

AN ORDINANCE TO AMEND TITLE V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY REPEALING CHAPTER 29 THEREOF; BY ADDING THERETO A NEW CHAPTER TO BE DESIGNATED CHAPTER 29, SECTIONS 1 THROUGH 33, PROVIDING FOR THE REGULATION AND CONTROL OF MASSAGE PARLORS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

WHEREAS, the City Commission has determined that regulation of massage parlors is necessary in order to prevent and eliminate abuses against the public health, safety and morals of the residents and tourists alike residing and frequenting the City of Las Vegas; and,

WHEREAS, the present ordinance does not provide for such regulation.

SECTION 1. Title V, Chapter 29, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby repealed.

SECTION 2. Title V, of the Municipal Code of the City of Las Vegas, 1960 Edition, is hereby amended by adding thereto a new Chapter, designated Chapter 29, Sections 1 through 33, to read as follows:

5-29-1 DEFINITIONS: For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

- (A) "Massage." Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external /soft/ parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.
- (B) "Massage Establishment." Any establishment having /a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in this Section. Any establishment engaged in or carrying on, or permitting any combination of massage and bath house shall be deemed a massage establishment./ a source of income or compensation derived from the practice of massage as defined in Subsection

A, and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in Subsection A.

(C) "Masseur or Masseuse." Any person, /including a trainee, who, for any consideration whatsoever/ who in the course of any employment either directly or indirectly, engages in the practice of massage /or gives or administers to another person a massage as herein defined./ as defined in Subsection A.

/(D)/ /"Public Bath House." As used in this ordinance, a public bath house means any place, including a private club or organization, except as provided in this Section, wherein any person, firm, association, corporation or partnership engages in, conducts or carries on or permits to be engaged in, conducted or carried on, the business of giving or furnishing Russian, Turkish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation or electric baths of any kind of type whatever, excluding ordinary tub baths where an attendant is not present or required./

/(E)/ (D) "Person." Any individual, /co-partnership/ partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

/(F)/ (E) "Recognized School." Any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than seventy (70) hours /to be given in not more than three (3) calendar months/ before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved by the Board of Education of the State of Nevada pursuant to N.R.S. 394.010, et seq.

/(G)/ (F) "Licensee." /The owner or operator of a massage establishment as defined herein./ The person to whom a license has been issued to own or operate a massage establishment as defined herein.

/(H)/ (G) "Permittee." /Any person who gives or administers to another person in any form or consideration whatsoever a massage or bath as defined in this Section./ The person to whom a permit has been issued to act in the capacity of a masseur or masseuse as herein defined.

/(I)/ (H) "Out Call Massage." Any business, /not licensed as a massage

establishment under the provisions of this Chapter, wherein the primary function of such business is to engage in or carry on massage, not at a fixed location, but at a location designated by the customer or client./ wherein a function of such business is to engage in or carry on massage, not at a massage establishment as defined in Subsection B.

5-29-2 LICENSE REQUIRED: It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged, conducted or carried on, in or upon any premises in the City of Las Vegas, the operation of a massage establishment as herein defined, or the practice of massage, as likewise herein defined, without first having obtained a license from the City of Las Vegas.

5-29-3 FILING AND FEE PROVISION: Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application with the City of Las Vegas upon a form provided by the Department of Licensing and Revenue of the City of Las Vegas, Nevada, and pay an investigation fee of \$75.00 which shall not be refundable. The said application shall, once accepted, be referred first to the Department of License and Revenue for investigation. The Department of License and Revenue, the Department of Building and Safety, the Fire Department, the Clark County District Health Department and the City Department of Community Development, departments shall inspect the premises proposed to be operated as a massage establishment and shall make written verifications to the Department of Licensing and Revenue concerning compliance with the codes of the City of Las Vegas that they administer. The application shall further be referred to the Las Vegas Metropolitan Police Department for investigation of the applicant's character and qualifications.

5-29-4 LICENSE APPLICATION FOR MASSAGE ESTABLISHMENT: The application for a license to operate a massage establishment shall set forth the exact nature of the massage to be /administered/ conducted, the proposed place of business and facilities therefore, and the name and address of each applicant. In addition to the foregoing, any applicant for a license shall furnish the following information:

- (A) The two (2) previous addresses immediately prior to the present address of the applicant.
- (B) Proof that the applicant is at least eighteen (18) years of age.

- (C) Applicant's height, weight, color of eyes and hair.
- (D) Two portrait photographs at least 2" x 2".
- (E) Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application.
- (F) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (G) All criminal convictions, except minor traffic violations.
- (H) Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught, provided, however, that if the applicant will /have no physical contact with his customers or clients/ not himself engage in the practice of massage as defined herein, he need not possess such diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught.
- (I) Nothing contained herein shall be construed to deny to the City of Las Vegas the right to request the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of the City to confirm the height and weight of the applicant /as in the case of a liquor license application./
- (J) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation, together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than ten per cent (10%) of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant shall apply.
- (K) The names, current addresses and written statements of at least five (5) bonafide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the City, then the

County, then the State of Nevada and lastly from the rest of the United States.

Upon the completion of the above provided form and the furnishing of all foregoing information the Department of Licensing and Revenue shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the Department of Licensing and Revenue of each change in any of the data required to be furnished by this section within ten (10) days after such change occurs.

5-29-5 MASSEUR OR MASSEUSE PERMIT: Any person who desires to engage in the practice of massage as herein defined, /including a trainee/ shall file an application with the /City of Las Vegas/ Department of Licensing and Revenue of the City of Las Vegas upon a form provided by /said City/ the said Department of License and Revenue and shall pay an investigation fee of \$50.00 which shall not be refundable. The said application, /if/ once accepted by the Department of /License/ Licensing and Revenue shall be /referred by the Department of License and Revenue for investigation/ investigated by the Department of Licensing and Revenue and may be referred to the Las Vegas Metropolitan Police Department for additional investigation.

5-29-6 /OPERATOR OF MASSAGE ESTABLISHMENT - EXCEPTION: A diploma from a recognized school as defined herein will not be required by the operator of a massage establishment or for any employee where such operator or employee does not give a massage as defined herein./ APPLICATION FORM FOR MASSEUR OR MASSEUSE PERMIT: The application for a masseur or masseuse permit shall contain but not be limited to the following.

- (A) Name and residence address, and all names, nicknames and aliases by which the applicant has been known.
- (B) Social Security Number, Driver's License Number, if any, and Date of Birth.
- (C) Applicant's weight, height, color of hair and eyes.
- (D) Written evidence that the applicant is at least eighteen (18) years of age.
- (E) Business, occupation or employment of the applicant for the last three (3) years immediately preceding the date of application.
- (F) Whether such person has ever been convicted of any crime, except misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which such conviction was had, the specific charge

under which the conviction was obtained, and the sentence imposed as a result of such conviction.

- (G) The name and address of the recognized school attended, the dates attended and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than seventy (70) hours of instruction.
- (H) The City of Las Vegas shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.
- (I) The names, current addresses and written statements of at least five (5) bonafide permanent residents other than relatives, of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the City, then the County, then the State of Nevada and lastly from the rest of the United States.

In addition to the above information, the applicant shall furnish evidence that he or she has been examined by a physician for communicable disease. Further, such evidence shall be furnished to the Department of License and Revenue on a semi-annual basis to correspond with the renewal of said permit. The holder of a masseur's or masseuse's permit shall notify the Department of License and Revenue of each change in any of the dates required to be furnished by this section within ten (10) days after such change occurs.

5-29-7 /APPLICATION FORM FOR MASSEUR OR MASSEUSE PERMIT: The application for a masseur or masseuse permit shall contain the following:

- (A) Name and residence address.
- (B) Social Security number, driver's license number, if any, and date of birth.
- (C) Applicant's weight, height, color of hair and eyes.
- (D) Written evidence that the applicant is at least eighteen (18) years of age.
- (E) Business, occupation or employment of the applicant for the last three (3) years immediately preceding the date of application.
- (F) Whether such person has ever been convicted of any crime, except misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction.
- (G) The name and address of the recognized school attended, the dates attended and a copy of the diploma or certificate of graduation awarded

the applicant showing the applicant has completed not less than seventy (70) hours of instruction.

- (H) The City of Las Vegas shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted./

OPERATOR OF MASSAGE ESTABLISHMENT - EXCEPTION: A diploma from a recognized school as defined herein will not be required by the /operator/ licensee of a massage establishment or for any employee /where such operator of a/ of said massage establishment who does not /give/ practice massage as /defined herein/ herein defined.

5-29-8 FACILITIES NECESSARY: No license to conduct a massage establishment shall be issued unless an inspection by the City of Las Vegas reveals that the establishment complies with each of the following minimum requirements:

- (A) Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved water proofed materials and shall be installed in accordance with the City of Las Vegas Uniform Building Code. Plumbing fixtures shall be installed in accordance with the City of Las Vegas Plumbing Code.
- (1) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the City of Las Vegas.
 - (2) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains).
 - (3) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.
- (B) Toilet facilities shall be provided in convenient locations; when five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single toilet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for toilets after one toilet has been provided. All toilet rooms shall be equipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.
- (C) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule.

Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

- (D) All electrical equipment shall be installed in accordance with the requirements of the City of Las Vegas Uniform Electrical Code.

5-29-9 OPERATING REQUIREMENTS:

- (A) Every portion of a massage establishment, including appliances, apparatus, and personnel, shall be kept clean and operated in a sanitary condition.
- (B) All employees shall wear clean outer garments whose use is restricted to the massage establishment. Provision of a separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- (C) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in an approved, sanitary manner. No towels or sheets shall be laundered or dried in any massage establishment, unless such establishment is provided with approved laundry facilities for such laundry and drying. Approved receptacles shall be provided for the storage of soiled linens and paper towels.
- (D) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.
- (E) /Advertising./ No massage establishment granted a /permit/ license under the provisions of this Chapter shall place, publish or distribute or cause to be placed, published or distributed any /advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in Section 1 of this Chapter, nor shall any massage establishment indicate in the text of such advertising that any service is available other than those services as described in Section 1 of this Chapter./ advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

- 5-29-10 VERIFICATION OF APPLICATION: Every application for a /permit/ license or permit under this Chapter shall be verified as provided in /the Nevada Revised Statutes for the verification of

pleadings./ N.R.S. 15.010.

5-29-11 /REFERRAL OF APPLICATION TO OTHER DEPARTMENTS: The City of Las Vegas, upon receiving any application for a massage establishment permit, shall refer the application to the Department of Building Inspection, the Fire Department, the Clark County District Health Department and the City Department of Community Development, which department shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the City of Las Vegas concerning compliance with the codes that they administer./

ISSUANCE OF LICENSE OR PERMIT FOR A MASSAGE ESTABLISHMENT: The City of Las Vegas shall issue a license for a massage establishment or a permit for a masseur or masseuse, after ratification by the Board of Commissioners of the City of Las Vegas, if all requirements for a massage establishment or masseur or masseuse permit described in this Chapter are met unless it finds:

- (A) That the operation as proposed by the applicant if permitted would not have complied with all applicable laws including but not limited to the Building, Health, Department of Community Development, Housing and Fire Codes of the City of Las Vegas or regulations adopted.
- (B) That the applicant /is addicted to the use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate him or her for the performance of his or her professional duties./ or any other person who will be a licensee, permittee or other employee of a massage establishment has been convicted of any of the following offenses or convicted of an offense without the State of Nevada that would have constituted any of the following offenses if committed within the State of Nevada:
- (1) An offense involving the use of force and violence upon the person of another that amounts to a felony.
 - (2) An offense involving sexual misconduct.
 - (3) An offense involving Narcotics, Dangerous Drugs or Dangerous Weapons that amounts to a felony.

The City of Las Vegas may issue a license or permit to any person convicted of any of the crimes described in subsections (1), (2), or (3) of this Section if it finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent

felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

(C) /That the applicant is a person of immoral character. In this regard the names, current addresses and written statements of at least five (5) bonafide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the City, then the County, then the State of Nevada and lastly from the rest of the United States./

Any applicant who knowingly furnishes false information on the application form for a license or permit will be prohibited from holding any license or permit under this Chapter.

/(D)/ /That the applicant and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of any of the following offenses or convicted of an offense without the State of Nevada that would have constituted any of the following offenses if committed within the State of Nevada:

- (1) An offense involving conduct which requires registration pursuant to N.R.S. 207.080 and N.R.S. 207.090.
- (2) An offense involving the use of force and violence upon the person of another that amounts to a felony.
- (3) An offense involving sexual misconduct. The City of Las Vegas may issue a license or permit to any person convicted of any of the crimes described in subsections (1), (2) or (3) of this Section if it finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section./

/(E)/ /Any applicant giving false information automatically will be disqualified from holding a license./

5-29-12 /ISSUANCE OF LICENSE OR PERMIT FOR A MASSAGE ESTABLISHMENT: The City of Las Vegas may issue a license for a massage establishment or a permit for a masseur or masseuse and after ratification by the Board of Commissioners of the City of Las Vegas, if all requirements for a massage establishment or masseur or masseuse permit described in this Chapter are met unless it finds:

- (A) That the operation as proposed by the applicant if permitted would not have complied with all applicable laws including but not limited

to the Building, Health, Department of Community Development, Housing and Fire Codes of the City of Las Vegas or regulations adopted.

- (B) That the applicant is addicted to the use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate him or her for the performance of his or her professional duties.
- (C) That the applicant is a person of immoral character. In this regard the names, current addresses and written statements of at least five (5) bonafide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the City, then the County, then the State of Nevada and lastly from the rest of the United States.
- (D) That the applicant and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of any of the following offenses or convicted of an offense without the State of Nevada that would have constituted any of the following offenses if committed within the State of Nevada:
- (1) An offense involving conduct which requires registration pursuant to N.R.S. 207.080 and N.R.S. 207.090.
 - (2) An offense involving the use of force and violence upon the person of another that amounts to a felony.
 - (3) An offense involving sexual misconduct. The City of Las Vegas may issue a license or permit to any person convicted of any of the crimes described in subsections (1), (2) or (3) of this Section if it finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section
- (E) Any applicant giving false information automatically will be disqualified from holding a license./

APPROVAL OR DENIAL OF APPLICATION: The City of Las Vegas shall act to approve or deny an application for a license or permit under this Chapter within a reasonable period of time and in no event shall the City of Las Vegas, Nevada, act to approve or deny said license or permit later than 90 days from the date that said application was accepted by the Department of Licensing and Revenue.

- 5-29-13 WAIVER OF APPLICATION REQUIREMENTS: The City of Las Vegas /may/ shall waive the requirements of /Section 7/ Section 6 (G) of this Chapter if the applicant /presents/ furnishes satisfactory evidence that he or she attended not less than seventy (70) hours of instruction in a school within or without this State or in any foreign country that provides education substantially equal to or in excess of the educational requirements of this Chapter.
- 5-29-14 REGISTER OF EMPLOYEES: The /operator/ licensee or person designated by the licensee of a massage establishment /must/ shall maintain a register of all persons employed at any time as masseurs or masseuses /or trainees/ and their permit numbers. Such register shall be available at the massage establishment to representatives of the City of Las Vegas during regular business hours.
- 5-29-15 IDENTIFICATION NAME PLATE: The /operator/ licensee of a massage establishment shall provide such /masseur and masseuse and trainee/ masseurs and masseuses granted a permit with an identification name plate which shall contain a photograph of the masseur or masseuse /or trainee/ and the full name and permit number assigned to said masseur or masseuse /or trainee/, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a /permit/ license pursuant to this Chapter.
- 5-29-16 REVOCATION OR SUSPENSION OF LICENSE: Any license issued for a massage establishment may be revoked or suspended by the City of Las Vegas after notice and a hearing, for good cause, or in any case where any of the provisions of this Chapter are violated or where any employee of the licensee, including a masseur or masseuse /or trainee/ is engaged in any conduct which violates any of the state or local laws or ordinances at licensee's place of business and the licensee has actual or constructive knowledge by due diligence. Such permit may also be revoked or suspended by the City of Las Vegas after notice and hearing, upon the recommendations of the Director of the Clark County District Health Department that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene. Such revocation proceedings shall be as prescribed by Title V, Chapter 27 of the City Code of the City of Las Vegas entitled Administrative Procedures.

5-29-17 REVOCATION OF MASSEUR OR MASSEUSE PERMIT: A masseur or masseuse permit issued by the City of Las Vegas to any /employee/ person may be revoked or suspended after notice and hearing on any of the following grounds:

- (A) /Violation of any of the provisions of this Chapter./ An offense involving the use of force and violence upon the person of another that amounts to a felony.
- (B) /Conviction of any crime requiring registration under N.R.S. 207.080 and N.R.S. 207.090./ An offense involving sexual misconduct.
- (C) /An offense involving the use of force and violence upon the person of another that amounts to a felony./ An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.
- /(D)/ /An offense involving sexual misconduct./

Such revocation proceedings shall be as prescribed by Title V, Chapter 27 of the City Code of the City of Las Vegas entitled Administrative Procedures.

5-29-18 /APPEAL TO BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS: Any person aggrieved by a decision of the Board of City Commissioners may within thirty (30) days appeal that decision to the Board of Commissioners of the City of Las Vegas for a reconsideration./

EMPLOYMENT OF PERSONS UNDER AGE OF EIGHTEEN (18) PROHIBITED: It shall be unlawful for any licensee, or person designated by the licensee, or any employee of any massage establishment, to employ any person who is not at least eighteen (18) years of age.

5-29-19 /EMPLOYMENT OF PERSONS UNDER AGE OF EIGHTEEN (18) PROHIBITED: It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least eighteen (18) years of age./

SALE OR TRANSFER OR CHANGE OF LOCATION: Upon sale, transfer or relocation of a massage establishment, the license therefore shall be null and void unless approved as provided in Section 24 herein; provided, however, that upon the death or incapacity of the licensee or any co-licensee of the massage establishment, any heir or devisee of the deceased licensee, or any guardian of an heir or devisee of a deceased licensee, may continue the business of the massage establishment for a reasonable period of time not to exceed sixty (60) days to allow for an orderly transfer of the license.

5-29-20 /SALE OR TRANSFER: Upon sale, transfer or relocation of a massage establishment, the permit and license therefore shall be null and void unless approved as provided in Section 26 herein; provided however, that upon the death or incapacity of the permittee any co-permittee of the massage establishment or any heir or devisee of the deceased permittee, or any guardian of an heir or devisee of a deceased permittee may continue the business of the massage establishment for a reasonable period of time not to exceed sixty (60) days to allow for an orderly transfer of the permit, if necessary to do so./

NAME AND PLACE OF BUSINESS: No person granted a license pursuant to this Chapter shall operate the massage establishment under a name not specified in his license, nor shall he conduct business under any designation or location not specified in his license.

5-29-21 /NAME AND PLACE OF BUSINESS - CHANGE OF LOCATION: No person granted a permit pursuant to this ordinance shall operate under any name or conduct his business under any location not specified in his permit./

DISPLAY OF LICENSE OR PERMIT: Every person to whom or for whom a license or permit shall have been granted pursuant to the provisions of this Chapter shall display said license or permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises.

5-29-22 / RECORDS OF TREATMENT: Every person, association, firm, or corporation operating a massage establishment under a license issued pursuant to this section shall keep a record of the date and hour of each treatment, and the name and address of the patron, and the name of the employee administering such treatment and the type of treatment administered. Such records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by an employee of the business or the City of Las Vegas shall constitute a misdemeanor, and such employee shall be subject to the penalty provisions of this Code in addition to any other penalties provided by law. Such records shall be maintained for a period of one (1) year./

INSPECTION: The City of Las Vegas and/or it's Department of License and Revnue, and/or the Clark County District Health Department shall from time to time and at least twice a year, make an inspection for each massage establishment in the City of Las Vegas for the purpose of determining that the provisions of this Chapter are complied with.

5-29-23 /DISPLAY OF LICENSE OR PERMIT: Every person to whom or for whom a license or permit shall have been granted pursuant to the provisions of this Chapter shall display said license or permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises./

LICENSE FEES: Every licensee of any massage establishment as defined herein shall pay to the City of Las Vegas, Department of License and Revenue, a fee of \$500.00 semi-annually, payable in advance.

5-29-24 /INSPECTION: The City of Las Vegas and/or its Department of License and Revenue, and/or the Clark County District Health Department shall from time to time and at least twice a year, make an inspection for each massage establishment in the City of Las Vegas for the purpose of determining that the provisions of this Chapter are complied with./

TRANSFER OF LICENSE: No license or permit shall be transferable except with the consent of the City of Las Vegas and ratified by the Board of Commissioners of the City of Las Vegas. An application for such a transfer shall be in writing and shall be accompanied by investigation fees as outlined in 5-29-3. The written application for such transfer shall contain the same information as requested herein for initial application for said license or permit.

5-29-25 /LICENSE FEES: Every licensee who conducts or assists in conducting or permitting any massage establishment as defined herein shall pay to the City of Las Vegas Department of License and Revenue a fee of \$500.00 semi-annually, payable in advance./

UNLAWFUL ACTIVITIES: It shall be unlawful for any permittee or any employee of a massage establishment to touch or massage the genitals of a male or female client or customer or to touch or female breast(s) or areolas.

It shall be further unlawful for any permittee under this Chapter to administer massage on an outcall basis as hereinbefore defined. Such person shall administer massage solely within an establishment licensed to carry on such business under this Chapter. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder. The restriction on outcall massage shall not apply to a permittee who performs outcall massage as defined herein upon a customer or client who, because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity or illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by an employee of the business or the City of Las Vegas shall constitute a misdemeanor, and such person shall be subject to the penalty provisions of this Chapter. Such records shall be maintained for a period of one (1) year at the massage establishment.

5-29-26 /TRANSFER OF LICENSE: No license or permit shall be transferable except with the consent of the City of Las Vegas and ratified by the Board of Commissioners of the City of Las Vegas. An application for such a transfer shall be in writing and shall be accompanied by investigation fees as outlined in 5-29-3. The written application for such transfer shall contain the same information as requested herein for initial application for such a permit./

EMPLOYMENT OF MASSEURS AND MASSEUSES: It shall be the responsibility of the licensee, and any person or employee designated by said licensee, to insure that each person employed as a masseur or masseuse shall first have obtained a valid permit pursuant to this Chapter.

5-29-27 /UNLAWFUL ACTIVITIES: It shall be unlawful for any permittee, masseur, masseuse or trainee to give or administer any illegal act or any act, including but not limited to touching or massaging genitals or the genital area, touching or massaging the female breast(s) or areolas, under the guise of giving or administering a massage. It shall further be unlawful for any person permitted under this Chapter to administer massage on an out-call basis as hereinbefore defined. Such person shall administer massage solely within an establishment permitted to carry on such business under this Chapter. Any violation of this provision shall be deemed grounds for revocation of the permit granted hereunder./

APPLICABILITY OF REGULATIONS TO EXISTING BUSINESSES: Licensees who have already paid the license fees for the current six (6) month period shall not be required to pay an additional fee hereunder. Holders of outstanding massage licenses heretofore issued by the City of Las Vegas are required to comply with all provisions of this Chapter except that they must obtain a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method and work of massage is taught within ninety (90) days from the passage of this Ordinance, pursuant to Section 5-29-1 (E).

5-29-28 /EMPLOYMENT OF MASSEURS, MASSEUSES AND TRAINEES: It shall be the responsibility of the permittee for the massage establishment or the employer of any persons purporting to act as masseurs or masseuses or trainees, to insure that each person employed as a masseur or masseuse or trainee shall first have obtained a valid permit pursuant to this Chapter./

TIME LIMIT FOR FILING APPLICATION FOR LICENSE: All persons who possess an outstanding license heretofore issued by the City of Las Vegas as either the operator of a massage establishment or as a masseur or masseuse must file for a license or permit and shall be issued a license or permit within ninety (90) days of the effective date of this Chapter if they qualify under the provisions of this Chapter.

5-29-29 /APPLICABILITY OF REGULATIONS TO EXISTING BUSINESSES: Permittees who have already paid the license fees for the current six (6) month period shall not be required to pay an additional fee here-

under. Holders of outstanding massage licenses heretofore issued by the City of Las Vegas are required to comply with all provisions of this Chapter except that they must obtain a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method and work of massage is taught within 90 days from the passage of this Ordinance./

EXEMPTIONS: This ordinance shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

- (1) Physicians, surgeons, chiropractors, osteopaths, or physical thereapists who are duly licensed to practice their respective professions in the State of Nevada.
- (2) Nurses who are registered under the laws of this State.
- (3) Barbers and beauticians who are duly licensed under the laws of this State, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

5-29-30 /TIME LIMIT FOR FILING APPLICATION FOR LICENSE: All persons who possess an outstanding license heretofore issued by the City of Las Vegas as either the operator of a massage establishment or as a masseur or masseuse must file for a license or permit and shall be issued a license or permit within ninety (90) days of the effective date of this Chapter if they qualify under the provisions of this Chapter./

LICENSE ISSUED SUBJECT TO CERTAIN CONDITIONS: The Board of Commissioners of the City of Las Vegas expressly states and takes notice of (1) the ever-increasing crimes against residents and tourists of the City of Las Vegas and the need of the residents and tourists alike to be secure and safe in their homes, businesses or accomodations; (2) the burden upon law enforcement personnel in the City of Las Vegas in policing and regulating massage establishments in order to prevent abuse, fraud, deception and detrimental hygiene conditions. Further, the law enforcement burden in maintaining such establishments for the safety of the residents, tourists and customers of such establishments, and; (3) the necessity that a sound and up-standing reputation for safety be maintained by both the residents of Las Vegas and the tourists who come to relax

and enjoy this City. Further, the Board of City Commissioners takes notice of the problems presented to law enforcement and health department agencies by the use of outcall massage as herein defined and expressly finds that outcall massage is a health hazard in that it possesses a great potential for the spread of communicable diseases which could be detrimental to the health, safety and welfare of the residents and visitors of the City of Las Vegas.

NOW, THEREFORE,

- (A) No person licensed or permitted to do business as herein provided shall operate under any name or conduct his business under any designation not specified in his license or permit. It shall be unlawful for any person to act as a masseur or masseuse or to administer a massage as defined in this Ordinance in any place other than a massage establishment licensed by the City of Las Vegas. This section shall not be construed to prohibit the administration of massage by persons listed in the exemption section.
- (B) A statement that if such application is approved and a license issued, it will be accepted by the applicant subject to the terms and provisions of this Chapter, and such other rules and regulations, as may at any time hereafter be adopted or enacted by resolution or ordinance of the Board of Commissioners of the City, including an acknowledgement of the power and authority of the Department of License and Revenue, or other authorized representative of the City to enter any massage establishment at any time during regular business hours for the purpose of examining the books of account of the business to ascertain the real parties in interest in the business, and all persons having a financial interest in such business, including persons who may have loaned or otherwise advanced money for the operation and conduct of such business.

5-29-31 /EXEMPTIONS: This ordinance shall not apply to the following classes of individuals while engaged in the personal performance of the duties of their respective professions:

- (1) Physicians, surgeons, chiropractors, osteopaths, or physical thereapists who are duly licensed to practice their respective professions in the State of Nevada.
- (2) Nurses who are registered under the laws of this State.
- (3) Bonafide trainers of any amateur, semi-professional or

professional athlete or athletic team.

- (4) Barbers and beauticians who are duly licensed under the laws of this State./

RULES AND REGULATIONS: The City of Las Vegas may, after a public hearing, amend and/or repeal reasonable rules and regulations not in conflict with, but to carry out, the intent of this Chapter.

5-29-32 /LICENSE ISSUED SUBJECT TO CERTAIN CONDITIONS: The Board of Commissioners of the City of Las Vegas expressly states and takes notice of (1) the ever increasing crimes against residents and tourists of the City of Las Vegas and the need of the residents and tourists alike to be secure and safe in their homes, businesses, or accommodations; (2) the burden upon law enforcement personnel in the City of Las Vegas in policing and regulating massage establishments in order to prevent abuse, fraud, deception and detrimental hygiene conditions. Further, the law enforcement burden in maintaining such establishments for the safety of the residents tourists and customers of such establishments, and; (3) the necessity that a sound and upstanding reputation for safety be maintained by both the residents of Las Vegas and the tourists who come to relax and enjoy this City. Further, the Board of City Commissioners take notice of the problems presented to law enforcement agencies by the use of so-called out-call massage establishments and expressly find that these establishments are a haven for prostitution and illegal sexual activities and that the advertising and image that they project is detrimental to the economy and safety of those persons frequenting and living in the City of Las Vegas;

NOW THEREFORE,

- (A) No person licensed or permitted to do business as herein provided shall operate under any name or conduct his business under any designation, not specified in his license or permit. It shall be unlawful for any person to act as a masseur or masseuse or to administer a massage as defined in this ordinance in any place other than a bath and massage business licensed by the City of Las Vegas. This section shall not be construed to prohibit the administration of massage by persons listed in the exemption section.

(B) A statement that if such application is approved and a license issued, it will be accepted by the applicant subject to the terms and provisions of this Chapter, and such other rules and regulations, as may at any time hereafter be adopted or enacted by resolution or ordinance of the Board of Commissioners of the City, including an acknowledgment of the power and authority of the License Department, or other authorized representative of the City to enter any store, building or any other place in which such business is being conducted at any time during business hours for the purpose of examining the books of account of the business to ascertain the real parties in interest in the business, and all persons having interest in such business, including persons who may have loaned or otherwise advanced money for the operation and conduct of such business./

VIOLATION AND PENALTY:

- (A) Every person, except those persons who are specifically exempted by this Chapter, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment or any of the services defined in this Chapter without first obtaining a license or permit and paying a fee to do so from the City of Las Vegas or shall violate any provisions of this Chapter shall be guilty of a misdemeanor and upon conviction such person shall be punished by a fine not to exceed \$500.00 or by imprisonment.
- (B) Any licensee, owner, operator, manager or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a masseur or masseuse, as defined in this Chapter, who is not in possession of a valid, unrevoked permit or who allows such a masseur or masseuse to perform, operate or practice within such a place of business is guilty of a misdemeanor.
- (C) Each day for which subsections (A) and (B) above are violated shall constitute a separate and distinct offense.

5-29-33 /RULES AND REGULATIONS: The City of Las Vegas may, after a public hearing, amend and/or repeal reasonable rules and regulations not in conflict with, but to carry out, the intent of this Chapter./

SEVERABILITY: If any section, subsection, subdivision, para-

graph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

If any section, paragraph, sentence, phrase, term, word or connotation of this ordinance, or portion thereof, is for any reason held invalid, inapplicable, or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.

/5-39-34/ /VIOLATION AND PENALTY:

- (A) Every person, except those persons who are specifically exempted by this Chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment or who in conjunction with the massage establishment gives or administers, or practices the giving or administering of baths as defined herein or any of the services defined in this Chapter without first obtaining a license or permit and paying a fee to do so from the City of Las Vegas or shall violate any provisions of this Chapter shall be guilty of a misdemeanor and upon conviction such person shall be punished by a fine not to exceed \$500.00 or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.
- (B) Any owner, operator, manager or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a masseur or masseuse, as defined in this Chapter, who is not in possession of a valid, unrevoked permit or who allows such a masseur

or masseuse to perform, operate or practice within such a place a of business is guilty of a misdemeanor.

(C) Each day for which subsections (A) and (B) above are violated shall constitute a separate and distinct offense./

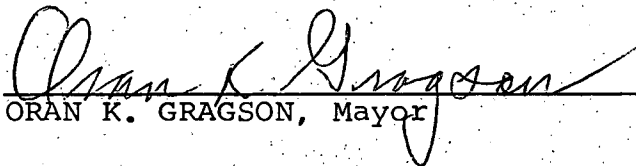
/5-29-35/ /SEVERABILITY: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective./

/SECTION 3. All ordinances or parts of ordinances, sections, in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed./

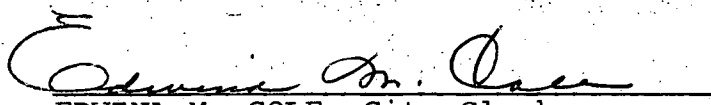
/SECTION 4. If any section, paragraph, sentence, phrase, term, word or connotation of this ordinance, or portion thereof, is for any reason held invalid, inapplicable, or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance./

PASSED, ADOPTED AND APPROVED this 18th day of April, 1975.

APPROVED:


ORAN K. GRAGSON, Mayor

ATTEST:


EDWINA M. COLE, City Clerk

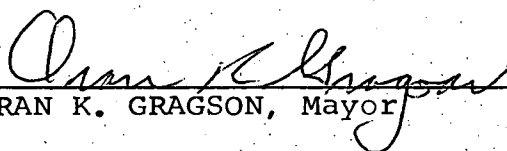
The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 9th day of April, 1975, and referred to the following committee composed of Commissioners Christensen and Lurie for recommendation; thereafter, the said committee reported favorably on said ordinance on the 18th day of April, 1975, which was a recessed regular meeting of said Board; that at said recessed regular meeting, the proposed ordinance was read by title to the Board of Commissioners as amended and

adopted by the following vote:


VOTING "AYE": Commissioners Lurie, Franklin, Morelli and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Christensen
(Excused)

APPROVED:


ORAN K. GRAGSON, Mayor

ATTEST:


EDWINA M. COLE, City Clerk

AFFIDAVIT OF PUBLICATION

RECEIVED
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CITY CLERK

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of one insertions from period of April 19, 1975 to April 19, 1975 inclusive, being the issue of said newspaper for the following dates, to wit:

April 19, 1975

That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED *George J. Vasconi*
GEORGE J. VASCONI

Subscribed and sworn to before me this 21 day of April 1975

ORDINANCE NO. 1770
FIRST AMENDMENT
AN ORDINANCE TO AMEND TITLE V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION BY REPEALING CHAPTER 29 THEREOF BY ADDING THERETO A NEW CHAPTER TO BE DESIGNATED CHAPTER 29, SECTIONS 1 THROUGH 33, PROVIDED PROVIDING FOR THE REGULATION AND CONTROL OF MASSAGE PARLORS, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.
The above and foregoing ordinance, was first proposed and read by title to the Board of Commissioners on the 9th day of April, 1975, and referred to the following committee composed of Commissioners Christensen and Lurie for recommendation; the results of the said committee reported favorably on said ordinance on the 18th day of April, 1975, which was a recessed regular meeting of said Board, that at said recessed regular meeting, the proposed ordinance was read by title to the Board of Commissioners, as amended and adopted by the following vote:
VOTING "AYE": Commissioners Lurie, Franklin, Morelli and Mayor Gragson.
VOTING "NAY": None ABSENT: Commissioner Christensen. (Excused)
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 E. STEWART AVENUE, LAS VEGAS, NEVADA.
April 19, 1975

NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA

Glenda Harris
OFFICIAL SEAL
GLENDA HARRIS
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
My Comm. Expires Feb. 7, 1978

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ON 01.01.1975

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UNIVERSITY
APR 22 1975



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CITY CLERK

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of one insertions from period of April 10, 1975 to April 10, 1975 inclusive, being the issue of said newspaper for the following dates, to wit:

April 10, 1975

That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED *George J. Vasconi*
GEORGE J. VASCONI

Subscribed and sworn to before me this 10 day of April 1975

NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA

Glenda Harris
OFFICIAL SEAL
GLENDA HARRIS
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
My Comm. Expires Feb. 7, 1978

ORDINANCE NO. 1770
AN ORDINANCE TO AMEND TITLE V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY REPEALING CHAPTER 29 THEREOF; BY ADDING THERETO A NEW CHAPTER TO BE DESIGNATED CHAPTER 29. SECTIONS 1 THROUGH (35) 33, PROVIDING FOR THE REGULATION AND CONTROL OF MASSAGE PARLORS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.
The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 9th day of April, 1975, and referred to the following committee composed of Commissioners Christensen and Lurie for recommendation.
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 E. STEWART AVENUE, LAS VEGAS, NEVADA.
Apr. 10, 1975

APR 10 1975

APR 10 1975

APR 10 1975

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APR 14 1 15 PM '75

FINANCE DEPT

