

BILL NO. 2011-43

ORDINANCE NO. 6171

AN ORDINANCE TO UPDATE CHAPTER 6.69 OF THE MUNICIPAL CODE PERTAINING TO THE LICENSING AND REGULATION OF REFLEXOLOGY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Stavros S. Anthony

Summary: Updates Chapter 6.69 of the Municipal Code pertaining to the licensing and regulation of reflexology.

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

SECTION 1: Title 6, Chapter 69, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

“Employee” means any person who performs reflexology as a bona fide employee of a reflexology business.

“Outcall service” means reflexology given or provided off the premises of a licensed reflexology business.

“Reflexology” means a method of using the hands, thumbs or fingers to apply specific pressure to reflex points located in the hands, feet or ears.

“Sexual activity” means:

- (1) Sexual intercourse;
- (2) Rubbing against a client for sexual gratification;
- (3) Making sexual advances toward a client;
- (4) Demanding or requesting sexual favors from a client;
- (5) Kissing, hugging, touching, fondling or caressing of a sexual nature;
- (6) Encouraging masturbation or any other sex act in the presence of a licensee or other person performing reflexology;
- (7) Masturbation or any other sex act by the licensee or other person performing

1 reflexology:

2 (8) Suggesting or discussing the possibility of beginning a sexual relationship
3 before the professional relationship ends;

4 (9) Terminating the professional relationship with the client for the purpose of
5 pursuing a sexual relationship;

6 (10) Discussing the sexual history, preference or fantasies of the licensee or other
7 person performing reflexology;

8 (11) Any behavior, gesture or expression that may reasonably be interpreted as
9 seductive or sexual; or

10 (12) Showing a client sexually explicit photographs.

11 "Specified anatomical area" means:

12 (1) Genitals;

13 (2) Pubic region;

14 (3) Buttocks, or

15 (4) Female breast.

16 SECTION 2: Title 6, Chapter 69, Section 20, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.69.020:** This Chapter does not apply to:

19 (A) The following persons while engaged in their respective professions or
20 occupations for which they are licensed to practice or perform in Nevada, if [they do not hold
21 themselves out to the public as reflexologists and] their performance of reflexology is only in
22 connection with their profession or occupation:

23 (1) Physicians, doctors of oriental medicine, surgeons, chiropractors,
24 osteopaths or physical therapists, and persons directly under their control and supervision.

25 (2) Registered nurses.

26 (3) Barbers, hairdressers and cosmeticians.

27 (4) Massage therapists licensed under the provisions of LVMC Chapter

28 6.52.

1 (B) Participants in a student clinic program certified by the State of Nevada,
2 [Department of Education,] but only to the extent that an instructor is present[.] at the location of the
3 clinic program.

4 SECTION 3: Title 6, Chapter 69, Section 60, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.69.060:** Each applicant for a license to perform a reflexology business shall submit, in
7 connection with the license application, one of the following issued in the applicant's favor:

8 (A) A diploma or certification issued by a duly licensed school of reflexology;[, the]

9 (1) Which is accredited by an independent national reflexology association;
10 and

11 (2) Whose curriculum [of which] includes a minimum of one hundred ten
12 hours of instruction covering theory, history, application, anatomy and physiology corresponding to
13 reflexology, business practices, and knowledge of pertinent State and local laws; and a minimum of
14 ninety hours of practicum; or

15 (B) A certification from an independent national reflexology testing entity which
16 is not aligned with any school, training program or membership.

17 SECTION 4: Title 6, Chapter 69, Section 100, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.69.100:** (A) Each reflexology establishment shall obtain and maintain a valid health permit
20 issued by the Health District.

21 (B) Each licensee who performs reflexology shall maintain in his or her possession
22 and in force at all times a current valid health card issued by the Health District.

23 SECTION 5: Title 6, Chapter 69, Section 110, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.69.110:** It is unlawful for any [reflexology business licensee under this Chapter] licensee,
26 principal or employee of a reflexology establishment to:

27 (A) Operate from a residentially zoned location except in compliance with LVMC
28 Title 19;

1 (B) Dispatch any person to perform outcall service unless that person is an
2 employee of, or has been contracted by, the licensee and is licensed to perform reflexology under this
3 Chapter;

4 (C) Perform massage as defined in LVMC Chapter 6.52 unless the licensee
5 possesses a valid unexpired license to do so at the location in question;

6 (D) Advertise as a massage establishment, outcall entertainment service, or other
7 business in a manner which would be deceptive to members of the community; [or]

8 (E) Employ to perform massage, as defined in LVMC Chapter 6.52, any massage
9 therapist or independent massage therapist who is licensed as such under that Chapter, unless the
10 holder of the reflexology business license also possesses a valid unexpired massage establishment
11 license under that Chapter[.];

12 (F) Engage in sexual activity with, or solicit sexual activity from, a client in
13 connection with the performance of reflexology;

14 (G) Allow a person to engage in or solicit sexual activity in violation of Subsection
15 (F) above;

16 (H) Engage in false, deceptive or misleading advertising regarding the services
17 available within a reflexology establishment, including, without limitation, false, deceptive or
18 misleading advertising regarding the training that a reflexology establishment licensee, principal or
19 employee has received;

20 (I) Utilize any audio or video recording device for any purpose in a room where
21 reflexology is being performed;

22 (J) Fondle or touch with any part of the body, or allow any other person to fondle
23 or so touch, any specified anatomical area of a client; or

24 (K) Require or allow a client to remove any article of clothing, other than outerwear
25 or clothing items whose removal is necessary for the performance of reflexology.

26 SECTION 6: Title 6, Chapter 69, of the Municipal Code of the City of Las Vegas,
27 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 120,
28 reading as follows:

1 **6.69.120:** The following requirements apply to all reflexology establishments:

2 (A) Every reflexology establishment and all licensed reflexologists shall post the
3 licenses required by this Chapter in a prominent place in the reception area of the establishment.

4 (B) The licensee, or a person designated by the licensee of a reflexology
5 establishment, shall maintain a current register of all persons employed by the establishment as
6 reflexologists and their license numbers. Such register shall be open for inspection by agents of the
7 Department, Metro and the Health District at all times the establishment is open for the conduct of
8 business.

9 (C) At least one qualified person shall be on the premises of a reflexology
10 establishment at all times the establishment is in operation. For purposes of the preceding sentence,
11 a "qualified person" means a principal who has been approved for suitability pursuant to LVMC
12 6.69.070 and 6.69.080 or a manager who has been approved for suitability pursuant to those Sections
13 as in the case of a principal.

14 (D) Rates for all services shall be prominently posted in the reception area in a
15 location and manner readily visible to prospective and actual clients.

16 (E) Each reflexologist shall wear a uniform similar in nature and appearance to
17 medical scrubs.

18 (F) Exterior windows shall not be tinted or covered in any manner that prevents a
19 view of the inside of the establishment from the exterior.

20 (G) All front reception, hallway and front exterior doors (except back or rear
21 exterior doors used only for employee entrance to and exit from the reflexology establishment) shall
22 be kept unlocked during business hours. No electronic locking device may be utilized on any interior
23 door.

24 (H) No reflexology may be performed within any cubicle, room, booth or other area
25 of the reflexology establishment which is fitted with a door, unless that door is an exterior door.
26 Establishments in existence on the effective date of the ordinance codified in part in this Section must
27 comply with this section by removing doors to rooms or areas where reflexology is performed, and
28 the doorways shall remain unobstructed.

1 (I) Reflexology establishments licensed after the effective date of the ordinance
2 codified in part in this Section shall provide or permit reflexology only within an unenclosed room
3 defined by walls not taller than three feet in height, as measured from the finished floor of the
4 occupied space.

5 (J) Except as otherwise specifically permitted by action of the City Council, no
6 person shall operate a reflexology establishment or perform reflexology for consideration (whether
7 outcall service or otherwise) outside of the hours of 6:00 a.m. to 10:00 p.m.

8 SECTION 7: Title 6, Chapter 69, Section 130, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.69.130:** It is unlawful for any licensee, employee, or person contracted by a licensee to:

11 (A) Use [lotions, creams or] mechanical devices in performing reflexology; or

12 (B) Diagnose or treat for specific diseases; practice spinal or other joint
13 manipulations; prescribe or adjust medication; or prescribe or administer vitamins.

14 SECTION 8: Title 6, Chapter 69, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 150,
16 reading as follows:

17 **6.69.150:** Licenses issued under this Chapter are nontransferable.

18 SECTION 9: If any section, subsection, subdivision, paragraph, sentence, clause or
19 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
20 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
21 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
22 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
23 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
24 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
25 invalid or ineffective.

26 SECTION 10: Whenever in this ordinance any act is prohibited or is made or declared
27 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
28 required or the failure to do any act is made or declared to be unlawful or an offense or a

1 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
2 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
3 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
4 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

5 SECTION 11: All ordinances or parts of ordinances or sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
7 1983 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this 7th day of December, 2011.

9 APPROVED:

10
11 By 
12 CAROLYN G. GOODMAN, Mayor

13 ATTEST:

14 
15 ~~BEVERLY K. BRIDGES, MMC~~
~~City Clerk~~

16 By: Vicky Skilbred, CMC
Acting City Clerk

17 APPROVED AS TO FORM:

18  10-18-11
19 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 2nd day of November, 2011, and referred to a committee for recommendation;
3 thereafter the committee reported favorably on said ordinance on the 7th day of December,
4 2011, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Wolfson,
8 Tarkanian, Barlow and Coffin

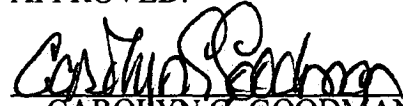
9 VOTING "NAY": None

10 EXCUSED: None

11 ABSTAINED: None

12 DID NOT VOTE: Councilmember Ross

13 APPROVED:

14 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 ~~BEVERLY K. BRIDGES, MMC City Clerk~~

19 By: Vicky Skilbred, CMC
20 Acting City Clerk
21
22
23
24
25
26

BUSINESS IMPACT STATEMENT
BILL NO. 2011-43
(Updates Chapter 6.69 of the Municipal Code pertaining to
the licensing and regulation of reflexology)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-43, that will update Chapter 6.69 of the Municipal Code pertaining to the licensing and regulation of reflexology.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Notice of the proposed ordinance was mailed to reflexology-related licensees. No responses from licensees were received.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

The ordinance may require operational and facility changes for licensees

Beneficial effects:

The ordinance will provide more consistency with other area ordinances, as well as with applicable State law

Direct effects:

See adverse and beneficial effects above

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

Not applicable

Date: October 18, 2011

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, 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

2296311LV

7579059

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/23/2011 to 11/23/2011, on the following days:

11/23/2011

BILL NO. 2011-43

AN ORDINANCE TO UPDATE CHAPTER 6.69 OF THE MUNICIPAL CODE PERTAINING TO THE LICENSING AND REGULATION OF REFLEXOLOGY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Stavros S. Anthony

Summary: Updates Chapter 6.69 of the Municipal Code pertaining to the licensing and regulation of reflexology.

At the City Council meeting of NOVEMBER 2, 2011.

BILL NO. 2011-43 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.

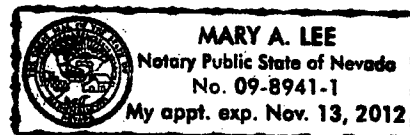
PUB: November 23, 2011
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

23rd day of November, 2011.

Mary A. Lee
Notary Public



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2011 DEC 19 P 1:05

Stacey M. Lewis, 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

2296311LV

7623371

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/10/2011 to 12/10/2011, on the following days:

12/10/2011

BILL NO. 2011-43
ORDINANCE NO. 6171

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Sponsored by: Councilman Stavros S. Anthony
Summary: Updates Chapter 6.69 of the Municipal Code pertaining to the licensing and regulation of reflexology.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of November 2011 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 7th day of December 2011, 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 introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Wolfson, Tarkanian, Barlow, and Coffin
VOTING "NAY": NONE
EXCUSED: NONE
NOT VOTING: Councilman Ross

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: December 10, 2011
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

12th day of December, 2011.

Mary Lee
Notary Public

