

CHAPTER 13

Escorts and Escort Services

Sec. 7-13-1. Definitions.

(a) For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

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, entertainment or places of amusement or 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.

Escort Service means service provided by any person who, for a fee commission, salary, hire, profit, payment or other monetary considerations, furnishes or offers to furnish names of persons who may accompany other persons to or about social affairs, entertainment or places of amusement or consorts with others 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.

Person means any individual and is also extended and applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate.

Sec. 7-13-2. Exemptions.

This section does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the City of Menasha pursuant to a specific statute or ordinance, and employees employed by a business so licensed and which performs 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.

Sec. 7-13-3. License required.

- (a) No escort service shall operate or provide service in the City of Menasha without first obtaining an escort service license issued by the City of Menasha.
- (b) No person shall escort in the City of Menasha unless employed by an escort service licensed by the City of Menasha and property registered pursuant to §7-13-10.
- (c) Any person, partnership or corporation which desires to operate or provide services from more than one (1) location must have a license for each location.
- (d) No license or interest in a license may be transferred to any person, partnership or corporation.
- (e) No person may advertise indicating that an escort service is available in the City of Menasha unless that service possesses a valid license. No escort service may in any manner advertise its services as licensed by the City of Menasha.
- (f) Such license shall require a fee as established by the City Clerk and approved by the Common Council.

Sec. 7-13-4. Application for license.

- (a) Any person desiring to secure a license under this article shall make application to the City Clerk.
- (b) The application for a license shall be on a form approved by the City Clerk. An applicant for a license (which shall include each partner and limited partner of a partnership applicant, each officer and director of a corporate applicant, each stockholder holding ten percent (10%) or more of the stock or beneficial ownership and every other person who is interested directly in the ownership or operation of the business) shall furnish the following information under oath:
- (1) Name and address, including all aliases;
 - (2) Written proof that the individual is at least eighteen (18) years of age;
 - (3) All residential addresses of the applicant for the past ten (10) years;
 - (4) The business, occupation or employment of the applicant for ten (10) years immediately preceding the date of application;
 - (5) Whether the applicant previously operated in this or any other state, county or city under an escort service license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefore and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;
 - (6) All convictions and pending charges of felony, misdemeanor or ordinance violations, except minor traffic violations;
 - (7) Fingerprints and photographs registration with the Menasha Police Department;
 - (8) The address of the escort service to be operated by the applicant;
 - (9) 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.
- (c) A receipt from the finance Department showing payment of the appropriate fee shall be submitted with the application. The amount of the non-refundable fee shall be on file in the office of the City Clerk.

Sec. 7-13-5. Standards for license issuance.

- (a) To receive a license to operate an escort service, an applicant must meet the following standards;
- (1) If the applicant is an individual:
 - a. The applicant shall be at least eighteen (18) years of age;
 - b. Subject to Ch. 111, Wis. Stats., the applicant shall not have been convicted of or pleaded *nolo contendere*, or no contest, to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction;

- c. The applicant shall not have been convicted of a felony, misdemeanor or ordinance violation which substantially relates to the licensed activity;
- d. The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.

(2) If the applicant is a corporation:

- a. All officers, directors and others required to be named under §7-13-4 shall be at least eighteen (18) years of age;
- b. Subject to Ch. 111, Wis. Stats., no officer, director or other person to be named under §7-13-4 shall have been convicted of or pleaded *nolo contendere*, or no contest, to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction;
- c. No officer, director or other person required to be named under §7-13-4 shall have been convicted of a felony, misdemeanor or ordinance violation which substantially relates to the licensed activity;
- d. No officer, director or other person required to be named under §7-13-4 shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.

(3) If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:

- a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
- b. No persons having a financial interest in the partnership, joint venture or other type of organization shall, Subject to Ch. 111, Wis. Stats., have been convicted of or pleaded *nolo contendere*, or no contest, to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction;
- c. No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of a felony, misdemeanor or ordinance violation which substantially relates to the licensed activity;
- d. No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.

(4) No license shall be issued unless the Menasha Police Department has investigated the applicant's qualifications to be licensed.

(5) If any charges are currently pending which, if resulting in a conviction, would disqualify the applicant pursuant to subsections (1), (2) or (3) above, the Administration Committee may postpone action on the application until such time as the charge is resolved. Should the Administration Committee fail to act upon an application within sixty (60) days of the resolution of the charge, the application shall be deemed granted.

(6) Any business required to be licensed by this section may only be located in a General

Commercial Zoning District as defined by sec. 13-1-29. The business shall constitute an adult establishment as defines under sec. 13 -1 – 160 (a) (7).

Sec. 7-13-6. Renewal of license.

(a) Every license issued pursuant to this article will terminate on December 31st following its issuance, unless sooner revoked. Application for renewal shall be on a form provided by the City Clerk.

(b) No renewal application will be considered filed in the office of the City Clerk unless it is accompanied by the receipt of the Finance Department showing payment of the appropriate fee. The amount of the renewal fee shall be on file in the office of the City Clerk.

Sec. 7-13-7. Denial of application.

Whenever an initial application is denied, the duties of the City Clerk and the rights of the applicant shall be as set forth in the Menasha Municipal Code.

Sec. 7-13-8. Suspension, revocation or non-renewal of license.

(a) Any license issued under this article may be suspended for not less than ten (10) days nor more than ninety (90) days, or revoked, pursuant to Menasha Municipal Code. The same provisions shall apply to denial of an application for renewal of a license issued under this article.

(b) Any violation of the requirements of this article shall be grounds for revocation of a license issued under this article.

Sec. 7-13-9. Responsibilities of the operator.

(a) The operator of an escort service shall maintain a registration of all employees or independent contractors, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, social security number and date of employment and termination. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(b) The operator of an escort service shall make the register of employees available immediately for inspection by police upon demand of a member of the Menasha Police Department at all reasonable times.

(c) 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 operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct. The operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(d) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(e) No person shall escort or agree to escort a person under the age of eighteen (18) years.

Sec. 7-13-10. Registration of employees.

(a) All operators or employees working for any escort service and independent contractors shall, prior to beginning employment or contracted duties, obtain a photo identification card from the Police Department. Prior to issuance, the person shall provide:

(1) Name, address, birth date, any aliases used, telephone numbers, date of employment and name of employer;

(2) Photographs and fingerprinting with the Menasha Police Department.

(b) Upon registration, the Menasha Police Department will provide to each registered employee or independent contractor an identification card, provided by the Police Department, containing the employee's or independent contractor's photograph identifying the person as such, which shall be kept available for production upon request.

(c) All identification cards shall expire on December 31st following its issuance.

(d) The applicant shall pay a non-refundable fee, the amount of which is on file in the office of the City Clerk.

(e) Any escort employed by more than one (1) escort service shall submit a separate registration for each service by which the escort is employed.

Sec. 7-13-11. Penalties.

(a) Any person found to have violated any provisions of this article shall be subject to a forfeiture of not more than five hundred dollars (\$500). Every day shall constitute a new violation.

(b) Any license issued under this section may also be revoked if such license has been subject to two or more convictions in a twelve month period or three or more convictions in a thirty-six month period.

Sec. 7-13-12. 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.