

ORDINANCE NO. 1886

AN ORDINANCE to amend and reordain Sections 20A-2, 20A-4, 20A-5, 20A-6, 20A-7, 20A-8, subsection (k) of Section 20A-9, and Section 20A-12, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, and to amend said Chapter of said Code by adding thereto new sections numbered 20A-3.1, 20A-3.2, 20A-3.3, 20A-4.1, 20A-5.1 and 20A-5.2; which Chapter 20A relates to MASSAGE PARLORS AND MASSAGE TECHNICIANS, which Section 20A-2 relates to PERMIT REQUIRED FOR A MASSAGE PARLOR; PUBLIC HEALTH CARD AND PERMIT REQUIRED FOR A MASSAGE TECHNICIAN, which Section 20A-4 relates to MASSAGE PARLOR PERMIT APPLICATION; FEE, which Section 20A-5 relates to INVESTIGATION OF PREMISES AND ISSUANCE OF MASSAGE PARLOR PERMIT, which Section 20A-6 relates to RIGHT OF ENTRY, which Section 20A-7 relates to SUSPENSION OF MASSAGE PARLOR PERMIT--EFFECT OF ORDER, which Section 20A-8 relates to SAME--REINSTATEMENT, which Section 20A-9 relates to MINIMUM STANDARDS FOR MASSAGE PARLORS, and which subsection (k) thereof relates to EMPLOYMENT OF MASSAGE TECHNICIANS IN MASSAGE PARLORS, and which Section 20A-12 relates to DISPLAY OF PERMIT.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 20A-2, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 20A-2. Permit required for a massage parlor; public health card and permit 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 massage parlor permit issued pursuant to this chapter; provided that any person holding a valid non-suspended permit on the effective date of this ordinance shall have until January 15, 1974 to comply with the provisions with respect to submission of a sworn statement relating to sexual offenses, and, further, will not be required to pay an additional investigation fee for the first year of his permit.

(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.

(c) On and after January 15, 1974, 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 massage technician permit issued pursuant to this chapter.

Section 2. That Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 20A-3.1 to read as follows:

Sec. 20A-3.1. Massage technician permit application; fee.

Any person desiring a permit to perform the services of massage technician at a massage parlor in the city shall make application to the director. Each massage technician permit application shall be accompanied by an investigation fee of \$25.00, payable to the city collector. Each such application shall contain the name, address, telephone number, last previous address, date of birth, place of birth, height, weight, current and last previous employment of the applicant. In addition, such application shall include a sworn statement as to whether or not the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in sections 18.1-187 through 215 and

sections 18.1-227 through 236, Code of Virginia (1950), as amended, which laws relate to sexual offenses, prostitution, obscenity, etc., or in section 23-47 of The Code of the City of Alexandria, Virginia, 1963, as amended, which law relates to massage parlors--unlawful acts, or on a charge of violating a similar law in any other jurisdiction.

The application shall state thereon that "it is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of an application or revocation of a permit."

Each applicant shall have his fingerprints taken, which fingerprints shall constitute part of the application.

Section 3. That Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 20A-3.2 to read as follows:

Sec. 20A-3.2. Investigation of applicant for massage technician permit; grounds for denial of application.

Upon receipt of the application and fee as provided for in the preceding section, the director shall request the superintendent of police to make or cause to be made a thorough investigation of the criminal record of the applicant. The result of this investigation shall be submitted to the director within thirty (30) days of the request.

The director shall deny any application for a massage technician permit under this chapter after notice and hearing if the director finds that the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in sections 18.1-187 through 215 and sections 18.1-227 through 236, Code of Virginia (1950), as amended, which laws relate to sexual offenses, prostitution, obscenity, etc., or in section 23-47 of The Code of the City of Alexandria, Virginia, 1963, as amended, which law relates to massage parlors--unlawful acts, or on a charge of violating a similar law in any other jurisdiction. The making of a false statement on the application as provided for in section 20A-3.1 of this Code shall also be grounds for denial of this application. Notice of the hearing before the director for denial of this application shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five days prior to the date set for hearing.

Section 4. That Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 20A-3.3 to read as follows:

Sec. 20A-3.3. Revocation of massage technician permit; grounds; notice to permittee.

Any massage technician permit granted under this chapter shall be revoked by the director after notice and hearing if the permittee has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in sections 18.1-187 through 215 and sections 18.1-227 through 236, Code of Virginia (1950), as amended, which laws relate to sexual offenses, prostitution, obscenity, etc., or in section 23-47 of The Code of the City of Alexandria, Virginia, 1963, as amended, which law relates to massage parlors--unlawful acts, or on a charge of violating a similar law in any other jurisdiction. Discovery by the director of a false statement on the application as provided for in section 20A-3.1 of this Code shall also be grounds for revocation of the permit. Notice of the hearing before the director for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five days prior to the date set for hearing.

Section 5. That Section 20A-4, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

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

Any person desiring a massage parlor 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 \$50.00, payable to the city collector. (Any person who has paid a \$250.00 investigation fee as previously required by this section shall be granted a refund of \$200.00 upon application for a refund to the city treasurer. When any such refund is in order, the city treasurer is hereby authorized and directed to make the refund to any such person.) Each renewal application shall be accompanied by an investigation fee of \$25.00, payable to the city collector. Each such application shall contain the name, address, telephone number, last previous address, date of birth, height, weight, current and last previous employment 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.

In addition, such application shall include a sworn statement as to whether or not the applicant (if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof or shareholder owning ten percent or more of its capital stock), has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in sections 18.1-187 through 215 and sections 18.1-227 through 236, Code of Virginia (1950), as amended, which laws relate to sexual offenses, prostitution, obscenity, etc., or in section 23-47 of The Code of the City of Alexandria, Virginia, 1963, as amended, which law relates to massage parlors--unlawful acts, or on a charge of violating a similar law in another jurisdiction.

The application shall state thereon that "it is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of an application or revocation of a permit."

Each applicant shall have his fingerprints taken, which fingerprints shall constitute part of the application.

Section 6. That Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 20A-4.1 to read as follows:

Sec. 20A-4.1. Investigation of applicant for massage parlor permit; grounds for denial of application.

Upon receipt of the application and fee as provided for in the preceding section, the director shall request the superintendent of police to make or cause to be made a thorough investigation of the criminal record of the applicant (if the applicant is a partnership or association, all partners or members thereof, or if the applicant is a corporation, all officers, directors, and managers thereof and all shareholders owning ten percent or more of its capital stock). The result of this investigation shall be submitted to the director within thirty (30) days of the request.

The director shall deny any application for a massage parlor permit under this chapter after notice and hearing if the director finds that the applicant (if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof or shareholder owning ten percent or more of its capital stock) has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision.

included in sections 18.1-187 through 215 and sections 18.1-227 through 236, Code of Virginia (1950), as amended, which laws relate to sexual offenses, prostitution, obscenity, etc., or in section 23-47 of The Code of the City of Alexandria, Virginia, 1963, as amended, which law relates to massage parlors--unlawful acts, or on a charge of violating a similar law in any other jurisdiction. The making of a false statement on the application as provided for in section 20A-4 of this Code shall also be grounds for denial of this application. Notice of the hearing before the director for denial of this application shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five days prior to the date set for hearing.

Section 7. That Section 20A-5, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

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

The director, before issuing any massage parlor permit, shall cause an investigation to be made of the premises named and described in the application for a massage parlor 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 (and if the application has not been denied pursuant to section 20A-4.1 of this chapter), he shall issue, or cause to be issued, a massage parlor 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 massage parlor permit issued pursuant to this chapter shall terminate at the expiration of one (1) year from the date of its issuance, unless sooner suspended.

Section 8. That Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 20A-5.1 to read as follows:

Sec. 20A-5.1. Revocation of massage parlor permit; grounds;
notice to permittee.

Any massage parlor permit granted under this chapter shall be revoked by the director after notice and hearing if the permittee (if the permittee is a partnership or association, any partner or member thereof, or if the permittee is a corporation, any officer, director, or manager thereof or shareholder owning ten percent or more of its capital stock) has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in sections 18.1-187 through 215 and sections 18.1-227 through 236, Code of Virginia (1950), as amended, which laws relate to sexual offenses, prostitution, obscenity, etc., or in section 23-47 of The Code of the City of Alexandria, Virginia, 1963, as amended, which law relates to massage parlors--unlawful acts, or on a charge of violating a similar law in any other jurisdiction. Discovery by the director of a false statement on the application as provided for in section 20A-4 of this Code shall also be grounds for revocation of the permit. Notice of the hearing before the director for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five days prior to the date set for hearing.

Section 9. That Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 20A-5.2 to read as follows:

Sec. 20A-5.2. Appeals

Any applicant or permittee aggrieved by the actions of the director in the denial of an application for massage parlor permit or massage technician permit, or in the decision of the director with reference to the revocation of a massage parlor permit or massage technician permit pursuant to sections 20A-3.2, 20A-3.3, 20A-4.1 or 20A-5.1 of this chapter shall have the right of appeal to the city council. Such appeal shall be taken by filing with the clerk of the city council, within ten days after notice of the action complained of has been mailed to such person's last known address by certified mail, a written statement setting forth fully the grounds for appeal. The clerk of the city council shall forthwith notify the city manager, who shall schedule a public hearing before the city council and shall give notice of such hearing to the appellant. The decision and order of the city council on such appeal shall be final and conclusive.

Section 10. That Section 20A-6, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 20A-6. Right of entry.

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

Section 11. That Section 20A-7, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

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

If the director finds that the massage parlor, for which the massage parlor 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 massage parlor 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.

Section 12. That Section 20A-8, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

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

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

Section 13. That subsection (k) of Section 20A-9, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

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

Section 14. That Section 20A-12, Chapter 20A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same is amended and reordained to read as follows:

Sec. 20A-12. Display of permit.

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

Every person to whom a massage technician permit shall have been granted shall, while in a massage parlor, carry on his or her person or display in a conspicuous place in the massage parlor or establishment said massage technician permit.

Section 15. 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: OCTOBER 9, 1973