **ordinance is adopted.**  
17

18 Respectfully submitted,

19  
20 1st Reading \_\_\_\_\_

**ECONOMIC DEVELOPMENT & LAND USE  
PLANNING COMMITTEE**

21  
22 2nd Reading \_\_\_\_\_

23  
24 BOARD ACTION

\_\_\_\_\_  
David J. Cooke, Chairman

25 Adopted \_\_\_\_\_

26 For \_\_\_\_\_

27 Against \_\_\_\_\_

28 Absent \_\_\_\_\_

\_\_\_\_\_  
Thomas Roanhouse, Vice-Chairman

29  
30 VOTE REQUIRED: Majority

\_\_\_\_\_  
Robert D. Grove, Secretary

31  
32 Prepared by:  
33 Public Works & Development  
34 Services Department

\_\_\_\_\_  
Thomas Pringle

35  
36 \_\_\_\_\_  
Monte G. Osterman

37  
38 \_\_\_\_\_  
Tom Hincz

39  
40 \_\_\_\_\_  
Katherine (Kay) Buske

41  
42  
43  
44 **The foregoing legislation adopted by the County Board of Supervisors of Racine County,**  
45 **Wisconsin, is hereby:**

46  
47 **Approved:** \_\_\_\_\_

48 **Vetoed:** \_\_\_\_\_

49  
50 **Date:** \_\_\_\_\_

51  
52 \_\_\_\_\_  
53 **Jonathan Delagrave, County Executive**