AN ORDINANCE of the City of Kent, Washington, regulating massage parlors and massagists, providing for application fees and license fees, prohibiting certain practices, and prescribing penalties for violations.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS: Whenever used in this Ordinance, unless a different meaning clearly appears from the context:

(A) "MASSAGE": The word "massage" means and includes a method of treating the external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise.

(B) "MASSAGE PARLOR": The term "massage parlor" means and includes any Turkish bath parlor, steam bath, sauna bath, magnetic healing institute, or any room, place or institution where treatment of any nature for the human body is given by means of massage, as herein defined, and where a massage, alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment is given by a massagist, as defined herein.

(C) "MASSAGIST": The word "massagist" means and includes any person, male or female, who practices massage, as herein defined.

(D) "PERSON": The word "person" means and includes persons, firms, corporations, partnerships, associations or any other form of business organization or group.

(E) "RECOGNIZED SCHOOL": The term "recognized school" means and includes any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massagist, and which school requires a resident course of not less than two hundred (200) hours to be given in not less than three (3) calendar months, before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such course of study or learning.
Section 2. PROHIBITION; PERMIT: No person shall practice, engage in, carry on, or operate the business of a massagist or conduct, operate and carry on a massage parlor within the City without first having applied for and obtained a permit so to do, as required by this chapter, and complying with all regulations and requirements as hereinafter contained and set forth; nor shall any person employ as a massagist any person who does not hold a current, unrevoked permit required by this chapter. No person shall practice massage for compensation without obtaining and maintaining in effect a permit as a massagist as required by this chapter.

Section 3. REQUIREMENTS AND DUTIES; MASSAGIST'S PERMIT: It shall be the responsibility of an owner, operator, manager or permitee hereunder in charge of or in control of a massage parlor to insure that each person employed or engaged by him in said business as a massagist shall have first obtained a valid massagist permit pursuant to this Ordinance. Any owner, operator, manager or permitee in charge of or in control of a massage parlor who employs a person performing as a massagist, as defined in this chapter, who is not in possession of a valid massagist permit or allows such an employee to perform, operate or practice within such a massage parlor is guilty of a misdemeanor.

Section 4. APPLICATION; FEE; PERMIT; STANDARDS: Every person who proposes to operate a massage parlor or act as a massagist shall make written application pursuant to this Ordinance to the Chief of Police for a permit to carry on any of such activities. At the time of making such application, the applicant shall file with the Chief of Police the following:

(A) Written proof that the applicant is over the age of twenty-one (21) years;

(B) Written proof that the applicant has had at least one year's experience in the profession, work and method of treating the external parts of the human body for remedial or hygienic purposes by rubbing, stroking, kneading, adjusting or tapping with the hand or by instrument, or applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massagist is taught;

(C) Written statements from at least three (3) persons that the applicant is of good moral character;
(D) A certificate from the King County Health Officer stating that the applicant has been examined and found to be free of any contagious or communicable disease.

The application shall be signed and sworn to by said applicant and shall state (a) the true or fictitious name or names of said applicant; (b) his or her age; (c) the present street address and other address or addresses where applicant may have lived at any time during the year immediately preceding the date of said application; (d) the name under which, and place where, said applicant proposes to conduct said activity; (e) the street, city, county and state address where said applicant practiced or conducted any similar activity, if any, within twelve (12) months immediately preceding the date of said application and the name under which the same was so conducted; (f) applicant's business, occupation or employment for the three (3) years immediately preceding the application; (g) the exact nature of the baths and/or massage and/or treatment to be administered by applicant; (h) applicant's education, training and experience in giving massages or operating a massage parlor; and (i) such other identification, information and evidence of moral and physical fitness, training and experience as the Chief of Police may require.

In addition, the following additional information shall be contained in an application for a permit to conduct a massage parlor: The number of employees and names and qualifications of all persons, who are intended to give massages in the proposed parlor.

It shall be the duty of each massage parlor operator to inform the Chief of Police of any new employee within forty-eight (48) hours of said employee's employment.

Said application shall also include two (2) photographs of said applicant of a size prescribed by the Chief of Police, said photograph to be attached to the original application, and one to the permit if a permit is granted to said applicant. At the time of making such application, the applicant shall also furnish to the Chief of Police the applicant's fingerprints in such form and manner as may be reasonable designated by said official or someone authorized by him so to do.

At the time of filing said application, applicant shall submit a fee of Twenty-five dollars ($25.00), plus twenty-five dollars ($25.00) for each person, other than an individual applicant, to be employed or otherwise act as a massagist at any one time in or connected with the massage parlor. Said fee is to defray the cost and expenses of investigating applicant and his employees or ones acting as massagists in his massage parlor. Upon receipt of the fee and a properly executed, sworn and completed application, the Chief of Police shall forthwith conduct such an investigation as may produce information as to the character, reputation, moral integrity, physical and mental condition, and training of the applicant, and his proposed employees, if any, and adequacy of his proposed facilities from the standpoint of public health, safety and welfare.
The Chief of Police shall deny an application for a permit hereunder if the character, reputation, moral integrity, or physical or mental condition of the applicant or his employees is found to be inimical to the public health, safety, morals or general welfare, or that the facilities for the proposed massage parlor are inadequate from the standpoint of public health, safety and welfare for the conduct of a massage parlor; or the applicant or personnel to be employed in said parlor or act as massagists are not properly trained.

In making his determination hereunder, the Chief of Police shall consider:

(A) Penal History. All applicant's convictions, the reasons therefor, and the demeanor of the applicant subsequent to his release;

(B) License and Permit History. The license and permit history of the applicant; whether such person in previously operating in this City and State or in another City or State under a license or permit has had such license or permit revoked or suspended; the reasons therefor; and the demeanor of the applicant, subsequent to such action.

The Chief of Police shall serve upon the applicant by certified mail a written statement of his findings and his decision upon such application.

Section 5. PERMIT FEE: A permit fee of twelve dollars ($12.00) per year shall be paid by each permittee.

Section 6. TREATMENT OF THE OPPOSITE SEX: It shall be unlawful for any permittee hereunder or any person to administer to any person of the opposite sex, any massage, any alcohol rub or similar treatment, any fomentation, any bath or any electric or magnetic treatment, nor shall any person cause or permit in or about his place of business, or in connection with his business, any agent, employee or servant or any other person under his control or supervision, to administer any such treatment to any person of the opposite sex.

Section 7. PERMIT TERM AND RENEWAL: Every permit issued as herein provided shall terminate at the expiration of one year from the date of its issuance, unless sooner revoked. An unrevoked permit may be renewed for one year on written application to the Chief of Police made at least one month before its expiration date, accompanied by a fee of twenty-five dollars ($25.00) for permittee, plus twenty-five dollars ($25.00) for each person, other than an individual permittee, who is employed or otherwise acts as a massagist at any one time in or connected
with permittee's massage parlor. The Chief shall conduct such supplemental investigation of the applicant for renewal as he deems necessary, and unless he determines that the applicant is not of good moral character, or the facilities for the massage parlor have become, or are inadequate, or the personnel employed in said parlor or acting as massagists therein are improperly trained to act as such, or the applicants continued activity as massagist or operator of a massage parlor will adversely affect the public health, safety, morals and welfare, the Chief shall issue a renewal permit. Otherwise he shall refuse to issue same. The Chief shall serve upon the applicant-permittee by certified mail a written statement of his findings and his decision upon such application.

Section 8. HEARING AFTER DENIAL OF APPLICATION FOR A PERMIT; EXCEPTIONS; DECISIONS: Within five (5) days after receiving notification by certified mail that his application for a permit or a renewal permit to practice, engage in, carry on or operate the business of a massagist or conduct or carry on a massage parlor under this chapter has been denied, any applicant may file with the City Clerk a written statement, addressed to the City Council of the City of Kent, requesting a public hearing on the application before the Council, and stating therein written exceptions to the findings of fact upon which the Chief based his denial of the application. Said exceptions shall include but not be limited to statements why applicant believes the Chief acted improperly or failed to act properly. Upon the filing of such a statement, the Council shall fix a time, date and place for a public hearing thereon and shall notify the applicant thereof. The hearing shall be held at a regular meeting of the Council not later than thirty (30) days from the date on which the written statement was filed with the City Clerk. At the hearings, the applicant may present evidence in support of his application and exceptions. Any interested party may, in the discretion of the Council, be allowed to participate in the hearing and present evidence in support of or in opposition to the application and exceptions. The burden of proof shall be on the applicant. The Council, by resolution, shall no later than fifteen (15) days after the conclusion of the hearing make findings of fact and either deny or grant the application for a permit, subject to any reasonable conditions thereto as it deems appropriate. The
Council, in said resolution, shall state the facts upon which its
decision is based and its ruling upon any exceptions to the Chief's
original findings of fact upon the application. A copy of said
resolution shall be served by mail upon the applicant and all
parties to the hearing requesting the same. The Council's decision
by said resolution shall be final.

Section 9. REVOCATION OF PERMITS; HEARING; DECISION:
Whenever the Chief has probable cause to believe a permittee here­
under has conducted or carried on the business of a massagist or
massage parlor in violation of this chapter or has made a materially
false statement in his application for a permit hereunder or has
committed any crime of violence against another person, or any
crime involving lewdness, indecent exposure or prostitution or
violated any law relating to or regulating such business, or con­
ducting and maintaining such business without regard for the public
health or health of patrons or customers, or without due regard to
proper sanitation or hygiene shall, in addition to other remedies
provided in this chapter, immediately give permittee written notice
by certified special delivery mail of a hearing to be held by the
Chief within two (2) days of date of mailing to determine whether
or not the permit should be revoked. This notice shall state the
date, time and place of hearing and contain a statement of the
facts upon which the Chief has acted in calling the hearing. At
the hearing the permit holder and any other interested person shall
have the right to present evidence as to the facts upon which the
Chief proposes to revoke the permit, and any other facts which may
aid the Chief in determining whether this chapter has been violated
and whether any of the above acts has occurred. If, after such
hearings, the Chief finds that any or all of the acts have occurred,
he shall within two (2) days after the hearing serve by certified
mail upon permittee and all interested persons participating in
the hearing and requesting same, a written statement of the facts
upon which he bases such finding and shall immediately revoke the
permit.

Section 10. APPEAL AND COUNCIL HEARING AFTER REVOCATION
OF PERMIT; EXCEPTIONS; DECISION: Within
five (5) days after receiving notification by certified mail that
his or its permit hereunder has been revoked, any permittee may
file with the City Clerk a written notice of appeal from said
revocation, addressed to the Council, requesting a public hearing
before the Council on the appeal, and stating therein written
exceptions to the findings of fact upon which the Chief based his
revocation of the permit. Said exceptions shall include but not
be limited to statements why permittee believes the Chief acted
improperly or failed to act properly. Upon the filing of said
notice of appeal, the Council shall fix a time, date and place for
a public hearing thereon and shall send by certified mail to
permittee a notice of the time, date and place of the hearing. The
hearing shall be held at a regular meeting of the Council not more
than thirty (30) days from the date on which the notice of appeal
was filed with the City Clerk. At the hearing, the permittee may
present evidence in support of his stated exceptions and the
reissuance of his permit. Any interested party, including the
Chief of Police, may, in the discretion of the Council, be allowed
to participate in the hearing and present evidence in support of
or in opposition to the revocation. The burden of proof shall be
on the Chief of Police. The Council, by resolution, shall no later
than fifteen (15) days after the conclusion of the hearing make
findings of fact and either affirm or reverse the Chief's revo-
cation of permit. The Council, in said resolution, shall state
the facts upon which its decision is based and its ruling upon
any exceptions filed to the Chief's original findings of fact
upon the revocation. A copy of said resolution shall be served
by mail upon the applicant and all parties to the hearing request-
ing the same.

The Council's decision by said resolution shall be final and con-
clusive.

Section 11. IMMORAL PRACTICES PROHIBITED: It shall be
unlawful for any person acting as or employed as a massagist or
in a massage parlor or public baths to massage any other person
or give or administer any bath or baths or to give or administer
any of the other things mentioned in this chapter for immoral
purposes or in a manner intended to arouse, appeal to or gratify
the lust, passion, sexual desires or prurient interest of any
person.

Section 12. REGISTRATION OF PATIENTS; RECORDS AND
PREMISES OPEN TO INSPECTION; DISPLAY OF
PERMIT; INSPECTIONS: Every person who
maintains, conducts or operates a massage parlor, or public baths,
and any massagist, shall at all times keep a registration book
in connection therewith, in which each and every customer's, client's or patient's first, middle and last name and complete address shall be written, together with the day and hour of such treatment, and the name of the operator administering such treatment. Said records shall be at all times during business hours of permittee subject to inspection by City officials and Police.

Every person to whom or for which a permit shall have been granted hereunder shall display said permit in a conspicuous place in a massage parlor so that the same may be readily seen by persons entering the premises where the massage, bath or treatment is given.

The Police Department shall from time to time, and at least twice each year, make an inspection of each massage parlor in the City for the purpose of determining that the provisions of this chapter are being complied with.

Section 13. EXEMPTIONS: This chapter shall have no application and no effect upon, and shall not be construed as applying to any persons designated as follows: Physician, surgeon, chiropractor, osteopath, or any nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath, duly licensed to practice their respective professions in the State of Washington, nor shall this chapter apply to any treatment administered in good faith in the course of the practice of any healing art or profession by any person licensed to practice any such art or profession under the laws of the State of Washington or of any other law of this State; nor to any massage limited to the head, face or neck, administered by any barber, beautician or cosmetologist, licensed under the laws of the State of Washington.

Section 14. VIOLATIONS; PENALTIES: Any person, firm, association, partnership or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than three hundred dollars ($300.00, or by imprisonment for a period of not more than ninety (90) days or by both such fine and imprisonment. Each person, firm, association, partnership or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person, firm, association, partnership or corporation and shall be punishable therefor as provided by this chapter.
Section 15. PUBLIC NUISANCE: Any massage parlor operated, conducted or maintained contrary to the provisions of this chapter or any law of City or State of Washington shall be and the same is hereby declared to be unlawful and a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take such other steps, and shall apply to such court or courts as may have jurisdiction to grant such reliefs as will abate or remove such massage parlor and restrain and enjoin any person from operating, conducting or maintaining a massage parlor contrary to the provisions of this chapter.

Section 16. SEPARABILITY: The City Council hereby declares that if any word, phrase, clause, paragraph, sentence, section or portion of this ordinance shall be declared invalid or unconstitutional, or unenforceable for any reason, the City Council nevertheless would have adopted and hereby adopts each and every other word, phrase, clause, sentence, paragraph, section or portion of this ordinance.

Section 17. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

DONALD E. MIRK, City Attorney

APPROVED AS TO FORM:
Passed the 6th day of July, 1970.
Approved the 7th day of July, 1970.
Published the 18th day of July, 1970.

I hereby certify that this is a true copy of Ordinance No. 1669, passed by the City Council of the City of Kent and approved by the Mayor of the City of Kent as hereon indicated.

(SEAL)
MARIE JENSEN, City Clerk