

AGENDA
Special Meeting/Working Session
VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
Village Hall Auditorium
9915 – 39th Avenue
Pleasant Prairie, WI
August 30, 2012
6:00 p.m.

1. Call to Order
2. Roll Call
3. Discuss the creation of an Escort License Ordinance.
4. Adjournment

The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 – 39th Avenue, Pleasant Prairie, WI (262) 694-1400

ORDINANCE NO. ____

**ORDINANCE TO CREATE CHAPTER ____ OF
THE MUNICIPAL CODE OF THE VILLAGE OF PLEASANT PRAIRIE,
WISCONSIN PERTAINING TO ESCORTS AND ESCORT SERVICES**

The Village Board of the Village of Pleasant Prairie, Kenosha County, Wisconsin, do ordain that chapter __ of the Code of the Village of Pleasant Prairie is created to read as follows:

CHAPTER __ ESCORTS AND ESCORT SERVICES

Sec. XXX-1 Authority.

This chapter is adopted pursuant to authority granted by the Wisconsin Statutes, including, without limitation, §§ 61.34(1) and 66.0415(1), Wis. Stats.

Sec. XXX-2 Purpose.

It is the purpose and intent of the Village that the licensing of escorts and escort services be regulated so as to further the public interest, safety and welfare by providing minimum qualifications and to regulate, prevent, combat, control and mitigate the harmful secondary effects of escorts and escort services operated within the Village, in a manner that is fully consistent with the First Amendment of the United States Constitution.

Sec. XXX-3 Interpretation.

The provisions of this chapter shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Village. Any word, term or phrase that is defined in this chapter shall have the meaning stated in its definition. Any undefined word, term or phrase shall have its common, ordinary meaning unless some other particular meaning is clearly suggested by the context in which it appears. As used in this chapter, "shall" is mandatory and "may" is permissive. Headings are provided in this chapter only for convenience and ease of reference, and such headings shall not be used to interpret the meaning, purpose or effect of any provision of this chapter. Notwithstanding any of the foregoing statements regarding interpretation, this chapter shall be interpreted so as to be fully consistent with the requirements of the First Amendment of the United States Constitution.

Sec. XXX-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

(a) **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.

(b) **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 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.

(c) **Location specific escort service** means an escort service in which the actual services of an escort are performed at a defined address associated with the escort service.

Sec. XXX-5 Exemptions.

Other than as stated below in this section, this chapter does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the Village of Pleasant Prairie 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, or unlicensed individuals performing substantially the same function as an employee employed by a licensed business 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 who does not hold themselves out to the public as an escort or an escort service.

This chapter prohibits holders of adult-oriented use licenses as defined in Chapter 108, and employees employed by a business holding such licenses from holding licenses provided under this chapter. Accordingly, those businesses or employees are not exempt from this prohibition or prohibition against acting as an escort or escort service without a license. All other conduct of adult-oriented uses, however is governed by ch. 108 and not this chapter.

Sec. XXX-6 License required.

(a) No escort service shall operate or provide service in the Village of Pleasant Prairie without first obtaining an escort service license issued by the Village of Pleasant Prairie.

(b) No person shall escort in the Village of Pleasant Prairie unless employed by an escort service licensed by the Village of Pleasant Prairie and properly registered pursuant to § XXX-13.

(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 Village of Pleasant Prairie unless that service possesses a valid license. No escort service may in any manner advertise its services as licensed by the Village of Pleasant Prairie.

(f) No location specific escort service shall operate from the same physical address as an adult-oriented use establishment as defined in Chapter 108.

(g) No escort service shall hold an escort service license and also hold an adult-oriented use license as defined in Chapter 108.

(h) All escort services and location specific escort services existing in the Village at the time of the adoption of this chapter must submit an application for a license within sixty (60) days of the adoption of this chapter.

Sec. XXX-7 Application for license.

(a) Any person desiring to secure a license under this article shall make application to the Village Clerk.

(b) The application for a license shall be on a form approved by the Village 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 Village 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 photograph registration with the Pleasant Prairie 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) **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 (1) 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 or will occupy, such premises.
- (3) The service's Federal Employer Identification Number.
- (4) A written plan setting forth:
 - a. Description of the nature of the business to be conducted and services to be offered;
 - b. Hours that the service will be open to the public;
 - c. Copies of contracts to be used with escorts and customers.

(d) A receipt from the Village Clerk showing payment of the appropriate fee shall be submitted with the application. The amount of the fee shall be on file in the office of the Village Clerk.

Sec. XXX-8. 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 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;
 - e. The applicant shall not be the holder of an adult use license, be employed by the holder of an adult use license, work as an independent contractor for the holder of an adult use license or hold a financial interest in the holder of an adult use license.
- (2) If the applicant is a corporation:
- a. All officers, directors and others required to be named under §XXX-7(b) 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 §9-833(b) 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 §XXX-7(b) 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 §XXX-7(b) shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application;
 - e. The applicant shall not be the holder of an adult use license, work as an independent contractor for the holder of an adult use license or hold a financial interest in the holder of an adult use license.
- (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 person have a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this ordinance within five (5) years immediately preceding the date of the application;
 - e. The applicant shall not be the holder of an adult use license, work as an independent contractor for the holder of an adult use license or hold a financial interest in the holder of an adult use license.
- (4) No license shall be issued unless the Pleasant Prairie 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, Pleasant Prairie may postpone action on the application until such time as the charge is resolved. Should the Village Board fail to fact upon an application with sixty (60) days of the resolution of the charge, the application shall be deemed granted.

Sec. XXX-9. 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 Village Clerk.

(b) No renewal application will be considered filed in the office of the Village 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 Village Clerk.

Sec. XXX-10. Denial of application.

Whenever an initial application is denied, the duties of the Village Clerk and the rights of the applicant shall be as set forth in §214-2 of the Pleasant Prairie Municipal Code.

Sec. XXX-11. 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 § 214-2, Pleasant Prairie 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. XXX-12. 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 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) **Records and reports required.** Every escort and escort service shall 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.

(c) 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 Pleasant Prairie Police Department at all reasonable times.

(d) 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.

(e) 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.

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

Sec. XXX-13. 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 Village Clerk. 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 Village of Pleasant Prairie Police Department.

(b) Upon registration, the Village of Pleasant Prairie Police Department will provide to each registered employee or independent contractor an identification card, provided by the Village Clerk, 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 fee of \$500 for each identification card, and for each renewal or reissuance thereof.

(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.

(f) All individuals employed as an escort in the Village at the time of the adoption of this chapter must register for an identification card within sixty (60) days of the adoption of this chapter.

(g) No individual may possess at the same time both an adult-use work permit, as described in Chapter §108-18, and an escort service photo identification card, as described in this Section.

Sec. XXX-14. Penalties.

Any person found to have violated any provision of this article shall be subject to a forfeiture of not less than two thousand dollars (\$2,000) and nor more than five thousand dollars (\$5,000).

Sec. XXX-15. 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.

Adopted this __ day of _____, 2012.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink

Village President

ATTEST:

Jane M. Romanowski

Village Clerk

Posted: _____

ORDINANCE NO. ____

**ORDINANCE AMENDING THE VILLAGE OF PLEASANT PRAIRIE MUNICIPAL
CODE CHAPTER 1 GENERAL PROVISIONS, SECTION 1-4 VIOLATIONS AND
PENALTIES**

The Village Board of the Village of Pleasant Prairie, Kenosha County, Wisconsin, do ordain that Chapter 1, Section 1-4 of the Village of Pleasant Prairie Municipal Code is amended to read as follows:

A. General penalty. Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(1) First offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with a penalty assessment and the costs of prosecution, and in default of payment of such forfeiture, assessment and costs of prosecution shall be imprisoned in the county jail until such forfeiture, assessment and costs are paid, but not exceeding 90 days.

(2) Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with a penalty assessment and the costs of prosecution, and in default of payment of such forfeiture, assessment and costs shall be imprisoned in the county jail until such forfeiture, assessment and costs are paid, but not exceeding six months.

B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

C. Execution against defendant's property. Whenever any person fails to pay any forfeiture, penalty assessment and costs of prosecution upon the order of any court for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture, assessment and costs.

D. Violation of Chapter 250, Sections 1 and 4(A)(12). Any person who shall violate Chapter 250, Sections 1 or 4(A)(12) of this Code as those sections relate to prostitution,

patronizing prostitutes or pandering, shall, upon conviction thereof, be subject to the provisions of Chapter 1, Section 1-4(A-C), provided that the forfeitures for these violations shall be not less than \$2,000 nor more than \$5,000, together with a penalty assessment and the costs of prosecution.

Adopted this __ day of _____, 2012.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink
Village President

ATTEST:

Jane M. Romanowski
Village Clerk

Posted: _____