

ADOPTED

MAY 12 1975

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 87

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING A NEW CHAPTER, CHAPTER 9-113.1, MASSAGE PARLORS, DEFINITIONS; REQUIRING A PERMIT; CERTAIN HEALTH REQUIREMENTS FOR OPERATORS AND TECHNICIANS; PROHIBITING CERTAIN MESSAGES; PROVIDING PENALTIES FOR VIOLATION.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 9 of the Code of the County of James City, be and the same is, hereby, amended by adding a new chapter, Chapter 9-113.1, Massage Parlors, Definitions; Requiring a Permit; Certain Health Requirements for Operators and Technicians; Prohibiting Certain Messages; Providing Penalties for Violation, to read as follows:

CHAPTER 9-113.1

MASSAGE PARLORS

Section 9-113.1-1. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings respectively ascribed to them by this section:

Massage. A method of treating the external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading or tapping with the hand or any instrument.

Massage parlor. Any place conducting a business where any person engages in, conducts or carries on, or permits to be engaged in, conducted or carried on, any business of giving Turkish, Swedish, vapor, sweat, electric, salt, magnetic or any other kind or character of massage, baths, alcohol rub, fomentation, manipulation of the body or other similar procedure.

Massage technician. Any person, male or female, including but not limited to, a massage parlor operator, who administers to another person, for any form of consideration, a massage, alcohol rub, bath, manipulation of the body or any similar procedure.

Director. The director of the Colonial Health District, Williamsburg-James City County-York County, Virginia, or his designee.

Section 9-113.1-2. Permit - Required.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises within the County, the business of a massage parlor, or to render or permit to be rendered massage services at a location removed from a massage establishment within the County without a permit issued pursuant to the provisions of this chapter, or, a permit having been issued, while such permit shall have been suspended or revoked.

Section 9-113.1-3. Same - Exemptions from requirement.

The requirements of Section 9-113.1-2 shall not apply to a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the Commonwealth of Virginia, or to a licensed nurse acting under the direct prescription and direction of any such physician, surgeon, chiropractor or osteopath. The requirements of Section 9-113.1-2 shall not apply to barber shops or beauty parlors in which massage is given to the scalp, the face, the neck or the shoulders only.

Section 9-113.1-4. Same - Application.

Any person desiring a permit to operate a massage parlor or establishment shall make application to the director who shall refer all such applications to the County Administrator for investigation. An application to obtain a permit to operate a massage establishment shall be accompanied by a receipt showing payment to the County Treasurer of the sum of fifty dollars, such sum to cover the costs of investigations by the County Administrator, the Health Department and other departments. Massage establishments in business at the effective date of this section shall have thirty days within which to make application for such permit and, if such applicant shall have been in the bona fide business of operating a massage establishment for a period of sixty days prior to the effective date of this chapter, he shall be entitled to make application without payment of the investigative fee.

Any such application shall contain:

- (a) The full name, age and present address of the applicant.
- (b) The applicant's two previous addresses immediately prior to the present address.
- (c) Applicant's height, weight, color of eyes and hair, and sex.
- (d) A portrait photograph of the applicant giving a clear view of the applicant's face.
- (e) Business, occupation or employment of the applicant for the five years immediately preceding the date of the application.
- (f) Previous experience of the applicant as a massage parlor operator or as a massage technician.
- (g) All criminal convictions, other than traffic offenses, and place of conviction of the applicant and all massage technicians to be employed.
- (h) A list of all contagious or communicable diseases had by the applicant within the past three years, and name of person, with address, giving treatment.
- (i) The location of such massage parlor; and if such premises are not fully constructed, plans for any construction to take place.
- (j) A list, including name, age, height, weight, sex and experience of any presently employed, or to be employed, massage technicians, with a medical history of any contagious or communicable diseases presently had and being treated, or cured within the previous three years.

Section 9-113.1-5. Same - Referral of application to certain administrative officers.

The director shall refer such application to the administrative officers of the County charged with the enforcement of the Building, Plumbing, Electric and Fire Prevention Codes. Such application shall also be referred to the Sheriff's Office and the County Administrator's Office.

Section 9-113.1-6. Same - Issuance.

Within fourteen days of the application, the director shall issue, or re-issue in case the permit has been revoked, the permit if he shall find:

- (a) The premises to be used or constructed to meet the Building, Plumbing, Electric and Fire Prevention Codes of the County as reported by the administrative officers of the County and
- (b) Further medical examination or treatment of the applicant and employed massage technicians are not needed, and
- (c) The facilities comply with the other requirements of this chapter, and

- (d) The experience and knowledge of the permittee and employed massage technicians are such that the operation of the proposed massage parlor will not be detrimental to the health and safety of the patrons, and
- (e) The information in the application be truthful.

Section 9-113.1-7. Display of permit and list of employed technicians.

Every person to whom a permit shall have been granted shall display such permit in a conspicuous place so that the same may be readily seen by anyone entering the premises where the massage is given. Such permittee shall also display in a conspicuous place a list of all massage technicians employed in the massage parlor.

Section 9-113.1-8. Required facilities; maintenance of facilities.

Each massage parlor shall have, and maintain same in a clean, sanitary and workable condition:

- (a) Equipment for disinfecting and sterilizing nondisposable instruments and materials used in performing acts of massage.
- (b) Hot and cold water and soap shall be provided at all times.
- (c) Closed cabinets shall be provided for the use of storage of clean linen.
- (d) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and one washbasin, shall be provided by every massage establishment; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and for female patrons.
- (e) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and any other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition. Heat, steam or vapor rooms or cabinets shall be cleaned each day the parlor is in operation. Bathtubs shall be thoroughly cleaned after each use.
- (f) Clean and sanitary towels and linens shall be provided for each patron of the parlor or each patron receiving massage services. No common use of towels or linens shall be permitted.
- (g) Either the massage parlor quarters or the floor of the building on which the quarters are located shall be equipped with a service sink for custodial services.
- (h) All massage tables, bathtubs, shower stalls and steam or bath areas shall have nonporous surfaces which may be readily disinfected.

Section 9-113.1-9. Hours of operation.

No massage parlor shall remain open for business nor shall any massage be administered to any patron of any such business between the hours of 10:00 p.m. and 6:00 a.m. the following morning.

Section 9-113.1-10. Health requirements for operators and technicians; serving patrons with skin infections.

- (a) No massage parlor operator or massage technician shall be permitted to give massage or come in contact with a patron of any massage parlor unless such operator or massage technician shall be free of any contagious or communicable disease. The director or his designee, may, for cause, require that an operator or massage technician not be allowed to give massage unless and until any such person provide him with a certificate from a licensed medical doctor that such person has been examined within the previous ten days and found to be free of all contagious or communicable disease.

- (b) No massage technician shall knowingly serve any patron infected with any fungus or other skin infection; nor shall service be performed on any patron exhibiting skin inflammation or eruptions; provided, however, that a duly licensed physician may certify that any such patron may be safely served prescribing the conditions thereof.

Section 9-113.1-11. Massage of certain portions of body by person of opposite sex prohibited; exposure of certain portions of body prohibited.

- (a) It shall be unlawful for any massage technician or any other person in a massage parlor to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or massage, the sexual or genital parts, or any portion thereof, of any other person.
- (b) It shall be unlawful for any massage technician or any other person employed in a massage parlor to expose his or her sexual or genital parts, or any portion thereof, to any other person.
- (c) It shall be unlawful for any massage technician or any other person employed in a massage parlor, to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body while in the presence of any patron of said massage parlor.
- (d) It shall be unlawful for any female massage technician or any other female person employed in a massage parlor to fail to conceal with a fully opaque covering the nude breast or breasts of said female massage technician or other female person while in the presence of any patron of such massage parlor.
- (e) It shall be unlawful for any person owning, operating or managing a massage parlor, knowingly to cause, allow or permit in or about such massage parlor, any agent, employee or other person under his control or supervision to perform such acts prohibited in subsections (a), (b), (c), (d) or (e) of this section.

Section 9-113.1-12. Where massage permitted.

Each massage parlor shall have one area designated for massage; or in the event massage be administered to both sexes during the same times, such massage parlor shall have two separate massage areas - one being for male patrons and one being for female patrons. All massages shall be administered in said massage area or areas as the case may be, and no massages shall be administered in private rooms or behind closed doors. The massage area or areas as the case may be, shall be open to inspection by the director, or his designee, and other law enforcement officers of the County during business hours.

Section 9-113.1-13. Responsibilities of permittee.

No person granted a massage parlor permit pursuant to this chapter shall operate under any name or at any location not specified in his permit. The permittee shall be responsible for maintaining the premises in accordance with the requirement of this chapter and for the conduct of all agents and employees in complying with the requirements of this chapter. No permittee shall permit in his or her premises activity or behavior prohibited by the laws of the United States, Commonwealth of Virginia or this County relating to gambling, prostitution, sodomy, adultery, fornication, lews and lascivious cohabitation or other laws relating to obscenity or moral turpitude.

Section 9-113.1-14. Revocation and suspension of permits generally.

The director may revoke or suspend for a term, as hereinafter provided, any permit issued pursuant to this chapter upon the violation of any of the rules, requirements or restrictions of this chapter. No permit, however, shall be revoked until after a hearing shall have been held by the director to determine just cause for such revocation. At such hearing the permittee shall be given the opportunity to present evidence and argument against revocation or suspension. Notice of such hearing shall be given the permittee by mailing at least five days prior to such hearing a written statement setting forth the ground of complaint, addressed to the permittee at the address on his permit. The decision of the director shall be final. After such hearing the director may suspend such permit for a term not to exceed sixty days, may revoke the permit, or may dismiss the complaint.

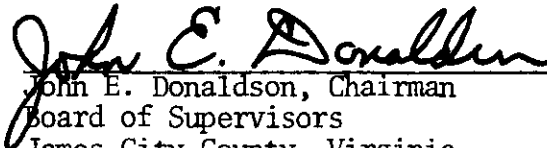
Section 9-113.1-15. Permit nontransferable; grounds for revocation of permit.

The sale or transfer of the interest of the permittee in a massage parlor shall render null and void any permit issued pursuant to this chapter. The enlargement or alteration of the structure at which the massage parlor is operated shall be deemed to revoke such permit, ipso facto, unless prior approval shall have been obtained from the director. The hiring and use of massage technicians not listed with the director shall be deemed to revoke such permit, ipso facto, unless the information required by Section 9-113.1-4 shall have been first filed with the director.


Section 9-113.1-16. Penalty.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, in addition to the provisions of Section 9-113.1-15, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$1,000 or by confinement in jail for a period not exceeding six months, either or both.

This ordinance shall be in full force and effect from the date of its adoption.


John E. Donaldson, Chairman
Board of Supervisors
James City County, Virginia

ATTEST:


Thomas R. McCann, Jr.
Clerk to the Board