

ORDINANCE NO. 86

CITY OF LACEY

AN ORDINANCE REGULATING THE OPERATION OF MASSAGE PARLORS AND REQUIRING THE LICENSING OF MASSAGE PARLORS AND MASSAGE PARLOR EMPLOYEES AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LACEY:

Section 1. Wherever the following words and terms appear in this Ordinance they shall have the following meanings:

- a. Massage Parlor - A place in the incorporated area of the City of Lacey 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 Employee - Any person who gives massages to, or attends in any other way upon, patrons of a massage parlor, or who supervises the work of such a person.

Section 2. Any person who owns or operates a massage parlor for which a current, unrevoked massage parlor license has not been issued pursuant to this ordinance shall be guilty of a misdemeanor.

Section 3. Any person whose conduct is that of a massage parlor employee and who is not the holder of a current, unrevoked, massage parlor employee's license issued pursuant to this ordinance shall be guilty of a misdemeanor.

Section 4. Applications for massage parlor and massage parlor employee licenses shall be made to the City Clerk of the City of Lacey on forms provided by the Police Department. Each application for a massage parlor license shall be accompanied by a non-refundable fee of \$50.00.

Each application for a massage parlor employee license shall be accompanied by a non-refundable fee of \$20.00. Each application for a massage parlor license shall fully describe the applicant's name, business address, location of premises upon which the massage parlor will be operated, and the name, address and previous occupation of the person or persons who shall manage the massage parlor. 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 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.

Upon the filing of any application for a massage parlor license the City Clerk shall promptly provide copies thereof to the Chief of Police and the Chairman of the Planning Commission. Within ten days after receiving the same, the Chief of Police shall notify the City Clerk of whether or not the applicant, the massage parlor manager, and (if the applicant be a corporation) the corporation's officers and 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 City Clerk shall notify the applicant, by registered letter, that the application has been denied. Within ten days after receiving a copy of the application the Chairman of the Planning Commission shall notify the City Clerk that the premises upon which the massage parlor operation shall be conducted are or are not located on property which, under provisions of the City of Lacey Zoning Code, can be put to such a use. If the premises are not so located, the City Clerk shall notify the applicant, by registered letter, that the application has been denied.

Any citizen or public officer may, while an application for a massage parlor license is pending, petition the City Council of the City of Lacey 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 City Clerk 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 City Clerk of its decision, and he shall issue or deny the license in accordance with the decision.

Any applicant whose application has been denied on information supplied to the City Clerk by the Chief of Police or Chairman of the Planning Commission, 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 City Clerk. 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 City Clerk, who shall thereupon issue the license.

Upon the filing of any application for a massage parlor employee license the City Clerk 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 City Clerk 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 City Clerk 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 City Clerk and if the examination indicates the applicant has a contagious or infectious disease, the City Clerk 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 licenses.

Section 5. Licenses issued pursuant to this ordinance 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 non-refundable renewal fee equal to the initial application fee to, the City Clerk. Licenses issued pursuant to this ordinance shall not be assigned or transferred from one holder to another. Premises of a massage parlor may be relocated, provided that the City Clerk is notified of the relocation and the relocation does not violate provisions of the Lacey Zoning Code.

Section 6. All massage parlors shall be open for inspection at all times by agents of the Lacey Police Department, License Department and Health Department.

Section 7. No unlicensed person shall be allowed to perform acts for which a license is required on the premises of any massage parlor.

Section 8. The premises of all massage parlors shall be maintained in a safe and sanitary manner.

Section 9. 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.

Section 10. All massage parlors shall be closed, and all services performed therein discontinued, between the hours of 12 a.m. (midnight) and 8 a.m.

Section 11. Upon the filing of a petition with the City Council by any citizen or public officer alleging that a licensee supplied false information on a license application, or has been charged with committing acts of prostitution, narcotics offenses, liquor law violations or related offenses, or has violated the provisions of Section 7, 8, 9, or 10 of this ordinance, the Council may, in its discretion, revoke the license or order its holder to show cause why the license should not be revoked. If the Council summarily revokes a license its holder shall be afforded an opportunity to show cause why the license should not be reinstated.

Section 12. At hearings at which the issuance, revocation or reinstatement of a license are contested the Council may receive and weigh all relevant evidence, irrespective of whether such evidence would be technically admissable in a court of law. Any interested person may appear and give evidence at such a hearing, personally or through a representative.

Section 13. The provisions of this ordinance shall not apply to massages performed or baths provided in any hospital, or

by any person who has been certified or licensed by the State of Washington to perform or provide such services.

Section 14. Any person convicted of a violation of this ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

Section 15. A determination that any portion of this ordinance is invalid shall not impair the validity of the remaining portions.

Section 16. This ordinance shall take effect
April 29, 1968; PROVIDED, HOWEVER, that applications for licenses may be filed and processed prior to the effective date of this ordinance.

PASSED by the City Council this 18th day of April, 1968, and signed in authentication of its passage this 18th day of April, 1968.

 C. B. Homann
MAYOR

APPROVED AS TO FORM:

 Cyril A. Berwick
CITY ATTORNEY

ATTEST:

 Maurice Green
CITY CLERK