

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered 20A entitled MASSAGE PARLORS AND MASSAGE TECHNICIANS, which new chapter 20A relates to MASSAGE PARLORS AND MASSAGE TECHNICIANS, AND ADOPTS REGULATIONS THEREFOR AND PROVIDES FOR PERMITS, HEALTH CARDS AND PENALTIES FOR VIOLATIONS.

The City Council of Alexandria hereby ordains:

Section 1. That The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new chapter numbered 20A to read as follows:

CHAPTER 20A

Massage Parlors and Massage Technicians

Sec. 20A-1. Definitions.

For purposes of this chapter, the following phrases and words shall have the meaning assigned below, except in those instances when the context clearly indicates a different meaning.

Director. The director of public health of the city or his duly authorized representative.

Massage. A method of treating the external parts of the human body for comfort or the general well-being of the body, consisting of rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

Massage parlor. Any establishment having a fixed place of business where massages are administered. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath, or to barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulders.

Massage technician. Any person who administers a massage to another person at a massage parlor. This definition shall not be construed to include a physician, surgeon, chiropractor, physical therapist or nurse duly licensed by the Commonwealth of Virginia.

Sec. 20A-2. Permit required for a massage parlor; public health card required for a massage technician.

(a) On and after April 1, 1973, it shall be unlawful for any person to establish, maintain or operate a massage parlor in the city without a valid non-suspended permit issued pursuant to this chapter.

(b) On and after April 1, 1973, it shall be unlawful for any person to perform the services of a massage technician at a massage parlor in the city without a valid non-suspended public health card issued pursuant to this chapter.

Sec. 20A-3. Examination of massage technicians; issuance of public health card.

All persons who desire to perform the services of massage technician at a massage parlor shall first undergo a physical examination for contagious and communicable diseases, which shall include a recognized blood test for syphilis, a culture for gonorrhoea, a chest X-ray which is to be made and interpreted by a trained radiologist acceptable to the director, and such other laboratory tests, done in a laboratory acceptable to the director, as may be necessitated by the above examination, and shall furnish to the director a certificate based upon and issued within thirty days of such examination, signed by a physician duly licensed by the Commonwealth of Virginia and stating that the person examined is either

free from any contagious or communicable disease or incapable of communicating any of such diseases to others. Such persons shall undergo the physical examination referred to above and submit to the director the certificate required herein within five days of the commencement of their employment and at least once every twelve months thereafter.

The director or his duly authorized representative, when he has cause to believe that the massage technician is capable of communicating any contagious disease to others, may at any time require an immediate physical examination of any such person.

Upon presentation to and approval by the director of the certificate required herein, the director shall issue a health card to the applicant, containing among other items the name of the holder, the date of expiration and a statement that the holder has complied with the provisions of this section. The director shall refuse to issue such card if the applicant has either failed to furnish the certificate required herein or is not free from any contagious or communicable disease.

The employer of any such person shall require all such persons to undergo the examination and obtain the certificates provided by this section, shall register at the place of employment the name and date of employment of each employee, and shall have the health cards and registration of all employees available for the director at all reasonable times.

Sec. 20A-4. Massage parlor permit application; fee.

Any person desiring a permit to establish, maintain, or operate a massage parlor in the city shall make application to the director. Each massage parlor permit application shall be accompanied by an investigation fee of \$250.00, payable to the city collector. Each renewal application shall be accompanied by an investigation fee of \$200.00 payable to the city collector. Each such application shall contain the name, address and telephone number of the applicant, and the name, address and telephone number of the place where the applicant proposes to operate, maintain or establish a massage parlor in the city.

Sec. 20A-5. Investigation of premises and issuance of permit.

The director, before issuing any permit, shall cause an investigation to be made of the premises named and described in the application for a permit under this chapter for the purpose of determining whether the massage parlor complies with the provisions of this chapter. If the director shall be satisfied from such investigation that the massage parlor is in conformity with the provisions of this chapter, he shall issue, or cause to be issued, a permit authorizing the establishment, maintenance and operation of a massage parlor. If the director shall not be so satisfied, he shall deny the application and advise the applicant in writing of such denial setting forth the reasons therefor. Every permit issued pursuant to this chapter shall terminate at the expiration of one (1) year from the date of its issuance, unless sooner suspended.

Sec. 20A-6. Right of entry.

The director is hereby authorized to enter, examine and survey any premises in the city for which a permit has been issued pursuant to this chapter during business hours to enforce the provisions of this chapter, and for no other official purposes.

Sec. 20A-7. Suspension of permit--effect of order.

If the director finds that the massage parlor, for which the permit was issued, does not conform to the standards set forth in sections 20A-9 and 20A-10, or the permittee has refused the director the right to enter the premises to enforce the provisions of this chapter, he may enter an order for the immediate suspension of the permit until such time as he finds that the reason for such suspension no longer exists. A copy of the order shall be sent to the permittee

at his place of business by certified mail, which order shall set forth the reasons for said suspension. No person shall operate a massage parlor when subject to an order of suspension.

Sec. 20A-8. Same--reinstatement.

The director may reinstate a suspended permit when no fact or condition exists which would otherwise warrant the director to refuse to grant a permit under the terms of this chapter.

Sec. 20A-9. Minimum standards for massage parlors.

No massage parlor shall be operated, established or maintained in the city that does not comply with the following minimum standards:

(a) The premises shall have adequate equipment for disinfecting and sterilizing non-disposal instruments and materials used in administering massages. Such non-disposal instruments and materials shall be disinfected after use on each patron.

(b) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

(c) Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

(d) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

(e) Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

(f) Adequate bathing, dressing, locker and toilet facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker, toilet and massage room facilities shall be provided. Separate toilet and lavatory facilities shall be maintained for personnel.

(g) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(h) The premises shall be equipped with a service sink for custodial services.

(i) Eating in the massage work areas shall not be permitted.

(j) Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.

(k) No massage parlor shall employ a massage technician who does not comply with the provisions of sections 20A-2(b) and 20A-10.

Sec. 20A-10. Individual health requirements for massage technicians.

No massage technician shall administer massages at a massage parlor who does not comply with the following individual health requirements:

(a) No massage technician shall administer a massage if such massage technician knows or should know that he or she is not free of any contagious or communicable disease.

(b) No massage technician shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption; provided that a physician duly licensed by the Commonwealth of Virginia may certify that such person may be safely massaged prescribing the conditions thereof.

(c) Each massage technician shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.

Sec. 20A-11. Suspension of health card; reinstatement.

If the director finds that the massage technician does not comply with the individual health requirements set forth in section 20A-10, he may enter an order for the immediate suspension of the health card until such time as he finds that the reason for such suspension no longer exists. A copy of the order shall be sent to the massage technician at his or her place of business by certified mail, which order shall set forth the reasons for said suspension. No person shall perform the services of a massage technician at a massage parlor when subject to an order of suspension. The director may reinstate a suspended health card when he is satisfied from his own investigation that the massage technician complies with the applicable provisions of this chapter.

Sec. 20A-12. Display of permit.

Every person to whom a permit shall have been granted shall display said permit in a conspicuous place in the massage parlor or establishment so that it may be readily seen by persons entering the premises.

Sec. 20A-13. Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment.

Section 2. That this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

FINAL PASSAGE: FEBRUARY 13, 1973