

**AN ORDINANCE AMENDING
2 OF THE FAIRFAX COUNTY CODE, RELATING TO MASSAGE
THERAPY, ESTABLISHMENTS AND SERVICES**

Draft of August 18, 2025

AN ORDINANCE to amend the Fairfax County Code by adding a new Chapter 28.2, Massage Establishment Code, and repealing Chapter 28.2, Massage Therapy, Establishments and Services, all relating to Massage.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That a new Chapter 28.2, Message Establishment, is adopted, as follows:

CHAPTER 28.2 - Message Establishment

Article 1. – General Provisions

Section 28.2-1-1. - Short title.

This Chapter may be referred to as the Massage Establishment Code of the County of Fairfax, Virginia.

Section 28.2-1-2. - Declaration of findings and policy.

It is hereby declared that the Board of Supervisors has found it necessary and proper to exercise its regulatory authority under its police power for the protection of the public's health, safety and general welfare by providing for the permitting and regulation of massage establishments.

Section 28.2-1-3. - Definitions.

The following words and phrases, when used in this Chapter shall, for the purpose of this Chapter, have the meanings set forth below except in those instances where the context clearly indicates a different meaning:

Barbershop means an establishment not located in a residence which provides one or more of the following services in exchange for consideration: hair care, makeovers, facials, manicures, pedicures, or body waxing.

Beauty Salon means an establishment not located in a residence which provides one or more of the following services in exchange for consideration: hair care, skin care, makeovers, facials, manicures, pedicures or body waxing.

1
2 *Client* means any person receiving a massage from a massage therapist.

3
4 *Department* means the Fairfax County Health Department.

5
6 *Director* means the Director of the Fairfax County Health Department or the designee of the
7 Director.

8
9 *Division* means the Division of Environmental Health for the Fairfax County Health
10 Department.

11
12 *Division Director* means the Director of Environmental Health for the Fairfax County Health
13 Department or the designee of the Division Director.

14
15 *Disqualifying offenses* means offenses which disqualify an applicant from obtaining a
16 permit pursuant to this Chapter or, if the offender already holds a permit, which mandate
17 revocation of the permit. Disqualifying offenses are set forth in Section 28.2-2-5.

18
19 *Erogenous Areas* means the pubic area, penis, scrotum, vulva, perineum, anus, areolae
20 and/or the nipples.

21
22 *Manager* means any person(s) designated by the permit holder to [act as the
23 representative or agent of the permit holder and] exercise overall operational control of a
24 massage establishment.

25
26 *Massage* means the treatment of soft tissues for therapeutic purposes by the application of
27 massage and body work techniques based on the manipulation or application of pressure
28 to the muscular structure or soft tissues of the human body. Massage shall not include the
29 diagnosis or treatment of illness or disease or any service or procedure for which a license
30 to practice medicine, nursing, midwifery, chiropractic, physical therapy, occupational
31 therapy, acupuncture, athletic training or podiatry is required by law.

32
33 *Massage establishment* means a fixed place of business where massages are
34 administered to clients, unless the place is excluded from regulation by Section 28.2-1-4.

35
36 *Massage therapist* means any person who meets the qualifications specified in Va. Code
37 §§ 54.1-3000 through –3043, as amended, and who is currently licensed by the Virginia
38 Board of Nursing.

39
40 *Permit* means a document issued by the Department that authorizes a person to operate a
41 massage establishment.

1 Permit holder means the person to whom a permit has been issued pursuant to this
2 Chapter.

3
4 Table shower (or Vichy shower) means water sprayed or poured over a person's body
5 while the person lies on a waterproof table.

6
7 **Section 28.2-1-4. - Exclusions.**

8
9 The provisions of this Chapter shall not apply to:

- 10
11 (a) Health care facilities and other locations where massages are administered for
12 medical, relaxation, remedial or hygienic purposes by a physician, surgeon,
13 chiropractor, osteopath or physical therapist duly licensed by the Commonwealth of
14 Virginia or by a licensed nurse acting under the prescription or direction of any such
15 physician, surgeon, chiropractor, osteopath or physical therapist.
16
17 (b) Barber shops, beauty salons and other locations where massages are only given to
18 the scalp, face, neck, shoulders, arms, hands and/or feet.
19
20 (c) Nursing homes, convalescent care facilities, assisted living facilities, progressive
21 care facilities and life care facilities.
22
23 (d) Organized public events where massages are available to and viewed by the
24 general public.
25
26 (e) Schools offering a massage therapy program that is certified or approved by the
27 State Council of Higher Education for Virginia; provided, however, that this exclusion
28 only applies if massages are administered by students who are enrolled at the
29 school and receive no compensation for administering the massage.
30
31 (f) Locations where massages are only administered to the upper body while the client
32 is fully clothed and seated in a chair.
33

34 **Article 2. - Massage Establishment Permits**

35
36 **Section 28.2-2-1. - Permit Required.**

- 37
38 (a) It is unlawful for any person to operate a massage establishment in Fairfax County
39 unless that person possesses a valid, unsuspended permit issued by the Department.
40 Only a person who complies with the requirements of this Chapter shall be entitled to
41 receive or retain such a permit. Each permit will be issued to the applicant only. Each
42 permit will be issued only for the place of business described in the application. A
43 person operating more than one massage establishment must possess a separate

1 permit for each such place of business. Permits are issued for a calendar year and
2 expire on December 31 regardless of the month of issue.

- 3
4 (b) An initial application or a renewal application will be required for each permit. The
5 application fee shall be based on a calendar year. Initial application fees shall be due
6 and payable upon application. Renewal applications and corresponding fees are due by
7 December 31st of the year preceding the requested renewal permit. The application fees
8 shall not be prorated.

9
10
11 **Section 28.2-2-2. - Contents of the application, duty to update.**

- 12
13 (a) Each application for a permit shall be on a form prepared by the Division Director
14 and shall be accompanied by the fee as set forth in Article 5. The applicant shall
15 provide full answers to all questions on the application. The completed application
16 shall contain the following information as well as other information which the Division
17 Director deems necessary to properly evaluate the application:
- 18
19 (1) A description of the facilities and services to be available on the premises of
20 the proposed establishment.
 - 21
22 (2) The location and mailing address of the establishment.
 - 23
24 (3) The name under which the establishment will operate.
 - 25
26 (4) The applicant's full name, names by which the applicant previously was
27 known, date and place of birth, incorporation or organization, and residential
28 and business addresses and telephone numbers used within the past twelve
29 (12) months, as applicable. If the applicant is a privately-held corporation or
30 company, it must supply the information for the corporation or company, each
31 officer and each director. If the applicant is a publicly-held corporation, it must
32 supply the information for the corporation and for all managers. If the
33 applicant is a partnership, it must supply the information for the partnership
34 and for each partner.
 - 35
36 (5) Whether the applicant currently holds or previously-held a permit or license to
37 operate a massage establishment or to administer massages anywhere in
38 Virginia or any other state. If the answer is affirmative, the license or permit
39 number, the identity of the issuing authority and whether such permit or
40 license has ever been revoked or suspended and the reason therefore. If the
41 applicant is a privately-held corporation or company, it must supply the
42 information for the corporation or company, each officer and each director. If
43 the applicant is a publicly-held corporation, it must supply the information for

1 the corporation and for all managers. If the applicant is a partnership, it must
2 supply the information for the partnership and for each partner.
3

4 (6) The criminal record, if any, other than misdemeanor traffic violations or traffic
5 infractions, of the applicant and consent forms allowing the Division Director
6 to obtain a search of the Central Criminal Records Exchange and a search of
7 Fairfax County Police Department records. Applicants who live or have lived
8 outside of Virginia in the past twelve (12) months must provide a state
9 criminal history records check from all such states of residence other than
10 Virginia. If the applicant is a privately-held corporation or company, it must
11 supply the information for each officer and each director. If the applicant is a
12 publicly-held corporation, it must supply the information for all managers. If
13 the applicant is a partnership, it must supply the information for each partner.
14 Each application shall be accompanied by an investigation fee in an amount
15 equal to the fee established by the Virginia State Police for conducting a
16 records search multiplied by the number of persons making disclosures and
17 providing consent forms.
18

19 (7) The name of the manager(s). If any manager is not an applicant, then the
20 manager must provide the information required in this section relative to the
21 applicant.
22

23
24 (b) Each renewal application for a permit shall be on a form prepared by the Division
25 Director and shall be accompanied by the fee as set forth in Article 5. The applicant
26 shall provide full answers to all questions on the application. The completed
27 application shall contain the following information as well as other information which
28 the Division Director deems necessary to properly evaluate the application:
29

30 (1) The location and mailing address of the establishment.
31

32 (2) The name under which the establishment is operating.
33

34 (3) The applicant's full name.
35

36 (4) Updates to any and all information set forth in the initial application or prior
37 renewal applications.
38

39
40 (c) The applicant must report to the Department any change in the information required
41 in the initial or renewal permit application within twenty-one (21) days of learning of
42 the change, and comply with all requirements resulting from such change, including,
43 without limitation, Section 28.2-2-2(a)(7).

1
2 **Section 28.2-2-3. - Variances.**
3

- 4 (a) The Department may grant variances by modifying or waiving the requirements of
5 this Chapter if, in the opinion of the Department, the health, safety and general
6 welfare of the public will not be adversely affected by the variance.
7
8 (b) An applicant for a variance must submit the following:
9
10 (1) A statement of the proposed variance citing relevant sections of this Chapter.
11
12 (2) The reasons why the proposed variance will not adversely affect the health,
13 safety and general welfare of the public.
14
15 (3) A plan, if required by the Department, for controlling or monitoring the operations
16 of the MESSAGE ESTABLISHMENT affected by the proposed variance to safeguard
17 the health, safety and general welfare of the public.
18

19 **Section 28.2-2-4. – Plan Review Requirements**
20

- 21 (a) A permit applicant or permit holder shall submit to the Division Director properly
22 prepared plans and specifications for review and approval, together with the plan
23 review fee set forth in Article 5, before:
24
25 (1) The construction of a MESSAGE ESTABLISHMENT; or
26
27 (2) The change in ownership of a MESSAGE ESTABLISHMENT or
28
29 (3) The conversion of an existing structure for use as a MESSAGE ESTABLISHMENT; or
30
31 (4) The remodeling of a MESSAGE ESTABLISHMENT if the Department determines that
32 plans and specifications are necessary to ensure compliance with this Chapter.
33
34 (b) Plans must demonstrate compliance with this Chapter. The Division Director shall
35 conduct a preoperational inspection to confirm the MESSAGE ESTABLISHMENT is built or
36 remodeled in accordance with the approved plans and specifications and the
37 MESSAGE ESTABLISHMENT is in compliance with this Chapter and all other applicable
38 laws and regulations.
39
40
41
42
43

1 **Section 28.2-2-5. - Issuance or Denial.**
2

- 3 (a) The Division Director shall act upon the application for a permit within twenty-one
4 (21) days from the date the Department receives the completed application and
5 criminal history information.
6
- 7 (b) If the Department determines from the information contained in the permit
8 application and from the Division Director 's investigation that the proposed MESSAGE
9 ESTABLISHMENT will meet the requirements of this Chapter, that neither the applicant
10 nor any officers or directors thereof, or the manager(s), have committed any
11 disqualifying offenses and are otherwise qualified under this Chapter to engage in
12 such business in the County, the Department shall issue the permit. Each permit
13 issued by the Department shall be the property of the Department and it shall be
14 returned to the Department in the event the permit is suspended or revoked in
15 accordance with Article 4.
16
- 17 (c) If the Department determines from the information contained in the permit
18 application and from the Department's investigation that the proposed MESSAGE
19 ESTABLISHMENT will not meet the requirements of this Chapter, or that the applicant,
20 an officer or director thereof, or any manager has committed one or more
21 disqualifying offenses or are otherwise unqualified under this Chapter to engage in
22 such business in the County, the Division Director shall deny the application.
23 Repeated prior permit suspensions shall also constitute grounds for denial of the
24 application.
25
- 26 (d) Disqualifying offenses are:
27
- 28 (1) Conviction, plea of nolo contendere or a forfeiture on a charge of violating any
29 provision of Sections 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1 through
30 18.2-67.5, 18.2-346, 18.2-347 through 18.2-349, 18.2-355 through 18.2-357.1,
31 18.2-361, 18.2-361.01, 18.2-368, 18.2-370, 18.2-370.1, 18.2-371, 18.2-386.1,
32 18.2-386.2 or 18.2-387 of the Code of Virginia, which laws relate to sexual
33 offenses, or any provision of an ordinance of the County or a law or ordinance of
34 another jurisdiction which prohibits the same conduct, within the past ten (10)
35 years.
36
- 37 (2) Conviction, plea of nolo contendere or a forfeiture on a charge of violating any
38 provision of this Chapter, or on a charge of violating a similar law in any other
39 jurisdiction, within the past five (5) years.
40
- 41 (3) Making a false statement on a permit application.
42

1 (e) If the Department denies an application, the Department shall provide the applicant
2 with written notice setting forth the grounds for the denial. Applicants may appeal
3 the decision to deny an initial or renewal permit application in accordance with
4 Sections 28.2-4-5 and 28.2-4-6.

5
6 (f) If the Department has not completed its investigation of the applicant within twenty-
7 one (21) days, the Department will notify the applicant that further investigation is
8 necessary.

9
10 **Section 28.2-2-6. - Permit transfer or change of location.**

11
12 (a) Permits are not transferable from one person to another, whether by sale, lease,
13 merger or otherwise.

14
15 (b) Permits are not transferable from one MESSAGE ESTABLISHMENT location to another.

16
17 (c) If a privately-held corporation or company or a partnership holds a permit issued
18 under this Chapter, the transfer of more than ten percent (10%) of the ownership of
19 the corporation, company or partnership to a person or entity who was not an owner
20 when the application was made shall cause the automatic expiration of the permit.
21 The expiration shall occur on the date of the transfer.

22
23 **Section 28.2-2-7. - Responsibilities of the permit holder.**

24
25 (a) The permit holder shall be responsible for the MESSAGE ESTABLISHMENT being
26 operated in compliance with this Chapter and all other applicable laws and
27 ordinances, including the actions of any officer, agent, manager or employee of the
28 permit holder on the premises of the MESSAGE ESTABLISHMENT. The permit holder or
29 a manager must be on the premises of the MESSAGE ESTABLISHMENT at all times
30 when the establishment is in operation.

31
32 (b) The permit holder shall ensure that all MESSAGE ESTABLISHMENT employees complete
33 all training mandated by the Department. Completion of all training by each
34 employee shall be recorded and made accessible upon request.

35
36 **Article 3. – Minimum standards.**

37
38 **Section 28.2-3-1. – General provisions.**

39
40 (a) The permit must be posted in a location in the MESSAGE ESTABLISHMENT that is
41 conspicuous to clients.

- 1 (b) Business hours must be posted on all public entryways into the MESSAGE
2 ESTABLISHMENT.
3
- 4 (c) Notices informing the public that the MESSAGE ESTABLISHMENT is subject to inspection
5 by the Department must be displayed at each public entrance and/or walk-up
6 window of every MESSAGE ESTABLISHMENT. Such notices shall be designed and
7 supplied by the Department.
8
- 9 (d) A current list of all employees of the MESSAGE ESTABLISHMENT must be maintained
10 and provided to the Department upon request. The list shall include full legal name,
11 primary duty, state licensure number (if applicable) and date of hire.
12

13 **Section 28.2-3-2. – Other required permits; compliance with zoning ordinance,**
14 **building code and fire prevention code.**
15

- 16 (a) Permit holders must possess all other applicable permits and licenses otherwise
17 required to conduct business in Fairfax County, including, without limitation,
18 certificates of occupancy, zoning use permits and business licenses.
19
- 20 (b) MESSAGE ESTABLISHMENT shall comply with the Fairfax County Zoning Ordinance.
21
- 22 (c) MESSAGE ESTABLISHMENT shall comply with all applicable provisions of the Virginia
23 Uniform Statewide Building Code, including those provisions relating to lighting,
24 ventilation, toilet facilities and accessibility.
25
- 26 (d) MESSAGE ESTABLISHMENT shall comply with the Virginia Statewide Fire Prevention
27 Code.
28
- 29 (e) MESSAGE ESTABLISHMENT shall comply with all other applicable laws and regulations.
30
31

32 **Section 28.2-3-3. – Controlled entry prohibited.**
33

34 MESSAGE ESTABLISHMENTS shall maintain main or primary entrance doors open to the public
35 and unlocked during regular business hours. No main or primary entrance doors shall be
36 equipped with any remotely controlled locking device. Entry to the MESSAGE ESTABLISHMENT
37 shall not be controlled with a camera, intercom, and/or doorbell entry system. **Exceptions:**
38

39 **(a).MESSAGE ESTABLISHMENTS that have applied and been granted a variance to this**
40 **section.**
41
42
43

1 **Section 28.2-3-4. – Facilities and equipment.**

- 2
- 3 (a) Walls, ceilings, floors, pools, steam rooms and any other physical facilities must
- 4 have nonporous surfaces, be maintained in good repair and be in sanitary
- 5 condition. Any heat, steam or vapor rooms or cabinets shall be cleaned each day the
- 6 establishment is in operation.
- 7
- 8 (b) Rooms must be adequately illuminated to allow for cleaning.
- 9
- 10 (c) All towels, linens, sheets or other coverings shall be used singularly for each client
- 11 and laundered or discarded immediately after use.
- 12
- 13 (d) Non-disposable tools of the trade shall be disinfected after use upon one client.
- 14
- 15 (e) Table showers or Vichy showers shall not be administered in a private room.
- 16
- 17 (f) Each MESSAGE ESTABLISHMENT shall have and maintain the following in a clean and
- 18 workable condition:
- 19
- 20 (1) Handwashing sinks, which shall be:
- 21
- 22 (i) Located to allow convenient use by employees;
- 23
- 24 (ii) Located in, or immediately adjacent to, toilet rooms;
- 25
- 26 (iii) Equipped with hot and cold water, soap and paper towels.
- 27
- 28
- 29 (2) A custodial service sink located in the building in which the MESSAGE
- 30 ESTABLISHMENT quarters are located.
- 31
- 32 (3) Toilet rooms for employees and patrons that are adequate and conveniently
- 33 located.
- 34
- 35 (4) Equipment for disinfecting and sterilizing non-disposable instruments and
- 36 materials used in performing massage.
- 37
- 38 ~~(5) Mechanical clothes washer and dryer if laundry is laundered on the~~
- 39 ~~premises of the massage establishment.~~
- 40
- 41 ~~(i) If off-premises laundering is supplied by a vendor, the contract and~~
- 42 ~~receipts of the service must be available for inspection.~~

- (ii) Message establishment laundry shall not be laundered in a private home.

Section 28.2-3-5. - Private homes, living or sleeping quarters and kitchen facilities prohibited.

- (a) A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used as a MESSAGE ESTABLISHMENT.
- (b) No part of any MESSAGE ESTABLISHMENT shall be used as a dormitory or for housing, sheltering or harboring any person(s) or as living or sleeping quarters for any person. No part of any MESSAGE ESTABLISHMENT shall be connected with any bedroom or sleeping quarters or be equipped with beds, cots or mattresses; nor shall any person sleep in such establishment except for limited periods incidental to and directly related to a massage or bath.
- (c) No part of any MESSAGE ESTABLISHMENT shall be used for cooking and food preparation or be equipped with commercial or residential kitchen facilities. This section shall not prohibit break areas or lunchrooms equipped with microwave and toaster ovens, coffee pots, hot plates, refrigerators and similar equipment used for storing and reheating personal meals and preparing beverages when the establishment is in operation.
- (d) This section shall not prohibit the location of a MESSAGE ESTABLISHMENT in separate quarters of a building housing a hotel or transient lodging establishment or other separate businesses. A guest room in a hotel or transient lodging establishment may not be used as a MESSAGE ESTABLISHMENT.

Section 28.2-3-6. - Cleanliness of massage therapists required.

Every massage therapist shall cleanse his or her hands thoroughly with soap and hot running water immediately before administering each massage.

Section 28.2-3-7. - Massaging clients while ill prohibited.

- (a) No massage therapist may knowingly massage any client infected with any fungus or other skin infections, nor shall service be performed on any client exhibiting skin inflammation or eruptions, unless a licensed physician certifies that a client may be safely served.

- 1 (b) No massage therapist may massage any client when the massage therapist is
2 suffering from any communicable disease transmitted by skin-to-skin contact or
3 through the secretions of the respiratory tract, including, but not limited to, infectious
4 tuberculosis, measles, meningococcal disease, mumps, chicken pox and
5 *Haemophilus influenzae type b*, or from any skin lesions or disease on the hands or
6 arms, or any nasal or ear discharge or inflamed eyes.
7
- 8 (c) MESSAGE ESTABLISHMENT must have an illness policy applicable to all employees of
9 the MESSAGE ESTABLISHMENT.
10

11 **Section 28.2-3-8. - Massaging, touching, exposing erogenous areas prohibited.**
12

- 13 (a) It is unlawful for any person, in a MESSAGE ESTABLISHMENT, to touch, with any part of
14 his or her body or with any object, another person's clothed or unclothed erogenous
15 area.
16
- 17 (b) It is unlawful for any person, in a MESSAGE ESTABLISHMENT, to fail to conceal his or
18 her erogenous areas with a fully opaque covering while in the presence of others.
19
- 20 (c) It is unlawful for any person owning, operating or managing a MESSAGE
21 ESTABLISHMENT, including the permit holder, to knowingly cause or allow, in or about
22 such MESSAGE ESTABLISHMENT, any agent, employee or any other person under his
23 control or supervision to perform any act prohibited by this section.
24

25 **Section 28.2-3-9. – Drugs and alcohol prohibited.**
26

- 27 (a) The permit holder and all employees of a MESSAGE ESTABLISHMENT are prohibited
28 from being under the influence of alcoholic beverages while ~~on the premises of the~~
29 ~~massage establishment.~~ conducting any MESSAGE ESTABLISHMENT services.
30
- 31 (b) Possession and sales of alcoholic beverages on the premises of a MESSAGE
32 ESTABLISHMENT must comply with Virginia law, including, without limitation, the
33 Alcoholic Beverage Control Act, Va. Code §§ 4.1-100 through -517, as amended.
34
- 35 (c) The owner, manager, and all employees of a MESSAGE ESTABLISHMENT are prohibited
36 from possessing, being in control of, or being under the influence of, narcotic drugs
37 or controlled substances while on the premises of the MESSAGE ESTABLISHMENT, other
38 than drugs which may be purchased over the counter without a prescription or those
39 for which the individual has a prescription.
40
41
42
43

1 **Section 28.2-3-10. – Advertising prohibitions.**

2
3 A massage establishment shall not engage in or allow its employees to engage in sexually
4 suggestive advertising related to massage services. A massage establishment's
5 advertising, including but not limited to any sign, flyer or card, shall only list or suggest
6 services that can lawfully be provided at the establishment, and such services shall be
7 included in the application for the permit or updated later pursuant to Section 28.2-2-2(c).
8

9 **Section 28.2-3-11. – Massage therapist license required.**

- 10
11 (a) No person may administer a massage in a massage establishment unless such
12 person is currently licensed as a massage therapist by the Virginia Board of Nursing.
13 It is unlawful for any person owning, operating or managing a massage
14 establishment, including the permit holder, to cause or allow any agent, employee or
15 any other person under his control or supervision to administer or offer to administer
16 a massage if such agent, employee or other person is not currently licensed as a
17 massage therapist by the Virginia Board of Nursing.
18
19 (b) Every massage therapist must post his or her massage therapist license issued by
20 the Virginia Board of Nursing in a location in the massage establishment that is
21 conspicuous to the massage therapist's clients.
22

23 **ARTICLE 4. – Inspections, Enforcement and Penalties.**

24
25 **Section 28.2-4-1. - Right of entry to enforce Chapter and conduct inspections.**

26
27 The Director, the chief of police, the zoning administrator and the building official, or their
28 duly authorized agents, are hereby authorized to enter, examine and survey, during
29 business hours, any premises in the County for which a permit has been issued pursuant to
30 this Chapter for the purpose of inspection and to enforce the provisions of this Chapter. The
31 Director shall inspect each massage establishment at least one time per year to determine
32 whether it is being operated in compliance with this Chapter. This section shall not restrict
33 or limit the right of entry vested in any law enforcement agency or prohibit inspections by
34 the Director in response to complaints. Failure to allow immediate entry pursuant to this
35 section is a violation of this Chapter.
36

37 **Section 28.2-4-2. – Directives.**

38
39 The Division Director may issue directives or other instructions, including, without limitation,
40 notices, orders and warnings, together with time frames for corrective action, in lieu of or in
41 addition to a denial of permit renewal, or revocation or suspension of a permit. The Division
42 Director shall assess the reinspection fee set forth in Article 5 for each inspection
43 conducted to determine compliance with such corrective actions.

1
2 **Section 28.2-4-3. - Permit Suspension.**
3

- 4 (a) The Division Director may suspend a permit if the permit holder, any manager or any
5 employee of the establishment:
6
7 (1) Violates any provision of this Chapter.
8
9 (2) Operates the massage establishment in such a manner as to constitute an
10 imminent hazard or threat to public health, safety or general welfare as
11 determined by the Division Director.
12
13 (3) Interferes with the Director or other officials with a right of entry under
14 Section 28.2-4-1 in the performance of their duties.
15
16 (b) Written notice of permit suspension shall be electronically delivered to the permit
17 holder, hand delivered to the permit holder, or mailed via certified mail to the permit
18 holder's last known address of record. The written notice of permit suspension shall
19 set forth the effective date of suspension and the grounds for suspension.
20
21 (c) The massage establishment shall immediately cease operations as of the effective
22 date of the permit suspension.
23
24 (d) A permit holder whose permit has been suspended pursuant to this section may
25 appeal the suspension in accordance with Sections 28.2-4-5 and 28.2-4-6.
26

27 **Section 28.2-4-4. - Permit revocation.**
28

- 29 (a) The Division Director shall revoke a permit if the permit holder or any manager has
30 committed a disqualifying offense. If the permit holder is a privately held corporation
31 or company, the Division Director shall revoke the permit if any officer or director
32 thereof has committed a disqualifying offense. If the permit holder is a publicly held
33 corporation, the Division Director shall revoke a permit if the corporation, or any
34 officer or thereof has committed a disqualifying offense. If the permit holder is a
35 partnership, the Division Director shall revoke a permit if the partnership, or any
36 partner thereof has committed a disqualifying offense.
37
38 (b) The Division Director may revoke a permit for any of the following reasons:
39
40 (1) The permit has been repeatedly suspended pursuant to Section 28.2-4-3.
41
42 (2) The permit holder has failed to pay any fees required pursuant to Article 5,
43 when due.

1
2 (3) Failure to allow immediate entry to the establishment pursuant to Section
3 28.2-4-1.
4

5 (c) Written notice of revocation shall be electronically delivered to the permit holder,
6 hand delivered to the permit holder, or mailed via certified mail to the permit holder's
7 last known address of record. The written notice shall set forth the effective date of
8 permit revocation and specify the grounds for revocation.
9

10 (d) The massage establishment shall immediately cease operations as of the effective
11 date of the permit revocation.
12

13 (e) A permit holder whose permit has been revoked pursuant to this section may appeal
14 the revocation in accordance with Sections 28.2-4-5 and 28.2-4-6, below.
15

16 **Section 28.2-4-5. – Informal hearing procedures.**
17

18 (a) An applicant or permit holder may make a written request for an informal hearing
19 with the Division Director within ten (10) business days following receipt of the
20 written notice of permit suspension, permit revocation, or denial of permit
21 application. The permit suspension, permit revocation, or denial of permit application
22 shall remain in effect during the pendency of the informal hearing.
23

24 (b) The Division Director shall hold an informal hearing within five (5) business days of
25 receiving the permit holder's or applicant's request. The Division Director shall
26 provide written notice to the permit holder or applicant of the date, time and location
27 of the informal hearing.
28

29 (c) The Division Director shall issue a written decision upholding or rescinding the
30 permit suspension, permit revocation, or denial of permit application within two (2)
31 business days following the informal hearing.
32

33 (d) If no request for an informal hearing is filed within ten (10) business days following
34 receipt of the written notice of permit revocation, permit suspension, or denial of
35 permit application, the permit holder or applicant waives any further appeal rights
36 provided in this Chapter.
37

38 (e) The Division Director may rescind the permit revocation, permit suspension or denial
39 of permit application at any time upon a determination that the grounds for
40 suspension, revocation or denial no longer exist. The Division Director may assess
41 the permit reinstatement fee set forth in Article 5 when a revocation or suspension is
42 rescinded pursuant to this section.
43

1 **Section 28.2-4-6. – Appeals procedure.**
2

- 3 (a) Following the informal hearing conducted pursuant to Section 28.2-4-5, a permit
4 holder or applicant may appeal the Division Director's decision to uphold a permit
5 suspension, permit revocation or denial of permit application to the Director. The
6 Division Director's decision shall remain in effect during the pendency of the appeal
7 to the Director.
8
- 9 (b) The permit holder or applicant may make a written request to the Director for an
10 appeal hearing within thirty (30) business days of the informal hearing with the
11 Division Director.
12
- 13 (c) The Director shall hold an appeal hearing within sixty (60) days of receipt of the
14 request.
15
- 16 (d) Written notice of the appeal hearing shall be electronically delivered to the permit
17 holder, hand-delivered to the permit holder, or mailed via certified mail to the permit
18 holder's last known address of record. The notice shall state the date, time and
19 place of the appeal hearing, and shall set forth the reason(s) for the permit
20 suspension, permit revocation or denial of permit application.
21
- 22 (e) The Director shall have the power to place witnesses under oath. The permit holder
23 or applicant may be represented by legal counsel. The permit holder, applicant or
24 legal counsel shall have the opportunity to speak on his or her behalf, present
25 evidence and cross-examine witnesses. A record of the hearing shall be made.
26
- 27 (f) The Director shall issue a written decision upholding or rescinding the permit
28 suspension, permit revocation or denial of permit application within ten (10) business
29 days of the appeal hearing. The Director's written decision shall be delivered
30 electronically to the permit holder, hand delivered to the permit holder, or mailed via
31 certified mail to the permit holder's last known address of record.
32
- 33 (g) The permit holder shall pay the reinstatement fee set forth in Article 5 for each
34 suspended or revoked permit that has been reinstated pursuant to this section.
35
- 36 (h) All decisions made by the Director supersede those made by the Division Director.
37 The decisions of the Director are final. However, nothing in this Chapter shall
38 prohibit a permit holder or applicant from seeking judicial review of the Director's
39 decision following an appeal hearing held pursuant to this section.
40
41
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43

1 **Section 28.2-4-7. – Closure of massage establishments operating without a permit.**

2
3 The Department shall have the power to order the immediate closure of any massage
4 establishment operating without a valid permit or operating with a permit that has been
5 suspended, revoked or not renewed.

6
7 **Section 28.2-4-8. - Penalties.**

8
9 Any person violating any provision of this Chapter shall be guilty of a Class 1 misdemeanor.

10
11 **ARTICLE 5. - Fee Schedule.**

12
13 **Section 28.2-5-1. - Fee Schedule; Annual.**

14
15 The following fees shall be paid to the Department when an initial or renewal permit
16 application is submitted. The application fees are based on a calendar year and shall not
17 be prorated. These fees are in addition to any business or occupation license tax imposed
18 by the County, and any other taxes or fees which may be required to engage in the
19 business.

20

<i>Fee Type</i>	<i>Fee</i>
Initial Massage Establishment Permit Application	\$200.00
Renewal Massage Establishment Permit Application	\$150.00

24

25 **Section 28.2-5-2. - Fee Schedule; Supplemental.**

26

<i>Fee Type</i>	<i>Fee</i>
Plan Review: New Submission, Renovation	\$100.00
Plan Review: Change-of-ownership	\$50.00
Reinspection	\$100.00
Permit Reinstatement	\$200.00
Late Payment Fee	\$50.00

33

34 The Late Payment Fee may be added to any fee not received by the Department when
35 due.

- 36
37
38 **1. That the provisions of this ordinance are severable, and if any provision of**
39 **this ordinance or any application thereof is held invalid, that invalidity shall**
40 **not affect the other provisions or applications of this ordinance that can be**
41 **given effect without the invalid provision or application.**
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