

**CHAPTER 89
ESCORTS AND ESCORT SERVICES**

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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.

89-5. Escort Service License Required. No person may engage in, conduct or carry on or permit to be engaged in, conducted or carried on, the operation of an escort service within the city without first having a valid escort service license issued under this chapter.

89-7. Application for Escort Service License. 1. FILING FEE. Any person desiring to obtain an escort service license shall pay the fee required in s. 81-49.9 to defray the costs of administration and investigation of the application.

2. APPLICATION. Any person desiring an escort service license shall file a written application with the city clerk on a form to be provided by the city clerk. The information provided to the city clerk shall be provided under oath. If the applicant is a corporation, the name of the corporation shall be set forth exactly as set forth in its articles of incorporation, together with the date and state of incorporation, the names and residence addresses of each of its officers, directors and each stockholder holding 10% or more of the stock or beneficial ownership of the corporation. The application shall also be verified by an officer of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner. If the applicant is neither a corporation nor a partnership, the application shall set forth the true full name and residence address of the applicant and be verified by the applicant. The application shall also include any other name by which the applicant has been known during the previous

89-1. Definitions. In this chapter:

1. ESCORT means any person who, for a fee, commission, salary, hire, profit, payment or other monetary considerations accompanies or offers to accompany another person to or about social affairs, entertainments or places of amusement or consorts with another person about any place of public resort or within any private quarters.

2. ESCORT SERVICE means service provided by any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

3. PERSON means any natural person, sole proprietorship, partnership, corporation or association, excepting the United States of America, the State of Wisconsin, and any political subdivision thereof.

89-3. Exemptions. This chapter does not apply to businesses, agencies and persons licensed by the state of Wisconsin or the city pursuant to a specific statute or ordinance, and

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5 years. The application for an escort service license shall set forth the proposed place of business of the escort service by business address, including suite number, and not by post office box, and shall contain a description of the nature and scope of the proposed business operation. In addition, the following information shall be furnished concerning the applicant if an individual, and concerning each stockholder holding 10% or more of the stock or beneficial ownership of the corporation, each officer and director if the applicant is a corporation, and concerning each partner, including limited partners, if the applicant is a partnership:

a. The previous residence addresses, if any, for a period of 3 years immediately prior to the date of application and the dates of such residence.

b. The date of birth.

c. A complete set of fingerprints.

d. The business, occupation or employment history for 3 years immediately preceding the date of application, including but not limited to, whether such person previously operated under any permit or license in another city in this or another state and whether any such permit or license had ever been suspended or revoked.

e. All convictions in any state or federal court within the past 10 years, including municipal ordinance violations, exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.

f. All pending criminal charges in any state or federal court, with a brief statement of the nature of the pending charges and the jurisdiction in which the charges are pending.

g. The name of persons who will have custody of the business records at the business location.

h. The name and address of the person who will be the agent for service of process.

3. INVESTIGATION; HEARING. Applications shall be referred to the chief of police, commissioner of neighborhood services and commissioner of health, all of whom shall cause an investigation to be made and report their findings to the common council licensing committee.

a. For applications relating to escort service licenses, the report to the

common council licensing committee by the commissioner of neighborhood services shall include information related to the zoning district in which the place of business of the escort service is to be located.

b. All applications shall be referred to the licensing committee. If there is a possibility of denial of an application, the licensing committee shall hold a hearing on whether or not to grant the new license, except that no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 5 working days' notice of the hearing. The notice shall contain:

b-1. The date, time and place of the hearing.

b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial. If the possibility of denial is based on the fitness of the location of the premises to be maintained as the place of business, the notice shall also be served upon the owner of the premises so that the owner has at least 5 working days' notice of the hearing. Notice to the owner of the premises shall contain the same information and statements included under this paragraph related to the notice to the applicant.

b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses will be sworn in.

d-2. The chair shall ask those opposed to the granting of the license to proceed first.

d-3. The applicant shall be permitted an opportunity to cross-examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted a brief summary statement.

e. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements.

e-2. The appropriateness of the location and premises to be maintained as the principal place of business and whether the premises will create undesirable neighborhood problems.

e-3. Whether there is an over-concentration of businesses licensed under this section in the neighborhood such that the concentration will have an adverse impact upon the public health, safety and welfare of the neighborhood.

e-4. The applicant's record in operating similarly licensed businesses.

e-5. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

e-6. Neighborhood problems due to management or the appropriateness of the location and premises where the principal business is to be located.

e-7. Any other factors which reasonably relate to the public health, safety and welfare.

f. If the possibility of denial is based on the fitness of the location of the premises, the owner of the premises shall have the same rights related to a due process hearing provided to the applicant under this subsection.

g. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

h. If the common council grants the application for an escort service license, the city clerk shall issue a license to the applicant in accordance with this section. The license shall contain any restrictions or conditions the common council may place on approval.

4. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

5. GRANTING OF LICENSES. Within 60 days of the receipt of an application for an escort service license, the common council shall either grant or deny a license. If there is a possibility that an application will be denied, the licensing committee shall, after notice to the applicant, conduct a hearing. The common council shall grant an escort service license if, upon a recommendation by the licensing committee, it finds that:

a. The required fee has been paid.

b. The application conforms in all respects to this chapter.

c. The applicant has not knowingly made a material misstatement in the application for an escort service license.

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d. The applicant has fully cooperated in the investigation of his or her application.

e. The escort service as proposed by the applicant would comply with all applicable laws, including but not limited to the city's building and zoning regulations.

f. The applicant has not had an escort service license or permit or other similar license or permit revoked or suspended in this state or any other state within 3 years prior to the date of application.

g. The applicant if an individual, or any of the stockholders holding 10% or more of the stock or beneficial ownership of the corporation, and any officers, agent, or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, does not, at the time of application, have pending any criminal charge for, or within 5 years prior to the date of application has not been convicted of, any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under ch. 944, Wis. Stats., as amended, or other offenses subject to s. 111.335, Wis. Stats., as amended.

h. The applicant, if a corporation, is licensed to do business and is in good standing in the state of Wisconsin.

89-8. Escort License Required. No person may work or perform services as an escort in the city, either individually or while working for an escort service, unless the person has first obtained a valid escort license issued under this chapter.

89-9. Application for Escort License. 1. FILING FEE. Any person desiring to obtain an escort license shall pay to the city the fee required in s. 81-49.8 to defray the costs of administration and investigation of the application.

2. APPLICATION. Any person desiring an escort license shall file a written application with the city clerk on a form to be provided by the city clerk. The application shall be verified by the applicant and the information provided to the city clerk shall be provided under oath. Any applicant for an escort license shall furnish all information required by s. 89-7-2 as well as a description of the applicant's height, weight, color or

eyes and color of hair. The applicant shall provide 2 passport-size color photographs at least one inch by one inch taken within 3 months of the date of application. In addition, the applicant shall identify by name and address the escort service at which the applicant is currently working, if any, or at which the applicant expects to be employed.

3. INVESTIGATION; HEARING. Applications shall be referred to the chief of police, who shall cause an investigation to be made and report his or her findings to the common council licensing committee.

a. All applications shall be referred to the licensing committee. If there is a possibility of denial of an application, the licensing committee shall hold a hearing on whether or not to grant the new license, except that no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 5 working days' notice of the hearing. The notice shall contain:

a-1. The date, time and place of the hearing.

a-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial.

a-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

a-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

b. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

c. A due process hearing shall be conducted in the following manner:

c-1. All witnesses will be sworn in.

c-2. The chair shall ask those opposed to the granting of the license to proceed first.

c-3. The applicant shall be permitted an opportunity to cross-examine.

c-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

c-5. Committee members may ask questions of witnesses.

c-6. Both proponents and opponents shall be permitted a brief summary statement.

d. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

d-1. Whether or not the applicant meets the municipal requirements.

d-2. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

d-3. Any other factors which reasonably relate to the public health, safety and welfare.

e. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

f. If the common council grants the application for an escort service license, the city clerk shall issue a license to the applicant in accordance with this section. An escort license may only be issued if the escort service is also licensed.

4. GRANTING OF LICENSE. Within 60 days of the receipt of an application for an escort license, the common council shall either grant or deny the applicant an escort license. If there is a possibility that an application will be denied, the licensing

committee shall, after notice to the applicant, conduct a hearing. The common council shall grant an escort license if, upon a recommendation by the licensing committee, it finds that:

a. The required fee has been paid.

b. The application conforms in all respects to this chapter.

c. The applicant has not knowingly made a material misstatement in the application for an escort license.

d. The applicant has fully cooperated in the investigation of his or her application.

e. The applicant has not had an escort license or permit or other similar license or permit revoked or suspended in this state or any other state within 3 years prior to the date of application.

f. The applicant is at least 18 years of age.

g. The applicant does not, at the time of application, have pending any criminal charge for, or within 5 years prior to the date of application has not been convicted of, any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under ch. 944, Wis. Stats., as amended, or other offenses subject to s. 111.335, Wis. Stats., as amended.

89-11. Issuance and Display of Escort License.

1. The city clerk shall issue an escort license on which there shall be the person's true first name, surname and middle initial, if any, the picture of the applicant, the license number and the expiration date of the license. The license shall be in such form as to avoid alteration.

2. The certificate shall be carried on the person of the escort and shall be exhibited to any person, including law enforcement personnel, requesting to see it at any time while the person is engaged in acting as an escort.

89-13. Restrictions on Corporate Licenses.

Any corporation holding an escort service license under this chapter shall report to the city clerk, in writing, within 15 days of the event described herein, any of the following:

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1. Any change of officers of the corporation.
2. Any change in the membership of the board of directors of the corporation.

89-15. Sale or Transfer. Upon the sale or transfer of any interest in an escort service, the license shall be void. Any person desiring to continue to operate an escort service following sale or transfer shall apply for a license.

89-17. Escort Service Responsibility. Each person obtaining an escort service license from the city shall be responsible for the acts of the escorts employed or working with the escort service, regardless of whether the escorts are employees, agents or independent contractors. An escort service licensed by the city shall be subject to all of the penalties under this chapter to which an escort would be subject, if an escort violated this chapter, including suspension or revocation of the escort service's license.

89-19. Prohibited Practices. 1. No person who conducts, manages or operates an escort service may allow or permit any person to work as an escort for such escort service unless the person so employed has a valid escort license issued by the city.

2. No escort may work for any person who conducts, manages or operates an escort service unless the person for whom he or she works has a valid escort service license issued by the city.

3. No escort service may operate other than from a fixed location identified in the application filed with the city clerk's office.

4. No person granted an escort service license under this chapter may operate under any name or conduct an escort service business under any designation for any location not specified in the license issued by the city.

5. No escort service may conduct any business without maintaining on its premises a daily register containing the name of each escort currently employed or otherwise working for the escort service on the date in question, a duplicate of the escort license certificate provided under s. 89-9, and the actual hours of employment of each escort for each day. The daily register shall be available during all business hours for inspection by law enforcement personnel.

6. No person licensed as an escort or escort service may in any manner advertise its services as licensed by the city.

89-23. Procedures for Renewal, Non-Renewal, Revocation or Suspension of Licenses.

1. **RENEWAL.** Applications for the renewal of an escort service or escort license shall be made to the city clerk. The applications shall be filed in a timely manner in accordance with a schedule provided by the city clerk. The clerk shall refer the application to the chief of police, the commissioner of neighborhood services and the commissioner of health for review. If the chief of police, commissioner of neighborhood services and commissioner of health indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless an objection, written or otherwise, has been filed with the city clerk at least 45 days prior to the date of which the license expires. Any interested person may file this objection. If an objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for a hearing on whether the application should be recommended for approval or denial to the common council.

2. **N O N - R E N E W A L , S U S P E N S I O N O R R E V O C A T I O N .** a. Procedure. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

b. Revocation or Suspension Proceedings. Any license issued under this section may be suspended or revoked for cause. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

c. Grounds for Non-renewal, Suspension and Revocation. The recommendation of the committee regarding the licensee must be based upon evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

c-1. Failure of the licensee to meet the municipal qualifications or any of the terms of this section.

c-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employes, or frequenters.

c-3. Failure to abide by conditions imposed by the common council pursuant to s. 89-7-3-h.

c-4. Neighborhood problems due to management or the appropriateness of the location and premises where the principal business is located.

c-5. Any other factor or factors which reasonably relate to the public health, safety and welfare or which demonstrate that the premises where the place of business is located has generated the undesirable secondary effects.

89-25. Penalties. Any person who violates any provision of this chapter shall, upon conviction, be subject to a forfeiture of not less than \$500 nor more than \$2,000, together with the costs of prosecution, and upon default of payment, be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 80 days.

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**LEGISLATIVE HISTORY
CHAPTER 89**

Abbreviations:

am = amended

cr = created

ra = renumbered and amended

rc = repealed and recreated

rn = renumbered

rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
ch. 89	cr	890442	4/7/90	4/27/90
89-7-3	rc	051512	6/20/2006	7/8/2006
89-7-4	rn to 89-7-5	051512	6/20/2006	7/8/2006
89-7-4	cr	051512	6/20/2006	7/8/2006
89-7-4	rc	080189	7/1/2008	7/19/2008
89-9-3	rc	051512	6/20/2006	7/8/2006
89-21	rp	051512	6/20/2006	7/8/2006
89-23	rc	051512	6/20/2006	7/8/2006
89-23-2	rc	080009	5/20/2008	6/7/2008
89-23-2-d	rp	080189	7/1/2008	7/19/2008
89-23-2-e	rp	080189	7/1/2008	7/19/2008
89-23-3	rp	080009	5/20/2008	6/7/2008
89-23-4	rp	080009	5/20/2008	6/7/2008
89-23-5	rp	080009	5/20/2008	6/7/2008
89-23-6	rp	080009	5/20/2008	6/7/2008
89-23-7	rp	080009	5/20/2008	6/7/2008

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