

ORDINANCE NO. 1473

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATING TO MASSAGE AND REFLEXOLOGY BUSINESSES, AMENDING SECTIONS 5.38.010 – 5.38.50, 5.38.070, AND 5.38.100 – 5.38.130, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, portions of the Revised Code of Washington which regulate massage businesses have been updated to adopt currently accepted nomenclature, and

WHEREAS, the State of Washington began explicitly requiring licensing of businesses performing reflexology services, and

WHEREAS, it would serve the interests of the City of Lacey to update antiquated language and to incorporate language regulating reflexology businesses into provisions of the Lacey Municipal Code that regulate massage businesses and employees,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 5.38.010 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.010 Definitions.**

Wherever the following words and terms appear in this chapter, they shall have the following meanings:

A. “~~Massage parlor~~ business” means a place in the incorporated area of the city where massages or like treatments are performed upon the body of one person by another person, or where sauna baths, Turkish baths, Swedish baths or the like are made available to members of the public.

B. “Massage ~~parlor~~ business employee” means any person who gives massages to, or attends in any other way upon, patrons of a massage ~~parlor~~ business, or who supervises the work of such a person.

C. “Reflexology” means a health care service that is limited to applying alternating pressure with thumb and finger techniques to reflexive areas of the lower one-third of the extremities, feet, hands, and outer ears based on reflex maps. Reflexology does not include the diagnosis of or treatment for specific diseases, or joint manipulations.

D. “Reflexology business” means the operation of a business in the incorporated area of the city where reflexology services are provided.

E. “Reflexology business employee” means any person who performs reflexology services for, or attends in any other way upon, patrons of a reflexology business, or who supervises the work of such a person.

Section 2. Section 5.38.020 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.020 Massage ~~parlor~~ business and reflexology business license required.**

Any person who owns or operates a massage ~~parlor~~ business or reflexology business for which a current, unrevoked massage ~~parlor~~ business or reflexology business license has not been issued pursuant to this chapter shall be guilty of a misdemeanor.

Section 3. Section 5.38.030 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.030 Massage ~~parlor~~ business or reflexology business employee license required.**

Any person whose conduct is that of a massage ~~parlor~~ business or reflexology business employee and who is not the holder of a current, unrevoked massage ~~parlor~~ business or reflexology business employee’s license issued pursuant to this chapter shall be guilty of a misdemeanor.

Section 4. Section 5.38.040 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.040 Exemptions to chapter applicability.**

The provisions of this chapter shall not apply to massages or reflexology services performed or baths provided in any hospital or at the athletic department of any public or private secondary school or college, or by any person who has been certified or licensed by the state of Washington to practice medicine, surgery, drugless therapy, physical therapy, massage, osteopathy, osteopathy and surgery, chiropractic, podiatry, or nursing.

Section 5. Section 5.38.050 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.050 Licenses--Application and issuance conditions--Protests and appeals from denial.**

A. Applications for massage ~~parlor and~~ business, reflexology business, massage ~~parlor business~~ employee, and reflexology business employee licenses shall be made to the city's finance department on forms provided by the police department. Each application for a massage ~~parlor-business or reflexology business~~ license shall be accompanied by a nonrefundable fee of \$50.00.

B. Each application for a massage ~~parlor-business~~ employee or reflexology business employee license shall be accompanied by a nonrefundable fee of \$20.00. Each application for a massage ~~parlor-business employee or reflexology business employee~~ license shall fully describe the applicant's name, business address, location of premises upon which the massage ~~parlor-business or reflexology business~~ will be operated, and the name, address and previous occupation of the person or persons who shall manage the massage ~~parlor-business~~ or reflexology business. If the applicant is a corporation, the application shall contain names, addresses and occupations of the applicant's officers and principal shareholders. Each application for a massage ~~parlor-business~~ employee or reflexology business employee license shall fully describe the applicant's name,

home address, previous occupation, and previous employer. Every person whose name appears on an application shall provide all assumed names or aliases which have been or are used by such person.

C. Upon the filing of any application for a massage ~~parlor~~ business or reflexology business license, the finance department shall promptly provide copies thereof to the chief of police and the community development director. Within ten days after receiving the same, the chief of police shall notify the finance department of whether or not the applicant, the massage ~~parlor~~ business or reflexology business manager, and (if the applicant be a corporation) the corporation's officers and the principal shareholders, or any of the foregoing, have been convicted of violating federal, state or local laws relating to sexual offenses, or to possession, use or sale of narcotics or alcoholic beverages. If records available to the chief of police indicate that any such person has been so convicted, the finance department shall notify the applicant, by registered letter, that the application has been denied. Within ten days after receiving a copy of the application, the community development director shall notify the finance department that the premises upon which the massage ~~parlor~~ business or reflexology business operation shall be conducted are or are not located on property which, under provisions of the city zoning code, can be put to such a use. If the premises are not so located, the finance department shall notify the applicant, by registered letter, that the application has been denied.

D. Any citizen or public officer may, while an application for a massage ~~parlor~~ business or reflexology business license is pending, petition the city council to deny the license. If the petition fails to set forth in detail alleged facts tending to show that issuance of the license will harm the public health, safety or morals, the petition shall be summarily stricken by the council. If the petition does set forth such allegations, the mayor shall transmit copies of the petition to the finance department and to the applicant, and the council shall set a date for a public hearing, of which all interested parties shall be notified, at which the council shall receive evidence bearing on the question of whether issuance of the license will tend to harm the public health, safety or morals. At the conclusion of the hearing, or any continued hearing, the council shall decide whether or not the health, safety or morals of residents of the community may be harmed by issuance of the license. The council shall notify the finance department of its decision, and he shall issue or deny the license in accordance with the decision.

E. Any applicant whose application has been denied on information supplied to the finance department by the chief of police or community development director may, within ten days following notification of the denial, file a petition for a hearing before the city council. The council shall set a date of hearing of which all interested parties shall be notified, and shall receive evidence bearing on the accuracy of the information supplied to the finance department. If the council determines that the information was substantially inaccurate, and that the public health, safety or morals will apparently not be harmed by issuance of the license, the council shall so notify the finance department, who shall thereupon issue the license.

F. Upon the filing of any application for a massage ~~parlor~~ business or reflexology business employee license, the finance department shall promptly provide copies thereof to the chief of police and the Thurston County health director. Within ten days after receiving the same the chief of police shall notify the finance department that the applicant has or has not been convicted of violating federal, state or local laws relating to sexual offenses, or to possession, use or sale of narcotics or alcoholic beverages. If records available to the chief of police indicate that the applicant has been so convicted the finance department shall notify the applicant, by registered letter, that the application has been denied. Within ten days after filing the application, the applicant shall submit to a physical examination to determine whether the applicant is free from contagious or infectious disease. The health director shall report the results of the examination to the finance department, and if the examination indicates the applicant has a contagious or infectious disease, the finance department shall notify the applicant, by registered letter, that the application has been denied. Within ten days following notification of denial, the applicant may petition the city council for a hearing to determine the accuracy of the information upon which the denial was based, and the petition shall be processed in the manner prescribed for processing similar petitions of applicants for massage ~~parlor~~ business and reflexology business licenses.

Section 6. Section 5.38.070 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.070 Licenses--Period of validity--Renewal--Transferability.**

Licenses issued pursuant to this chapter shall be valid for one year following the date of issuance (unless revoked earlier), and may be renewed annually by filing an application for renewal with, and paying a nonrefundable renewal fee equal to the initial application fee to, the finance department. Licenses issued pursuant to this chapter shall not be assigned or transferred from one holder to another. Premises of a massage ~~parlor-business~~ parlor-business or reflexology business may be relocated, provided that the finance department is notified of the relocation and the relocation does not violate provisions of the Lacey zoning code.

Section 7. Section 5.38.100 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.100 Premises--Safe and sanitary operation.**

The premises of all massage ~~parlors-businesses~~ parlors-businesses and reflexology businesses shall be maintained in a safe and sanitary manner.

Section 8. Section 5.38.110 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.110 Premises--Hours of operation.**

All massage ~~parlors-businesses~~ parlors-businesses and reflexology businesses shall be closed, and all services performed therein discontinued, between the hours of 12:00 a.m. (midnight) and 8:00 a.m.

Section 9. Section 5.38.120 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.120 Premises--Inspection authorized.**

All massage ~~parlors-businesses~~ parlors-businesses and reflexology businesses shall be open for inspection at all times by agents of the Lacey police department, license department and health department.

- A. Said inspections shall be performed during normal business hours and be limited to the areas of the premises where massage occurs.
- B. Such inspections shall be limited to the following purposes:
1. To ascertain whether or not the ~~parlor~~ massage business or reflexology business has obtained a license from the City of Lacey
  2. To ascertain whether or not the ~~parlor~~ massage business or reflexology business employees, working on the ~~parlor's~~ massage business' or reflexology business' premises, possess the proper license from the City of Lacey.
  3. To ascertain whether or not the premises are safe and sanitary.
  4. To ascertain whether the business is operating during the restricted hours, between 12:00 a.m. (midnight) and 8:00 a.m.
  5. To ascertain whether or not any acts of prostitution or related acts are being performed on the premises.
  6. To ascertain whether or not any liquor or controlled substances are being used, sold, or held on the premises.

Section 10. Section 5.38.130 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.130 Premises – Liquor prohibited.**

Liquor (as that term is defined in the Washington State Alcoholic Beverage Control Act) shall not be distributed or consumed on the premises of any massage ~~parlor~~ business or reflexology business.

Section 11. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 12. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 13. The Summary attached is hereby approved for publication.

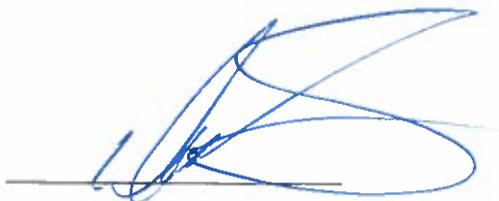
PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 25<sup>th</sup> day of June, 2015.

CITY COUNCIL

By: 

Mayor

Approved as to form:



City Attorney

Attest:

Carol Litten

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1473

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 25, 2015, Ordinance No. 1473, entitled “AN ORDINANCE OF THE CITY OF LACEY RELATING TO MASSAGE AND REFLEXOLOGY BUSINESSES, AMENDING SECTIONS 5.38.010 – 5.38.50, 5.38.070, AND 5.38.100 – 5.38.130, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance updates language in the Lacey Municipal Code relating to massage businesses to employ current nomenclature.
2. The Ordinance amends the Lacey Municipal Code to require that the licensing provisions related to massage businesses and employees also apply to reflexology businesses and employees.
3. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: June 29, 2015.