

Division VII.
Massage Establishments and Masseurs.

Sec. 4-70 Definitions.

For the purpose of this Division, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) **EMPLOYEE.** Any and all persons, other than the masseurs or masseuses, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with customers and clients.
- (b) **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 body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.
- (c) **MASSAGE ESTABLISHMENT.** Any establishment having a fixed place of business where any person engages in or carries on, or permits to be engaged in or carried on, any massage activities.
- (d) **MASSEUR OR MASSEUSE.** Any person who, for any consideration whatsoever, engages in the practice of massage.
- (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. (1983 Greenwood Municipal Code, § 7-61)

Sec. 4-71 Exception to Application of Division.

This Division shall not apply to hospitals, nursing homes, sanitarium, the YMCA or YWCA, or other establishments where eighty (80) percent of the gross receipts are derived from sources other than massage activities, or to persons holding an unrevoked certificate to practice the healing arts under state law, or to persons working under the direction of any such persons or in any such establishments. (1983 Greenwood Municipal Code, § 7-62)

Sec. 4-72 Hours of Operation.

A massage establishment shall not carry on, engage in, or conduct business before 8:00 a.m. or after 10:00 p.m. six days of the week, with Sunday hours limited to noon to 8:00 p.m. (Ord. 11-18, §1, 8-1-11)

Sec. 4-73 Advertising.

No massage establishment 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 massage services, or that employees, masseurs, or masseuses are dressed in any manner contrary to this Division; nor shall any massage establishment indicate in the text of such advertising that any service is available other than massage services. (1983 Greenwood Municipal Code, § 7-64)

Sec. 4-74 Sanitation of Establishments Generally.

Every portion of a massage establishment, including all appliances and apparatus, shall be kept clean and operated in a sanitary condition. (1983 Greenwood Municipal Code, § 7-65)

Sec. 4-75 Cleaning of Toilet, Bath and Similar Facilities.

A massage establishment's wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation and all bathtubs shall be thoroughly cleaned after each use. (1983 Greenwood Municipal Code, § 7-66)

Sec. 4-76 Sheets and Towels.

All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in approved, sanitary manner. (1983 Greenwood Municipal Code, § 7-67)

Sec. 4-77 Dressing Rooms.

Every massage establishment shall make provisions for a separate dressing room for each sex available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing. (1983 Greenwood Municipal Code, § 7-68)

Sec. 4-78 Where Service is to be Rendered.

All massage services regulated by this Division shall be carried on in one cubicle, room, booth, or area within the massage establishment, and no such service shall be carried on in any other cubicle, room, booth or area except where such cubicle, room, booth, or area has transparent doors or walls, such that all activity within the cubicle, room, booth, or area is visible from outside the same. (1983 Greenwood Municipal Code, § 7-69)

Sec. 4-79 Keeping of Daily Register.

Every person who engages in or conducts a massage establishment shall keep a daily register, approved as to form by the Police Department, of all patrons, with names, addresses and hours of arrival and, if applicable, the rooms or cubicles assigned. Said daily register shall at all times during business hours be subject to inspection by officials of the County Health Department and by the Police Department and shall be kept on file for one year. (1983 Greenwood Municipal Code, § 7-70)

Sec. 4-80 Employees', Masseurs', etc., Clothing.

All employees of massage establishments shall wear clean outer garments whose use is restricted to the establishment; all such employees, masseurs, and masseuses must be modestly attired, and diaphanous, flimsy, transparent, form-fitting, or tight clothing is prohibited. All clothing must cover the employees', masseurs' or masseuses' chests at all times and hemlines of skirts, dresses, or other such attire shall be no higher than the top of the knee. (1983 Greenwood Municipal Code, § 7-71)

Sec. 4-81 Sanitation of Personnel Generally.

All personnel of massage establishments shall maintain themselves in a clean and sanitary condition. (1983 Greenwood Municipal Code, § 7-72)

Sec. 4-82 Nudity of Patrons.

The private parts of a patron of a massage establishment shall be covered by towels, cloths, or undergarments when in the presence of an employee, masseur or masseuse, and any contact by said employee, masseur or masseuse with a patron's genital area shall be unlawful. (1983 Greenwood Municipal Code, § 7-73)

Sec. 4-83 Inspections.

The Police Department and the County Health Department shall, from time to time and at least twice a year, make an inspection of each massage establishment for the purposes of determining that the provisions of this Division are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. (1983 Greenwood Municipal Code, § 7-74)

Sec. 4-84 Transfer of Permits.

No permit required by this Division shall be transferable except with the written consent of the Chief of Police and the approval of the County Health Department; provided, however, that upon the death or incapacity of the permittee a massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit. (1983 Greenwood Municipal Code, § 7-75)

Sec. 4-85 Rules and Regulations.

The Chief of Police or the Director of the County Health Department may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with this Division to carry out its intent. In the event the regulations promulgated by these officials conflict, then those promulgated by the Chief of Police shall be controlling. (1983 Greenwood Municipal Code, § 7-76)

Sec. 4-86 Permits Required for Establishments.

It shall be unlawful for any person to engage in, conduct or carry on or to permit to be engaged in, conducted or carried on, in or upon any premises, the operation of a massage establishment without a permit issued by the Police Department after the approval of the Director of the County Health Department. (1983 Greenwood Municipal Code, § 7-76)

Sec. 4-87 Permit Fee.

Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application with the Chief of Police and pay a filing fee of Twenty-Five Dollars (\$25.00), which shall not be refundable. (1983 Greenwood Municipal Code, § 7-87)

Sec. 4-88 Application; Information Required.

(a) The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant.

(b) In addition to the foregoing, any applicant for such a permit shall furnish the following information:

- (1) Written proof that the applicant is at least eighteen (18) years of age.
- (2) Two (2) portrait photographs of him at least two (2) inches by two (2) inches.
- (3) His fingerprints.
- (4) His business, occupation or employment for the three (3) years immediately preceding the date of application.
- (5) His massage or similar business license history.
- (6) Whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (7) Any criminal convictions, except minor traffic violations. (1983 Greenwood Municipal Code, § 7-88)

Sec. 4-89 Hearing; Notice Thereof.

(a) When an application is filed for a massage establishment permit, the Chief of Police shall fix a time and a place for a public hearing, which shall be held and at which the applicant may present evidence upon the question of his application.

(b) Not less than ten (10) days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed massage establishment is to be operated, or shall publish notice of said hearing in a newspaper having general county wide circulation at least five (5) days prior to the date of such hearing. (1983 Greenwood Municipal Code, § 7-89)

Sec. 4-90 Issuance of Permit for a Massage Establishment.

(a) The Chief of Police shall issue a permit for a massage establishment within fourteen (14) days following the required hearing if all requirements of this Division for a massage establishment are met and may issue such a permit unless he finds that:

(1) The operations as proposed by the applicant if permitted would not comply with all applicable ordinances including, but not limited to, the building, health, planning, housing, zoning, and fire codes.

(2) The applicant and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of a felony, or an offense involving sexual misconduct with children, or any obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution, or pandering.

(b) The Chief of Police in his discretion may issue a permit to any person convicted of any of the crimes in subsection (2) if he finds that such conviction occurred at least ten (10) years prior to the date of the application and the applicant has had no subsequent convictions. (1983 Greenwood Municipal Code, § 7-90)

(c) If the Chief fails to issue the permit within the time provided, the application is deemed denied.

Sec. 4-91 Facilities Required as Prerequisite to Issuance.

(a) No permit to conduct a massage establishment shall be issued unless an inspection by the Director of the County Health Department, or his authorized representative, reveals that the establishment complies with each of the following minimum requirements:

(1) The construction of rooms used for toilets, tubs, steam baths, and showers is waterproof with approved waterproof materials.

(2) Toilet facilities are provided in convenient locations, and 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 water closet for each 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 water closets after one water closet has been provided. All toilets shall be designated as to the sex accommodated therein.

(3) All lavatories or wash basins are provided with both hot and cold running water and are installed in either the toilet room or a vestibule, and lavatories or wash basins are provided with soap in a dispenser and with sanitary towels.

(b) The Director of the County Health Department shall certify that the proposed massage establishment complies with all of the requirements of this section and shall give or send such certification to the Chief of Police. (1983 Greenwood Municipal Code, § 7-91)

Sec. 4-92 Revocation or Suspension. 7

(a) Any permit issued for a massage establishment shall be revoked or suspended by the Chief of Police, after a public hearing before the Chief of Police, where it is found that any of the provisions of this Division are violated or where the permittee or any employee of the permittee, including a masseur or masseuse, has been convicted of any offense found in Section 4-96 and the permittee has actual or constructive knowledge of the violation or conviction, or in any case where the permittee refuses to permit any duly authorized police officer or health inspector to inspect the premises or the operations therein.

(b) No such public hearing shall be held unless the Chief of Police gives the permittee whose permit is its subject at least ten (10) days' written notice of the specific charges against him and of the date of said hearing.

(c) At the required hearing, the person whose permit is its subject shall have the right to present evidence, cross-examine those who testify against him and be represented by an attorney. (1983 Greenwood Municipal Code, § 7-92)

Sec. 4-93 Permit Required for Masseurs or Masseuses.

It shall be unlawful for any person, including one who holds a massage establishment permit, to engage in the practice of massage without a permit issued by the Chief of Police. (1983 Greenwood Municipal Code, § 7-106)

Sec. 4-94 Permit Fee for Masseurs or Masseuses.

Any person desiring the permit required by this Division shall file an application for said permit with the Chief of Police upon a form provided by said Chief and shall pay a filing fee of Five Dollars (\$5.00), which shall not be refundable. (1983 Greenwood Municipal Code, § 7-107)

Sec. 4-95 Application for Permit; Information Required.

An application for a masseur or masseuse permit shall contain the following information:

- (a) The applicant's name and residence address.
- (b) The applicant's social security number.
- (c) The applicant's weight, height, color of hair and eyes, and fingerprints.
- (d) Written evidence that the applicant is at least eighteen (18) years of age.
- (e) The applicant's business, occupation or employment for the three (3) years immediately preceding the date of application.
- (f) Whether the applicant has ever been convicted of any crime except minor traffic violations. If he has been so convicted, a statement must be made giving the nature of the offense, place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.
- (g) The name and address of any recognized schools attended, the date attended and a copy of the diploma or certificate of graduation awarded the applicant. (1983 Greenwood Municipal Code, § 7-108)

Sec. 4-96 Permit Issuance Criteria.

The Chief of Police may issue a masseur or masseuse permit within twenty-one (21) days following application, unless he finds that the applicant for the permit has been convicted of a felony, an offense involving sexual misconduct with children, or any obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution, or pandering. If no action is taken within twenty-one (21) days, the permit is deemed denied. The Chief in his discretion may issue a permit to any person convicted of such crimes if he finds that such conviction occurred at least ten (10) years prior to the date of the application and the applicant has had no subsequent convictions. (1983 Greenwood Municipal Code, § 7-109)

Sec. 4-97 Revocation or Suspension of Permit.

- (a) A masseur or masseuse permit issued shall be revoked or suspended after a public hearing before the Chief of Police where it appears that the masseur or masseuse has been convicted of any offense enumerated in Section 4-96.
- (b) No such public hearing shall be held unless the Chief of Police gives the permittee whose permit is its subject at least ten (10) days' written notice of the specific charges against him and the date, time and place of said hearing.
- (c) At the required hearing, the person whose permit is its subject shall have the right to present evidence, cross-examine those who testify against him and be represented by an attorney. (1983 Greenwood Municipal Code, § 7-110)

Sec. 4-98 through 4-100 Reserved for Future Use.