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CLARK COUNTY
WASHINGTON

COMMUNITY PLANNING

STAFF REPORT

TO: Clark County Planning Commission

FROM: Jeff Niten, Planner III

DATE: June 19, 2014

SUBJECT: Updates to Title 5 and Title 40 relating to massage businesses.

BACKGROUND

In order to address what has recently become a high profile issue Clark County is proposing an ordinance to regulate massage oriented businesses. The draft code specifically addresses massage businesses as a separate entity to protect community health, safety, and welfare. This draft code is also intended to protect the reputation and integrity of legitimate massage businesses currently operating and would-be future legitimate business owners. Staff presented the draft code to several different massage businesses and a massage school for comment on the proposal. No comments were received. Staff also presented the proposed code to NAACC on May 12, 2014.

PROPOSED ACTION

Staff developed an ordinance to regulate massage establishments within Clark County. The draft ordinance is attached. Staff recommends the Planning Commission forwards a favorable recommendation to the Board of Commissioners.

Chapter 5.70 DAY SPAS, MASSAGE PARLORS AND PUBLIC BATHHOUSES

5.70.010 Purpose.

The purpose of this chapter is to regulate the location, licensing and operation of day spas and massage parlors in order to promote the health, safety and welfare of all Clark County citizens and in order to preserve and protect the quality of, and the quality of life in and around, all Clark County neighborhoods through effective land use planning and reasonable regulation.

5.70.020 Applicability.

1. This chapter shall apply to all day spas, massage parlors and public bathhouses where allowed in the unincorporated areas of the county, as defined in Section 5.70.030.
2. Uses covered by this chapter may require land use review pursuant to Title 40.

5.70.030 Definitions.

1. 'Day spa' means any place where services are provided for the purpose of improving health, beauty and relaxation through personal care treatments such as massages and facials. It is different from a beauty salon in that it contains facilities like sauna, pool, steam room and whirlpool that guests may use in addition to their treatment.
2. 'Massage parlor' means any place where massages are given or furnished for, or in expectation of, any fee, compensation or monetary consideration.
3. 'Public bathhouse' 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 an attendant is not provided or present.
4. A person represents himself or herself as a massage practitioner when the person adopts or uses any title or description of service that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist, acupressurist, body therapy or body therapist or any derivation of those terms that implies a massage technique or method.

5.70.040 Review/Approval Criteria.

It is unlawful to conduct, operate or maintain a day spa, massage parlor, or public bathhouse unless the establishment, its owner/operator, and its employees hold valid licenses, as follows:

1. Applicant is required to provide proof of employee licenses issued by the state at the time of application.
2. Employee licenses issued by the State are required for Massage Therapists, Massage Practitioners, Reflexologists, and any other applicable profession for which the State issues licenses must be displayed conspicuously on the premises.

5.70.050 Exemptions.

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. 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; and
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.

40.230.010 COMMERCIAL DISTRICTS (C-2, C-3, GC)

Table 40.230.010-1. Uses.				
8. Services – Personal.	C-2	C-3	GC	Special Standards
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	P	P	P	
b. Barber and ; beauty shops and day spas	P	P	P	
c. <u>Day spas, massage parlors, and public bathhouses</u>	<u>R/A</u>	<u>R/A</u>	<u>R/A</u>	<u>Ch. 5.70</u>
d.e. Clothing rental establishments	X	P	P	
e.d. Mortuaries	X	X	P	
f.e. Tattoo/body art studio	X	P	P	