

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2015-O-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO ADDING A NEW ARTICLE 8 TO
CHAPTER 6 OF THE CENTENNIAL MUNICIPAL CODE
CONCERNING MASSAGE PARLOR LICENSES AND BUSINESS
OPERATIONS AND DECLARING A PENALTY FOR VIOLATIONS
THEREOF**

WHEREAS, the Colorado Massage Parlor Code (“Code”), Section 12-48.5-101 *et seq.*, C.R.S., was first enacted in 1977 in an attempt to mitigate prostitution in the State; and

WHEREAS, the Code provides that the licensing and regulation of massage parlors is a matter of statewide concern and declares the Code applicable in every city in the State; and

WHEREAS, the Code authorizes but does not require local governments to license massage parlors, and provides a framework for such regulation; and

WHEREAS, the City is a home rule municipality with the authority to enact its own regulations in matters of local concern; and

WHEREAS, the Arapahoe County Sheriff’s Office, which provides law enforcement within the City, has requested the City adopt a regulatory scheme governing the licensing and business operations of establishments providing massage services that meet the definition of a “massage parlor” as defined herein to mitigate prostitution in the City with its attendant abuses of labor and other laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. **Addition of a new Article 8.** Chapter 6 of the Centennial Municipal Code is hereby amended by the addition of a new Article 8 to read as follows in its entirety:

ARTICLE 8

Massage Parlor Licenses and Regulations

Division 1 General Provisions

Sec. 6-8-10. Title and scope.

(a) This Article shall be known and cited as the *City Massage Parlor Licensing Code* and shall apply to any business operating as a massage parlor as defined herein.

(b) The City Manager may promulgate additional administrative procedures, rules and regulations to further effectuate the terms of this Article.

Sec. 6-8-20. Definitions.

As used in this Article, unless otherwise noted:

Applicant means any natural person who is the sole proprietor, any partnership, limited liability company, corporation or any other business entity that has submitted an application for a license pursuant to this Article.

City means the City of Centennial, Colorado.

City Clerk means the City Clerk for the City or the City Clerk's designee

City Manager means the City Manager or the Acting City Manager for the City or the City Manager's designee, who may be an appointed hearing officer whenever the City Manager is charged with holding a hearing under this Article.

Financially responsible means having sufficient income and assets to defray expenses and provide for liabilities of the business as they become due.

Good moral character means a determination made by the City Manager considering factors such as whether the subject is free of being adjudged in any civil or criminal proceeding of having indulged in business or trade practices prohibited by law, and free of conviction of any felony or any other offense involving moral turpitude, also giving regard to pertinent circumstances connected therewith, and free of any other factors such that the City Manager is reasonably assured that the operations of the licensee will be conducted lawfully and in a manner that will not be detrimental to the public interest.

Interested person means

- (a) for a corporation, any and all of its officers, directors, or stockholders holding ten percent or more of the outstanding initial capital stock;
- (b) for a partnership, association, or company, any and all of its partners, officers, and/or members holding more than ten percent interest; and
- (c) any other person with a financial interest of ten percent (10%) or more in the applicant or licensee; and
- (d) any manager of a licensed massage parlor.

Law Enforcement Agency means the Arapahoe County Sheriff's Office or any other agency designated to provide law enforcement services by and on behalf of the City.

Licensed massage therapist shall mean an individual licensed by the State of Colorado to engage in the practice of massage therapy as set forth in Section 12-35.5-101 *et seq.*, C.R.S.

Licensee means any natural person who is the sole proprietor, any partnership, limited liability company, corporation or other business entity that is licensed to conduct a massage parlor in compliance with this Article or any employee, agent or any other person acting with authority on the licensee's behalf.

Manager means any natural person on the licensee's premises within the City who manages, directs, supervises, oversees and administers the transactions and acts of servants of the massage

parlor issued a City license or permit, including but not limited to the officers of the applicant or licensee.

Massage means a method of treating the body for remedial or hygienic purposes, including but not limited to rubbing, stroking, kneading, or tapping with the hand or an instrument or both. Massage incidental to the provision of other services and conducted in plain view of the public and with the recipient fully clothed, including massage of only the head, hand or foot, are not considered a “massage” for the purposes of this Article. Massage of the face only as part of facial or aesthetician services by a licensed cosmetologist is also not considered a “massage” for the purposes of this Article.

Massage parlor means

- (a) an establishment providing massage, but it does not include:
 - (1) 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,
 - (2) training rooms of recognized professional or amateur athletic teams,
 - (3) licensed health care facilities,
 - (4) offices of licensed medical, chiropractic or dental professionals, or
 - (5) facilities operated for the purpose of massage therapy if performed only by massage therapists licensed by the State of Colorado.

Peace officer means any sheriff, undersheriff or deputy sheriff of the Law Enforcement Agency.

Person means any natural person or non-natural entity, including but not limited to a corporation, partnership, unincorporated association or joint venture.

Sec. 6-8-30. Signatures.

(a) Unless otherwise prohibited in this Article, all signatures required by this Article may be an electronic signature as defined by Sections 24-71-101(a) and 24-71.3-102(8), C.R.S.

(b) Signatures that are not notarized shall be presumed to be invalid unless they are presented in conjunction with the legibly printed first, middle and last name of the individual representing the signature as their own.

Sec. 6-8-40. Authorized methods of notification, transmittal and delivery.

Unless this Article prohibits or provides for a specific method of notification or delivery, all deliveries, written notices, notifications and communications required by this Article may be given by hand delivery, registered or certified mail, facsimile, by a delivery service that guarantees overnight delivery to a party at the address provided by the other party or as changed upon written notice to the other party, or by electronic mail or other electronic messaging system as authorized under the Uniform Electronic Transactions Act as adopted by the State of Colorado in Sections 24-71.3-101 through 24-71.3-121, C.R.S.

Division 2 Licensure

Sec. 6-8-110. Massage parlor license required.

(a) It shall be unlawful for any person to engage in the business of or operate a massage parlor in the City without first having obtained a massage parlor license for the location at which the business is operated in accordance with this Article, in addition to all other licenses required by the City. Such licenses shall be good for one year and kept current at all times, and failure to maintain a current license shall constitute a violation of this Article.

(b) It shall be unlawful for any person to engage in the business of or operate a massage parlor except as provided in, authorized by, and in compliance with this Article.

(c) Each license issued under this Article is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be required for each specific business or business entity and each geographical location.

(d) Licenses issued pursuant to this Article shall specify the date of issuance, the period which is covered, the name of the licensee, and the premises licensed.

Sec. 6-8-120. Zoning and geographical limitations.

(a) A licensee shall operate a massage parlor from only one (1) business location within the City, which shall be the location listed on the licensee's license.

(b) All licensees under this Article must conform to all applicable zoning and land use regulations of the Centennial Land Development Code. It shall be unlawful to operate a massage parlor as a home-based business.

Sec. 6-8-130. Duty and authority of City Clerk.

The City Clerk shall be responsible for receiving all applications for and making recommendations to the City Manager on issuing of all licenses pursuant to this Article, conducting or directing investigations of the character, responsibility and fitness of applicants and interested persons, assisting all applicants and licensees in the licensing process and maintaining adequate records of all licenses and applications therefor.

Sec. 6-8-140. Duty and authority of City Manager.

The City Manager shall be responsible for issuing all licenses pursuant to this Article and imposing sanctions for violations hereof, up to and including revocation of any license, as set forth in Section 6-8-220(b).

Sec. 6-8-150. Persons prohibited as licensees.

No license provided by this Article shall be issued to or held by:

(a) Any corporation, any of whose interested persons are not of good moral character satisfactory to the City Manager;

(b) Any partnership, association, or company, any of whose interested persons are not of good moral character satisfactory to the City Manager;

(c) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good moral character satisfactory to the City Manager; and/or

(d) Any person if such person has another on-site manager of such massage Parlor business who is not of good moral character satisfactory to the City Manager.

Sec. 6-8-160. Application for license.

(a) All applicants for a massage parlor license shall file an application for such license with the City Clerk on forms to be promulgated and provided by the City Clerk. All such applications shall be open for inspection by any peace officer for purposes of ensuring compliance with this Article and any other law enforcement purposes. Such forms shall require information sufficient to establish conformance with this Article and the laws and regulations of the City and, at a minimum, shall require the following:

(1) The names of each individual applicant and all interested persons of and in such applicant if the applicant is a legal entity;

(2) The names of all managers of the applicant or the applicant's proposed massage parlor business;

(3) Proof of the name and date of birth of all natural persons named in the application, such as a driver's license, an unaltered copy of the birth certificate, alien registration card or other reasonable identification card which evidences that the individual applicant is or, in the case of a legal entity applicant, all interested persons in and of the entity are, 21 years of age or older;

(4) An affidavit of criminal history of the individual applicant is or, in the case of a legal entity applicant, all interested persons in and of the entity;

(5) A photograph and a complete set of fingerprints of the individual applicant, or, in the case of a legal entity applicant, all interested persons in and of the entity;

(6) A written certificate or other form of confirmation (such as a zoning verification letter) prepared by the Community Development Department that the massage parlor business is a permitted use for the proposed location (such confirmation to be obtained at expense of applicant);

(7) Written proof of the applicant's right to possession of the premises proposed for the license such as a deed or lease in the name of the applicant for the premises to be licensed;

(8) A completed financial questionnaire in a form provided by the City Clerk that addresses the issue of all funding sources and investment for and in the proposed licensed massage parlor along with information on bank accounts and loan documents, if relevant;

(9) For any applicant owned by an entity other than a natural person as sole proprietor, evidence that the entity is in good standing under State statutes or, in the case of a foreign corporation, evidence that it is currently authorized to do business in Colorado;

(10) Complete plans and specifications for the interior of the building at which the applicant seeks to operate a massage parlor. Such plans shall be on 8.5" by 11" paper and drawn to scale and must show conformity with the requirements of this Article, including the sanitary requirements set forth in Section 6-8-430. Such plans must show the location and dimensions of all waiting areas, treatment rooms, restrooms, and plumbing fixtures and designate the purpose of any other areas within the massage parlor. If the building at which the applicant seeks to operate a massage parlor is not in existence, the applicant shall, in addition to the plans and specifications for the interior, submit an architect's drawing of the building to be constructed; and

(11) Any other information that is requested on the application forms.

(b) Applicants shall submit applications for massage parlor licenses to the City Clerk by hand delivery, mail or by a delivery service. The City Clerk has authority, but not the obligation, to permit submission of applications by other means if the City Clerk has adopted a policy or procedure for such submission and has publicized that procedure through the City's web site.

Sec. 6-8-170. Application, investigation and other fees.

(a) Every applicant shall pay an application fee at the time of filing an application. In addition, the applicant shall pay in full all other fees, including but not limited to fees imposed by the State of Colorado for processing of information, fingerprints, photographs and background investigations.

(b) The City Council directs the City Manager to set any fees authorized by this Article in accordance with Section 11.3 of the Centennial Home Rule Charter.

Sec. 6-8-180. Completed application.

Any application required by this Article shall not be deemed complete and shall not be processed until all information required by the application is completed in full, submitted to the City Clerk with all required signatures in acceptable form and all information and fees required pursuant to this Article are submitted. Each application shall be verified by the oath or affirmation of such persons as the City Clerk authority may prescribe. All signatures required in any application must be notarized in order to meet the requirements of this Section. Incomplete applications may be returned to the applicant for completion or correction without any further action. The City shall not be responsible for the failure of a license to be issued or renewed prior to an expiration date because of a late, incomplete or defective application.

Sec. 6-8-190. Investigation of certain applicants and of premises required.

(a) Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of all application and license fees, the City Clerk, in conjunction with the Law Enforcement Agency, shall conduct an investigation of the background, character and financial responsibility of each individual applicant

and interested persons and the suitability of the premises. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed for the investigation of each such person in the amount then charged by the Colorado Department of Public Safety. In investigating the fitness of any applicant, licensee, or employee or agent of the licensee or applicant, the local licensing authority may have access to criminal history record information furnished by criminal justice agencies subject to any restrictions imposed by such agencies. In the event the City Manager takes into consideration information concerning the applicant's criminal history record, the City Manager shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of his or her application for a license.

(b) Before granting any license for which application has been made, the City, through its law enforcement agency, may visit and inspect the premises or property on which the applicant proposes to conduct his business and investigate the suitability of such premises for the conduct of a business licensed hereunder. If the premises has not been placed into operation pursuant to a license within one (1) year after approval of the license, the City Manager may, in his or her discretion, revoke or elect not to renew the license

Sec. 6-8-200. City Clerk's recommendation and City Manager's approval required.

(a) The City Clerk shall provide the City Manager with a recommendation with respect to the granting or denial of the license, and reasons therefor.

(b) The City Manager shall have final authority to approve or deny any application or application for renewal, and to review any recommendation of the City Clerk made with respect thereto. The City Manager retains the discretion to issue the license or reject the application upon the basis of the criteria set forth herein, the recommendations and findings of the City Clerk, and a determination of whether the applicant has made a sufficient showing of good moral character, financial responsibility, experience and general fitness to command the confidence of the public and to warrant the belief that the business will be operated lawfully, honestly and efficiently.

Sec. 6-8-210. Annual license fee.

All applicants for a massage parlor license shall pay the City Clerk the annual license fee for such license at the time an initial application for a license is filed or at the time a renewal application is filed. Annual license fees shall be nonrefundable unless an application is denied.

Sec. 6-8-220. Denial; suspension; revocation.

(a) *Denial.* The City Manager may administratively deny the application of any applicant without a hearing if it is shown that:

- (1) the applicant or any interested persons is a prohibited licensee under Section 6-8-150,
- (2) the applicant or any interested persons is not financially responsible,

- (3) the applicant or any interested persons is not in good standing or authorized to do business in Colorado,
- (4) the applicant or any interested persons is not of good moral character as to reasonably assure that the operations of the applicant will be conducted lawfully and in a manner that will not be detrimental to the public interest, or
- (5) The premises to be licensed are not suitable for the conduct of a licensed massage parlor.

(b) Any appeal of such an administrative denial may be available in accordance with Colorado law.

(c) *Suspension or revocation.* The City Manager may suspend or revoke any license issued under this Article if, after notice to the licensee and a public hearing before the City Manager as set forth in subsection (c), the City Manager determines that:

- (1) the licensee or any interested person of and in licensee is not financially responsible; or
- (2) the licensee or any interested person of and in licensee is not in good standing or authorized to do business in Colorado; or
- (3) the licensee or any interested person of and in licensee is not of good moral character; or
- (4) the licensed premises are modified from the drawings on file with the City Clerk and are not suitable for the operation of a licensed massage parlor; or
- (5) the licensee or any agents or employees thereof are illegally offering for sale or illegally allowing to be sold or consumed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, narcotics, marijuana or dangerous drugs, fermented malt beverages, or malt, vinous or spirituous beverages; or
- (6) the licensee or any agents or employees thereof committed or permitted patrons to engage in a specified criminal act(s) as such term is defined in Section 6-2-20 of this Code in the licensed premises or upon any parking areas, sidewalks, access ways, or grounds immediately adjacent to the licensed massage parlor, when the licensee or agent or employee knew or should have known such displays or acts were taking place; or
- (7) the licensee made a false statement or gave false information in connection with an application for or renewal of a massage parlor license; or

- (8) the licensee violated or permitted a violation of any provisions of this Article.

(d) *Hearing procedures.* The City Manager shall notify licensees, in writing by first class United States mail at the address of the licensee on file with the City Clerk, of the time and place fixed for a suspension or revocation hearing at least ten (10) days prior to the date on which such a hearing is scheduled. Any appeal of a suspension or revocation of a license issued under this Article may be had in accordance with Rule 106 of the Colorado Rules of Civil Procedure. The City Manager shall also retain the discretion to declare the licensee ineligible for relicensing for the purpose of obtaining a massage parlor license within the City limits at any future time.

(e) If the City has suspended or revoked a licensee's license pursuant to this Article, the suspension shall be served on the dates set forth by the City Manager and the licensee shall, for the period of suspension or until and if relicensed following revocation:

- (1) Remove such license from display; and
- (2) cease providing any massage service.

(f) If the City has suspended a licensee's license pursuant to this Article, the licensee shall also post a sign on the premises that contains the following statement: "ATTENTION: THIS BUSINESS IS NOT CURRENTLY AUTHORIZED TO CONDUCT MASSAGE SERVICES IN THE CITY OF CENTENNIAL." The notice shall also include a telephone number at which the manager for the licensee may be reached. The notice shall be at least eight and one-half (8.5) inches by eleven (11) inches in size and legibly printed in a minimum of 48 pt. font size throughout, and shall be posted at all times of suspension in a location on the front entry to the premises usually accessed by the public such that it is prominent and readily viewable by the public. All licensees under license suspension shall maintain such posted notice until the period of suspension expires

(g) *Relicensing.* Notwithstanding the provisions of this Section, a licensee whose license has been revoked may apply for relicensing and present evidence of rehabilitation at an administrative hearing before the City Manager no sooner than one year from the date of revocation. The City Manager may grant such former licensee a new license provided that the City Manager finds adequate evidence of rehabilitation was presented to reasonably assure the City Manager that the former licensee will conduct its operations lawfully and in a manner that will not be detrimental to the public interest.

(h) *Administrative subpoenas.* The City Manager shall have the power to administer oaths and issue subpoenas to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing which the City Manager conducts under this Article. It is unlawful for any person to fail to comply with any such subpoena issued by the City Manager.

(i) A subpoena shall be served in the same manner as a subpoena issued by the district court of the State of Colorado. Upon failure of any witness to comply with such subpoena, the City Attorney shall:

- (1) Petition the Municipal Court of the City, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena,

that the court after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or

- (2) Petition the District Court in and for Arapahoe County, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court.

(j) The City Manager shall render all decisions under this Section in writing or verbally on the record, and, if in writing, shall provide a copy of the decision to the applicant or licensee within twenty (20) days after such hearing. All such decisions shall be final, subject to judicial review.

(k) All hearings held before the City Manager under this Article shall be recorded by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the City Clerk, and shall pay all costs of preparing such record.

Sec. 6-8-230. Expiration and annual renewal.

(a) Each license issued pursuant to this Article shall be valid for a period of one (1) year from the date of issuance.

(b) All renewal applications for City licenses should be submitted to the City Clerk no later than forty-five (45) days prior to the expiration of the period for which the license is issued. If renewal applications are received less than 45 days before the expiration of the period for which the license is issued, late fees shall be charged due to expedited processing time in amounts as set by the City Manager. Each renewal application shall include a completed updated financial questionnaire in a form provided by the City Clerk that addresses the issue of all funding sources and investment for and in the licensed massage parlor along with information on bank accounts and loan documents, if relevant. When an application for renewal is received in proper form by the City Clerk, the City Clerk shall conduct an investigation and submit to the City Manager a recommendation with respect to the approval or denial of the renewal application unless the City Clerk deems an investigation unnecessary and elects to recommend approval without such investigation.

(c) The City Manager may cause a hearing on the application for renewal to be held. No such renewal hearing shall be held by the City Manager until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The City Manager may refuse to renew any license for good cause, subject to judicial review. The City Manager shall render all decisions under this Section in writing, and shall provide a copy of the decision to the licensee within twenty (20) days after such hearing. All such decisions shall be final, subject to judicial review.

(d) Any application for renewal submitted past the expiration of the period for which the license was issued will not be accepted. The licensee must apply for a new license and shall not engage in the massage parlor business until it has obtained all required licenses.

Sec. 6-8-240. Changes of location and modification of premises.

(a) No license shall be valid for any location other than the location for which it is issued, except as hereinafter provided.

(b) No license shall be valid for any location if the premises have been modified such that they do not conform to the plans on file with the City Clerk. Before any massage parlor may modify the premises, they must submit an application for a modification with the City Clerk on a form provided by the City Clerk, and the Law Enforcement Agency may visit and inspect the premises or property and investigate the suitability of such proposed modified premises for the conduct of a business licensed hereunder. The City Clerk may administratively approve the modification of premises. If the City Clerk or the Law Enforcement Agency so requests, the City Manager may make a determination whether to allow or deny the premises to be modified as requested in the application.

(c) A licensee may relocate its place of business under the same license in accordance with the following procedure:

(1) A licensee wishing to relocate its place of business within the City shall give written notice thereof to the City Clerk no less than thirty (30) days prior to the date of relocation along with the proposed new address and information required by subsections (6)(7) and (10) of Section 6-8-160(a).

(2) The City Clerk shall enter an order permitting the relocation and amend the license accordingly upon a finding that the licensee has the right to possession of the proposed location and that the premises, following inspection as authorized by Section 6-8-190(b), are suitable. Absent such findings, the City Clerk shall issue a written order denying the licensee permission to relocate. The City Clerk shall provide a copy of such order to the licensee along with written notice of the reason for the denial.

(3) If the City Clerk denies a licensee permission to relocate its business, the licensee may file a written request for review thereof with the City Clerk within ten (10) days following the date upon which the notice of denial was provided. The City Manager shall then review and either affirm or reverse the denial.

Sec. 6-8-250. Transfers of ownership.

(a) No license granted under the provisions of this Article shall be transferable except as provided herein.

(b) A change in corporate structure of licensee that effectuates a change in ownership of licensee of more than ten percent (10%) of the ownership interest shall result in revocation of the license by operation of law unless the license is transferred in accordance with this Section.

(c) When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license.

Sec. 6-8-260. Manager; change of manager.

Each licensee shall keep on file and updated at all times with the City Clerk the name of the manager of the licensed massage parlor business. In the event a licensee changes a manager of a massage parlor, the licensee shall immediately report such change and register the new manager on forms promulgated and provided by the City Clerk within thirty (30) days of the manager's employment with the licensee. The new manager shall submit a photograph and a complete set of fingerprints and shall be investigated by the City Clerk as provided in Section 6-8-190(a). The licensee shall pay a nonrefundable investigation fee in the amount then charged by the Colorado Department of Public Safety, as well as a manager registration fee. Failure of a licensee to report such a change or failure of the manager to meet the standards and qualifications as required in Sections 6-8-150 and 6-8-190(a) shall be grounds for termination of the license.

Division 3 Requirements for Licensees and Persons Performing Massage

Sec. 6-8-300. Obligation that all massage parlor employees on premises have immediately accessible identification.

Except for service providers who do not interact with clients or customers of a massage parlor (repairmen, landlord, etc.), every person working in a licensed massage parlor, regardless of status as either employee or independent contractor, shall at all times while within the licensed massage parlor have on their person and/or readily available to present to Law Enforcement immediately upon request a valid current government issued identification that establishes the name, age, and address of such person along with a picture of each such person.

Division 4 Operational Requirements for Licensed Premises

Sec. 6-8-400. License and notice display required.

Once the City has issued a license pursuant to this Article, each licensed massage parlor must display such license within the licensed premises in a location that is prominent and readily viewable by the public in the front entry of the licensed massage parlor.

Sec. 6-8-410. Hours of operation.

It is unlawful for licensed massage parlors to be open for business or to permit massage to occur within the licensed premises before 8:00 a.m. or after 9:00 p.m.

Sec. 6-8-420. Employee apparel.

All employees shall at all times wear clean, washable uniforms that fully cover the pubic area, perineum, buttocks, cleft of the buttocks, and entire chest to four inches below the collar bone and

legs not exposed more than six inches above the knees. Areas that are required to be covered must be covered in clothing that is not transparent.

Sec. 6-8-430. Sanitary requirements.

It shall be unlawful for any person to operate a massage parlor in the City in any premises which does not meet the following sanitary requirements:

- (a) All surfaces of floors, walls, ceilings, and equipment shall be smooth and painted, or constructed with surface material that is easily cleaned. Carpet is acceptable if kept in a clean state.
- (b) All tables, lounges, chairs, steam rooms, steam cabinets, or other devices and fixtures which may come into contact with any patron during massage shall be covered with a fresh, sanitary disposal liner, or with a cloth sheet or cover which has not been previously used for a different patron since the same was laundered.
- (c) All towels, robes, bandages, pads, or other articles which come into contact with any part of a patron's body shall be laundered, cleaned, and sterilized after each use and before being used again for a different patron, and shall be stored prior to their use in a sanitary manner.
- (d) Each treatment room shall be equipped with individual hand washing lavatories which supply both hot and cold running water.
- (e) Each massage parlor shall provide toilet facilities where patrons of both genders are accommodated separately.
- (f) Each massage parlor shall have separate shower facilities for patrons of each gender.
- (g) Each massage parlor shall have a stocked first aid kit readily available for use.
- (h) All linen shall be stored in an approved container after its use.

Sec. 6-8-440. Unlawful acts.

It shall be unlawful and a violation of this Code for any person:

- (a) To operate a massage parlor without holding or without displaying in accordance with Section 6-8-400, a validly issued local massage parlor license;
- (b) To operate a massage parlor outside lawful hours of operation;
- (c) To operate a massage parlor in premises that do not meet the depictions set forth in the plans submitted as part of the application for license, modification of premises or change of location;
- (d) To operate a massage parlor that does not meet the sanitary requirements of Section 6-8-430;

- (e) To allow any person to work in or upon the licensed premises of a massage parlor who does not have on their person or available for presentment identification as required by Section 6-8-300;
- (f) To allow any person to work in or upon the licensed premises of a massage parlor when in violation of the apparel requirements of Section 6-8-420;
- (g) To allow the sale, giving, or procuring of any massage services to any person under the age of eighteen years, unless such person is accompanied by his parent or legal guardian, or the parent or legal guardian has provided and the massage parlor has on file, written authorization of the parent or legal guardian, or the person under the age of eighteen years has a physician's prescription for massage services;
- (h) To permit any person under the age of eighteen years to be deliver massage in a massage parlor. If any person who, in fact, is not eighteen years of age exhibits a fraudulent proof of age, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this Article unless the person employing such person knew or should have known that said proof of age was fraudulent;
- (i) To permit any narcotics, marijuana (as defined in Section 6-5-20 of this Code) or dangerous drugs on the licensed premises;
- (j) To permit any fermented malt beverages, or malt, vinous, or spirituous liquors on the licensed premises unless a legally required liquor license has been issued;
- (k) To administer a massage or permit any massage to be administered to a patron whose genitals, anus, or female breasts are exposed during the massage treatment;
- (l) To intentionally touch or permit any other person to touch the genitals or anus of any other person while on the licensed premises;
- (m) To operate a massage parlor while failing to display at all times in a prominent place on the licensed premises a printed card with a minimum height of fourteen inches and a width of eleven inches with each letter a minimum of one-half inch in height, which shall read as follows:

WARNING

IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME, UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

IT IS ILLEGAL FOR ANY PERSON TO ALLOW A PERSON UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME, UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

PART 5 OF ARTICLE 3 OF TITLE 18, COLORADO REVISED STATUTES, PROHIBITS HUMAN TRAFFICKING AND ESTABLISHES CRIMINAL PENALTIES FOR OFFENDERS.

FINES OR IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS UNDER ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.

(n) To engage in, encourage, or request, or to permit any person to engage in, encourage, or request acts of masturbation or other sexual acts while on the licensed premises; and/or

(o) To interfere with or refuse to permit any inspection of the licensed premises by the City's Law Enforcement.

6-8-450. Powers of peace officers.

Any peace officer while engaged in performing their duties and while acting under proper orders or regulations, shall have and exercise all the powers vested in peace officers of the State, including the power to arrest and the authority to issue summons for violations of the provisions of this Article.

Division 5 Investigations and Consent to Enter

Sec. 6-8-500. Investigation; right of entry.

Application for or acceptance of a license for a massage parlor business under the terms and provisions of this Article shall constitute a continuing consent to entry by any authorized Law Enforcement agent, any person, agency or entity authorized to enforce municipal law or any peace officer upon the licensee's or applicant's premises for the purpose of investigating the business at any time during the term of the license, during regular business hours or whenever the licensee, its employee or agent is upon the premises. Willful failure or refusal by a licensee, its agent, or employee to permit entry upon the premises by any authorized individual as provided herein, after presentation of credentials and demand for entry, is a violation of this Article and shall be grounds for revocation of the licensee's license.

Division 6 Penalties and Remedies

Sec. 6-8-600. Enforcement and fines.

(a) Violation of any provision of this Article shall constitute a minor offense, may be enforced in the Municipal Court, and is punishable in accordance with the general penalty provisions of Section 1-4-10 of the Code.

(b) A licensee's noncompliance with any provision of this Article shall be cause for denial, suspension or revocation of the licensee's massage parlor license, or shall be cause for other enforcement provisions as otherwise apply to the licensee's license.

(c) Nothing herein contained shall prevent or restrict the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or

noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

(d) All remedies and penalties provided for in this section shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

(e) The penalties provided in this section shall not be affected by the penalties provided in any other section of this Article but shall be construed to be an addition to any other penalties.

Section 2. Application to Existing Massage Parlors. Any business operating as a massage parlor within the City as of the effective date of this Ordinance shall be granted a period of thirty (30) days from the effective date of this Ordinance to comply with all the requirements hereof.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "*provision*" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "*application*" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 4. Codification Amendments. The codifier of the City's Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 1 of this Ordinance within the Centennial Municipal Code.

Section 5. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Centennial, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 2 DAY OF March, 2015.

CITY OF CENTENNIAL

By: Cathy A. Noon
Cathy A. Noon, Mayor

Approved as to Form:

[Signature]
For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of March 2, 2015 and ordered published one time by title only in *The Villager* newspaper on March 5, 2015, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: [Signature]
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 9th DAY OF March, 2015, BY A VOTE OF 8 IN FAVOR AND 0 AGAINST.

CITY OF CENTENNIAL

By: Cathy A. Noon
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of March 9, 2015, and ordered published by title only,

one time by *The Villager* newspaper on March 12, 2015 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: *Shubara Lott*
City Clerk or Deputy City Clerk