

## ORDINANCE NO. 161

AN ORDINANCE RELATING TO REGULATION OF INDIVIDUALS WHO ADMINISTER MASSAGES AND ESTABLISHMENTS WHERE MASSAGES ARE ADMINISTERED AND PRESCRIBING PENALTIES.

Be it remembered that at a special meeting of the City Council of the City of Willow Park, Texas, held on the 25th of September, 1979, a Quorum being present, on motion made by Al Rice, Commissioner and seconded by Tony Self, Commissioner, the following ordinance was adopted and approved:

Be it ordered by the City Council of the City of Willow Park, Texas, that the following regulations pertaining to individuals who administer massages and establishments where massages are administered are hereby adopted and promulgated.

Be it further ordered that these regulations shall become effective on the 25th day of September, 1979.

Be it further ordered that this ordinance shall be recorded in the minutes of this city.

Be it further ordered that the official copy of this order and said regulations as signed by the members of this Council shall be preserve by the Secretary of this City in her office as one of the permanent records of the City of Willow Park, Parker County, Texas.

*F. C. Baker*

Mayor

*A. V. Rice*

Commissioner

*William E. Self*

Commissioner

REGULATIONS PERTAINING TO INDIVIDUALS WHO  
ADMINISTER MASSAGES AND ESTABLISHMENTS WHERE  
MASSAGES ARE ADMINISTERED

### SECTION I.

#### DEFINITIONS:

"Massage" means the rubbing, kneading, tapping, compression, vibration, application of friction, or percussion of the human body or parts of it by hand or with an instrument or apparatus.

"Massager" means an individual who administers massages for compensation.

"Massage Establishment" means a business establishment where massagers practice massage.

"Sheriff" means the Sheriff of Parker County, Texas or his deputies or authorized representative.

"City Sanitarian" means the City Sanitarian of Willow Park, Texas or his designee.

"City Council" means a majority of the City Councilmen of the City of Willow Park, Texas.

## SECTION II

### LICENSE:

It shall be unlawful for an individual, association, or corporation to operate a massage establishment without first having obtained a license therefor from the City Council in accordance with the provisions of these Regulations, or to operate a massage establishment after such license has been suspended. Such license shall be issued only upon the payment of the fee specified in these Regulations and upon the approval in writing of the City Sanitarian. Such license shall expire on the 31st day of December of each year.

## SECTION III.

### DISPLAY OF LICENSE:

The license required by these Regulations shall be posted and kept in some conspicuous place in the massage establishment.

## SECTION IV.

### INVESTIGATION OF APPLICANT:

After an application has been made for issuance of an original license or a renewal of an existing license to operate a massage establishment as defined herein, the City Council shall determine whether the applicant has been finally convicted in any court, of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution, engaging in assignation or any offense denounced by Chapter 43 of the Penal Code or whether such establishment employs any person who has been finally convicted in any court of any such offense.

## SECTION V.

### NAMES AND MEDICAL CERTIFICATES OF EMPLOYEES:

At the time of making application for the license required by these Regulations the applicant shall furnish to the City Council and the City Sanitarian the names and addresses of all employees of the massage establishment and all such employees shall be required to secure from a licensed physician a medical certificate certifying that such employee has been examined and that such examination discloses the fact that such person employed, or to be employed by such establishment, is free from any infectious or communicable disease, and a copy thereof shall be filed with the City Secretary of Willow Park, Texas.

## SECTION VI.

### LICENSE FEE:

The annual license fee shall be two hundred dollars (200.00) for each such establishment. If the license is obtained between January 1st and June 30th of any year, the amount of such fee shall be paid. If such license is obtained between July 1st and December 31st of any year, fee shall be one-half of such amount

## SECTION VII.

### REFUSAL TO ISSUE OR RENEW:

The City Council shall refuse to issue or renew any license required by these Regulations in the case of any applicant who has been finally convicted of any of the offences set out in Section IV of these regulations; or in the case of any applicant who employs in such establishment any person who has been finally convicted of such offense.

## SECTION VIII.

### REVOCATION AND SUSPENSION:

The license issued pursuant to these regulations shall be revoked upon final conviction of the holder of such license for any of the offenses set out in Section IV of these Regulations.

The license issued pursuant to this Chapter shall be suspended for a period of not less than 30 days nor more than 90 days upon final conviction in any court of the holder of such license for a violation of any statute of this State.

Any license issued to these regulations shall be suspended for a period of 90 days upon the final conviction in any court of any employee of such massage establishment,

for any offense set out in Section IV of these regulations, or a violation of any provisions of these regulations.

Written notice of such revocation or suspension shall be given by the City Council to the holder of such license at the holders last known business address.

#### SECTION IX.

##### HOURS OF OPERATION:

No massage establishment shall be kept open for any purpose between the hours of 10:00 P.M. and 8:00 A.M.

#### SECTION X.

##### LIVING QUARTERS PROHIBITED:

No massage establishment shall be operated or conducted in connection, either directly or indirectly, with any place used for living or sleeping quarters, or other type business.

#### SECTION XI

##### INSPECTION OF LICENSED PREMISES:

Acceptance of a license issued under these regulations shall constitute an express agreement and consent on the part of the licensee that the Sheriff, City Sanitarian, or any of City's authorized representatives shall at all times have the right and privilege of freely entering upon licensed premises for the purpose of ascertaining compliance with these regulations.

In addition to the penalty authorized by the City Council refusing, preventing, or impeding any such inspection shall be grounds for revocation of license.

#### SECTION XII.

##### LIST OF EMPLOYEES:

The manager or person charge of a massage establishment shall keep a list of the names and addresses of all employees, both on duty and off duty. Such list shall be shown to any peace officer upon request.

#### SECTION XIII.

##### SANITARY REQUIREMENTS:

It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic, and bathing devices or parts thereof, that come in contact with the human body, shall be sterilized by a modern and approved method of sterilization before initial use, and any such instruments and devices or parts thereof, after having been used upon one patron, shall be sterilized before being used upon another. All towels and linens furnished for use on one patron shall not be furnished for the use of another until thoroughly laundered.

All massagers shall wash their hands thoroughly before administering massage manipulations to each patron accomodated.

No person suffering from a communicable disease shall work or be employed in a massage establishment.

No person shall be accomodated as a patron within a massage establishment when to the knowledge of the owner, person in control, or an employees such person is suffering from a communicable disease.

#### SECTION XIV.

##### MESSAGE OF OPPOSITE SEX PROHIBITED:

It shall be unlawful for any person to administer a massage to any person of the opposite sex.

#### SECTION XV.

##### CLOTHING:

Massagers and other persons employed by or working in massage establishments shall, at all times when in the massage establishment, wear clothing which cannot be seen through and which covers the torso and extends at least to the knee.

#### SECTION XVI.

##### PENALTY:

A person who is convicted of a violation of any provision of this regulation, shall be fined in a sum not to exceed \$200.00 for each violation. Each day said massage establishment violates this regulation constitutes a separate violation.

#### SECTION XVII.

##### DEFENSES:

It is a defense to prosecution under these regulations that the actor was a licensed physical therapist, a licensed athletic trainer, a licensed cosmetologist, or a licensed barber, performing functions authorized under the license held, or that the actor was a licensed physician or chiropractor, or an individual working under the direct supervision of a licensed physician or chiropractor, while engaged in practicing the healing arts.

It is a defense to prosecution under these regulations that the administration of massage was for recognized therapeutic purposes in a hospital, nursing home, or a similar health care facility.

#### SECTION XVIII.

##### APPLICABILITY:

These regulations apply only to the City of Willow Park, Texas and its extraterritorial jurisdiction.

#### SECTION XIX.

##### ASSUMED NAME:

No massage establishment doing business under an assumed name shall be licensed to do business in the incorporated limits or extraterritorial jurisdiction of Willow Park, Texas until and unless the owners of the said massage establishment have complied fully with the Texas Assumed Business or Professional Name Act. Any massage establishment conducting business in the incorporated limits or extraterritorial jurisdiction of Willow Park, Texas in violation of the Texas Assumed Business or Professional Name Act shall be subject to the penalties herein stated, including revocation of license and/or to the penalties provided under said Act.

#### SECTION XX.

##### VALIDITY:

If any provision of this, or the application thereof to any person or circumstances, is held invalid the remainder of the code and the application of such provision to other persons or circumstances shall not be affected thereby.

*Z. C. Baker*  
Mayor

*Elizabeth Crupp*  
City Secretary