

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
Council Bill No. 32
Ordinance No. 1504
Series 2011

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS CONCERNING REGULATION OF MASSAGE THERAPY AND MASSAGE PARLORS

WHEREAS, the City of Wheat Ridge is authorized by CRS 12-48.5-101 et seq. to regulate massage parlors; and

WHEREAS, CRS 12-35.5-118, enacted in 2008, prohibits local regulation of the practice of massage therapy; and

WHEREAS, the City Council has previously enacted regulations concerning both massage therapy and massage parlors; and

WHEREAS, the City Council wishes to amend the Code of Laws to conform to state statutes on this subject.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Code Section 16-226 is amended as follows:

The definition of "Massage Parlor" is amended to read:

MASSAGE PARLOR: ANY FACILITY PROVIDING MASSAGE, EXCLUDING 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, TRAINING ROOMS OF RECOGNIZED PROFESSIONAL OR AMATEUR ATHLETIC TEAMS, LICENSED HEALTH CARE FACILITIES, AND FACILITIES WHICH ARE OPERATED FOR THE PURPOSE OF MASSAGE THERAPY PERFORMED BY LICENSED MASSAGE THERAPISTS PURSUANT TO CRS 12-35.5-101 ET SEQ.

The definition of "massage" is amended to read:

MASSAGE: ANY METHOD OF PRESSURE ON OR FRICTION AGAINST OR STROKING, KNEADING, RUBBING, TAPPING, POUNDING, VIBRATING OR STIMULATING OF THE EXTERNAL SOFT TISSUE OF THE BODY WITH THE HANDS OR OTHER PARTS OF THE HUMAN BODY OR WITH THE AID OF ANY MECHANICAL OR ELECTRICAL APPARATUS OR APPLIANCE, WITH OR WITHOUT

SUCH SUPPLEMENTARY AIDS AS RUBBING ALCOHOL, LINIMENTS, ANTISEPTICS, OILS, POWDER, CREAMS, LOTIONS, OINTMENTS OR OTHER SIMILAR PREPARATIONS USED IN THIS PRACTICE.

Code Section 16-26 is further amended by the addition of the following new definitions:

CONSPICUOUS PLACE: ANY PLACE WITHIN THE PREMISES AT EYE LEVEL AND NOT OBSCURED BY ANYTHING AT ANY TIME; ALLOWING A DIRECT LINE OF SIGHT FROM AND TO THE RECEPTION AREA.

Local licensing authority: THE SALES TAX DIVISION OF THE ADMINISTRATIVE SERVICES DEPARTMENT IS THE DESIGNATED LOCAL LICENSING AUTHORITY PURSUANT TO C.R.S. § 12-48.5-103(3).

Section 2. Code Section 16-227 ("Unlawful Acts") is amended by the addition of new subsections (c) and (d), to read as follows:

(C) NO EMPLOYEE OF A MASSAGE PARLOR SHALL BE PRESENT IN SUCH PARLOR UNLESS FULLY CLOTHED SUCH AS TO BE COMPLETELY AND OPAQUELY COVERED FROM IMMEDIATELY BELOW THE COLLAR BONE TO IMMEDIATELY ABOVE THE ANKLE, INCLUDING THE ARMS TO THE ELBOW.

(D) ALL MASSAGE SHALL BE ADMINISTERED IN A CONSPICUOUS PLACE ON THE PREMISES.

Section 3. Code Section 16-230 is amended by removing the references therein to "city treasurer" and substituting "local massage parlor licensing authority."

Code Section 16-230 is further amended by re-lettering subsection (b) as (c) and inserting a new subsection (b) to read:

(B) EVERY APPLICANT, LICENSEE, OR AGENT OR EMPLOYEE OF SAID APPLICANT OR LICENSEE SHALL, PRIOR TO COMMENCING WORK IN OR UPON THE LICENSED PREMISES OF A MASSAGE PARLOR, OBTAIN AN IDENTITY CARD FROM THE CITY'S POLICE DEPARTMENT IN A FORM PRESCRIBED BY THE LOCAL LICENSING AUTHORITY AND SHALL CARRY SAID IDENTITY CARD AT ALL TIMES IN OR UPON THE LICENSED PREMISES.

Section 4. Code Section 26-204, is amended by adding a line for "Massage Parlor" as a permitted use only in the Industrial (I) District.

Section 5. Article X of Chapter 11, entitled "Massage Services," Section 11-230 through 11-240, inclusive, is hereby repealed.

Section 6. Article X of Chapter 16, entitled "Massage Therapy Practice," Section 16-240 through 16-250, inclusive is hereby repealed.

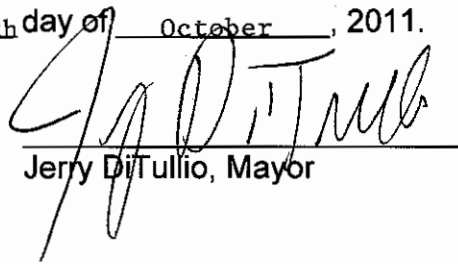
Section 7. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.


INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 10th day of October, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for October 24, 2011 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 24th day of October, 2011.

SIGNED by the Mayor on this 24th day of October, 2011.

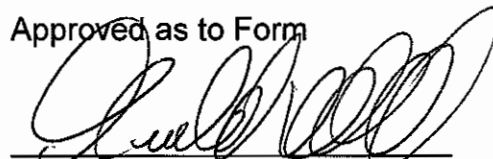

Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk



Approved as to Form


Gerald E. Dahl, City Attorney

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