

Title: Regulatory Policy Massage Parlors	Policy No. Part 3, Regulations Chapter 3, Business Regulations Section 4
	Effective Date May 8, 2007
Policy Custodian Sheriff	Adoption/Revision Date May 8, 2007

Adopting Resolution(s): CC07-246

References (Statutes /Resos/Policies): CC93-426A

Purpose: To establish regulations for Massage Parlors

Policy: Massage Parlors

A. Applicability

The following regulations shall apply to all massage parlors unless exempt under Section W. Ordinance adopted July 20, 1993.

B. Definitions. As used in these regulations, unless the context otherwise requires:

1. "License" means a grant to a licensee to operate a massage parlor.
2. "Licensed premises" means the premises specified in an approved application for a license under these regulations which are owned or in the possession of the licensee and within which such licensee is authorized to carry on the practice of massage.
3. "Licensing authority" means the Board of County Commissioners of the County of Jefferson or any authority designated by County resolution.
4. "Location" means a particular parcel of land that may be identified by an address or by other descriptive means.
5. "Massage" means a method of treating the body for remedial or hygienic purposes, including but not limited to rubbing, stroking, kneading or tapping with the hand or an instrument or both.
6. "Massage parlor" means an establishment providing massage. (CC93-426A)
7. "Massage therapist" means a person who has graduated from a massage therapy school accredited by the State educational board or division charged with the responsibility of approving private occupational schools or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least five hundred (500) hours of training in massage therapy. A "massage therapy school" may include an equivalency program approved by the state educational board or division charged with the responsibility of approving private occupational schools.
8. "Person" means a natural person, partnership, association, company, corporation, organization or managing agent, servant, officer or employee of any of them.
9. "Premises" means a distinct and definite location which may include a building, a part of the building, a room, or any other definite area contiguous thereto.

C. Licensing - General Provisions.

1. All licenses granted pursuant to the provisions of these Regulations shall be valid for a period of one year from the date of their issuance, unless revoked or suspended pursuant to Section G.
2. Application for the renewal of an existing license shall be made to the licensing authority not less than forty-five days prior to the date of expiration. The licensing authority may cause a hearing on the application for renewal to be held. No such renewal hearing shall be held by the licensing authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.
3. Upon receipt of a completed application for a license to operate a massage parlor, the licensing authority shall, at its next regular meeting, set the boundaries of the neighborhood to be considered pursuant to C.4 in determining whether or not to grant said license. At such time, the applicant, or any other interested party, may attend and present evidence regarding said boundaries.
4. Before granting any license, the licensing authority shall consider, except where these regulations specifically provides otherwise, the reasonable requirements for the neighborhood, the desires of the inhabitants as evidenced by petitions, remonstrances or otherwise, and all other reasonable restrictions which are or may be placed on the neighborhood by the licensing authority.
5. Each license issued under these regulations is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be issued for each specific business or business entity and each geographical location.
6. No license granted under the provisions of these regulations shall be transferable as to ownership, except as provided in C.9
7. No changes of location for licensed premises shall be allowed.
8. When a license has been issued to a husband and wife or to a general or limited partnership, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license.
9. For any other transfer of ownership, application shall be made to the licensing authority. In determining whether to permit a transfer of ownership, the licensing authority shall consider only the requirements of C.7. The licensing authority may cause a hearing on the application for transfer of ownership to be held. No such hearing shall be held by the licensing authority until the notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing.
10. The licenses provided pursuant to these regulations shall specify the date of issuance, the period which is covered, the name of the licensee, and the premises licensed. Said license shall be conspicuously placed at all times in the massage parlor thereby licensed.

11. A fee of Three Hundred Fifty Dollars (\$350.00) shall accompany each application for a new massage parlor license and a fee of One Hundred Fifty Dollars (\$150.00) shall accompany each application for renewal or transfer of a massage parlor license, and such fees shall not be refundable.

D. Application to Licensing Authority - Issuance.

1. Application for a license or renewal thereof shall be made to the licensing authority on forms prepared and furnished by the clerk of the licensing authority which shall set forth such information as the licensing authority may require to enable the licensing authority to determine whether a license should be granted. Such information shall include the name and address of the applicant, and if a partnership, also the names and addresses of all the partners, and if a corporation, association or other organization, also the names and addresses of the president, vice-president, secretary and managing officer, together with all other information deemed necessary by the licensing authority. Each application shall be verified by the oath or affirmation of the applicant.
2. At the time of filing the application for the issuance of a license, the applicant shall file complete plans and specifications for the interior of the building if the building to be occupied is in existence at the time. If the building is not in existence, the applicant shall, in addition to the plans and specifications for the interior, submit an architect's drawing of the building to be constructed.
3. Before granting any license for which application has been made, the Jefferson County Sheriff's Office or one or more of its inspectors may visit and inspect the premises or property in which the applicant proposes to conduct business and investigate the fitness to conduct such business of any person or officer and director of any corporation applying for a license. In investigating the fitness of any applicant, licensee, employee or agent of the licensee or applicant, the licensing authority and/or the Jefferson County Sheriff's Office may have access to criminal history record information furnished by criminal justice agencies subject to any restrictions imposed by such agencies. In the event the licensing authority takes into consideration information concerning the applicant's criminal history records, the licensing authority shall also consider any information provided by the applicant regarding such criminal history records, including but not limited to, evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and consideration of the application for a license.

As used in this Section "criminal justice agency" means any federal, state, or municipal court or any governmental agency or sub-unit of such agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

4. No application to have a massage parlor at a particular location by or on behalf of the same person shall be received or acted upon concerning a location for which, within two years preceding, the licensing authority has refused to approve a license on the grounds, in whole or part, that the licenses already granted for the particular locality were adequate for the reasonable requirements of the neighborhood and the desires of the inhabitants at the time of such refusal.
5. Every applicant, licensee, agent or employee of said applicant or licensee shall, prior to commencing work in or upon the licensed premises, obtain an identity card from the Jefferson County Sheriff's Office in a form prescribed by the licensing authority and shall carry said identity card at all times while in or upon the licensed premises.

E. Identity Cards.

1. The identity card required by these regulations shall be furnished by the Jefferson County Sheriff's Office; shall include a photograph of the applicant, licensee, agent or employee; and shall be signed by the Sheriff or his authorized deputy. Each applicant, licensee, agent, or employee shall be charged a fee of Fifty Dollars (\$50.00) for each card, said fee to be collected by the Sheriff and used to defray the expenses of providing such identity cards, photographs, and background investigation. A separate identity card shall be required for each person for each place of employment, which place shall be stated on the identity card. Unless otherwise revoked or suspended, each identity card shall be valid for one year from date of issuance. Said identity card must be visible at all times on the upper right front portion of the person's torso while the individual required to possess such card is on the massage parlor premises. Only those persons who obtain an identity card pursuant to D.3 may administer massages.
2. Each applicant for an identity card shall submit to the Jefferson County Sheriff's Office a set of fingerprints, an application form and a valid picture driver's license or other form of acceptable picture identification. The granting of an identity card pursuant to this Section does not authorize such person to administer a massage.
3. Any person who administers a massage to a customer or patron of the massage parlor shall first obtain an identity card under this Section E. The person applying for an identity card shall provide those items required in E.2 and shall provide a diploma or certificate of graduation from a recognized school which has provided the applicant classroom instruction for the purpose of teaching the theory, method, profession or work of massage and which includes the study of the principles of anatomy and physiology. In order to be recognized, the school shall furnish the student who has satisfactorily completed the course of study or earning a diploma or certificate of graduation. If the school is located within this State, it shall meet the qualifications established by §12-59-101, et.seq., C.R.S., or other applicable statutes pertaining to vocational education. If the school is located outside this State, it shall meet the qualifications established by these regulations to qualify as a recognized school.
4. Within forty-five (45) days of receipt of the completed application, the Sheriff's Office shall grant the requested identity card or notify the applicant in writing of the reason for denial. The denial letter shall be sent by certified mail to the address contained on the applicant's picture identification or such other address as provided by the applicant. The applicant may appeal the decision of the Sheriff's Office by filing with the Clerk of the Board of County Commissioners within thirty (30) days of receipt of the certified letter denying the identity card, a written notice of appeal. The Board of County Commissioners shall thereafter hold a hearing on the applicant's request to obtain an identity card within thirty (30) days of receipt of the notice of appeal. The applicant shall receive, at a minimum, seven (7) days notice of the hearing date. The applicant may be denied an identity card if the applicant is not of good moral character or if the applicant has previously violated any provision of these regulations or if the applicant fails to provide the materials required by E.4
5. Should an identity card be lost, stolen or otherwise missing, the person to whom the identity card was issued shall report the missing card to the Jefferson County Sheriff's Office within forty-eight (48) hours of discovery that the identity card is missing. Replacement identity cards shall be issued within three (3) business days of receipt of an application for a replacement card. The fee for a replacement card is Ten Dollars (\$10.00).

F. Refusal of License by Licensing Authority.

The licensing authority shall refuse a license if the premises on which the applicant proposes to conduct its business do not meet the requirements of these regulations, or if the character of the applicant or its officers or directors is such that violations of these regulations would be likely to result if a license was granted, or if, in its opinion, licenses already granted for the particular locality are adequate for the reasonable needs of the neighborhood or if the license does not meet the health, safety or general welfare needs of the neighborhood.

G. Suspension and Revocation.

In addition to any other penalties prescribed by these regulations or by law, the licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which time the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by such authority for any violation by the licensee or by any of its agents, servants or employees of these regulations, or any of the rules or regulations authorized pursuant to these regulations, or of any of the terms, conditions, or provisions of the license issued by such authority. In addition, the licensing authority, in its discretion, may revoke or elect not to renew a license if it determines that the licensed premises have been inactive for at least three (3) months, or, in the case of a license approved for a facility which has not been constructed, such facility has not been constructed and placed in operation within one (1) year of approval of the license application or construction of the facility has not been commenced within one (1) year of such approval. The licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing which the licensing authority conducts.

H. Persons Prohibited as Licensees.

No license provided by these regulations shall be issued to or held by: (CC93-426A)

1. Any corporation, any of whose officers, directors or stockholders holding over ten percent (10%) of the outstanding initial capital stock thereof, are not of good moral character;
2. Any partnership, association or company, any of whose officers or members holding more than ten percent (10%) interest therein, are not of good moral character;
3. Any person employed, assisted by or financed in whole or in part by any other person who is not of good moral character;
4. Any sheriff, deputy sheriff, police officer or prosecuting officer or any of the licensing authority's inspectors or employees;
5. Any person unless he or she is satisfactory to the licensing authority with respect to his or her character, records, and reputation.

I. Unlawful Acts.

It is unlawful for any person:

1. To operate a massage parlor in unincorporated Jefferson County without holding a validly issued Jefferson County license;
2. To work in or upon the licensed premises of a massage parlor without obtaining and carrying a valid identity card pursuant to Section E.
3. To obtain the services provided in a massage parlor by misrepresentation of age or by any other method in any place where massage is practiced when such person is under eighteen (18) years old, unless such person is accompanied by his or her parent or has a physician's prescription for massage services.

4. To allow the sale, giving or procuring of any massage services to any person under the age of eighteen (18) years, unless such person is accompanied by his or her parent or has a physician's prescription for massage services.
5. To permit any person under the age of eighteen (18) years to be employed as an employee in a massage parlor. If any person who, in fact, is not eighteen (18) years of age exhibits a fraudulent proof of age, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under these regulations unless the person employing such person knew or should have known that said proof of age was fraudulent; and
6. To fail to display at all times in a prominent place on the licensed premises a printed card with a minimum height of fourteen (14) inches and a width of eleven (11) inches with each letter a minimum of one-half inch in height, which shall read as follows:

WARNING

IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME UNLESS HE IS ACCOMPANIED BY HIS PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

IT IS ILLEGAL FOR ANY PERSON TO ALLOW A PERSON UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME, UNLESS HE IS ACCOMPANIED BY HIS PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

FINES OR IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATIONS OF THESE PROVISIONS UNDER ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.

7. To violate any provision of these regulations;
8. To permit any controlled substances as defined in §12-22-303 C.R.S. on the licensed premises;
9. To permit any alcoholic beverages on the licensed premises;
10. To permit any cubicle, room, booth, or any area within a massage parlor where massages are given to be fitted with a door capable of being locked. Exterior doors may have locks, but such exterior doors shall not be locked while the massage parlor is open for business or while any massage is being performed therein;
11. To permit any massage to be given to a patron whose genitals are exposed during the massage treatment, and no patron of a massage parlor shall knowingly expose his/her genitals during a massage;
12. To permit a patron, customer, or employee of the massage parlor to view the exposed genitals of any other person while on the licensed premises. No male patron or customer may view the exposed breasts or buttocks of any female while on the licensed premises;
13. To permit a patron or customer of the massage parlor to touch the genitals, buttocks, or breasts of any person while on the licensed premises;

14. To hinder, prevent, or refuse to permit any inspection of the licensed premises by the Jefferson County Sheriff's Office or one or more of its inspectors;
15. No massage parlor shall be open for business between the hours of 2:00 a.m. and 6:00 a.m..

J. Violations and Penalties:

1. Pursuant to §12-48.5-111, C.R.S., any person violating any of the provisions of these regulations is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five thousand dollars (\$5,000) for each offense or by imprisonment in the county jail for not more than one (1) year or by both such fine and imprisonment. The court trying such offense may decree that any license issued under these regulations or of any law relating to the operation of massage parlors where such offense was committed, be suspended or revoked and may decree that no license for the operation of a massage parlor shall be issued to any such person for a period not to exceed five (5) years.
2. The penalties provided in this section shall not be affected by the penalties provided in any other section of these regulations by statute or otherwise but shall be construed to be an addition to any other penalties.
3. Any adult who causes a violation of the provisions of I.4 to I.6 may be proceeded against pursuant to §18-6-701, C.R.S. for contributing to the delinquency of a minor.

K. Powers of Peace Officers, Licensing Authority.

The peace officers of the county, or the duly authorized representatives of the licensing authority authorized to enforce the provisions of these regulations, while engaged in performing their duties and while acting under proper orders or regulations, shall have and exercise all the powers vested in peace officers of the State, including the power to arrest and the authority to issue summons for violations of the provisions of these regulations.

L. Public Notice - Posting and Publication.

1. Upon receipt of an application, except an application for renewal or for transfer of ownership under C.2 and C.9 respectively, the licensing authority shall schedule a public hearing upon the application not less than thirty (30) days from the date of the application and shall post and publish the public notice thereof not less than ten (10) days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation in Jefferson County.
2. Notice given by posting shall include a sign of suitable material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters of not less than one (1) inch in height and stating the type of license applied for, the date of the application, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners, and if the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.
3. Notice given by publication shall contain the same information as that required for signs.
4. If the building in which the massage parlor is to be operated is in existence at the time of the application, any sign posted as required in L.1 and L.2 shall be placed so as to be

conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

5. At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and cross-examine witnesses. As used in this Section, "party in interest" includes the applicant, a resident of the neighborhood under consideration or the owner or manager of a business located in the neighborhood under consideration.
6. The licensing authority, in its discretion, may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.

M. Result of Investigation - Decision to Authorities.

1. Not less than five (5) days prior to the date of the hearing, the licensing authority shall make known its findings based upon its investigation, in writing, to the applicant and other interested parties. The licensing authority has authority to refuse to issue any license for good cause, subject to judicial review.
2. Before entering any decision approving or denying the application, the licensing authority shall consider, except where these regulations specifically provides otherwise, the facts and evidence produced as a result of its investigation, including the reasonable requirements of the neighborhood for the license for which application has been made, the desires of the inhabitants, the number, types, and availability of other massage parlors located in or near the neighborhood under construction, and any other pertinent matters affecting qualifications of the applicant for the conduct of the business proposed.
3. Any decision of a licensing authority approving or denying an application shall be in writing stating the reasons therefore and shall be made within thirty (30) days after the date of the public hearing, and a copy of said decision shall be sent by certified mail to the applicant at the address shown in the application.
4. No license shall be issued by the licensing authority after approval of an application until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures and equipment in place as are necessary to comply with the provisions of these regulations and then only after inspection of the premises has been made by the licensing authority to determine that the applicant has complied with the architect's drawing and plans and specifications submitted upon application.

N. Restrictions for Applications for New Licenses.

No application for the issuance of any license authorized by these regulations shall be received or acted upon:

1. If, within two (2) years next preceding the date of the application, the licensing authority has denied an application at the same location for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfied by the existing outlets;
2. Until it is established that the applicant is, or will be, entitled to possession of the premises for which application is made under a lease, rental agreement or other arrangement for possession of the premises or by virtue of the ownership thereof;
3. For a location in an area where the operation of a massage parlor as contemplated is not permitted under the applicable zoning laws of Jefferson County.

O. Disturbances on Premises, Reporting.

The licensee or his agent or employee shall immediately report to the Jefferson County Sheriff's Office any unlawful or disorderly act, conduct or disturbance committed on the licensed premises.

P. Sanitary and Safety Requirements.

The following minimum requirements shall apply to all massage parlors:

1. All surfaces of floors, walls, ceilings, and equipment must be smooth and painted or constructed with surface material that is easily cleaned;
2. All areas shall be well lighted and well ventilated;
3. Each massage parlor shall provide toilet facilities where patrons of both sexes are accommodated separately;
4. All establishments shall have separate shower facilities for patrons of each sex, which includes hot and cold water, soap and towels;
5. The water supply shall be adequate and of a safe, sanitary quality, including hot and cold water;
6. Sanitary drinking fountains or individual paper cups shall be provided for the convenience of employees and patrons;
7. There shall be adequate facilities for the cleaning and disinfecting of all equipment and lines;
8. All towels, robes, bandages, pillow cases, sheets, blankets, wearing apparel or other articles which come into contact with any part of a patron's body must be laundered, cleaned and sterilized after each use and before being used again for a different patron;
9. All used and soiled linens as described in P.8 shall be placed in a covered receptacle immediately after use by or for each patron;
10. All clean linen shall be stored in shelves, compartments or cabinets used for that purpose only and shall be segregated as to types (pillow, sheets, towels, etc.)

Q. Personnel

1. All male employees or agents of the licensee shall wear all white slacks and all white shirts and all female employees or agents of the licensee shall wear an all white dress or all white slacks and all white blouse while on the licensed premises. Such clothing shall at least cover the pubic area, perineum, buttocks, natal cleft, and entire chest to four (4) inches below the collar bone and legs not exposed more than six (6) inches above the knees. All clothing shall be kept clean at all times, and soiled clothing shall not be worn. No transparent clothing is permitted. (CC93-426A)
2. All personnel shall wash their hands with soap and hot water after each visit to the toilet and immediately before serving a patron.

R. Safety.

1. The licensed premises shall comply with all fire and building code requirements.
2. An approved fire extinguisher shall be provided and maintained in an operable condition on the licensed premises.

S. Records.

Every licensed massage parlor shall keep a record of the date and hour of each massage, the name, age and address of the patron, and the name of the individual administering such massage. All such records shall be maintained on the licensed premises by the licensee for a period of one (1) year. The records required by this section shall be maintained in a confidential manner by the licensee and provided solely to the Jefferson County Sheriff's Office or its agents or employees upon their request or upon subpoena by the licensing authority.

T. Right of Entry.

The application for a massage parlor license shall constitute consent of the licensee and his or her agents or employees to permit any employee or agent of the licensing authority to conduct routine inspections of any licensed massage parlor during the hours the establishment is conducting business and at other times during which activity on the premises is in evidence. The application for a massage parlor license shall constitute consent of the licensee for any agent or employee of the Jefferson County Sheriff's Office to inspect and review any records required to be maintained by these regulations during the hours the massage parlor is conducting any business and at other times during which time activity is in evidence on the licensed premises.

U. Petitions.

Petitions for or against the issuance of a massage parlor license shall be on the forms furnished by the licensing authority (the petitioner may copy the form provided). Any person requested to sign a petition shall have the opportunity to indicate his/her desires as to the granting or denial of the license. Attached to each petition or group of petitions shall be the signature, under oath, of the person who circulated the same, indicating that each signature was placed thereon in his/her presence and that each signer was given the opportunity to indicate that the license should be granted or denied.

V. Application to Existing Business; Amortization.

The provisions of these regulations shall be applicable to all massage parlors, whether the massage parlors were established before or after the effective date of these regulations. Any massage parlor in operation on the effective date of these regulations shall comply with all requirements of these regulations within sixty (60) days of the effective date.

W. Exemptions.

The following classes of persons and establishments are exempted from these regulations:

1. Physicians, osteopaths, physical therapists, chiroprodists, chiropractors or podiatrists licensed or registered to practice in this State while performing such services in the practice of their respective professions;
2. Registered nurses and licensed practical nurses licensed to practice in this State while performing such services in their usual nursing duties;
3. Barbers and cosmetologists licensed to practice in this State in the course of practice of their usual and ordinary licensed vocation and profession, as defined in §12-8-101, et.seq. C.R.S.

4. Hospitals, clinics, nursing and convalescent homes and other similar institutions dedicated to medical or nursing practices licensed in this State where massage and baths may be given;
 5. Massage practiced in an institution of learning established for such instruction under §12-59-101 et.seq., C.R.S.;
 6. Training rooms of public and private schools accredited by the State Board of Education or approved by the division charged with the responsibility of approving private occupational schools and training rooms of recognized professional or amateur athletic teams.
 7. Health care facilities licensed in this State.
 8. Facilities which are operated for the purpose of massage therapy performed by a massage therapist.
- X. Severability.
- If any section or subsection of these regulations is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of these regulations and, to this end, the provisions of these regulations are declared to be severable.