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JUN 27 1984

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- Judi Bailey
- P.O. Box 11130
- Reno, NV 89520

DESCRIPTION OF LEGAL ADVERTISING

BILL #778-  
3349008

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Notary Fee 2.00

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MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
June																		X							X						

PROOF OF PUBLICATION

STATE OF NEVADA, COUNTY OF WASHOE SS. Deborah D. Block

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice of County Ordinance-BILL #778

of which a copy is hereto attached, was first published in said newspaper in its issue dated the 18 day of June, 19 84 and, June 25th, the full period of 2 days, the last publication thereof being in the issue of June 25th 19 84.

Signed Deborah D. Block

Subscribed and sworn to before me this 25th day of June 19 84

Alice L. Buffalo  
Notary Public

NOTICE OF COUNTY ORDINANCE  
NOTICE IS HEREBY GIVEN that Bill No. 778, Ordinance No. 605, entitled "An ordinance amending the Washoe County Code to require massage businesses to have a fixed location and to clarify other provisions regulating massage businesses," was adopted on June 12, 1984, by Commissioners Lillard, McDowell and Ritter.  
Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.  
Judi Bailey  
Washoe County Clerk  
3349008- Bill #778  
June 18, 25-ic133

Alice L. Buffalo  
Notary Public - State of Nevada  
Washoe County  
My Appointment Expires June 5, 1985

SUMMARY: Amends the Washoe County Code to require massage businesses to have a fixed location and clarifies other provisions regulating massage businesses.

BILL NO. 778

ORDINANCE NO. 605

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO REQUIRE MASSAGE BUSINESSES TO HAVE A FIXED LOCATION AND TO CLARIFY OTHER PROVISIONS REGULATING MASSAGE BUSINESSES.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.234 Temporary massage technician permit.

1. Any person who desires to learn the practice of massage may file an application for a temporary permit for the purpose of acquiring the knowledge and skills necessary to receive a masseur's permit.

2. An application for a temporary massage technician permit shall be processed in the same manner as an application for a masseur's permit and the same requirements shall apply except for the requirements relating to knowledge of the actual administration of a massage.

3. Each applicant for a temporary permit must be employed by a licensed massage establishment.

4. A temporary permit shall be valid for 90 days except that the board of massage examiners may, upon application by the permittee, extend that permit for another period up to 90 days. There will be no additional investigation fee for such an extension.

5. A temporary massage technician permit shall authorize the holder thereof to perform such services as may be performed by a masseur provided that a licensed masseur is on the premises at the time and is available to supervise or provide assistance to the technician.

SECTION 2. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.240 Renewal.

1. Unless otherwise specified, a license or permit shall be valid for 1 year after the first day of the month in which it was issued. Application for renewal of an existing license or permit may be made no more

than 45 days nor less than 15 days prior to the expiration of the existing license or permit. The application shall contain the same information and shall be subject to the same requirements and be processed in the same manner as an original application.

2. Upon receipt of an application for a renewal of a license or permit the sheriff shall conduct such investigation as he deems necessary in light of any new information or changed circumstances and shall inform the board of massage examiners of the application. The board may waive the examination or any part thereof if it does not appear that there has been any significant changes in the applicant's status since the issuance of the last license.

SECTION 3. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.238 Board of massage examiners.

1. Creation; composition. There is hereby created the board of massage examiners to be composed of five members who shall be residents of the county. The board shall consist of the district attorney or his designee; the sheriff or his designee; and three persons to be appointed by the licensing board of Washoe County. Two of these appointees shall be licensed masseurs, one male and one female, and the other shall be a licensed member of the medical community, either a physician, nurse, chiropractor or physical therapist.

2. Meetings. The board shall meet on the first Monday of each month unless there are no applications pending.

3. Examination. The board shall conduct an examination of all applicants for a masseur's permit, which examination shall consist of an oral examination, a written test and a practical examination. The oral and written examination shall test the applicant's knowledge of anatomy, kinesiology and physiology and of state, city, and county laws (including health and any other law, rule or regulation the board may determine applicable to the practice of massage) and relevant inquiry into the background and qualifications of the applicants. The practical examination shall consist of the actual performing of massage services upon the technician member of the board or upon such person as he shall designate. An applicant who fails to pass the examination will be allowed to take the examination again, but no more than three attempts will be allowed.

4. Findings, recommendations. The board shall grade and assess the examination and make its recommendation to the sheriff.

SECTION 4. Section 25.227 of the Washoe County Code is hereby amended to read as follows:

25.227 Definitions. As used in sections 25.227 to 25.261, inclusive, unless the context otherwise requires:

1. "Board" shall mean the board of massage examiners.
2. "Employee," in relation to employment in a massage establishment means any person who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or from patrons.
3. "Massage" means and includes any method of treating the superficial parts of a patron's anatomy for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands, any instrument or by the application of air, liquid or vapor baths of any kind, where the treatment is performed under such circumstances that it would be reasonably expected that money will be paid or other consideration given therefor.
4. "Massage business license" means the license attaching to the business and is separate and distinct from the masseur's permit required of individuals actually performing the services.
5. "Masseur" means any person who actually performs a massage. The use of the masculine gender includes, in all cases, the feminine gender.
6. "Patron," means any person who receives a massage under such circumstances that it would be reasonably expected that money would be paid or other consideration given therefor.

SECTION 5. Section 25.229 of the Washoe County Code is hereby amended to read as follows:

25.229 Massage business license required.

1. Except as provided in section 25.259, it is unlawful for any person to operate, manage or maintain a business wherein massages are performed unless he holds a valid massage business license issued pursuant to the provisions of sections 25.227 to 25.261, inclusive.
2. A massage business license shall be issued only for a specified location and shall authorize the performing of a massage only at the location specified in the license except that upon a showing of good cause a licensee may be authorized to perform massages on an out call basis under such conditions as will insure the legitimacy of such out call massages.

SECTION 6. Section 25.231 of the Washoe County Code is hereby amended to read as follows:

25.231 Application for massage business license. A person desiring a massage business license shall file a

written application with the sheriff on a form to be furnished by the sheriff. The applicant shall accompany the application with a tender of the correct fee provided in section 25.025 and shall, in addition, furnish the following information:

1. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.

2. The name, style and designation under which the business or practices are to be conducted.

3. The address of the business and all telephone numbers which will be used in conducting that business.

4. A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business.

5. The following personal information concerning the applicant. If the applicant is the sole owner the information shall be required as to him. If the applicant is a partnership the information shall be required as to each partner, whether general or limited. If the applicant is a corporation the information shall be required as to each stockholder holding more than 10 percent of any class of the stock, regardless of the nature of the stock. In addition, the information shall be required as to any person principally in charge of the operation of the business whether the person is classified as a manager, operator, or other synonymous term.

(a) Name, complete residence address and residence telephone numbers.

(b) The two previous addresses immediately prior to the present address of the applicant.

(c) Written proof of age.

(d) Height, weight, color of hair and eyes, and sex.

(e) Two front-face portrait photographs taken within 30 days of the date of the application and at least 2 inches by 2 inches in size.

(f) The massage or similar business history and experience, including but not limited to whether such person has previously operated in this or in another city or county or state under a license or permit, whether such person has had such license or permit denied, revoked or suspended, and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.

(g) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.

(h) A complete set of fingerprints taken and to be retained on file by the sheriff's department.

6. Such other information, identification and physical examination of the person as deemed necessary

by the sheriff to discover the truth of the statements required to be set forth in the application.

7. Authorization for the county, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.

8. The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives or business associates of the applicant.

9. A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, the declaration being dated and signed in the county.

10. The sheriff may refuse to accept any incomplete application.

SECTION 7. Section 25.233 of the Washoe County Code is hereby amended to read as follows:

25.233 Masseur's permit required, location restricted.

1. No person shall perform a massage unless he holds a valid masseur's permit or temporary massage technician's permit issued pursuant to the provisions of sections 25.227 to 25.261.

2. No person shall perform a massage at any location not authorized by a valid massage business license.

3. No licensee shall allow any person to perform massages who does not hold a valid masseur's permit or temporary massage technician's permit or at any location not authorized by the massage business license.

SECTION 8. Section 25.235 of the Washoe County Code is hereby amended to read as follows:

25.235 Application for masseur's permit or temporary massage technician's permit. A person desiring a masseur's permit or a temporary massage technician's permit shall file a written application with the sheriff on a form to be furnished by the sheriff. The applicant shall tender with the application the appropriate fee and shall, in addition, furnish the following information:

1. The address of the business and all telephone numbers which will be used in conducting the business where the massage is to be practiced.

2. The following personal information concerning the applicant.

(a) Name, complete residence address and residence telephone numbers.

(b) The two previous addresses immediately prior to the present address of the applicant.

- (c) Written proof of age.
  - (d) Height, weight, color of hair and eyes, and sex.
  - (e) Two front-face portrait photographs taken within 30 days of the date of application and at least 2 inches by 2 inches in size.
  - (f) The massage or similar business history and experience, including but not limited to whether such person had previously operated in this or another city or county or state under a license or permit, whether such person has had such license or permit denied, revoked or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
  - (g) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.
  - (h) A complete set of fingerprints taken and to be retained on file by the sheriff's department.
  - (i) A statement in writing from a physician licensed in the State of Nevada that he has examined the applicant within the 10 days prior to submission of the application and that he believes the applicant to be free of all diseases which could be communicated during the administering of a massage.
3. Such other information, identification and physical examination of the person as deemed necessary by the sheriff in order to discover the truth of the statements required to be set forth in the application.
  4. Authorization for the county, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
  5. A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, the declaration being dated and signed in the county.
  6. The sheriff may refuse to accept any incomplete application.

SECTION 9. Section 25.237 of the Washoe County Code is hereby amended to read as follows:

25.237 Investigations by sheriff.

1. Upon receiving an application for a massage business license or a masseur's permit or temporary massage technician's permit, the sheriff shall conduct an investigation into the applicant's moral character and personal and criminal history. The sheriff may, in his discretion, require a personal interview of the applicant and such further information, identification and physical examination of the person as bears on the investigation.

2. In the case of an application for a massage business license, the sheriff shall cause to be conducted an investigation of the premises where the massage is to be carried on for the purpose of assuring that such premises comply with all the sanitation requirements of the county and with the regulations relating to public health, safety and welfare.

3. In the case of an application for a masseur's permit or temporary massage technician's permit, the sheriff shall also notify the chairman of the board of massage examiners of the application and shall request that the applicant be scheduled for an examination.

SECTION 10. Section 25.239 of the Washoe County Code is hereby amended to read as follows:

25.239 Issuance, denial of massage business license or masseur's permit or temporary massage technician's permit.

1. As used in this section the term "applicant" shall mean:

- (a) The applicant, if an individual;
  - (b) Any of the officers and directors, if the applicant is a corporation;
  - (c) Any of the partners, including general and limited partners, if the applicant is a partnership;
- or
- (d) The manager or other person principally in charge of the operation of the business, if the applicant is a partnership or a corporation.

2. Upon receipt of a completed application the sheriff shall commence his investigation. The sheriff shall issue a massage business license or masseur's permit or temporary massage technician permit within 45 days after receipt of a fully completed application unless he finds that:

- (a) The correct fee has not been tendered to the county or a check or bank draft has been dishonored for payment upon presentation.
- (b) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the county's building, zoning and health ordinances and regulations.
- (c) The applicant or any employees have been convicted of a crime involving dishonesty, fraud, deceit, any offense involving sexual misconduct including prostitution, or any felony, unless such conviction occurred at least 5 years before the date of the application.
- (d) The applicant has knowingly made a false, misleading or fraudulent statement of fact in the application for a license or permit or in any document required by the county in conjunction therewith.
- (e) The applicant has had a massage business license, masseur's permit or other similar permit or license



denied, revoked or suspended for any of the causes stated in subsections (a) to (d), inclusive, by this county or any other state or local agency within 5 years before the date of the application.

(f) The applicant is under the age of 18 years.

(g) The applicant does not possess the skills or knowledge necessary to qualify as a competent masseur as reflected by a failure to satisfactorily pass the test given by the board of massage examiners as provided in section 25.238.

SECTION 11. Section 25.241 of the Washoe County Code is hereby amended to read as follows:

25.241 Display of permits and fee schedule.

1. The holder of a massage business license shall display his license and the permit of each masseur employed in the establishment in an open and conspicuous place on the premises of the massage business.

2. Upon issuance of a masseur's permit the sheriff shall provide an identification name plate which shall contain a photograph of the masseur and the full name and permit number assigned to the masseur which must be kept on the person at all times during the hours of operation or during the administration of any massage and shown upon demand by the patron or appropriate authorities.

3. The operator of each massage establishment shall post, in a conspicuous place in the establishment, a statement of the massage charges, rates or fees for any of the services for which a license pursuant to this chapter is required. It shall be unlawful to charge a rate or fee in an amount greater than that set forth in the statement.

SECTION 12. Section 25.243 of the Washoe County Code is hereby amended to read as follows:

25.243 Fees.

1. The fee for a massage business license shall be as set forth in section 20.025 of this code.

2. The fee for a masseur's permit shall be \$29.

3. The fee for a temporary massage technician's permit shall be \$29, which will be applied against any fees required for a subsequent application for a masseur's permit.

4. The investigation fee for an application for any license or permit shall be \$100, except that if an applicant has not continuously resided in the State of Nevada during the 6 months previous to the date of application the fee shall be \$200.

5. The fee for a hearing before the board of massage examiners will be \$15.

6. The fee for an identification card shall be \$6.

7. An applicant who has been investigated within the last 12 months will not be required to pay an additional investigation fee upon a subsequent application for the same or similar license or permit.

8. The sheriff may waive the investigation fee for an applicant for renewal of an existing valid license where it does not appear that there has been any significant change in the applicant's status since the last issuance of the license and there have been no complaints against the applicant which warrant investigation.

SECTION 13. Section 25.245 of the Washoe County Code is hereby amended to read as follows:

25.245 Revocation or suspension of permit. Any license or permit issued under sections 25.227 to 25.261, inclusive, may be suspended or revoked by the sheriff for violation of any provision of any federal, state, city or county ordinance or law, or for grounds that would warrant the denial of issuance of such license or permit in the first instance. The procedures and provisions of sections 25.037 to 25.041 shall be followed in revoking or suspending a license or permit except that the sheriff may immediately suspend operations in the event of an emergency which endangers the health and welfare of the public. In the event of such emergency suspension the licensee shall, if so requested, be granted a hearing before the board of county commissioners as soon as practicable.

SECTION 14. Section 25.247 of the Washoe County Code is hereby amended to read as follows:

25.247 Keeping of records. Every licensee shall maintain a register of all persons employed, whether as masseur or in any other capacity, containing names, dates of employment, dates and types of licenses or permits relating to the employee. The register shall be available at all times for inspection by the sheriff or his authorized representatives.

SECTION 15. Section 25.249 of the Washoe County Code is hereby amended to read as follows:

25.249 Transfers prohibited. A license or permit is not transferable, severable or divisible, and the privilege conferred by a license or permit is conferred only upon the licensee or permittee named therein.

SECTION 16. Section 25.251 of the Washoe County Code is hereby amended to read as follows:

25.251 Sanitation requirements, operating restrictions, medical certificates, inspection of premises.

1. Every portion of a massage business, including appliances, apparatus and personnel, shall be kept clean and operated in a sanitary condition.

2. All employees of massage businesses shall wear clean opaque outer garments. When a patron is being given a massage the patron must be clothed in such a manner as to cover those body parts which if exposed would constitute nudity as defined in section 50.198 of this code.

3. All massage businesses shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in an approved, sanitary manner. No towels or sheets shall be laundered or dried in any massage establishment unless such establishment is provided with approved laundry facilities for such laundry and drying. Approved receptacles shall be provided for the storage of soiled linens, and paper towels.

4. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

5. No massage business granted a license under the provisions of this chapter shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

6. All employees of a massage business shall secure annual certificates from a practicing physician in this county certifying that employee to be free from any communicable or transmittable disease. The certificates shall be kept on the premises at all times.

7. As provided in section 25.037 of the code, the sheriff, his deputies and any other person provided in that section may conduct inspections as provided therein.

SECTION 17. Section 25.253 of the Washoe County Code is hereby amended to read as follows:

25.253 Supervision. A massage business licensee shall have the premises supervised at all times when open for business. A business rendering massage services shall have one person who holds a valid masseur's permit issued under section 25.233 on the premises at all times while the establishment is open. The business licensee shall not violate, or permit others to violate, any applicable provision of sections 25.227 to 25.261, inclusive. The violation of any such provision by an agent or employee of the business licensee constitutes a violation by the business licensee.

SECTION 18. Section 25.255 of the Washoe County Code is hereby amended to read as follows:

25.255 Persons under 18 prohibited on premises.  
 Except as herein provided, a licensee or his employee or agent shall not allow any person under the age of 18 to enter or remain on the premises where a massage business is being conducted. Such person may enter and remain for such time as is necessary for the transaction of lawful business not involving exposure to the administering of massages except that such person may receive a massage if accompanied by his parent or guardian.

SECTION 19. Section 25.259 of the Washoe County Code is hereby amended to read as follows:

25.259. Exemptions.  
 1. The licensing or permit requirements of sections 25.227 to 25.261 do not apply to:  
 (a) Any licensed health and care facility as defined in NRS 449.007; or  
 (b) Any licensed provider of health care as defined in NRS 629.031 where the performing of massages is an adjunct of providing health care; or  
 (c) Any person providing services under the direction and supervision of such licensed provider in conjunction with the providing of services by an exempted facility; or  
 (d) Barbers or cosmetologists holding a valid state license or certificate while lawfully carrying out their particular business or profession at the location of their county business license.  
 2. Those masseurs who are operating under a permit issued by the county in effect on June 11, 1984, will be exempted from the testing and investigation fee requirements provided that their employer holds a valid business license to conduct massages on June 11, 1984, and certifies that the masseur has at least one year's experience in the county with a licensed establishment and is competent in the area of administration of massages. Requirements relating to health and physical examinations will apply to all masseurs, regardless of prior experience.

SECTION 20. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.2611 Termination, review. On or before July 1, 1986, the county manager shall confer with the sheriff and submit a report to the board of county commissioners outlining the effects of this ordinance together with a recommendation whether the ordinance should be reenacted, modified, or allowed to expire.

The board shall consider the matter and take appropri-

ate action including, without limitation, reenactment, modification or no action. If the board does not re-enact Ordinance 605 or a modified version thereof before July 1, 1986, the provisions of sections 25.227 to 25.601 as they existed on June 11, 1984, will become effective.

SECTION 21. Washoe County Ordinance 590 is hereby repealed.

Proposed on the 8 day of May, 1984.

Proposed by Commissioners Lillard.


Passed on the 12 day of June, 1984.

Vote:

Ayes: Commissioners: Lillard, McDowell and Ritter

Nays: Commissioners: King

Absent: Commissioners: Williams

  
Chairman of the Board

ATTEST:

  
County Clerk

This ordinance shall be in force and effect from and after the 25 day of June, 1984.