

ORDINANCE NO. 2013-08

AN ORDINANCE CREATING CHAPTER 27
OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN,
DOES ORDAIN THAT CHAPTER 27, REGISTRATION OF ESCORTS, OF THE VILLAGE
OF ALLOUEZ MUNICIPAL CODE BE CREATED TO READ AS FOLLOWS:

SECTION 1. REGISTRATION OF ESCORTS

27.01 DEFINITIONS.

- (a) Employee. An escort whose name is furnished by an escort service, is referred to a customer through an escort service, or is an agent, employee, independent contractor, or volunteer for an escort service shall be considered an employee of such service for the purposes of this ordinance.
- (b) Escort. Any person who, for consideration, accompanies or offers to accompany another person to or about social affairs, entertainment or places of amusement, consorts with another person about any place of public resort or within any private quarters, or agrees to privately model lingerie, perform a striptease, or perform in a nude or semi-nude state for another person or persons.
- (c) Escort Service. Any person who, for consideration, furnishes, offers to furnish, advertises to furnish, or refers escorts.
- (d) In Call. Any agreement whereby an escort is provided on a premise owned, leased rented, or controlled by the escort or escort service.
- (e) Person. Any natural person, sole proprietorship, partnership, corporation or association, excepting the United States of America, the State of Wisconsin, and any political subdivision thereof.
- (f) Specific Anatomical Areas.
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breasts below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

27.02 EXEMPTIONS.

This section does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the Village pursuant to a specific statute or ordinance, and employees employed by a business so licensed and which perform an escort or an escort service function as a service merely incidental to the primary function of such

profession, employment, or business and which do not hold themselves out to the public as an escort or an escort service.

27.03 REGULATED ACTS.

- (a) License and Registration Required. No escort service shall operate or provide service in the Village without first obtaining a license. No person shall escort in the Village unless employed by a licensed escort service and properly registered pursuant to subsection (11).
- (b) In Calls in Residential Zones. No escort or escort service may conduct in calls on residentially-zoned property.
- (c) Separate License. A license may be issued only for one escort service with one trade name. Any person, partnership, or corporation which desires to operate more than one escort service must have a separate license for each service.
- (d) Transfer Prohibited. No license or interest in a license may be transferred to any person, partnership, or corporation.
- (e) Unlawful Acts. No escort or escort service may engage in unlawful acts while acting as an escort. A violation of a criminal statute or ordinance by an escort shall be considered a violation of this ordinance by the licensee.
- (f) Advertising. No person may advertise indicating that an escort service is available in the Village of Allouez unless that service possesses a valid license. No escort service may advertise using a trade name unless that trade name is disclosed in its application. Any advertisements or escort activity conducted under an unreported trade name shall be considered unlicensed activity.
- (g) Physical Contact Prohibited. No escort shall touch a customer or the clothing of a customer while exposing specified anatomical areas, as defined in Section 1 of this code.
- (h) Customers under Age 18. No person shall escort or agree to escort a person under the age of 18 years.

27.04 APPLICATION FOR LICENSE.

- (a) Application to Clerk. Any person, partnership, or corporation desiring to secure a license shall make application to the Village Clerk. The application for a license shall be upon a form approved by the Village Clerk. Each applicant for a license, which shall include all partners or limited partners

of a partnership applicant, and all officers, directors, and any other person who is interested directly in the control of the business for corporate applicants, shall furnish the following information under oath:

1. Name, address, and age.
2. Whether the applicant holds any interest in any other escort service license or similar license or permit.
3. Whether the applicant has ever had any other escort service license or similar license or permit revoked or suspended, and the reason therefor.
4. All convictions and pending charges of felony, misdemeanor, or ordinance violations.
5. Fingerprints and two portrait photographs at least two inches by two inches of the applicant.
6. All convictions and pending charges of felony, misdemeanor, or ordinance violations of a corporation, partnership or other organization for which the applicant was or is a director, officer, partner, or person interested directly in the control of the organization.
7. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation, and provide a certified copy of the articles of incorporation.
8. If the applicant is a partnership, the application shall specify the name and address of all partners and provide a certified copy of the partnership agreement or articles of partnership.

(b) Additional Information. Each service shall furnish the following information under oath at the time of application:

1. The trade name of the escort service. An escort service may operate under only one trade name per license.
2. The complete address of the proposed business location with a copy of the deed, lease, or other document pursuant to which the applicant occupies such premises.
3. The service's Federal Employer Identification number.
4. A written plan setting forth:
 - a. The exact nature of the business to be conducted;
 - b. Office organization;
 - c. Advertising theme and method;
 - d. Copies of contracts to be used with escorts and customers;
 - e. The method of operation of the escort service, including the hours that the service will be open to the public; and
 - f. The methods of promoting the health and safety of escorts.

27.05 STANDARDS FOR ISSUANCE OF LICENSE.

(a) Standards. To receive a license to operate an escort service, an applicant must meet the following standards:

1. All persons required to be named under subsection (4)(a) shall be at least 18 years of age.

2. No person required to be named under subsection (4) (a) shall have been convicted of a felony.
3. Subject to Ch. 111, Wis. Stats., no person required to be named under subsection (4) (a) shall have been convicted of a law or ordinance violation involving moral turpitude, prostitution, obscenity, or another crime of a sexual nature in any jurisdiction.
4. No person required to be named under subsection (4) (a) shall have been convicted of a violation of a law or ordinance which substantially relates to the licensed activity.
5. No person required to be named under subsection (4) (a) shall have been a director, officer, partner, or person interested directly in the control of an organization that has been convicted of a violation of any law or ordinance which substantially relates to the licensed activity.

- (b) Investigation. The Allouez Police Department shall investigate the applicant's qualifications to be licensed.
- (c) False Information. Providing false or inaccurate information on the application or in the investigation of the application shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial of the application.
- (d) Lack of Cooperation. Failure or refusal of the applicant to give any information required by this section or relevant to the investigation of the application or cooperate with any investigation required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial of the application.
- (e) Pending Charges. If any charges are currently pending which, if resulting in a conviction, would disqualify the applicant pursuant to subsection (a) above, the Village Board may postpone action on the application until such time as the charge is resolved. Should the Village Board fail to act upon an application within 60 days of the resolution of the charge, the application shall be deemed granted.

27.06 FEES.

A non-refundable application fee of \$500 and a license fee of \$500 shall be submitted with the application for a license.

27.07 DENIAL OF APPLICATION.

Whenever an application is denied, the Village Clerk shall, within 14 days of the denial, advise the applicant in writing of the reasons for such action. The applicant may appeal the decision to a court of competent jurisdiction.

27.08 RENEWAL OF LICENSE OR PERMIT.

- (a) Process. Every license issued pursuant to this ordinance will terminate on December 31 of the year it is issued, 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 Village Clerk not later than October 31 of the year in which the license will terminate. The application for renewal shall be filed with and dated by the Village Clerk. The application for renewal shall be upon a form provided by the Village Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
- (b) Fee. A license renewal fee of \$500 shall be submitted with the application for renewal.
- (c) Investigation. The Allouez Police Department shall investigate the applicant's continuing qualifications to be licensed.

27.09 SUSPENSION, REVOCATION, OR NON-RENEWAL OF LICENSE.

- (a) Grounds. The license granted herein may be revoked or suspended for up to six months or non-renewed by the Village Board as follows:
 - 1. If the licensee or any person required to be named under subsection (4)(a) has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive; or
 - 2. For the violation by the licensee, an employee, or any person required to be named under subsection (4)(a) of any provision of this section, the Allouez Municipal Code, or the Wisconsin Statutes that substantially relates to the licensed activity; or
 - 3. After the conviction of the licensee, an employee, or any person required to be named under subsection (4)(a) of an offense under Ch. 944, Wis. Stats., an offense against the person or property of a patron, an offense involving substance in Subchapter II of Ch. 961, Wis. Stats., or any other offense which is substantially related to the licensed activity.
- (b) Notice. No license shall be revoked or suspended except after receipt of a written complaint which alleges that the licensee has violated, or has permitted others to violate, one or more conditions of said license. Such complaint may be filed with the Village Clerk by any member of the Village Board, any officer of the Village, or any party aggrieved by the alleged actions of the licensee.
- (c) Hearing. At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross-examine witnesses and, upon request, may have subpoenas issued by the President or presiding officer of the Board to compel the attendance of witnesses. The licensee shall be responsible for his or her own legal expenses, expenses of witnesses called to testify by licensee, and any other expenses

as may be incurred by licensee in preparation for or appearance at the hearing.

- (d) Recommendation. Upon receipt of such complaint, the Village Board shall cause an appropriate officer of the Village to conduct an investigation to determine the validity of the complaint. The investigating officer shall file a report of his findings with the Village Clerk within 30 days from being assigned the investigation, unless the Village Board specifically provides for a longer investigation period
- (e) Village Board Decision. Upon review of the investigating officer's report, the Village Board shall determine if the complaint constitutes sufficient grounds for revocation or suspension of the license. If so, the Village Board shall prepare a list of charges. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Village Board. The licensee shall be given notice of such hearing, which shall be held not more than twenty (20) nor less than five (5) days after notice, unless otherwise agreed between the parties.
 - 1. After hearing the evidence, the Board may act to dismiss the charges, revoke the license or impose a limited period of suspension. The determination of the Board shall be final, subject to review under Ch. 68, Wis. Stats.
 - 2. The holder of any license suspended or revoked shall immediately surrender said license to the Clerk.
 - 3. Appeal. If the Village Board suspends, revokes, or non-renews a license, the written notice provided the licensee shall indicate that the decision may be appealed to a court of competent jurisdiction.

27.10 RESPONSIBILITIES OF THE LICENSEE.

- (a) Compliance. The licensee shall ensure compliance of the service and all employees with the provisions and requirements of this ordinance. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the licensee of the escort service by which the escort is employed, and the licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.
- (b) Records and Reports Required. Every escort and escort service shall:
 - 1. Provide to each patron a written contract and receipt of payment for services. The contract shall clearly state the type of services to be performed; the length of time such services shall be performed, the total amount of money such services shall cost the patron, and any special terms or conditions relating to the services to be performed.
 - 2. Maintain a legible written record of each transaction of any escort furnished to or arranged for on behalf of any person or customer. The record shall show the date and hour of each transaction, the name, address, and

telephone number of the person requesting an escort, and the name of every escort furnished.

3. The records required by subsections 1 and 2 shall be kept available and open for inspection by the Allouez Police Department during business hours.

27.11 REGISTRATION OF ESCORTS.

- (a) Information. All escorts shall, prior to acting as an escort, register with the Allouez Police Department. Such registration shall include the following:
 1. Name, address, birth date, any aliases, pseudonyms, or stage names used, and telephone number(s).
 2. The name of the licensed escort service by which they are employed.
 3. Photographs and fingerprinting with the Allouez Police Department.
- (b) Identification Card. Upon registration, the Allouez Police Department will provide to each escort an identification card containing their photograph, identity, and the escort service by which the escort is employed. The escort shall keep the card available for production at all times while acting as an escort.
- (c) Duration. All registrations hereunder are valid for the term of the affiliated escort service's license.
- (d) Fee. The registration fee shall be \$25 per registration, which shall be paid to the Police Department to cover the costs of the identification card and administration.
- (e) Employment by Multiple Services. Any escort employed by more than one escort service shall submit a separate registration for each service by which the escort is employed.

27.12 PENALTIES AND PROSECUTION.

- (a) Forfeiture and License Revocation.
 1. Any person, partnership, or corporation who is found to have violated subsection (3)(a) of this ordinance shall forfeit a definite sum not less than \$1,000 and not exceeding \$2,500 and a court shall revoke any license issued to the person under this chapter.
 2. Any person, partnership, or corporation who is found to have violated any other section of this ordinance shall forfeit a definite sum not exceeding \$2,500 and a court shall revoke any license issued to the person under this chapter.
- (b) Separate Offense. Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

27.13 CH. 68, WIS. STATS., NOT TO APPLY. Ch. 68, Wis. Stats., shall not apply to the administrative process outlined above.

27.14 SEVERABILITY. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the other provisions of same.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 20th day of August, 2013.

Steven VandenAvond, Village President

ATTEST:

Debra M. Baenen, Village Clerk

Date of Publication: _____