

**ORDINANCE NO. 7183**

**ORDINANCE CREATING CHAPTER 5.57 ENTITLED “ESCORT SERVICE LICENSE” OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLARIE**

**THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:**

***SECTION 1.*** *That Chapter 5.57 entitled “Escort Service License” is hereby created to read as follows:*

**Chapter 5.57**

**ESCORT SERVICE LICENSE**

**Sections:**

- 5.57.010 Definitions.**
- 5.57.020 Exemptions.**
- 5.57.030 Regulated Acts.**
- 5.57.040 Application for license.**
- 5.57.050 Standards for Issuance of License.**
- 5.57.060 Fees.**
- 5.57.070 Denial of Application.**
- 5.57.080 Renewal of License or Permit.**
- 5.57.090 Suspension, Revocation, or non-renewal of License.**
- 5.57.100 Responsibilities of License.**
- 5.57.110 Registrations of Escorts.**
- 5.57.120 Penalties and Prosecution.**
- 5.57.130 Severability.**

**5.57.010 Definitions.** For the purposes of this chapter, the following terms shall have the meaning indicated:

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 otherwise 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, transports, facilitates, or refers escorts or accepts a commission or fee for any activities related to the provision of escort services.

D. “In Call” Any arrangement whereby an escort is provided on a premises 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.

**5.57.020 Exemptions.** This section does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the City of Eau Claire 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.

**5.57.030 Regulated Acts.** A. License and Registration Required. No escort service shall operate or provide service in the City of Eau Claire without first obtaining a license. No person shall escort in the City of Eau Claire unless employed by a licensed escort service and properly registered pursuant to this chapter

B. In Calls in Residential Zones. No escort or escort service may conduct in calls on residentially-zoned property or any commercial establishment such as a hotel or motel which offers lodging to travelers or permanent residents.

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 City of Eau Claire 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. All advertisements, including online advertisements, shall include the escort service's name and contact information. Advertisements, including online advertisements, shall not include code language commonly used to describe prostitution related services.

G. Physical Contact Prohibited. No escort shall touch the genital area of any client or the breasts of any female client, nor expose the breast areas or genital area of the escort.

H. Customers under Age 18. No person shall escort or agree to escort a person under the age of 18 years.

I. No person may engage the services of an escort not licensed by the City of Eau Claire.

**5.57.040 Application for license.** A. Application. Any person, partnership, or corporation desiring to secure a license shall make application to the Eau Claire City Clerk. The application for a license shall be upon a form approved by the City Clerk. Each applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers, directors, agents and any other person who is interested directly in the control of the business for corporate applicants, shall furnish the following information under oath or affirmation:

1. Name, address, and age.

2. Whether the applicant holds any interest in any other escort service license or similar license or permit either within the City of Eau Claire or in some other location.

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, agent 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 or affirmation 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 and Wisconsin Sales and Use Tax permit number.

4. A written plan setting forth:

i. The exact nature of the business to be conducted;

ii. Office organization;

iii. Advertising theme and method;

iv. Copies of contracts to be used with escorts and customers;

v. The method of operation of the escort service, including the hours that the service will be open to the public; and

vi. The methods of promoting the health and safety of escorts.

**5.57.050 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 5.57.040 A. shall be at least 18 years of age.

2. No person required to be named under subsection 5.57.040 A. shall have been convicted of a felony.

3. Subject to Ch. 111, Wis. Stats., no person required to be named under section 5.57.040 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 section 5.57.040 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 section 5.57.040 shall have been a director, officer, partner, agent 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 Eau Claire 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 Eau Claire City Council may postpone action on the application until such time as the charge is resolved.

**5.57.060 Fees.** The fees under this chapter shall be as stated in the City of Eau Claire Fees and Licenses Schedule, and shall be submitted with the application.

**5.57.070 Denial of Application.** An application for an escort service license shall be subject to the review and approval of the Chief of Police or the Police Chief's designee. Whenever an application is denied, the City 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 the City of Eau Claire Administrative Review Board.

**5.57.080 Renewal of License or Permit.** A. Process. Every license issued pursuant to this chapter shall 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 City 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 City Clerk. The application for renewal shall be upon a form provided by the City 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, as stated in the City of Eau Claire Fees and Licenses Schedule, shall be submitted with the application for renewal.

C. Investigation. The Eau Claire Police Department shall investigate the applicant's continuing qualifications to be licensed.

**5.57.090 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 City Clerk or the City Clerk's designee after an administrative determination that the licensee has done any of the following:

1. If the licensee or any person required to be named under section 5.57.040 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 section 5.57.040 of any provision of this section, the Eau Claire Code of Ordinances, 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 section 5.57.040 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.

**5.57.100 Responsibilities of License.** 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 Eau Claire Police Department during business hours.

**5.57.110 Registrations of Escorts.** A. Information. All escorts shall, prior to acting as an escort, register with the Eau Claire 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 Eau Claire Police Department.

B. Duration. All registrations hereunder are valid for the term of the affiliated escort service's license.

C. Fee. The registration fee shall be as identified in the City of Eau Claire Fees and Licenses Schedule and shall be paid to the City Clerk to cover the costs of the identification card and administration.

D. 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.

**5.57.120 Penalties and Prosecution.** A. Forfeiture and License Revocation.

1. Any person who is found to have violated subsection 5.57.030 A. of this ordinance shall forfeit a definite sum not less than \$200 and not exceeding \$5,000 and any license issued to the person under this chapter may be revoked.

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 \$5,000 and any license issued to the person under this chapter shall be revoked.

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.

**5.57.130 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.** *That the City of Eau Claire Fees and Licenses Schedule is hereby revised to reflect a one-time non-refundable application fee of \$500, an annual license fee of \$500 which shall be submitted with the application for a license, and a registration fee in the amount of \$200. Amendments to the license fee may be made by City Council resolution.*

**SECTION 3.** *The provisions of this ordinance shall take effect upon passage and publication.*

(SEAL) \_\_\_\_\_  
President Kerry J. S. Kincaid

(SEAL) \_\_\_\_\_  
City Manager Dale Peters

(ATTESTED) \_\_\_\_\_  
City Clerk Donna A. Austad

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