

BILL NO. 2003-87

ORDINANCE NO. 5640

AN ORDINANCE TO AMEND THE LICENSING REQUIREMENTS FOR MASSAGE THERAPISTS AND INDEPENDENT MASSAGE THERAPISTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

**Proposed by: Mark Vincent,
Director of Finance and Business Services**

Summary: Requires all massage therapists and independent massage therapists to have their business licenses on their persons while performing massages, and changes the qualifying criteria for such licensing.

**THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1: Title 6, Chapter 52, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.52.020: Unless the context otherwise requires, the following words, as they appear in this Chapter, shall have the meanings ascribed to them in this Section:

["Certificate of graduation" means a certificate issued by a recognized school of massage attesting that a person has successfully completed at least five hundred hours of training in massage or physical therapy.]

"Certification" means certification by the National Certification Board for Therapeutic Massage and Bodywork or by a board of equivalent stature which is accredited by the National Commission for Certifying Agencies for massage and bodywork.

"Chair massage" means a massage administered by a massage therapist to the neck, shoulders, back, arms, hands and feet of a fully clothed client utilizing a massage chair.

"Employee" means any massage therapist who is a bona fide employee of a massage establishment.

"Independent massage therapist" means a massage therapist who is not an employee of a massage establishment, is a sole practitioner, and hires no employees.

"Massage" means any method of treating any of the external parts of a person including, but not limited to, rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands, feet, elbows or any other part of the body. All massage modalities recognized by the National Certification Board for Therapeutic Massage and Bodywork, and the American Organization for

040429



1 Bodywork Therapies of Asia are included in this definition.

2 "Massage establishment" means any premises occupied and used for the purpose of performing
3 massage therapy.

4 "Massage therapist" means any person who, for consideration, performs any massage as defined in
5 this Section and has met all of the requirements of this Chapter.

6 "Outcall massage" means any massage given or provided off the premises of a licensed massage
7 establishment by a licensed massage therapist.

8 ["Recognized school of massage" means a school or educational institution that is located and licensed
9 to do business in Nevada as a school or educational institution (other than with a temporary or
10 provisional license), or which is affiliated with such school or educational institution, and which has
11 for its purpose, the teaching of anatomy, physiology, hands on training and related courses in the
12 theory, method, profession, or work of massage, and which requires the successful completion of a
13 course of study of not less than five hundred hours before a student will be eligible to receive a
14 certificate of graduation.]

15 SECTION 2: Title 6, Chapter 52, Section 90, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.52.090:** Each massage establishment licensee shall display the establishment's license [, and
18 the license of each and every massage therapist and independent massage therapist licensed to operate
19 within the establishment,] in an open and conspicuous place on the premises of the massage
20 establishment. The license of any massage therapist and independent massage therapist [whose
21 business location is not within a licensed massage establishment] must be carried on the licensee's
22 person whenever the licensee is performing massage.

23 SECTION 3: Title 6, Chapter 52, Section 160, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 [(A) In addition to the information required by LVMC Chapter 6.06 in connection
26 with a license application, an applicant for a massage therapist license or an independent massage
27 therapist license shall provide to the Department, on forms provided or approved by the Department,
28 the following:

1 (1) Proof that the applicant has a currently valid health card issued by the
2 Clark County Health District;

3 (2) A certificate of graduation from a recognized school of massage, or a
4 valid unexpired massage permit or license issued by the Clark County Department of Business
5 Licensing with proof of having held that permit or license a minimum of twenty-four consecutive
6 months immediately prior to making application with the Department;

7 (3) Proof of current certification; and

8 (4) Such other information as the Director may require that reasonably
9 relates to the applicant's fitness for a license or the nature of the service to be provided.

10 (B) The Director may waive the production of a certificate of graduation from a
11 recognized school of massage requirements if the applicant for a massage therapist or independent
12 massage therapist license shows proof that he or she is licensed to practice massage in a state other
13 than Nevada, and the Director finds that the applicant has successfully completed massage education
14 and training courses equivalent to the education and training courses offered by a recognized school
15 of massage.]

16 **6.52.160** In addition to the information required by LVMC Chapter 6.06 in connection with a
17 license application, an applicant for a massage therapist license or an independent massage therapist
18 license shall provide to the Department, on forms provided or approved by the Department, the
19 following:

20 (A) Proof that the applicant has a currently valid health card issued by the Clark
21 County Health District;

22 (B) Proof of current certification or a valid unexpired massage permit or license
23 issued by the Clark County Department of Business Licensing with proof of having held that permit
24 or license a minimum of twenty-four consecutive months immediately prior to making application
25 with the Department; and

26 (C) Such other information as the Director may require that reasonably relates to
27 the applicants's fitness for a license, qualifications to perform massage or the nature of the service to
28 be provided.

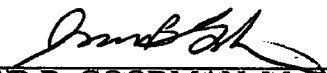
1 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
2 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
3 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
4 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
5 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
6 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
7 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
8 invalid or ineffective.

9 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11 required or the failure to do any act is made or declared to be unlawful or an offense or a
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

16 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this 19 day of November, 2003.

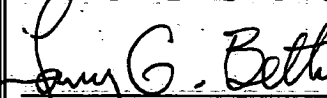
20 APPROVED:

21 By 
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 
25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27  10-2-03
28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 29th day of October, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 19th day of November, 2003, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as first read and adopted by the following vote:

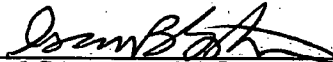
6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, Brown, L. B. McDonald,
Weekly, Mack and Moncrief

7 VOTING "NAY": None

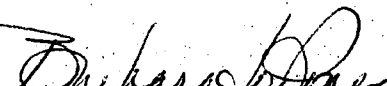
8 EXCUSED: None

9 ABSTAINED: None

10 APPROVED:

11 
12 _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

2003 NOV 14 P 3:43

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3056668

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/07/2003 to 11/07/2003, on the following days: NOV. 7, 2003

Signed: _____

Donna Stark

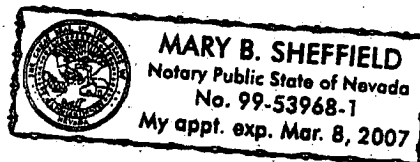
SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

12

day of *November* 2003

Mary B. Sheffield

Notary Public



BILL NO. 2003-87

AN ORDINANCE TO AMEND THE LICENSING REQUIREMENTS FOR MASSAGE THERAPISTS AND INDEPENDENT MASSAGE THERAPISTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director of Finance and Business Services

Summary: Requires all massage therapists and independent massage therapists to have their business licenses on their persons while performing massages, and changes the qualifying criteria for such licensing.

At the Special City Council meeting of OCTOBER 29, 2003 BILL NO. 2003-87 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA. PUB: November 7, 2003 LV Review-Journal

RECEIVED
CITY CLERK

2003 DEC -2 P 4:51

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3079713

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/22/2003 to 11/22/2003, on the following days: NOV. 22, 2003

BILL NO. 2003-87
ORDINANCE NO. 5640

AN ORDINANCE TO AMEND THE LICENSING REQUIREMENTS FOR MASSAGE THERAPISTS AND INDEPENDENT MASSAGE THERAPISTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director of Finance and Business Services
Summary: Requires all massage therapists and independent massage therapists to have their business licenses on their persons while performing massages, and changes the qualifying criteria for such licensing.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 29th day of October, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 15th day of November, 2003, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, L. Brown, L.B. McDonald, Weekly, Mack, and Moncrief
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: Nov. 22, 2003
LV Review-Journal

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

26

day of _____ 2003

November

Mary B. Sheffield

Notary Public

