

AN ORDINANCE to amend Section 20A-1 by adding thereto a new definition for "superintendent", to amend and reordain Section 20A-3.1, Section 20A-3.2, Section 20A-3.3, Section 20A-4, Section 20A-4.1, Section 20A-5.1, Section 20A-5.2, Section 20A-6 and Section 20A-7, and to further amend Chapter 20A by adding thereto new sections numbered 20A-7.1, and 20A-9.1; all of the above being in Chapter 20A of the Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 20A relates to MASSAGE PARLORS AND MASSAGE TECHNICIANS, which Section 20A-1 relates to DEFINITIONS and which new definition therein relates to SUPERINTENDENT, which Section 20A-3.1 formerly related to MASSAGE TECHNICIAN PERMIT--APPLICATION; APPLICATION FEE and now relates to MASSAGE TECHNICIAN PERMIT--APPLICATION; APPLICATION FEE; RENEWAL; RENEWAL FEE, which Section 20A-3.2 formerly related to SAME--INVESTIGATION OF APPLICANT; GROUNDS FOR DENIAL OF APPLICATION and now relates to SAME--INVESTIGATION OF APPLICANT; GROUNDS FOR DENIAL OF APPLICATION; ISSUANCE, which Section 20A-3.3 relates to SAME--REVOCAATION AFTER NOTICE AND HEARING, which section 20A-4 formerly related to MASSAGE PARLOR PERMIT -- APPLICATION; APPLICATION FEE and now relates to MASSAGE PARLOR PERMIT--APPLICATION; APPLICATION FEE; RENEWAL; RENEWAL FEE; which Section 20A-4.1 relates to SAME--INVESTIGATION OF APPLICATION; GROUNDS FOR DENIAL OF APPLICATION, which Section 20A-5.1 relates to SAME--REVOCAATION, which Section 20-A-5.2 relates to APPEAL OF DENIAL OF APPLICATION OR REVOCAATION OF MASSAGE PARLOR OR MASSAGE TECHNICIAN PERMIT, which Section 20A-6 formerly related to RIGHT OF ENTRY OF DIRECTOR and now relates to RIGHT OF ENTRY OF SUPERINTENDENT OR DIRECTOR, which Section 20A-7 relates to SUSPENSION OF MASSAGE PARLOR PERMIT-- EFFECTIVE ORDER, which new Section 20A-7.1 relates to SAME--HEARING ON SUSPENSION and which new Section 20A-9.1 relates to PROHIBITING ADMINISTRATION OF MESSAGES BY A PERSON OF THE OPPOSITE SEX.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 20A-1, 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 definition to read as follows:

Superintendent. The superintendent of police of the city or his duly authorized representative.

Section 2. That Section 20A-3.1, 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-3.1. Massage technician permit--Application; application fee; renewal; renewal fee.

Any person desiring a permit to perform the services of massage technician at a massage parlor in the city shall make the application to the director. Each massage technician permit application shall be accompanied by an investigation fee of \$25.00, payable to the director of finance. 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 and the name, address and telephone number of the place where the applicant proposes to be employed or to engage in such business in the city. If, following the issuance of a massage technician permit, any such permittee is employed at a place different from that listed on the application, he or she shall immediately notify the director in writing of the new location at which he or she is employed. In addition, such application shall include a sworn statement as to whether or not the applicant, within five (5) years prior to the date of

such application, has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in Sections 18.2-344 through 361 and Sections 18.2-372 through 387, 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, 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 be photographed twice and have his or her fingerprints taken, which photographs and fingerprints shall constitute part of the application.

The issued permit shall be valid for a period of one year, and it may be renewed for additional one year periods upon the filing of a new application and the payment of a \$25.00 investigation fee. All provisions of this chapter shall apply to renewals in the same manner as they apply to applications.

It shall be unlawful for the applicant to make a false statement on any application filed under this section.

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

Sec. 20A-3.2. Same--Investigation of applicant; grounds for denial of application; issuance.

Upon receipt of the application and fee as provided for in the preceding section, the director shall request the superintendent 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 within five (5) years prior to date of such application, the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in Sections 18.2-344 through 361 and Sections 18.2-372 through 387 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, 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 20-A3.1 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 residential address at least five days prior to the date set for hearing.

If the director shall be satisfied from such investigation that the application conforms with the provisions of this chapter, he shall issue, or cause to be issued, a massage technician permit to the applicant.

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

Sec. 20A-3.3. Same--Revocation after notice and hearing.

Any massage technician permit granted under this chapter shall be revoked by the director after notice and hearing if within five (5) years prior to the date of such application or subsequent to the issuance of such permit the permittee has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in Sections 18.2-344 through 361 and Sections 18.2-372 through 387, 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, 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 residential 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; application fee; renewal; renewal 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 director of finance. (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 director of finance. When any such refund is in order, the director of finance 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 director of finance. 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 applications 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), within five (5) years prior to the date of such application, has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in Sections 18.2-344 through 361 and Sections 18.2-372 through 387, 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, 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 be photographed twice and have his or her fingerprints taken, which photographs and fingerprints shall constitute part of the application.

The issued permit shall be valid for a period of one year, and it may be renewed for additional one year periods upon the filing of a new application and the payment of a \$50.00 investigation fee. All provisions of this chapter shall apply to renewals in the same manner as they apply to applications.

It shall be unlawful for the applicant to make a false statement on any application filed under this section.

Section 6. That Section 20A-4.1, 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-4.1. Same--Investigation of application; 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 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 stockholders 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 within five (5) years prior to the date of such application 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 of the capital stock) has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of violating any provision included in Sections 18.2-344 through 361 and Sections 18.2-372 through 387, 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, 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 with applicant's last known business address at least five days prior to the date set for hearing.

Section 7. That Section 20A-5.1, 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-5.1. Same--Revocation.

Any massage parlor permit granted under this chapter shall be revoked by the director after notice and hearing if within five (5) years prior to the date of issuance or subsequent to the issuance of such permit 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 18.2-344 through 361 and Sections 18.2-372 through 387, 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, 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 business address at least five days prior to the date set for hearing.

Section 8. That Section 20A-5.2, 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-5.2. Appeal of denial of application or revocation of massage parlor or massage technician permit.

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 business address if pertaining to a massage parlor, or residential address if pertaining to a massage technician 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 9. 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 of superintendent or director.

The superintendent or 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. Such inspections shall be made in a reasonable manner during business hours.

Section 10. 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 or superintendent 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 11. 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-7.1 to read as follows:

Sec. 20A-7.1. Same--Hearing on suspension.

Any permittee aggrieved by the action of the director in the suspension of a massage parlor permit pursuant to Section 20A-7 of this Code shall have the right of a hearing before the director. Such hearing shall be requested by filing with the director within ten (10) days after notice of the action complained of has been mailed to such permittee's last known business address by certified mail, a written statement requesting a hearing. The director shall forthwith schedule a hearing and shall give notice of such hearing to the permittee. Following such hearing, the director shall mail to the permittee's last known business address by certified mail a copy of his final decision.

Section 12. 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-9.1 to read as follows:

Sec. 20A-9.1. Prohibiting administration of massages by
a person of the opposite sex.

It shall be unlawful for any massage technician to administer a massage to any person of the opposite sex in a massage parlor.

It shall be unlawful for any establishment, owner, or operate to operate a massage parlor or any similar type business, where any physical contact or massage with the recipient of the service provided by said establishment is provided by a person of the opposite sex.

Section 13. That the title of and an informal memorandum explaining 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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.

FRANK E. MANN
Mayor

Final Passage: June 28, 1977