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Sec. 898-1. - Definitions.

The following words and phrases, wherever used in this chapter, shall be construed as defined in this section unless from the context a different meaning is intended.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-C. - City Treasurer.

"City Treasurer" shall mean the city treasurer of the city of Cincinnati or such other person as may be designated by the city treasurer.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-C-1. - Consideration.

"Consideration" shall mean money or money's worth.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-E. - Escort.

"Escort" shall mean any person who for monetary consideration in the form of a fee, commission or salary, is held out to the public as available for hire to consort with or to accompany another or others to social affairs, places of amusement or entertainment within any place of public resort, or within any private quarters.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-E-1. - Escort Service.

"Escort Service" shall mean any person who for a fee, commission, profit, payment or other monetary consideration, furnishes, refers, or offers to furnish or refer escorts, or provides, or offers to introduce, patrons to escorts.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-E-2. - Escort Service Runner.

"Escort Service Runner" shall mean any person, not an escort, who for a salary, fee, hire, reward, or profit, as the agent for either an escort service, or a patron, contacts or meets with escort patrons or an escort service at any location other than the established open office, as defined hereunder, whether that person is employed by the escort service, or any business, or is self-employed.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-L. - Licensee.

"Licensee" shall mean a person who is the holder of a valid license under this ordinance. A licensee includes an agent, servant, employee or other person while acting on behalf of that licensee whenever such licensees are or would be prohibited from doing or performing an act or acts under this chapter.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-O. - Offer to Provide Acts or Sexual Conduct.

"Offer to Provide Acts" or "Sexual Conduct" shall mean to offer, propose or solicit to provide sexual conduct to a patron. Such definitions include all conversations, advertisement and acts which would lead a reasonably prudent person to conclude that such acts were to be provided.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-O-1. - Open Office.

"Open Office" shall mean an office at the licensed escort service address from which escort business is transacted; to qualify as an open office it is required that:

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- (a) Business hours be established and posted and that the office is open to the public and patrons or prospective patrons during such business hours and that the office is accessible to business invitees, business license officials and law enforcement officers during hours that escorts are working;
- (b) The office be managed by the owner or a management employee of the owner having authority to bind the escort service to escort and patron contracts and to adjust patron and consumer complaints;
- (c) All telephone lines and numbers listed to the escort service, or advertised as escort service numbers, terminate at the open office and at no other location;
- (d) An index of all employees and escorts is kept in the open office;
- (e) All business records be kept in the open office including records of escort calls and referrals, stating the name and address, including hotel or motel room, of the patron, the date and time of referral, name of the escort sent and whether the referral resulted in an escort service and the total fee received from the patron, if any.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-P. - Person.

"Person" shall mean any individual, or any firm, partnership, corporation or association of any kind.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-P-1. - Person Financially Interested.

"Person Financially Interested" shall mean, for the corporation, any person who is an officer or a director or any shareholder holding more than 5% of the shares thereof, for a non-corporate business, any person who shares in any financial gain attributable to the business as a proprietor or owner or on the basis of a percentage in excess of 5% of gross or 10% of net revenue.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-S. - Service Oriented Escort.

"Service Oriented Escort" shall mean an escort who:

- (a) Operates from an open office; and
- (b) Does not employ or use an escort service runner; and
- (c) Does not advertise that sexual conduct will be provided or work for an escort service which so advertises; and
- (d) Does not offer, solicit, agree to provide, or provide sexual conduct.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-S-1. - Service Oriented Escort Service.

"Service Oriented Escort Service" shall mean an escort bureau which:

- (a) Maintains an open office at an established place of business; and
- (b) Does not use an escort bureau runner; and
- (c) Does not advertise, offer, solicit, agree to, or provide sexual conduct to a patron; and
- (d) Employs or provides only escorts who possess escort identification cards.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-S-2. - Sexual Conduct.

"Sexual Conduct" shall mean engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of amusing or gratifying sexual desire of another person.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-S-3. - Sexual Gratification.

"Sexual Gratification" shall mean sexual conduct as defined herein.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-S-4. - Sexually Oriented Acts.

"Sexually Oriented Acts" shall mean sexual conduct as defined herein.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-S-5. - Sexually Oriented Escort.

"Sexually Oriented Escort" shall mean an escort who:

- (a) Employs an escort service runner as an employee, agent or independent contractor; or
- (b) Works for, as an agent, employee or independent contractor, or is referred to a patron by a sexually oriented escort service; or
- (c) Advertised that sexual conduct will be provided or works for as an agent, employee or independent contractor or is referred to a patron by an escort service which so advertised; or
- (d) Solicits, offers, agrees to provide or does provide acts or sexual conduct to an escort patron;
or
- (e) Accepts an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort service.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-S-6. - Sexually Oriented Escort Service.

"Sexually Oriented Escort Service" shall mean an escort service which:

- (a) Engages in advertising to make the prospective patron believe that acts of sexual conduct or sexual stimulation will be provided; or
- (b) uses as escorts persons known to have violated the law regarding prostitution; or
- (c) does not maintain an open office; or
- (d) employs as an employee, agent or independent contractor or uses an escort service runner; or
- (e) advertises that sexual conduct will be provided or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron; or
- (f) solicits, offers or agrees to provide or does provide acts or sexual conduct to a patron; or
- (g) employs, contracts with, or provides or refers escorts who do not possess escort identification cards as required herein; or
- (h) does not deliver contracts to every patron or customer; or
- (i) employs, contracts with, or refers or provides to a patron, a sexually oriented escort.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-1-S-7. - Sexual Stimulation.

"Sexual Stimulation" shall mean to excite or arouse the prurient interest or to offer or solicit acts of sexual conduct as defined under "offer to provide acts or sexual conduct".

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-3. - Escort Service License Required.

It shall be unlawful for any person to work or perform services in the City of Cincinnati such as, conduct, manage, operate or maintain an escort service unless licensed pursuant to this section. It shall also be unlawful for any person to work or perform services as, conduct, operate, manage, or maintain a sexually oriented escort service regardless of license. A separate license is required for each location and name by which the escort service conducts business or advertises.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Cross reference— Penalty, § 898-29.

Sec. 898-5. - License Nontransferability.

The term of a license issued pursuant to the provisions of this section is one year. All licenses issued pursuant to this section are nontransferable.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-7. - Application for Escort Service License; Contents; Required Fees.

(a) An applicant for an escort service license shall file an application with the city treasurer accompanied by a non-refundable application fee.

(b) Unless otherwise provided in this chapter, the application shall contain the name and address of the activity and the following information about the applicant, any person financially interested in the activity to be licensed, any authorized local agents, and any managing employee of the activity to be licensed:

- (1) The name, including any aliases, business trade names or styles;
- (2) Present residence and business addresses and telephone number, as applicable;
- (3) Each residence and business address for the five-year period immediately preceding the date of filing of the application and the inclusive dates of each such address;
- (4) Ohio driver's license;
- (5) Valid proof of age and that the applicant is at least 18 years of age;
- (6) Height, weight, color of eyes and hair and date of birth;
- (7) Two current 2" X 2" photographs;
- (8) The business, occupation or employment history for the three-year period immediately preceding the date of the filing of the application;
- (9) Information as to whether such individual or business has ever been refused any similar license or permit or has had any similar license or permit issued to such individual or business in Cincinnati or elsewhere revoked or suspended, and the reason or reasons therefor;
- (10) All prior criminal convictions excepting minor traffic offenses;
- (11) Fingerprints;
- (12) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation, and the names, residence addresses, and dates of birth of each of its current officers and directors, and each stockholder holding more than 5% of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the names, residence addresses and dates of birth of each of the partners, including limited partners and profit interest holders. If the applicant is a limited partnership, the applicant shall furnish a copy of the certificate of limited partnership. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The corporation or partnership applicant shall designate one of its officers or general partners to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an individual applicant under this ordinance, but only one application fee shall be charged;
- (13) A description of any service to be provided together with a declaration that the services to be provided shall not involve those of a sexually oriented escort or escort service;

(14) The names and residential addresses of all persons employed as escorts.

(c) The city treasurer shall have a reasonable period of time in which to investigate the application and background of the applicant and process the application through various city departments.

(d) The city treasurer shall grant the license upon the following circumstances:

(1) The required fees have been paid;

(2) The application conforms in all respects to the provisions of this section;

(3) The applicant has not made a material misrepresentation of fact in the application;

(4) That neither the applicant, if an individual; nor any person financially interested if a corporation; nor any of the partners, including limited partners, nor the holder of any profit interest, nor the manager or other person principally in charge of the operation of the existing or proposed escort service, nor any individual employed or contracted with to be an escort or to provide escort services has been convicted of, pleaded nolo contendere to or guilty to any felony, or to a misdemeanor involving moral turpitude, within five years prior to the issuance of the license;

(5) The applicant has not had a license similar to the one issued pursuant to the provisions of this chapter issued by another authority, suspended or revoked within the five-year period immediately preceding the date of the filing of the application;

(6) The escort service complies with all applicable laws of the city of Cincinnati and state of Ohio; and

(7) The applicant, manager or other person principally in charge of the operation of the business is at least 18 years of age.

(e) The city treasurer shall deny the license application if all of the requirements set forth in subsections (d)(1) through (7) of this section have not been met. In the event of denial, the applicant shall be notified by mail of the denial and the reasons therefor. The applicant may appeal such denial to the city manager who shall have the authority to sustain, amend or reverse the decision of the city treasurer.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-9. - Escorts, Unlawful to Work.

It shall be unlawful for any person to work or perform services as an escort within the city of Cincinnati unless employed by a licensed escort service or licensed as an escort service. It shall also be unlawful for any person to work or perform services as a sexually oriented escort, regardless of license.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Cross reference— Penalty, § 898-29.

Sec. 898-11. - Escort Identification Card.

Each escort service licensee shall be issued identification cards in its name and in the names of each person who shall engage in the activity of an escort on its behalf. This card must be carried on the person of any individual while such person is engaged in the activity of an escort within the city of

Cincinnati. Such identification card shall be displayed upon request of any Cincinnati police officer or other law enforcement official.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Cross reference— Penalty, § 898-29.

Sec. 898-13. - Escort Service Duties.

(a) The 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 service to be performed.

(b) The escort service shall maintain an open office at the licensed location. The address of that office shall be included in all patron contracts and published advertisements. Private rooms or booths where the patron may meet with the escort shall not be provided at the open office or at any other location by the escort service.

(c) The escort service, in terms of licensing consequences, is responsible and liable for the acts of all its employees and subcontractors including but not limited to, telephone receptionists and escorts who are referred by that service while the escort is with the patron.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Cross reference— Penalty, § 898-29.

Sec. 898-15. - Advertising Without a License.

It is unlawful to advertise or hold out to the public the availability of an escort or escort service without obtaining a license therefore as provided in this section, whether the actual business of escorts or escort service as defined in this chapter is performed. The escort service license number must be prominently displayed in such advertisement.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Cross reference— Penalty, § 898-29.

Sec. 898-17. - Information Update.

Any changes in information required to be submitted by this section must be given to the city treasurer within ten days of any such change.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Cross reference— Penalty, § 898-29.

Sec. 898-19. - Prohibited Activities.

It shall be unlawful for a licensee to provide escort services as described in this section to individuals under 18 years of age unless written authorization by a parent or legal guardian is issued to the escort when acting as such.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Cross reference— Penalty, § 898-29.

Sec. 898-21. - Renewal of Licenses.

Any license issued pursuant to the provisions of this chapter which has not been suspended or revoked, may be renewed for a period of time not to exceed one year on written application to the city treasurer made at least 45 days prior to the expiration date of the current valid license. The renewal application shall be on a form provided by the treasurer and shall contain all of the information required by section 898-9.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-23. - Fees.

A non-refundable application fee in the amount to be determined by the city treasurer as sufficient to cover the costs of this program shall accompany each application for an escort or for an escort service. Upon approval an initial license fee of \$300.00 shall be assessed. An annual renewal fee of \$300.00 shall accompany each renewal application.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996; Emer. Ord. 463-2010, § 55, eff. Dec. 30, 2010)

Sec. 898-25. - Revocation of License, Grounds and Procedure; Appeal.

(a) Any license issued pursuant to this section shall be revoked upon any one or more of the following grounds:

(1) The licensee, any employee, agent, or any other person connected or associated with the license as a partner, director, officer, stockholder or manager, or any "person financially interested" as defined in section 898-1-P-1, has violated any provision of this section in conducting an activity licensed under the provisions of this chapter.

(2) The licensee, any employee, agent or any other person connected or associated with the licensee as a partner, director, officer, stockholder or manager, or any "person financially interested" as defined in section 898-1-P-1 has made a material misrepresentation of fact in the application for any license required in this chapter.

(3) The licensee has been convicted, subsequent to the issuance of any license of a crime which is either a felony or a misdemeanor involving moral turpitude or has offered or agreed to or rendered the service of a sexually oriented escort.

(4) The licensee has violated a provision of this section in conducting a licensed activity pursuant to this section.

(5) The licensee is a corporation and is not or is no longer qualified to transact business in the state of Ohio.

(b) To revoke a license, the city treasurer shall notify the licensee in writing by mail to the address as shown on the application or otherwise more recently of record, that said license or permit is revoked. The cause for such revocation shall be set forth in the notice. Service shall be complete upon mailing to the address of record, in the office of the city treasurer.

(c) Except as otherwise provided in this section, the license shall terminate if the licensee fails to pay

any taxes owed to the city, or licensee fee owed either when due or by the end of any renewal period.

(d) Appeals from the revocation or termination of a license as provided for in this section may be appealed to the city manager for the city of Cincinnati who shall be authorized to amend, sustain or reverse the decision of the treasurer.

(e) A revoked license shall be surrendered to the city treasurer on demand at the expiration of the appeals process.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-27. - Applicability of Regulations to Existing Businesses.

The provisions of this section shall be applicable to all persons and activities described herein whether the herein described activities were established before or after the effective date of the ordinance enacting this section into law. All such persons and businesses shall have 60 days from said effective date hereof to comply with the provisions of this chapter.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)

Sec. 898-29. - Penalty.

The commission of any act declared to be unlawful in this chapter is a misdemeanor of the first degree.

(Ordained by Ord. No. 233-1996, eff. Sept. 6, 1996)