

BILL NO. 2020-38

ORDINANCE NO. 6761

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF LVMC CHAPTER 6.52 TO CLARIFY LICENSING REQUIREMENTS FOR MASSAGE THERAPISTS, ESTABLISH NEW RECORDKEEPING AND OPERATIONAL REQUIREMENTS FOR MASSAGE ESTABLISHMENTS, AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert Summerfield, Director of Planning

Summary: Amends various provisions of LVMC Chapter 6.52 to clarify licensing requirements for massage therapists, and establish new recordkeeping and operational requirements for massage establishments.

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

SECTION 1: Title 6, Chapter 52, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.52.010: (A) The City Council hereby finds that massage establishments seriously affect the economic, social and moral well-being of the City and its residents, that such businesses must be regulated strictly for the welfare of the public, and that such businesses must therefore comply with LVMC Chapter 6.06, as well as the provisions of this Chapter. Although the Nevada Legislature has removed the ability of the City to regulate massage therapists as to their qualifications and practices, the City retains its authority to:

[(A)] (1) Require massage therapists and massage establishments to obtain a City business license; and

[(B)] (2) Regulate the manner in which massage establishments themselves may operate.

(B) Except as otherwise provided in this Subsection (B) and LVMC 6.52.180, the issuance and governance of individual massage therapist licenses, including those for independent massage therapists, shall be in accordance with LVMC Chapter 6.02. The issuance and governance of licenses for

1 message establishment licensee practitioners shall be in accordance with LVMC Chapter 6.06 and this
2 Chapter.

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

5 **6.52.020:** Unless the context otherwise requires, the following words, as they appear in this Chapter,
6 shall have the meanings ascribed to them in this Section:

7 "Ancillary medical massage therapy" means the provision of massage therapy by a massage therapist
8 which is licensed by the City and State, limited to one room dedicated to massage therapy no larger than one
9 hundred fifty square feet, which is incidental to the primary medical services provided by a licensed medical
10 professional at such professional's licensed place of business.

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

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

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

16 "Licensed medical professional" means a [licensed physician pursuant to NRS 630, a licensed
17 homeopathic physician pursuant to NRS 630A, a licensed osteopathic physician pursuant to NRS 633 or a
18 licensed chiropractor pursuant to NRS 634.] person licensed pursuant to NRS Chapters 630, 630A, 631, 632,
19 633, 634, 634A, 635, 640, 640A or 640B.

20 "Massage establishment" means any premises occupied and used for the purpose of performing
21 massage therapy, excluding a premises offering no massage therapy other than medical massage therapy or
22 ancillary medical massage therapy.

23 "Massage establishment licensee practitioner" means the licensee of a massage establishment who
24 performs massage therapy.

25 "Massage therapist" means any person who, for consideration, performs any massage therapy as
26 defined in this Section and has been licensed by the State to perform such services.

1 "Massage therapy" has the same meaning as set forth at NRS 640C.060.

2 "Medical massage therapy" means the physical application of massage therapy by a licensed medical
3 professional at such professional's licensed place of business.

4 "Outcall massage therapy" means any massage therapy given or provided off the premises of a
5 licensed massage establishment by a massage therapist licensed by the City and State.

6 "Sexual activity" means any activity characterized as such by NRS 640C.700 or the regulations
7 adopted by the Nevada Board of Massage Therapists under NRS Chapter 640C.

8 "Specified anatomical area" means:

- 9 (1) Genitals;
- 10 (2) Pubic region;
- 11 (3) Buttocks; or
- 12 (4) Female breast.

13 SECTION 3: Title 6, Chapter 52, Section 50, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.52.050:** (A) Each massage establishment must pay in advance an annual license fee of four
16 hundred dollars, together with the additional license fees for professional employees described in
17 LVMC 6.04.060. As an alternative to paying the license fees for professional employees, an establishment
18 may elect to require those employees to pay a license fee as if they were independent massage therapists
19 under Subsection (B), in which case each such employee must do so. A massage establishment with separate
20 facilities for men and women shall be considered a single massage establishment and shall be charged a
21 single license fee every year.

22 (B) Each independent massage therapist and massage establishment licensee practitioner
23 must pay in advance an annual license fee of two hundred dollars.

24 SECTION 4: Title 6, Chapter 52, Section 80, of the Municipal Code of the City of Las
25 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.52.080:** The licensee or principal of a massage establishment shall maintain a register of all persons

1 who at any time are employed or contracted [as massage therapists and their City and State license numbers.
2 Such register must be made available upon request to representatives of the Department or Metro during
3 regular business hours.] to perform any function or service within the establishment, whether or not related
4 to the provision of massage therapy. The register must show each such person's full legal name, as well as
5 each alias or nickname used by that person; the person's date of birth; the person's title or function; and each
6 applicable State and City license and registration held by that person. The register must be updated to include
7 any such person before the person is allowed on the premises. At all times the establishment is open for
8 business, the register shall be made available upon request to representatives of the Department, Metro, and
9 any other regulatory agency having jurisdiction. In addition, each massage establishment is responsible for
10 ensuring that any person entering the establishment in any capacity is in possession of valid identification
11 issued by a government entity to and regarding that person.

12 SECTION 5: Title 6, Chapter 52, Section 160, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.52.160:** An applicant for a license under this Chapter shall provide to the Department [evidence of a
15 valid health permit or health card issued by the Health District, if and to the extent required by the Health
16 District, and] proof of temporary or permanent licensure by the Nevada State Board of Massage [Therapists.]
17 Therapy.

18 SECTION 6: Title 6, Chapter 52, Section 180, of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.52.180:** (A) Except as otherwise provided in this Section, the Director shall issue a license to
21 perform massage therapy to an applicant upon the acceptance of a completed application, payment of
22 appropriate license fees, proof of a valid unexpired massage therapist license issued by the Nevada Board of
23 Massage [Therapists, and a valid health card issued by the Health District, if one is required by the Health
24 District.] Therapy.

25 (B) The Director may deny, refuse to renew, or revoke an application for a license to
26 perform massage therapy for the following reasons:

1 (1) The applicant or licensee fails to possess or maintain a valid unexpired
2 massage therapist license issued by the Nevada State Board of Massage [Therapists.] Therapy.

3 (2) The applicant or licensee has been convicted of a charge of solicitation of
4 prostitution during the three-year period immediately preceding the Director's action.

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

12 SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared to
13 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
14 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
15 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
16 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
17 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
18 of this ordinance shall constitute a separate offense.

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SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 16th day of December, 2020.


APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:



LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

 12-16-20
Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 18th day of November, 2020, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 16th day of
4 December, 2020, which was a regular meeting of said Council; that at said regular
5 meeting, the proposed ordinance was read by title to the City Council as amended and
6 adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony,
 Crear, Knudsen and Diaz
8 VOTING "NAY": None
9 EXCUSED: None
10 ABSTAINED: None
11 THOSE NOT VOTING: Seaman

12 APPROVED:
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14 _____
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:
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18 _____
19 LUANN D. HOLMES, MMC City Clerk

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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2020 DEC -8 A 11:33

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001127660

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/03/2020 to 12/03/2020, on the following days:

12 / 03 / 20

BILL NO. 2020-38

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF LVMC CHAPTER 6.52 TO CLARIFY LICENSING REQUIREMENTS FOR MASSAGE THERAPISTS, ESTABLISH NEW RECORDKEEPING AND OPERATIONAL REQUIREMENTS FOR MASSAGE ESTABLISHMENTS, AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Robert Summerfield,
Director of Planning

Summary: Amends various provisions of LVMC Chapter 6.52 to clarify licensing requirements for massage therapists, and establish new recordkeeping and operational requirements for massage establishments.

At the City Council meeting of
November 18, 2020

BILL NO. 2020-38 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, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: Dec. 3, 2020
LV Review-Journal

Eileen Gallagher

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 4th day of December, 2020

Notary *Mary Lee*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

2020 DEC 28 P 12: 36

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001130089

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/19/2020 to 12/19/2020, on the following days:

12 / 19 / 20

FIRST AMENDMENT

BILL NO. 2020-38
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of November, 2020, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of December, 2020, 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 Anthony, Fiore, Crear, Knudsen and Diaz

VOTING "NAY": NONE

EXCUSED: NONE

DID NOT VOTE: Councilwoman Seaman

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: Dec. 19, 2020
LV Review-Journal

Eileen Gallagher
1S/ Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 21st day of December, 2020

Notary Kimberly Taormina

