

Sec. 28-63. - Massage facility business license required.

- A. It shall be unlawful for any person to operate or maintain a massage facility in the City of Lee's Summit without first obtaining a massage facility business license pursuant to this article. A complete application shall be submitted to the Director of Finance. The massage facility business license shall be in addition to any other business license, including any massage therapist business license, required by Section 28-30 of the owner or operator of the massage facility.
- B. *License.* An applicant for a massage facility business license must furnish the Director of Finance with the original massage business license issued to the applicant by the Missouri Department of Economic Development, Division of Professional Registration, Missouri State Board of Therapeutic Massage and a fee as set forth in the City's Schedule of Fees and Charges for each massage facility.
- C. *Application review.* The Director of Finance shall obtain confirmation from the Missouri Department of Economic Development, Division of Professional Registration, Missouri State Board of Therapeutic Massage that the massage business license presented by the applicant is not under suspension or revocation, and remains in good standing. Approval by the Director of Finance of a massage facility business license shall also be contingent on the following:
1. *Location of facility.* The massage facility must be located in an appropriate zoning district, as provided in the Unified Development Ordinance.
 2. *Location in hotel or motel.* The massage facility may be located in a hotel or motel only in a space specifically designated and dedicated for that purpose by responsible and identifiable hotel or motel management. The space so designated and dedicated shall be used solely for massage services and for no other purpose at any time.
 3. No massage facility business license shall be approved by the Director of Finance unless the facility complies with each of these **minimum requirements**:
 - a. The walls shall be clean and painted with washable, **mold-resistant paint** in all rooms where massage is provided. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the business operation shall be maintained in a clean and sanitary condition. Towels, linens and items for personal use of massage therapists, employees and patrons shall be in sufficient quantity so that none is used for more than one (1) person. Heavy, white paper may be substituted for sheets if such paper is changed for each patron. **No cubicle, room, booth or any area within the facility where service is to be provided patrons shall be fitted with a door capable of being locked.**
 - b. Toilet facilities shall be provided in convenient locations. When the facility is designed to accommodate any combination of five (5) or more massage therapists, employees and patrons of different sexes on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for any combination of twenty (20) or more massage therapists, employees or patrons that the establishment is designed to accommodate on the premises at any one time. Urinals may be substituted for water closets after one (1) water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
 - c. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.
- D. *[Display.]* The massage facility business license shall be displayed at all times by the licensee openly and conspicuously on the premises of the massage facility where the massage is performed.

- E. *Responsibility of license holder.* The holder of a massage facility business license may hire or contract with massage therapists holding valid massage therapist business licenses from the City of Lee's Summit to perform massage for compensation. Massage facility business licensees are at all times responsible for any act or conduct in violation of any massage therapist on the massage facility premises. Nothing contained in this section shall be construed to eliminate other requirements of statute, regulation or ordinance concerning the maintenance of such premises, nor shall it preclude authorized inspection thereof.

(Ord. No. 7440, § 1, 4-3-2014)

Sec. 28-64. - No transfer of license.

- A. Massage facility licenses and massage therapist business licenses are not transferable and such authority as a license confers shall be conferred only on the location or person identified therein.
- B. Fees paid and licenses obtained pursuant to this article shall be in addition to and not in lieu of any other fees or licenses required to be paid or obtained pursuant to this Code or any other ordinances of this City.

(Ord. No. 7440, § 1, 4-3-2014)

Sec. 28-65. - Operating regulations.

Operation of a massage facility shall be subject to the following regulations:

- A. *Hours.* The facility shall be closed and operations shall cease between the hours of 12:00 midnight and 6:00 a.m. each day.
- B. *Danger to safety, health.* No service shall be provided which in the opinion of the Health Officer would impair the safety or health of any person and after such notice in writing to the licensee from such Officer.
- C. *Alcoholic beverages.* No intoxicating liquor or non-intoxicating beer, nor the consumption thereof, shall be permitted on any premises licensed pursuant to this article.
- D. *Conduct on premises.* All persons holding a massage facility business license shall at all times be responsible for the conduct of business on the licensed premises, and for any act or conduct of any massage therapist utilizing the facility which constitutes a violation of the provisions in this chapter. Any violation of City, State or Federal laws committed on the licensed premises by any such holder of a massage facility business license, holder of a massage therapist business license, or employee of the facility that affects the eligibility or suitability of such person to hold a license, may be grounds for suspension or revocation of the business license.
- E. *Sanitation of premises.* All portions of a licensed facility, including appliances, shall be kept clean and operated in a sanitary condition.
- F. *Sanitation of massage therapists and employees.* All massage therapists shall be clean and wear clean clothes. Provisions for a separate massage therapist/employee **dressing room for each sex** must be available on the premises with **individual lockers** for each massage therapist and employee. **Doors to such dressing rooms shall open inward.**
- G. *Dress of massage therapists and employees.* At all times all massage therapists and employees must be fully and modestly dressed in opaque attire that does not expose to view any sexual or genital areas.
- H. *Dress of patrons.* The sexual and genital areas of a patron must be covered by towels, cloths or undergarments when the patron is in the presence of a massage therapist or employee. Any contact with

a patron's sexual or genital areas is strictly prohibited.

- I. *Laundry.* All sheets and towels provided patrons in massage facilities shall be clean and laundered after each use and stored in a sanitary manner.
- J. *Cleaning premises.* Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the facility is in operation. Bathtubs shall be thoroughly cleaned after each use.

(Ord. No. 7440, § 1, 4-3-2014)