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6.64.010 Definitions.

For the purpose of this chapter, the following terms, words and phrases shall have the following meanings:

(1)

"Massage" means the treatment to the body of another person by rubbing, kneading, hitting or any other manipulation, including the use of equipment, machinery or appliances in connection with the foregoing.

(2)

"Massage parlor" means any place where massages are given or furnished for, or in expectation of, any fee, compensation or monetary consideration.

(3)

"Massage parlor attendant" means any person who administers to, or performs services for, patrons of a massage parlor, or who performs any administrative duties including the function of receptionist, or who supervises the work of a masseur or masseuse or other person administering to, or performing services to such patrons.

(4)

"Masseur" or "masseuse" means a person engaged in the practice of massage or who holds himself out to be engaged in the practice of massage and shall be referred to herein only as "masseur."

(5)

"Person" means any individual, firm, partnership, association, company or organization of any kind.

(6)

"Public bathhouse attendant" means any person who administers to, or performs services for, patrons of a public bathhouse or who supervises the work of such a person.

(7)

"Public bathhouses" means any place where baths or facilities for baths of any kind whatever are given or furnished and the terms shall include but not be limited to: Finnish baths; Russian baths; sauna baths; Swedish baths; Turkish baths; baths by hot air, steam, vapor, water or electric cabinet; provided, that such term shall not include ordinary tub or shower baths where attendant is not provided or present.

(Ord. 4867 (part), 1975)

6.64.020 Exemptions.

(a)

When no fee, compensation, or any other monetary consideration is charged or paid, directly or indirectly, for such services, the provisions of this chapter do not apply to the following:

(1)

Persons giving massage treatments or baths in a private residence or bona fide private social or athletic club having been in existence for at least two years not open to the public generally;

(2)

Athletic coaches or trainers affiliated with public or private educational institutions or athletic organizations;

(3)

Students enrolled under the direction of and in the presence of a licensed masseur in schools of massage performing such practices of massage as are incidental to their course of study;

(4)

The provisions of this chapter shall not apply to massage treatments given in any hospital, medical clinic, duly licensed nursing or convalescent homes, or by physical therapists duly licensed, who treat patients only upon written prescription of a licensed doctor of medicine, surgery, physical therapy, osteopathy, chiropractic or podiatric;

(5)

Licensed beauty operators and barbers who perform only such acts of massage as are customarily given in beauty salons and barbershops for purposes of beautification only are also exempt from the provisions of this chapter.

(Ord. 4867 (part), 1975)

6.64.030 License required—Massage parlor and public bathhouse.

It is unlawful to conduct, operate or maintain a massage parlor or public bathhouse unless the establishment, its owner and operator hold valid licenses acquired through the processes hereinafter provided.

(Ord. 5003 § 1, 1975; Ord. 4867 (part), 1975)

6.64.040 Massage parlor and public bathhouse fees—Disbursement.

The fee for such license and renewal of same, as required by [Section 6.64.030](#) of this chapter, shall be and is hereby fixed in the sum of three hundred dollars per year. Such fee is not refundable.

(Ord. 4867 (part), 1975)

6.64.050 Application for and renewal of license—Massage parlor and public bathhouse.

No license or renewal of license to conduct a massage parlor or public bathhouse shall be issued or renewed except upon written application to the auditor which shall be signed and sworn to by the person who intends to conduct, operate or maintain a massage parlor or public bathhouse. Such application shall contain the following information:

(1)

The true name, home address, telephone number, age, date of birth, and verification of identity through the driver's license and birth certificate of the applicant;

(2)

The business name, business address, and telephone number of the establishment or proposed establishment;

(3)

Whether the applicant is a sole proprietorship, partnership or corporation. If a partnership, the application shall set forth names, addresses and telephone numbers of all persons, whether general or limited partners, sharing in the profits of said business and the respective ownership share of each. If a corporation, it shall set forth the name, residence address and telephone number of each of its officers, directors and shareholders, and the number of

- shares held by each. It shall set forth all persons having any interest in the real or personal property at the premises, and any persons sharing in the proceeds of the business;
- (4) How long applicant (if corporation, its officers; or if partnership, its partners) has resided in Thurston County. If not a resident of Thurston County continuously for the last five years, previous addresses during that period;
- (5) Whether the applicant or anyone owning an interest in the business or proposed business has ever been arrested, charged, or convicted of any crime or forfeited bail to any criminal charges, excluding minor traffic offenses. If so, stating which crime or criminal charge, the name of the court in which the case was filed, the circumstances and the disposition of the case;
- (6) If the applicant is a sole proprietorship or a partnership, stating whether the proprietor or the partners are of legal age;
- (7) The principal business of the proprietor of the proposed establishment if a sole proprietorship; if a partnership, the principal occupation of such partners; if a corporation, the principal occupations of the officers of such corporation;
- (8) Two photographs of the applicant, or in the case of a firm, the party signing the application, taken within six months of the date of the application, showing only the full face of such applicants. The two photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it such photograph of the applicant, or the party signing the application, and such license shall be posted and displayed in a conspicuous place in the establishment where such license is enjoyed, at all times, and such license shall not be tampered with in any manner;
- (9) Such applicants, or party signing the application, shall also be required to submit to fingerprinting by the sheriff, and such fingerprinting shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Bureau and the Washington State Bureau of Criminal Identification;
- (10) All assumed names or aliases which have been or are used by any person whose name appears on the application;
- (11) Such other information and verification of identity as the auditor may reasonably require in connection with the application.

(Ord. 6547 § 1, 1980; Ord. 4867 (part), 1975)

6.64.060 Public officials—Duties.

Upon the filing of an application under this chapter, the auditor shall forward copies to the sheriff and, within thirty days after receipt of a copy of the application, the sheriff shall investigate the statements set forth in the application and report to the auditor whether the application contains false, misleading or

incomplete information or whether his investigation has disclosed information which would affect the applicant's ability to have a license issued.

(Ord. 4867 (part), 1975)

6.64.070 Application for and renewal of license—Massage parlor and public bathhouse—Health authority approval.

The Thurston-Mason health district shall establish minimum health standards for the operation of a massage business. Within thirty days after receipt of a copy of an application from the county auditor, the Thurston-Mason health district shall examine the proposed massage business facility to determine whether it represents a threat to the health of those who will utilize it and whether it complies with the health regulations of the county. In the event that it does not comply with the health regulations, or in the event that it presents a threat to the health of those who will utilize its facilities, the Thurston-Mason health district officer shall so notify the county auditor.

(Ord. 4867 (part), 1975)

6.64.080 License required—Masseur, massage parlor attendant and public bathhouse attendant.

It is unlawful for any person to perform as a masseur, massage parlor attendant or public bathhouse attendant, unless that person be licensed as hereinafter provided and is performing as a masseur, massage parlor attendant or public bathhouse attendant and such performance is in a massage parlor or public bathhouse which is licensed as provided in this chapter.

(Ord. 4867 (part), 1975)

6.64.090 Masseur, massage parlor attendant and public bathhouse attendant fees—Disbursement.

The fee for such license, as required by [Section 6.64.080](#) of this chapter, shall be and is fixed in the sum of fifty dollars per year. The fee is not refundable.

(Ord. 4867 (part), 1975)

6.64.100 Application for and renewal of license—Masseur, massage parlor attendant and public bathhouse attendant.

No license or renewal of license to perform as a masseur, massage parlor attendant or public bathhouse attendant shall be issued or renewed except upon written application to the auditor which shall be signed and sworn to by the applicant. Such application shall contain the following information:

(1)

The true name, home address, telephone number, age (which shall not be less than eighteen years), date of birth, together with verification of identity through the driver's license and birth certificate of the applicant;

(2)

How long applicant has resided in Thurston County, and the previous residence or residences for five years preceding the date of application;

- (3) Whether the applicant has been arrested, charged, or convicted of any crime, or forfeited bail to any criminal charge, excluding minor traffic offenses, and if so, stating the crime or criminal charge, the name of the court in which the case was filed, and the circumstances and disposition of the case;
- (4) Present and previous occupation or occupations of the applicant for the preceding five years, and the place of employment;
- (5) The name of the establishment where the applicant intends to work;
- (6) At the time of applying for said license, the applicant shall be photographed and fingerprinted by the sheriff's office;
- (7) All assumed names or aliases which have been or are used by the applicant;
- (8) The applicant shall present a certification of medical fitness obtained from a duly licensed physician in the state of Washington or from the Thurston County health department;
- (9) Such other information as the auditor may reasonably require in connection with the application.

(Ord. 6547 § 2, 1980: Ord. 4867 (part), 1975)

6.64.120 Application for and renewal of license—Masseur, massage parlor attendant and public bathhouse attendant—Health authority approval.

After an applicant has submitted proof of medical fitness to, or has been examined by the Thurston-Mason health district officer, such officer shall notify the county auditor within twenty days whether the applicant poses a threat to the health of those administered to by the applicant.

(Ord. 4867 (part), 1975)

6.64.130 Auditor to issue licenses.

(a)

Massage Parlor and Public Bathhouse License. The auditor shall issue a business license to the applicant if it appears that:

- (1) The premises are fit and proper; and
- (2) The statements in the application are true and complete; and
- (3) The applicant has complied with all of the requirements of this chapter; and
- (4) No person required to be listed on the application is listed or required to be listed relative to a premises whose license is currently under suspension or revocation; and

(5)

Every person required to be listed on the application is of good moral character. Lack of good moral character will be presumed if any such person:

(A)

Has been convicted of a felony within the limitations described below:

(i)

The felony conviction involves sex exposure or contact, or any other crime directly relating to the operation of any business regulated herein, and

(ii)

The applicant is institutionalized or on probation or parole in connection with the judgment and sentence, or

(iii)

Not more than ten years have elapsed from the date of convictions; or

(B)

Has been convicted of any misdemeanor within the limitations described below:

(i)

The conviction involves sex exposure or contact, or any other crime directly relating to the operation of any business regulated herein, and

(ii)

The applicant is institutionalized or on probation or parole in connection with the judgment and sentence.

If the above requirements are not met, then the license shall be denied.

An application shall also be denied when, during the pendency of the application, an event occurs which would require suspension or revocation of the business license.

(b)

No person shall work as a masseur, massage parlor attendant or public bathhouse attendant without having obtained a valid license from Thurston County to do so. The auditor shall, after the expiration of a thirty-day investigatory period, issue a masseur or attendant license to the applicant therefor, if it appears that:

(1)

The statements in the application are true and complete; and

(2)

The applicant has complied with all of the requirements of this chapter; and

(3)

The applicant is of good moral character. Lack of good moral character will be presumed if such person:

(A)

Has been convicted of a felony within the limitations described below:

(i)

The felony conviction involves sex exposure or contact, or any other crime directly relating to the operation of any business regulated herein, and

(ii)

The applicant is institutionalized or on probation or parole in connection with the judgment and sentence, or

(iii)

Not more than ten years have elapsed from the date of convictions, or

(B)

Has been convicted of any misdemeanor within the limitations described below:

(i)

The conviction involves sex exposure or contact, or any other crime directly relating to the operation of any business regulated herein, and

(ii)

The applicant is institutionalized or on probation or parole in connection with the judgment and sentence.

If the above requirements are not met, then the license shall be denied.

An application shall also be denied when, during the pendency of the application, an event occurs which would require suspension or revocation of the applicant's license.

(c)

The photographs and fingerprints shall appear on all licenses issued to applicants pursuant to this chapter.

(d)

No person shall operate a massage parlor or public bathhouse, or engage in practice as a masseur, massage parlor attendant or public bathhouse attendant until a license has been approved in the manner specified by this chapter.

(e)

No license shall be issued to any person required to be listed upon any application nor to any business premises during any period of suspension pursuant to action under this chapter, nor for a period of six months following the date of revocation pursuant to the terms of this chapter.

(f)

All masseur or attendant licenses shall be invalid as to any premises during any period in which the employer is not engaged in business, whether by reason of choice or failure of the employer to operate a business, or by reason of lapse, suspension or revocation of employer's license.

(g)

Records of arrest, charges or allegations of criminal conduct, and other nonconviction data, as defined in Chapter 10.97 RCW, shall be made available and accessible for the purpose of determining the good moral character of any applicant or person required to be listed on an application.

(h)

Any applicant whose application is denied shall not be allowed to reapply until six months after the denial.

(Ord. 6547 § 3, 1980: Ord. 5003 § 2, 1975: Ord. 4867 (part), 1975)

6.64.140 Denial of license—Hearing.

Any applicant whose application has been denied may, within ten days following notification of the denial, file a petition for a hearing with the board of county commissioners. The board shall set a hearing date within thirty days of receiving such request. Subsequent to the hearing, the board shall grant or deny the license.

(Ord. 4867 (part), 1975)

6.64.150 Liquor, controlled substances—Prohibited (exceptions).

(a)

Liquor, as that term is defined by the Washington State Alcoholic Beverage Control Act, shall not be distributed or consumed on any premises under regulation by this chapter, unless the premises are licensed to serve the same by the Washington State Liquor Control Board.

(b)

Controlled substances, as defined by the Washington State Uniform Controlled Substances Act, shall not be distributed or consumed on any premises under regulation by this chapter.

(Ord. 4867 (part), 1975)

6.64.160 Hours.

All massage businesses shall be closed, and all services performed therein discontinued, between the hours of ten p.m. and eight a.m.

(Ord. 6547 § 3, 1980; Ord. 4867 (part), 1975)

6.64.170 Duty to report change of employment—Penalty.

Massage parlor attendants, public bathhouse attendants and masseurs must keep the auditor informed of any change of employment. Failure to report a change in employment may result in a thirty-day license suspension.

(Ord. 4867 (part), 1975)

6.64.180 List of services—Required—Records to be kept.

A list of all services offered with a brief description of what the service entails, along with the cost for such service, must be posted in a prominent place. All business transactions with customers must be conducted in accordance with the posted list of services. Daily records must be kept and retained for one year of the number of customers, names of customers, the time of service and the amount of money paid by these customers for services. Such records shall be open to inspection by Thurston County sheriff's office during business hours.

(Ord. 4867 (part), 1975)

6.64.190 Prohibited activity.

It is unlawful for any owner, proprietor, manager, employee or agent of any massage parlor or public bathhouse to:

(1)

Intentionally touch or manipulate the genitals of a customer in any manner;

(2)

Expose his or her genitals to a customer at any time or in any manner; and such activity shall be grounds for revocation of the business license, as well as the employee license, whether the owner knew of, or encouraged the act, or whether the customer requested or acquiesced in the act.

(Ord. 4867 (part), 1975)

6.64.200 Employees.

It is unlawful for any owner, proprietor, manager, or person in charge of any facility regulated by this chapter to employ in such establishment any person under the age of eighteen years and/or any person who is without good moral character.

(Ord. 4867 (part), 1975)

6.64.210 Unlawful to employ unlicensed person.

It is unlawful for any owner, proprietor, manager or person in charge of any facility regulated by this chapter to employ in such establishment any person who does not have a valid employee license issued pursuant to this chapter.

(Ord. 4867 (part), 1975)

6.64.220 Unlawful to admit certain persons.

It is unlawful for the owner, proprietor, manager or person in charge of any massage business regulated by this chapter or any employee or agent of such establishment to admit anyone under the age of eighteen years and permit such person to remain in or about such premises, or to knowingly harbor, admit, receive or permit to be or remain in or about such premises any prostitute, lewd or dissolute person, or any drunk or boisterous person, or any person under the influence of any controlled substance, or any person who, by his conduct on such premises, in any way corrupts the public morals.

(Ord. 4867 (part), 1975)

6.64.230 Unlawful to advertise without license.

It is unlawful to advertise the services of any establishment or employee as herein defined not licensed according to the provisions of this chapter.

(Ord. 4867 (part), 1975)

6.64.240 Premises to be open for inspection.

Any massage parlor or public bathhouse as licensed herein shall be at all times open to inspection as to sanitary and moral conditions by the Thurston-Mason health district and the Thurston County sheriff's department. All doors in such premises, excluding doors in offices and storage rooms, shall be so equipped that they may not be fastened shut so as to prevent immediate access by such authorities.

(Ord. 4867 (part), 1975)

6.64.250 Suspension or revocation of licenses—Grounds.

(a)

Massage Parlor and Public Bathhouse License.

(1)

The auditor may suspend any license to a business issued pursuant to applications under this chapter when: There is a violation of this chapter other than one constituting a ground for revocation of the license. This suspension shall be for a period of thirty days for the first violation and sixty days for a second violation within a two-year period immediately preceding the event for which action is taken.

(2)

The auditor may revoke a license issued to a business pursuant to application under this chapter when:

(A)

There is a violation of this chapter which is a ground for revocation of the license; or

(B)

The license was procured by fraud or false representation of any fact; or

(C)

Action to suspend would result in more than two suspensions for violations of this chapter within the two-year period immediately preceding the event for which action is taken; or

(D)

Any applicant is convicted of any crime relating to sex contact or any crime directly relating to the operation of any massage parlor or public bathhouse business as defined herein.

(b)

Masseur's, Massage Parlor Attendant's and Public Bathhouse Attendant's License.

(1)

The auditor may suspend any license issued to any masseur or attendant when the attendant commits any violation of this chapter not a ground for revocation of the license. This suspension shall be for a period of thirty days for the first violation and sixty days for the second violation within the two-year period immediately preceding the event for which action is taken.

(2)

The auditor may revoke any license issued to any employee when:

(A)

There is a violation of this chapter which by its terms is a ground for a revocation; or

(B)

The license was procured by fraud or false representation of any fact; or

(C)

Action to suspend would result in more than two suspensions for violations of this chapter within the two-year period immediately preceding the event for which action is taken.

(Ord. 4867 (part), 1975)

6.64.255 Suspension or revocation—Procedure—Request for hearing.

When the auditor determines that there is cause for suspending or revoking any license issued pursuant to this chapter, he shall notify the person holding said license by certified mail of his decision.

Notice mailed to the last business address on file shall constitute sufficient notice. The notice shall specify the grounds for the suspension or revocation, and the same shall become effective ten days from the date of the first attempt of the post office to deliver to the address specified by license or in the case of personal service, ten days from the date of service, unless the person affected thereby files a written request for a hearing with the board of county commissioners within such period. The board of county commissioners shall set a hearing date within thirty days following receipt of such request. In the event the person does not request a hearing within the aforementioned period, the license of said person shall be suspended or revoked as provided in the notice served upon him. In conducting the hearing, the board shall conduct the proceeding pursuant to RCW Chapter 34.04 as much as is practical. Appeals from the decision of the board shall be pursuant to the provisions of RCW 36.32.330.

The auditor shall notify the Thurston County sheriff of any action taken by him relative to the suspension or revocation of any license issued under this chapter.

(Ord. 4867 (part), 1975)

6.64.260 Term of license—Expiration—Renewal.

All licenses issued or renewed pursuant to this chapter shall expire on the next following thirtieth of November and may be renewed by following the same procedure specified for filing an original application. All licenses issued pursuant to this chapter shall not be assigned or transferred from one holder or place to another.

(Ord. 4867 (part), 1975)

6.64.270 License to be displayed.

Licenses required by this chapter, both for premises and employees, shall be displayed in a conspicuous place for public inspection.

(Ord. 4867 (part), 1975)

6.64.280 Penalty.

(a)

Any person convicted of a violation of this chapter is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days in the county jail, or both.

(b)

Any person convicted of a second or subsequent violation of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than six months, or both.

(Ord. 4867 (part), 1975)

6.64.285 Civil penalty.

In addition to or as an alternative to any other penalty provided herein or by law, any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the auditor. The auditor, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriation of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present

violations committed and the good faith of the violators in attempting to achieve compliance after notification of the violation.

(Ord. 4867 (part), 1975)

6.64.290 Additional enforcement.

Notwithstanding the existence or use of any other remedy, the auditor may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

(Ord. 4867 (part), 1975)

6.64.300 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions of this chapter.

(Ord. 4867 (part), 1975)