

Ordinance O2-1-26

AN ORDINANCE REPEALING AND RECREATING CHAPTER 6: BUSINESSES, ARTICLE 8: ESCORT AND MASSAGE LICENSES.

WHEREAS, Chapter 6 - Business, Article 8 - Escort and Massage Licenses, is being repealed and recreated as the existing ordinance is outdated, and the Village of Ashwaubenon wishes to separate the license requirements and definitions for Escort and Massage;

WHEREAS, the Village of Ashwaubenon desires to adopt updated provisions to better serve the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON:

The following section of the Village of Ashwaubenon Municipal Code, is hereby repealed in its entirety:

(A) Chapter 6 - Businesses, Article 8 – Escort and Massage Licenses.

The following ordinance is hereby enacted to replace the repealed provisions:

(A) Chapter 6 - Businesses, Article 8 – Escort Licenses.

6-8-392 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:

Employee means 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.

Escort means any person who, for consideration, accompanies or offers to accompany another person for social affairs, entertainment or companionship, or within any private quarters, or agrees to privately model lingerie, perform a striptease, or perform in a nude or seminude state for another person.

Escort Service means any person who, for consideration, furnishes, offers to furnish, advertises to furnish, or refers escorts.

In Call means any arrangement whereby an escort is provided on a premises owned, leased, rented, or controlled by the escort or escort service.

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6-8-393 Exemptions

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.

6-8-394 Regulated Acts

- (A) *License and Registration Required.* No escort service shall operate or provide service in the village without first obtaining a license. No person shall escort in the village unless employed by a licensed escort service and properly registered pursuant to section 6-8-403.
- (B) *In Calls in Residential Zones.* No escort or escort service may conduct in calls on residentially zoned property.
- (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 village ordinance by an escort shall also be considered a violation of this article by the licensee and may result in revocation or nonrenewal of the license.
- (F) *Advertising.* No person may advertise indicating that an escort service is available in the village 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.
- (G) *Physical Contact Prohibited.* No escort shall touch a customer or the clothing of a customer while exposing their genitals, pubic region, buttocks, anus, or female breast.
- (H) *Customers Under Age 18.* No person shall escort or agree to escort a person under the age of 18 years.

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6-8-395 Application for Escort License

(A) *Application to Clerk.* Any person, partnership, or corporation desiring to secure a license shall submit an application and non-refundable application fee to the village clerk on a form provided by the village. The application must be fully completed and submitted under oath by each applicant for the license including all partners or limited partners of a partnership applicant, and all officers, directors, and any other person who is interested directly in the control of the business for corporate applicants.

6-8-396 Standards for Issuance of Escort Licenses

(A) *Standards.* To receive a license to operate an escort service, an applicant shall meet all of the following standards:

- (1) All persons required to be named under section 6-395(A) shall be at least 18 years of age.
- (2) No person required to be named under section 6-395(A) shall have been convicted of a felony.
- (3) Subject to Wis. Stats. Ch. 111, no person required to be named under section 6-395(A) 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 6-395(A) shall have been convicted of a violation of a law or ordinance which substantially relates to the licensed activity in any jurisdiction.
- (5) No person required to be named under section 6-395(A) shall have been a director, officer, partner, 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 in any jurisdiction.

(B) *Administrative Review.* Escort license applications shall be forwarded to the Chief of Public Safety, or the Chief's designee, for review and possible recommendation prior to Public Works and Protection Committee approval.

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- (C) *False or Incomplete Information.* Providing false, inaccurate, or incomplete information on the application or in the investigation of the application shall constitute an admission by the applicant that they are 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 section shall constitute an admission by the applicant that they are ineligible for such license and shall be grounds for denial of the application.
- (E) *Committee Review.* Applications complying with the provisions of this section shall be forwarded to the Public Works and Protection Committee for review and action. The Committee shall review the application, the applicant's qualifications, and all other relevant factors and determine whether to grant or deny the escort license.
- (F) *Pending Charges.* If any charges are currently pending against the applicant which, if resulting in a conviction, would disqualify him or her pursuant to subsection (A) of this section from licensure, the Public Works and Protection Committee may postpone action on the application until such time as the charge is resolved. Should the Committee fail to act upon an application within 60 days of the resolution of the charge, the application shall be deemed granted.

6-8-397 Fees

A non-refundable application fee and a license fee, both of which are on file in the office of the clerk, shall be submitted with the application for a license.

6-8-398 Denial of Application

If the application for an escort license is denied, the applicant shall be given written notice of the reasons for denial.

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6-8-399 Appeals

Any applicant whose application for a escort license has been denied by the Committee may appeal such determination to the Village Board upon written request for a hearing submitted to the Village Clerk within ten (10) days of the notice of denial.

- (A) *Evidentiary hearing.* Upon appeal, the Village Board shall conduct a hearing on the application to determine if the applicant possesses the qualifications required for licensure under this section. The hearing may be held in open or closed session depending on the nature of the evidence to be presented. The applicant may be represented by counsel, present and examine witnesses, and have a transcript of the hearing prepared at the applicant's expense.
- (B) *Board determination.* At the conclusion of the evidentiary hearing and following deliberation in open or in closed session, the Village Board shall determine whether to uphold the denial or grant the appeal and issue the license.
- (C) *Notice.* The Village Clerk shall notify the applicant in writing of the Village Board's decision to grant or deny the appeal within ten (10) days after the Village Board makes its determination.
- (D) *Certiorari.* Any appeal of the Village Board's decision shall be by writ of certiorari to Brown County Circuit Court within thirty (30) days after the Village Board decision.

6-8-400 Renewal of License or Permit

- (A) *Process.* 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 not later than November 15 of the year in which the license will terminate. The application for renewal shall be filed with and dated by the Village Clerk. 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) *Fee.* A nonrefundable license renewal fee which is on file in the office of the clerk shall be submitted with the application for renewal.
- (C) *Investigation.* The public safety department may investigate the applicant's continuing qualifications to be licensed.

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6-8-401 Responsibilities of the Licensee

- (A) *Compliance.* The licensee shall ensure compliance of the service and all employees with the provisions and requirements of this article. Every act or omission by an employee constituting a violation of the provisions of this article shall also 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 each patron with 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; and
 - (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 time of each transaction, the name, address, and telephone number of the person requesting an escort, and the name of every escort furnished.
- (C) *Availability of Records and Reports.* The records required by subsection (B) of this section shall be kept available and open for inspection by the department of public safety during business hours.

6-8-402 Operation Without a License-Public Nuisance

The operation or the activity of an escort service or individual as an escort without a license or registration is deemed a public nuisance and may be enjoined by the village.

6-8-403 Registration of Escorts

- (A) *Information.* All escorts shall, prior to acting as an escort, register with the department of public safety. Such registration shall include all of the following:
- (1) Name, address, birth date, any aliases, pseudonyms, or stage names used, and telephone number;
 - (2) The name of the licensed escort service by which they are employed; and
 - (3) Photographs and fingerprinting with the department of public safety.

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- (B) *Identification Card.* Upon registration, the department of public safety will provide to each escort an identification card containing his photograph, identity, and the escort service by which the escort is employed. The escort shall keep the card available for production at all times while acting as an escort.
- (C) *Duration.* All registrations hereunder are valid for the term of the affiliated escort service's license.
- (D) *Fee.* The registration fee per registration shall be on file in the office of the clerk, and shall be paid to the public safety department to cover the costs of the identification card and administration.
- (E) *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.

6-8-404 Suspension, Revocation, or Nonrenewal of License

The Committee may revoke, suspend or decline to renew a escort license after notice and opportunity for a hearing for reasons including, but not limited to, fraud, misrepresentation, or false statement contained in the application for a license, for a violation of any provision of this section, upon conviction of an offense the circumstances of which substantially relate to the licensed activity including, but not limited to, any conviction under Ch. 944 Wis. Stats., or for any other reasonable grounds related to the public health, safety, or welfare, as determined by the Committee in its sole discretion.

6-8-405 Penalties

- (A) *Forfeiture and License Revocation.*
- (1) Any person, partnership, or corporation who is found to have violated section 6-8-394 shall be subject to a forfeiture of not less than \$750.00 and not exceeding \$2,000.00 and a court shall revoke any license issued to the person, partnership, or corporation under this article; and
 - (2) Any person, partnership, or corporation who is found to have violated any other section of this article shall be subject to a forfeiture not exceeding \$1,000.00 and a court shall revoke any license issued to the person, partnership, or corporation under this article.
- (B) *Separate Offense.* Each violation of this article shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

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If any section, subsection, sentence, clause or phrase of this ordinance is held invalid, such decision shall not affect the validity of the remaining portions.

This ordinance shall take effect upon passage and publication as provided by law.

This ordinance was adopted by the Village of Ashwaubenon Board of Trustees on the ___ day of _____, 2026.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____

Mary Kardoskee, Village President

ATTEST:

Wendy Helgeson, Village Clerk

{SEAL}

Motion to Approve/Deny Ordinance No. O2-1-26 made by:

Votes:

Title	Name	Aye	Nay	Other
Trustee (Wards 1 & 2)	K. Servais			
Trustee (Wards 3 & 4)	G. Paul			
Trustee (Wards 5 & 6)	C. Zirbel			
Trustee (Wards 7 & 8)	C. Atkinson			
Trustee (Wards 9 & 10)	J. Krueger			
Trustee (Wards 11 & 12)				
President	M. Kardoskee			

Date of Publication: