

ADOPTED

MAY 1 1989

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 87A-2

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE V, MASSAGE PARLORS, SECTION 9-114. DEFINITIONS; SECTION 9-119. SAME - ISSUANCE; AND SECTION 9-123, HEALTH REQUIREMENTS FOR OPERATORS AND TECHNICIANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by amending Section 9-114. Definitions; Section 9-119. Same - Issuance; and Section 9-123. Health requirements for operators and technicians.

Chapter 9. Licenses

Article V. Massage Parlors

Section 9-114. Definitions

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed to them by this section:

Director: The district health director of the Peninsula Health District, or his designee.

Massage: A method of treating the external parts of the body for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, or by the application of air, liquid or vapor baths of any kind whatever.

Massage parlor: Any establishment having a fixed place of business where any person engages in, carries on, or permits to be engaged in, or carried on, any business of giving of any kind or character of massage.

Massage technician: Any person, male or female, who administers to another person for any form of consideration a massage.

Patron: Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

Person: Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

Permittee: The operator of a massage establishment that has a valid permit issued under this article.

Sexual or genital area: The genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female.

Applicant: Any person applying for a permit under this article and must include all partners, including limited partners, of a partnership applicant, all officers and directors of a corporate applicant and any stockholder holding more than five (5) per cent of the stock of a corporate applicant.

Employee: Any person, other than a massage technician, who renders any service in connection with the operation of a massage parlor and receives compensation from the operator of the business or patrons.

Approved school: Any school recognized by or approved by or affiliated with the American Massage and Therapy Association, Inc. (Ord. No. 87A-1, 3-12-79)

Section 9-119. Same-Issuance.

Within twenty-one (21) days of the application, the director shall issue or reissue in case the permit has expired or been revoked, the permit if he shall find:

- (a) The premises to be used or constructed meet the building, plumbing, electric and fire prevention codes of the county as reported by the administrative officers of the county.
- (b) All persons who shall perform as massage technicians have undergone a physical examination by a physician, duly licensed by the state of Virginia, within the past thirty (30) days and have furnished to the directors a certificate signed by the examining physician stating that the person examined is either free from any contagious or communicable diseases or incapable of communicating any of such disease to others.

- (c) The operation, as proposed by the applicant, if permitted, would comply with all of the requirements of this article and all other applicable laws.
- (d) The applicant and the manager or other person principally in charge of the operation of the business has not been convicted of any crime involving dishonesty, fraud, or deceit, unless such conviction occurred at least five (5) years prior to the date of the application.
- (e) The manager or other person principally in charge of the operation of the business and each massage technician have successfully completed a resident course of study or learning of not less than one thousand (1,000) hours of study from an approved school where the theory, method, profession, or work of massage is taught.
- (f) The applicant has not made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the county in conjunction therewith.

Every massage parlor permit issued pursuant to this article will terminate at the expiration of one year from the date of its issuance, unless sooner suspended or revoked. (Ord. No. 87A-1, 3-12-79)

Section 9-123. Health requirements for operators and technicians.

(a) No massage parlor operator or massage technician shall be permitted to give massage or come in contact with a patron of any massage parlor unless such operator or massage technician shall be free of any contagious or communicable disease. The director or his designee, may, for cause, require that an operator or massage technician not be allowed to give massage unless and until any such person provide him with a certificate from a medical doctor, duly licensed by the state of Virginia, that such person has been examined within the previous ten (10) days and found to be free of all contagious or communicable disease.

(b) No massage technician shall knowingly serve any patron infected with fungus or other skin infection; nor shall service be performed on any patron exhibiting skin inflammation or eruptions; provided, however, that a physician, duly licensed by the state of Virginia, may certify that any such patron may be safely served prescribing the conditions thereof.

(c) All massage technicians shall undergo a physical examination for contagious and communicable diseases and shall furnish to the director a certificate based upon said examination, issued within thirty (30) days thereof and signed by a physician duly licensed by the state, stating that the person examined is either free from any contagious or communicable disease or incapable of communicating any of such disease to others prior to the commencement of employment and at least once every year thereafter. (Ord. No. 87A-1, 3-12-79)

Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR VOTE

NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of May, 1989.

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