

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 8, SERIES OF 2013**

**AN ORDINANCE AMENDING THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE -
CHAPTER 10, ARTICLE XV. – ESCORTS AND ESCORT SERVICES**

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section1. Chapter 10, Article XV. – Escorts and Escort Services of the Village of Little Chute code of ordinances is hereby amended by addition and/or subtraction to the content as follows.

Sec. 10-400. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ESCORT

Any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, 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 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

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 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 or agrees to privately model lingerie, perform a striptease or perform in a nude or semi-nude state for another person or persons.

PERSON

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

~~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's or places of amusement or consorts with another person about any place of public resort or within any private quarters.~~

~~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 who may accompany other persons to or about social affairs, entertainment's or places of amusement, or who may consort with others about any place of public resort or within any private quarters.~~

~~Person means any natural person, sole proprietorship, partnership, corporation or association, excepting the United States of America, the state, and any political subdivision thereof.~~

Sec. 10-401. Persons exempt from article.

This article does not apply to businesses, agencies and persons licensed by the state 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.

Sec. 10-402. - License required.

- A. No escort service shall be operated or maintained provide service in the Village of Little Chute without first obtaining a license to operate issued by the Village of Little Chute.
- B. A license may be issued only for one escort service located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one escort service must have a license for each. No person shall escort in the Village of Little Chute unless employed by an escort service licensed by the Village and properly registered pursuant to this chapter.
- C. No license or interest in a license may be transferred to any person, partnership or corporation. Any person, partnership or corporation who or which desires to operate or provide services from more than one 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 Village of Little Chute unless that service possesses a valid license. No escort service may, in any manner, advertise its services as licensed by the Village of Little Chute.
- F. No escort service shall provide a person with the actual services of an escort at its establishment address, except when the escort service has met the standards and requirements of adult establishments and is in possession of a special exception permit as required in 10-401 of this Code.
 - (a) No escort service shall be operated or maintained in the village without first obtaining a license to operate issued by the village.
 - (b) A license may be issued only for one escort service located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one escort service must have a license for each.
 - (c) No license or interest in a license may be transferred to any person, partnership, or corporation.

Sec. 10-403. - Application.

- A. Any person, partnership or corporation desiring to secure a license shall make application to the Village Clerk.
- B. The application for a license shall be upon a form approved by the Village Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, each stockholder holding 10% or more of the stock or beneficial ownership, and any 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 18 years of age.
- 3) All residential addresses of the applicant for the past 10 years.
- 4) The business, occupation or employment of the applicant for 10 years immediately preceding the date of application.
- 5) Whether the applicant previously operated in this or any other state, county, city or village under an escort service license or similar business license and whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was the subject to the suspension or revocation.
- 6) All criminal convictions, whether federal or state, or city and village ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges except minor traffic violations.
- 7) Fingerprints and photograph registration with the Fox Valley Metro Police Department.
- 8) The address of the escort service to be operated by the applicant.
- 9) If the applicant is a corporation, the applicant 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.
 - (a) Any person, partnership, or corporation desiring to secure a license shall make application to the village clerk.
 - (b) The application for a license shall be upon a form approved by the village clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, each stockholder holding ten percent or more of the stock or beneficial ownership, and any 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 18 years of age.
 - (3) All residential addresses of the applicant for the past ten years.
 - (4) The business, occupation, or employment of the applicant for ten years immediately preceding the date of application.
 - (5) Whether the applicant previously operated in this or any other state, county, city or village under an escort service license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
 - (6) All criminal convictions, whether federal or state, or city and village ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(7) Fingerprints and photograph registration with the Fox Valley Metropolitan Police Department.

(8) The address of the escort service to be operated by the applicant.

(9) If the applicant is a corporation, the applicant 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.

Sec. 10-404. - Standards for issuance.

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

A. If the applicant is an individual:

- 1) The applicant must be at least 18 years of age.
- 2) Subject to Ch. 111, Wis. Stats., the applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of application.
- 3) The applicant shall not have been found to have previously violated this chapter within five years immediately preceding the date of the application.

B. If the applicant is a corporation:

- 1) All officers, directors and others required to be named under 10-403 shall be at least 18 years of age.
- 2) Subject to Ch. 111, Wis. Stats., no officer, director or other person required to be named under 10-403 shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.
- 3) No officer, director, or other person required to be named under 10-403 shall have been found to have previously violated this chapter within five years immediately preceding the date of the application.

C. If the applicant is a partnership, joint venture, or any other type of organization where two or more persons have a financial interest:

- 1) All persons having a financial interest in the partnership, joint venture, or any other type of organization shall be at least 18 years of age.
- 2) 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 to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.
- 3) No person having a financial interest in the partnership, joint venture, or other type of organization shall have been found to have violated any provision of this chapter within five years immediately preceding the date of application.

D. No license shall be issued unless the Fox Valley Metro Police Department has investigated

the applicant's qualifications to be licensed.

E. A license fee of \$100 shall be submitted with the application for a license.

(1) If the applicant is an individual:

- a. The applicant shall be at least 18 years of age.
- b. Subject to Wis. Stats. ch. 111, the applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.
- c. The applicant shall not have been found to have previously violated this article within five 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 section 10-403(b) shall be at least 18 years of age.
- b. Subject to Wis. Stats. ch. 111, no officer, director, or other person required to be named under section 10-403(b) shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.
- c. No officer, director, or other person required to be named under section 10-403(b) shall have been found to have previously violated this article within five 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 or more persons have a financial interest:

- a. All persons having a financial interest in the partnership, joint venture, or any other type of organization shall be at least 18 years of age.
- b. No persons having a financial interest in the partnership, joint venture, or other type of organization shall, subject to Wis. Stats. ch. 111, have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.
- c. No person having a financial interest in the partnership, joint venture, or other type of organization shall have been found to have violated any provision of this article within five years immediately preceding the date of the application.
- d. No license shall be issued unless the Fox Valley Metropolitan Police Department has investigated the applicant's qualifications to be licensed.

Sec. 10-405. - Fees.

A license fee shall be submitted with the application for a license. The amount of the license fee shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code.

Sec. 10-406. 405 - Renewal of license or permit.

- A. Every license issued pursuant to this chapter 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. The application for renewal shall be filed with and dated by the Village Clerk. A copy of the application for renewal shall be distributed by the Village Clerk to the Fox Valley Metro Police Department and the applicant. 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. A license renewal fee of \$100 shall be submitted with the application for renewal.

(a) ~~Every license issued pursuant to this article 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. The application for renewal shall be filed with and dated by the village clerk. A copy of the application for renewal shall be distributed by the village clerk to the Fox Valley Metropolitan Police Department and the applicant. 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) ~~A license renewal fee shall be submitted with the application for renewal. The amount of the renewal fee shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code.~~

Sec. 10-407. 406 - Denial of application.

- A. Whenever an initial application is denied, the Village Clerk shall, within 14 days of denial, advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held at the next regularly scheduled meeting of the Village Board, as hereinafter provided.
- B. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his/her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his/her refusal to submit to or cooperate with any investigation required by this chapter shall constitute an admission by the applicant that he/she is ineligible for such license and shall be grounds for denial thereof by the Village Clerk.

(a) ~~Whenever an initial application is denied, the village clerk shall, within 14 days of the denial, advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten days of receipt of notification of denial, a public hearing shall be held at the next regularly scheduled meeting of the village board, as hereinafter provided.~~

(b) ~~Failure or refusal of the applicant to give any information relevant to the investigation of the application or his refusal or failure to appear at any reasonable time and place for~~

~~examination under oath regarding said application or his refusal to submit to or cooperate with any investigation required by this article shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the village clerk.~~

Sec. 10-408. 407 - Suspension, revocation, or nonrenewal of license.

- A. The license granted herein may be revoked or suspended for up to six months or nonrenewed by the Village Board as follows:
 - 1) If the applicant has made or recorded a statement required by this chapter knowing it to be false or fraudulent or intentionally deceptive;
 - 2) For the violation of any provision of this chapter;
 - 3) After one conviction of any escort service personnel or escort service of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron or of an offense involving a substance regulated in Subch. II of Ch. 961, Wis. Stats., or any other offense which is substantially related to an escort service or escort.
- B. No license shall be revoked, suspended or not renewed by the Village Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Village Board. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his/her behalf under subpoena by the Village Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Village Board shall determine what, if any, action shall be taken against the licensee. If the Village Board finds the complaint to be true, the license shall be suspended or revoked as provided in Subsection A. The Village Board shall prepare a written decision, which shall be filed with the Village Clerk, and a copy thereof delivered to the licensee and complainant within 20 days after its decision.
- C. Any party aggrieved by the determination made pursuant to the procedures in Subsection A above shall be entitled to seek judicial review by written petition for certiorari to the Circuit Court for Outagamie County, as authorized pursuant to § 68.13, Wis. Stats.
 - (a) ~~The license granted herein may be revoked or suspended for up to six months or nonrenewed by the village board as follows:~~
 - (1) ~~If the applicant has made or recorded a statement required by this article knowing it to be false or fraudulent or intentionally deceptive;~~
 - (2) ~~For the violation of any provision of this article;~~
 - (3) ~~After one conviction of any escort service personnel or escort service of an offense under Wis. Stats. ch. 944, or of an offense against the person or property of a patron or of an offense involving substance in sub. II of Wis. Stats. ch. 961, or any other offense which is substantially related to an escort service or escort.~~
 - (b) ~~Notice and hearing. No license shall be revoked, suspended, or not renewed by the village board except upon due notice and hearing to determine whether grounds for such action exists. Such hearing shall be held before the village board. Notice of such hearing~~

shall be, in writing, and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented by counsel, to cross examine opposing witnesses, to present witnesses on his own behalf under subpoena by the village board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the village board shall determine what, if any, action shall be taken against the licensee. If the village board finds the complaint to be true, the license shall be suspended or revoked as provided in subsection (a) of this section. The village board shall prepare a written decision which shall be filed with the village clerk, and a copy thereof delivered to the licensee and complainant within 20 days after its decision.

(c) Any party aggrieved by the determination made pursuant to the procedures in subsection (b) of this section shall be entitled to seek judicial review by written petition for certiorari to the circuit court for the county, as authorized pursuant to Wis. Stats. § 68.13.

Sec. 10-409. 408- Responsibilities of the operator.

- A. The operator of an escort service shall maintain a register of all employees or independent contractors, showing the name and aliases used by each 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 years following termination.
- B. The operator of an escort service shall make the register of employees available immediately for inspection by the police upon demand by a member of the Fox Valley Metro Police Department at all reasonable times.
- C. Every act or omission by an employee constituting a violation of the provisions of this chapter 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, and 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 chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or not renewed.
 - (a) The operator of an escort service shall maintain a register 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 information required in this subsection of each employee shall be maintained in the register on the premises for a period of three years following termination.
 - (b) The operator of an escort service shall make the register of employees available immediately for inspection by the police upon demand by a member of the Fox Valley Metropolitan Police Department at all reasonable times.

(c) Every act or omission by an employee constituting a violation of the provisions of this article 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, and 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 article 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.

Sec. 10-410. 409 - Registration of employees.

A. All operators or employees working for any escort service and independent contractors shall, prior to beginning employment or contracted duties, register with the Fox Valley Metro Police Department. Such registration shall include the following:

- 1) Name, address, birth date, any aliases used, telephone numbers, date of employment, and name of employer.
- 2) Photographs and fingerprinting with the Fox Valley Metro Police Department.

B. Upon registration, the Police Department will provide to each registered employee or independent contractor an identification card 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 registrations hereunder are valid for a period of one year.

D. 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 administrative costs.

(a) All operators or employees working for any escort service and independent contractors shall, prior to beginning employment or contracted duties, register with the Fox Valley Metropolitan Police Department. Such registration shall include the following:

- (1) Name, address, birth date, any aliases used, telephone numbers, date of employment, and name of employer.
- (2) Photographs and fingerprinting with the Fox Valley Metropolitan Police Department.

(b) Upon registration, the police department will provide to each registered employee or independent contractor an identification card 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 registrations hereunder are valid for a period of one year.

(d) The registration fee shall be paid to the police department to cover the costs of the identification card and administrative costs. The amount of the registration fee shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code.

Sec. 10-411. 410- Penalties and prosecution.

- A. Any person, partnership or corporation who is found to have violated this chapter shall be subject to a forfeiture of not less than \$200 and not more than \$1,000-\$3,000, and such violation shall result in revocation of any license.
- B. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

~~Any person who is found to have violated this article shall be subject to a forfeiture as described in the general penalties provision of this Code and shall result in revocation of any license.~~

Section II: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section III: Effective Date. This Ordinance shall become effective on the date of passage and publication.

Date introduced: October 9, 2013

Approved and Adopted: October 16, 2013

Published: October 26, 2013

VILLAGE OF LITTLE CHUTE

By: _____
Michael R. Vanden Berg, Village President

Attest:

Sandy Berkers, Village Deputy Clerk