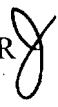


City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 6, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ORDINANCE TO AMEND THE MASSAGE REGULATIONS AND TO ALLOW COUNCIL TO SET PERMIT APPLICATION FEES AND PLAN REVIEW FEES BY RESOLUTION

ISSUE: Council consideration of an ordinance amending the Massage Regulations.

RECOMMENDATION: That City Council pass the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, October 17.

DISCUSSION: The proposed amendments to the Massage Regulations would:

1. Clarify that persons who do not hold a massage therapy permit that are providing massages at hospitals, nursing homes, medical clinics, or the offices of a physician, surgeon, physical therapist, chiropractor or osteopath must work under the supervision of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath.
2. Require that a massage therapist who begins to work at a new massage establishment or hotel must notify the Health Department of this change within five business days. The previous language said "immediately," but that was not defined. In the past, these notifications have not always occurred in a timely way.
3. Require that a massage therapist who changes their name, mailing address or telephone number must notify the Health Department of this change within five business days. Currently, this is not required. As a result, many massage therapist permit renewal notices are returned as undeliverable mail.
4. Require each massage establishment to provide the names and contact information for each massage therapist working in the massage establishment at the time of their permit application. This information is not currently required. Permitting a massage establishment that does not employ any licensed massage therapists is not appropriate.

5. Require each massage establishment to provide to the Health Department the names and contact information for each massage therapist that enters or leaves their employment. These notifications must be made within five business days. When a massage establishment makes changes in the massage therapists they employ, the Health Department needs to update its records.
6. Drop the requirement that approval of massage therapist applications be communicated by certified mail. Sending only application denials by certified mail will reduce administrative costs.
7. Drop the requirement that applicants for a massage therapist permit disclose their weight on the massage therapist application. This reflects the national trend to not require weight disclosure as many persons are uncomfortable doing so. It is noted that DMV no longer requires your weight on your driver's license application.
8. Change the period a massage therapist permit is valid from two years to five years. This will reduce the administrative costs of invoicing for permit renewals.
9. Require that plans for a massage establishment be submitted for review and a facility inspection be conducted by the Health Department at the time an application for a new massage establishment is submitted and whenever a massage establishment is modified or remodeled. Although the Health Department currently conducts a pre-opening inspection of each massage establishment to determine compliance with the Massage Regulations before a permit is issued, pre-opening plan review and inspection was not expressly required. This amendment corrects that omission.
10. Allow City Council to establish a plan review fee for massage establishments. This will allow the City to recover some of the cost of permitting a new massage establishment.
11. Remove all references to fee amounts and simply state that fees will be in an amount set by City Council. This will allow Council to adopt fees annually by resolution rather than having to change the ordinance in order to change fee amounts.
12. Establish February 14 as the expiration date for all massage therapist permits and massage establishment permits in order to streamline administrative operations. Permit fees will not be prorated for part of a year.
13. Establish a late renewal application fee for renewal applications submitted more than 14 days late. This will recover some of the administrative costs of multiple permit renewal notices and certified letters notifying massage therapists and massage establishments that they no longer have a permit to operate.
14. Create a suspended massage therapist permit category that would allow assessment of a reinstatement fee to cover the administrative costs of notifying permit holders of permit suspensions, reviewing documents submitted with applications for permit

reinstatement, and notifying permit holders of reinstatement application determinations.

15. Allow shower facilities (but not bathtubs) to be cleaned daily instead of after each patron. This will make this section consistent with the cleaning requirements for showers at pool facilities.
16. Require disinfection of massage tables and bathtubs after cleaning. This is an appropriate public health intervention given the increased prevalence of MRSA, flu viruses, and other communicable diseases.
17. Require that all new massage facilities be equipped with a hand sink in each room where massages are performed. Existing massage facilities are grandfathered and will not have to comply with this requirement until they change ownership or until January 1, 2015, whichever comes first. Currently some massage establishments lack easily accessible hand washing facilities. Hand washing is a basic public health intervention to help prevent the spread of disease.
18. Require that a massage therapist thoroughly wash their hands immediately before and after performing a massage. This is a basic public health intervention that had been omitted from the current ordinance.

The Alexandria Police Department (Lt. Jesse Harman) concurs with the above amendments.

FISCAL IMPACT: There are no implementation costs associated with this ordinance. This ordinance creates new fees for plan review of massage establishments by the Health Department, for reinstatement of suspended massage therapist permits, and for late payment of permit fees. This ordinance change will also enable Council to set fees for massage therapist permits and massage establishment permits annually by resolution. The companion resolution to this ordinance, if passed by Council, will generate approximately \$9,485 in new fee revenue in FY11.

ATTACHMENT: Proposed ordinance to amend the Massage Regulations of the City of Alexandria

STAFF:

Lisa Kaplowitz, MD, MSHA, Director, Alexandria Health Dept.

Bob Custard, Environmental Health Division Chief, Alexandria Health Dept.

Mary Elliott O'Donnell, Assistant City Attorney

1	Introduction and first reading:	10/13/09
2	Public hearing:	10/17/09
3	Second reading and enactment:	10/17/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 11-4.2-2 (PROVISION OF MASSAGES); Section 11-4.2-3 (MESSAGE THERAPISTS; ISSUANCE OF MESSAGE THERAPIST PERMITS); Section 11-4.2-4 (SAME – ISSUANCE OF HOME MESSAGE PERMITS); Section 11-4.2-6 (SAME – APPLICATION FOR MESSAGE ESTABLISHMENT PERMIT; RENEWAL); and Section 11-4.2-7 (SAME – MINIMUM STANDARDS) and to enact a new Section 11-4.2-14 (PLAN REVIEW) of Chapter 4.2 (MESSAGE REGULATIONS), Title 11 (HEALTH, ENVIRONMENTAL AND SAFETY REGULATIONS) of The Code of The City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance would amend the Massage Regulations to:

1. Clarify that persons who do not hold a massage therapy permit that are providing massages at hospitals, nursing homes, medical clinics, or the offices of a physician, surgeon, physical therapist, chiropractor or osteopath must work under the supervision of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath.
2. Require that a massage therapist who begins to work at a new massage establishment or hotel must notify the Health Department of this change within five business days. The previous language said “immediately,” but that was not defined.
3. Require that a massage therapist who changes their name, mailing address or telephone number must notify the Health Department of this change within five business days. Currently this is not required. As a result, many permit renewal notices are returned as undeliverable mail.
4. Require each massage establishment to provide the names and contact information for each massage therapist working in the massage establishment at the time of their permit application.
5. Require each massage establishment to provide to the Health Department the names and contact information for each massage therapist that enters or leaves

- 1 their employment. These notifications must be made within five business
2 days.
3
- 4 6. Drop the requirement that approval of massage therapist applications be
5 communicated by certified mail. Sending only application denials by certified
6 mail will reduce administrative costs.
7
- 8 7. Drop the requirement that applicants for a massage therapist permit disclose
9 their weight on the massage therapist application. This reflects the national
10 trend to not require weight disclosure as many persons are uncomfortable
11 doing so. It is noted that DMV no longer requires your weight on your
12 driver's license application.
13
- 14 8. Change the period a massage therapist permit is valid from two years to five
15 years. This will reduce the administrative costs of invoicing for permit
16 renewals.
17
- 18 9. Require that plans for a massage establishment be submitted for review and a
19 facility inspection be conducted by the Health Department at the time an
20 application for a new massage establishment is submitted and whenever a
21 massage establishment is modified or remodeled.
22
- 23 10. Allow City Council to establish a plan review fee for massage establishments.
24
- 25 11. Remove all references to fee amounts and simply states that fees will be in an
26 amount set by City Council. This allows Council to adopt fees annually by
27 resolution rather than having to change the ordinance in order to change fee
28 amounts.
29
- 30 12. Establish February 14 as the expiration date for all massage therapist permits
31 and massage establishment permits in order to streamline administrative
32 operations. Permit fees will not be prorated for part of a year.
33
- 34 13. Establish a late renewal application fee for renewal applications submitted
35 more than 14 days late. This will recover some of the administrative costs of
36 multiple permit renewal notices and certified letters notifying massage
37 therapists and massage establishments that they no longer have a permit to
38 operate.
39
- 40 14. Create a suspended massage therapist permit category that would allow
41 assessment of a reinstatement fee to cover the administrative costs of
42 notifying permit holders of permit suspensions, reviewing documents
43 submitted with applications for permit reinstatement, and notifying permit
44 holders of reinstatement application determinations.
45

- 1 15. Allow shower facilities (but not bathtubs) to be cleaned daily instead of after
2 each patron. This will make this section consistent with the cleaning
3 requirements for showers at pool facilities.
4
- 5 16. Require disinfection of massage tables and bathtubs after cleaning. This is an
6 appropriate public health intervention given the increased prevalence of
7 MRSA, flu viruses, and other communicable diseases.
8
- 9 17. Require that all new massage facilities be equipped with a hand sink in each
10 room where massages are performed. Existing massage facilities are
11 grandfathered and will not have to comply with this requirement until they
12 change ownership or until January 1, 2015, whichever comes first. Currently
13 some massage establishments lack easily accessible hand washing facilities.
14 Hand washing is a basic public health intervention to help prevent the spread
15 of disease.
16
- 17 18. Require that a massage therapist thoroughly wash their hands immediately
18 before and after performing a massage. This is a basic public health
19 intervention that had been omitted from the current ordinance.
20

21 Sponsor

22
23 Robert Custard, Environmental Health Division Chief, Health Department
24

25 Staff

26
27 Robert Custard, Environmental Health Division Chief, Health Department
28 Lisa Kaplowitz, MD, MSHA, Director, Health Department
29 Mary Elliott O'Donnell, Assistant City Attorney
30

31 Authority

32
33 § 2.01, 2.04(z) and § 2.07 of The Charter of the City of Alexandria, as amended.
34

35 Estimated Costs of Implementation

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37 None
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39 Attachments in Addition to Proposed Ordinance and its Attachments (if any)

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41 None
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ORDINANCE NO. _____

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AN ORDINANCE to amend and reordain Section 11-4.2-2 (PROVISION OF MASSAGES); Section 11-4.2-3 (MASSAGE THERAPISTS; ISSUANCE OF MASSAGE THERAPIST PERMITS); Section 11-4.2-4 (SAME – ISSUANCE OF HOME MASSAGE PERMITS); Section 11-4.2-6 (SAME – APPLICATION FOR MASSAGE ESTABLISHMENT PERMIT; RENEWAL); and Section 11-4.2-7 (SAME – MINIMUM STANDARDS) and to enact a new Section 11-4.2-14 (PLAN REVIEW) of Chapter 4.2 (MASSAGE REGULATIONS), Title 11 (HEALTH, ENVIRONMENTAL AND SAFETY REGULATIONS) of The Code of The City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-4.2-2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-4.2-2 Provision of massages.

(a) Except as provided in subsection (b), it shall be unlawful for any person to provide or administer a massage at any location in the city.

(b) Only the following persons, under the following conditions, may provide or administer a massage in the city:

(1) massage therapists:

(i) at or within a massage establishment;

(ii) at the regular place of business of the massage recipient between the hours of 9:00 a.m. and 6:00 p.m.; provided, that a therapist may only provide a seated massage at this location and may do so only if he possesses his massage therapy permit while performing the seated massage;

(iii) at a public gathering; provided, that the therapist possesses his massage therapy permit while performing massages at such a gathering;

(iv) at a care facility; provided, that the therapist possesses his massage therapy permit while performing massages at this location; and

(v) at the residence of the massage recipient between the hours of 6:00 a.m. and 9:00 p.m.; provided, that the therapist holds a valid home massage permit issued pursuant to this chapter, possesses that permit and his massage therapy permit while performing massages in a residence, and provides massages at the residence only to individuals identified in his home massage permit.

1
2 (vi) at a hotel having 45 or more guest rooms, which offers massage services to
3 its registered overnight guests in the normal course of the hotel's business, either in the
4 hotel room of the guest receiving the massage, or at a salon, day spa, fitness center or like
5 facility located within the hotel, between the hours of 6:00 a.m. and 11:00 p.m.; provided,
6 that the therapist carries his massage therapy permit on his person while performing
7 massages in guest rooms.

8
9 (2) persons who are certified as a massage therapist by, and are in good standing
10 with, the Virginia Board of Nursing:

11
12 (i) at the regular place of business of the massage recipient between the hours of
13 9:00 a.m. and 6:00 p.m.; provided, that the board certified therapist may only provide a
14 seated massage at this location and may do so only if he possesses a picture identification
15 while performing the seated massage; and

16
17 (ii) at a public gathering; provided, that the board certified therapist possesses a
18 picture identification while performing massages at such a gathering; and

19
20 (3) persons:

21
22 (i) providing massage services under the supervision of a duly licensed
23 physician, surgeon, physical therapist, chiropractor or osteopath at a hospital, nursing
24 home, ~~or~~ medical clinic, ~~or at~~ the office of a duly licensed physician, surgeon, physical
25 therapist, chiropractor or osteopath; or

26
27 (ii) at a barbershop or beauty salon; provided, that, at this location, the person
28 may only provide a massage to the scalp, face, neck or shoulders of the massage
29 recipient.

30
31 Section 2. That Section 11-4.2-3 of The Code of the City of Alexandria, Virginia,
32 1981, as amended, be, and the same hereby is, amended and reordained to read as
33 follows:

34
35 Sec. 11-4.2-3 Massage therapists; issuance of massage therapist permits.

36
37 (a) Any person who desires to provide or administer massages in the city as a
38 massage therapist shall possess a valid massage therapist permit issued in accordance
39 with this section. A person possessing a massage therapist permit issued under this
40 section who, following receipt of the permit, does not continue to meet the requirements
41 set out in subsection (b) below shall ~~not~~ be considered to be in possession of a ~~valid~~
42 suspended massage therapist permit. No person shall provide or administer massages in
43 the city while their massage therapist permit is suspended. A massage therapist permit
44 application as required in subsection (c) below, revised to reflect any new information,
45 new employer, or new massage therapy certificate issued by the Board of Nursing, and a
46 permit reinstatement fee in an amount set by the Alexandria City Council shall be

1 submitted to the director in order for a suspended massage therapist permit to be
2 considered for reinstatement.

3
4 (b) In order to be eligible for a massage therapist permit, the applicant shall:

5
6 (1) be certified as a massage therapist pursuant to sections 54.1-3000 and 54.1-
7 3029 of the Code of Virginia (1950), as amended, by, and be in good standing with, the
8 Virginia Board of Nursing, or have a valid provisional certificate to practice massage
9 therapy which has been issued by the Board of Nursing pursuant to its regulations;

10
11 (2) own, or be employed at or under contract including employees of a
12 contractor with (i) a massage establishment for which a permit has been issued under
13 section 11-4.2-5, or (ii) a hotel in the City of Alexandria described in section 11-4.2-
14 2(b)(1)(vi) of this code; and

15
16 (3) not have been convicted of, or pleaded nolo contendere or suffered a
17 forfeiture in relation to, any of the offenses identified in sections 18.2-344 through 18.2-
18 361 or sections 18.2-372 through 18.2-387 of the Code of Virginia (1950), as amended,
19 which sections relate to sexual offenses, prostitution, obscenity and similar offenses, or
20 any similar offenses under the laws of another jurisdiction.

21
22 (c) All applicants for a massage therapist permit shall apply to the director. The
23 application shall be on a form prepared by the director and shall be accompanied by an
24 application fee of ~~\$50~~ in the amount established by the Alexandria City Council, payable
25 to the director of finance. The application shall contain the name, address, telephone
26 number, date of birth, place of birth, and height ~~and weight~~ of the applicant, the
27 applicant's Virginia Board of Nursing certified massage therapist number or provisional
28 certification number, and the address and telephone number of the massage establishment
29 or hotel which the applicant owns, is employed at, or is under contract with. The
30 applicant shall also state on the application all criminal offenses for which he has been
31 convicted or in relation to which he has pleaded nolo contendere or suffered a forfeiture,
32 including the offenses identified in subsection (b).

33
34 (d) The application to be filed under this section shall state thereon, "It is
35 unlawful for any person to make a false statement on this application and the discovery of
36 a false statement shall constitute sufficient grounds, in and of itself, for the denial of an
37 application or revocation of a permit, or for the imposition of a fine or imprisonment or
38 both." It shall be unlawful for a person to make a false statement on an application filed
39 under this section.

40
41 (e) The director shall refer the applicant to the chief of police to be photographed
42 and fingerprinted. The photograph and fingerprints shall constitute part of the
43 application. The chief of police shall, to the extent permitted by law, forward the
44 applicant's fingerprint cards to the Virginia state police for purposes of conducting a
45 review of the applicant's criminal history. After he has completed his investigation of the

1 applicant, the chief of police shall return the application to the director, together with the
2 results of his investigation.

3
4 (f) The director shall deny any application for a massage therapist permit if the
5 director finds that the applicant does not satisfy the requirements set out in subsection (b).
6 The making of a false statement on an application shall also be grounds for denial of the
7 application.

8
9 (g) The decision of the director on an application under this section shall be
10 conveyed to the applicant in writing, and shall be sent ~~by certified mail~~ to the applicant's
11 last known address. If the director denies the application, he shall state in his written
12 decision the grounds for the denial and shall notify the applicant by certified mail of his
13 right to request a hearing, as provided in subsection (h). If the director approves the
14 application, he shall issue, or cause to be issued, a massage therapist permit to the
15 applicant.

16
17 (h) An applicant whose application under this section has been denied may
18 request a hearing before the director. Such request, which shall not stay the effect of the
19 director's initial decision, shall be in writing and shall be filed with the director within 10
20 days of the date on which the director's decision was sent to the applicant. The director
21 shall schedule a hearing on a date and at a time that is mutually convenient to the
22 applicant and the director, and shall notify the applicant in writing of the date, time and
23 place of the hearing. Within 10 days of the hearing, the director shall send a copy of his
24 decision by certified mail to the applicant at his last known address. This decision shall
25 be final and conclusive. In the event an applicant does not timely request a hearing on
26 the director's initial decision to deny his application, or requests but does not attend the
27 hearing, the initial decision shall be final and conclusive.

28
29 (i) If, following the issuance of a massage therapist permit, a massage therapist
30 intends to provide or administer massages at a massage establishment or hotel that is
31 different from the establishment or hotel identified on his application, the therapist shall
32 ~~immediately~~ notify the director in writing of this different establishment or hotel within
33 five business days.

34
35 (j) A permit issued under this section shall be valid for a period from the date of
36 issuance until February 14 of the year five of two years after the year of issuance, and it
37 may be renewed for additional ~~two~~ five-year periods upon the filing of a new application
38 with the director, along with a \$50 fee in the amount established by the Alexandria City
39 Council, payable to the director of finance. A late renewal application fee, in an amount
40 established by Alexandria City Council, shall be charged to those applicants whose
41 renewal applications are submitted more than 14 days after their massage therapist permit
42 has expired. In applying for the renewal of a permit, the applicant shall demonstrate that
43 he continues to meet the requirements of subsection (b). Every permit issued under this
44 section shall contain a serial number as determined by the director, and each renewal
45 application filed, and each renewal permit issued, shall continue to utilize the same serial

1 number. The provisions of this section that apply to initial applications for massage
2 therapist permits shall apply to applications for permit renewals.

3
4 (k) Every person to whom a massage therapist permit has been issued shall carry
5 the permit on his person, or shall display the permit in a conspicuous place in the
6 massage establishment or hotel at which he provides or administers massages.

7
8 (l) If, following the issuance of a massage therapist permit, a massage therapist
9 changes their name, mailing address or telephone number, the therapist shall notify the
10 director in writing of their new name, mailing address or telephone number within five
11 business days.

12
13 Section 3. That Section 11-4.2-4 of The Code of the City of Alexandria,
14 Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read
15 as follows:

16
17 Sec. 11-4.2-4 Same--issuance of home massage permits.

18
19 (a) Any massage therapist desiring to provide or administer a massage in the
20 residence of massage recipients, pursuant to section 11-4.2-2(b)(1)(v), shall possess a
21 valid home massage permit issued in accordance with this section. A person possessing a
22 home massage permit issued under this section who, following receipt of the permit, does
23 not continue to meet the requirements set out in subsection (b) below shall not be
24 considered to be in possession of a valid home massage therapist permit.

25
26 (b) In order to be eligible for a home massage permit, the applicant shall possess
27 a valid massage therapist permit issued under section 11-4.2-3, and propose to provide or
28 administer massages only to individuals who reside in residences in the city and only at
29 the residences of such individuals;

30
31 (c) All applicants for a home massage permit shall apply to the chief of police.
32 The application shall be on a form prepared by the chief, and shall be accompanied by an
33 application fee of \$25 in the amount established by the Alexandria City Council, payable
34 to the director of finance. The application shall contain the applicant's name ~~and~~,
35 address, telephone number, his Virginia Board of Nursing certified massage therapist
36 number, the number of the massage therapist permit issued to him under section 11-4.2-3
37 and, as to each residence at which he wishes to provide massages, the address of the
38 residents who will receive massages.

39
40 (d) The application to be filed under this section shall state thereon, "It is
41 unlawful for any person to make a false statement on this application and the discovery of
42 a false statement shall constitute sufficient grounds, in and of itself, for denial of an
43 application or revocation of a permit, after the imposition of a fine or imprisonment or
44 both." It shall be unlawful for a person to make a false statement on an application filed
45 under this section.

1 (e) The chief of police shall deny any application for a home massage permit if
2 the chief finds that the applicant does not satisfy the requirements set out in subsection
3 (b). The making of a false statement on an application shall also be grounds for denial of
4 the application.

5
6 (f) The decision of the chief of police on an application under this section shall
7 be conveyed to the applicant in writing, and shall be sent ~~by certified mail~~ to the
8 applicant's last known address. If the chief denies the application, he shall state in his
9 written decision the grounds for the denial and shall notify the applicant by certified mail
10 of his right to request a hearing, as provided in subsection (g). If the chief approves the
11 application, he shall issue, or cause to be issued, a home massage permit to the applicant
12 which, among other things, shall state the address of each residence at which the therapist
13 is authorized to provide massages.

14
15 (g) An applicant whose application under this section has been denied may
16 request a hearing before the chief of police. Such request, which shall not stay the effect
17 of the chief's initial decision, shall be in writing and shall be filed with the chief within 10
18 days of the date on which the chief's decision was sent to the applicant. The chief shall
19 schedule a hearing on a date and at a time that is mutually convenient to the applicant and
20 the chief, and shall notify the applicant in writing of the date, time and place of the
21 hearing. Within 10 days of the hearing, the chief shall send a copy of his decision by
22 certified mail to the applicant at his last known address. This decision shall be final and
23 conclusive. In the event an applicant does not timely request a hearing on the chief's
24 initial decision to deny his application, or requests but does not attend the hearing, the
25 initial decision shall be final and conclusive.

26
27 (h) If, following the issuance of a home massage permit, a massage therapist
28 wishes to provide or administer massages at residences other than those identified in the
29 permit, the therapist shall request the chief of police to amend the permit to include the
30 address of such other residences at which the therapist may provide massages. No
31 massages shall be provided in such other residences until an appropriate permit
32 amendment has been issued by the chief.

33
34 (i) A permit issued under this section shall be valid for a period of one year, and
35 it may be renewed for additional one-year periods upon the filing of a new application
36 with the chief of police, along with a ~~\$25~~ fee in the amount established by Alexandria
37 City Council, payable to the director of finance. In applying for the renewal of a permit,
38 the applicant shall demonstrate that he continues to meet the requirements of subsection
39 (b) and has, since the issuance of the permit, complied with section 11-4.2-2(b)(1)(v).
40 Every permit issued under this section shall contain a serial number as determined by the
41 chief of police, and each renewal application filed and each renewal permit issued shall
42 continue to utilize the same serial number.

43
44 (j) Every person to whom a home massage permit has been issued shall carry the
45 permit on his person when providing or administering massages in a residence.
46

1 (k) A home massage permit shall not be required for provision of massages at a
2 hotel pursuant to section 11-4.2-2(b)(1)(vi).

3
4 (l) If, following the issuance of a home massage permit, a massage therapist
5 changes their name, mailing address or telephone number, the therapist shall notify the
6 chief of police in writing of their new name, mailing address or telephone number within
7 five business days.

8
9 Section 4. That Section 11-4.2-6 of The Code of the City of Alexandria,
10 Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read
11 as follows:

12
13 Sec. 11-4.2-6 Same--application for massage establishment permit; renewal.

14
15 (a) Any person desiring to own or operate a massage establishment in the city
16 and every salon, day spa, fitness center or like facility, but not guest rooms, located in a
17 hotel at which massages are provided pursuant to section 11-4.2-2(b)(1)(vi), shall obtain
18 a massage establishment permit from the director. An application for a massage
19 establishment permit shall be on a form prepared by the director and shall be
20 accompanied by an application fee of ~~\$25~~ in the amount established by the Alexandria
21 City Council, payable to the director of finance. Each application shall contain the name,
22 address and telephone number of the owner and operator of the massage establishment,
23 ~~and the address and telephone number of the establishment, and the name, mailing~~
24 address and telephone number of each massage therapist that will work at the massage
25 establishment. The applicant shall also state on the application all criminal offenses for
26 which the owner and operator have been convicted or in relation to which either has
27 pleaded nolo contendere or suffered a forfeiture, including the offenses identified in
28 section 11-4.2-3(b).

29
30 (b) The application shall state that no person may provide or administer a
31 massage at the massage establishment for which the permit is sought without a massage
32 therapist permit issued under this chapter, and that the applicant has read and understands
33 this statement. The application shall also state thereon, "It is unlawful for any person to
34 make a false statement on this application and discovery of a false statement shall
35 constitute sufficient grounds, in and of itself, for denial of an application or revocation of
36 a permit, or for the imposition of a fine or imprisonment or both." It shall be unlawful for
37 the applicant to make a false statement on any application filed pursuant to this section.

38
39 (c) Upon receipt of an application, the director shall forward a copy to the chief
40 of police for his review, and shall cause an investigation to be made of the massage
41 establishment named in the application to determine whether it will comply with the
42 provisions of section 11-4.2-7. If the director is satisfied from such investigation that the
43 massage establishment will so comply, he shall issue, or cause to be issued, a massage
44 establishment permit authorizing the establishment, maintenance and operation of the
45 massage establishment. If the director is not so satisfied, he shall deny the application.

46

1 (d) The decision of the director on an application under this section shall be
2 conveyed to the applicant in writing, and shall be sent ~~by certified mail~~ to the address
3 given by the applicant in the application. If the director denies the application, he shall
4 state in his written decision the grounds for the denial and shall notify the applicant by
5 certified mail of his right to request a hearing, as provided in subsection (e).

6
7 (e) An applicant whose application under this section has been denied may
8 request a hearing before the director. Such request, which shall not stay the effect of the
9 director's initial decision, shall be in writing and shall be filed with the director within 10
10 days of the date on which the director's decision was sent to the applicant. The director
11 shall schedule a hearing on a date and at a time that is mutually convenient to the
12 applicant and the director, and shall notify the applicant in writing of the date, time and
13 place of the hearing. Within 10 days of the hearing, the director shall send a copy of his
14 decision by certified mail to the applicant at his last known address. This decision shall
15 be final and conclusive. In the event an applicant does not timely request a hearing on
16 the director's initial decision to deny his application, or requests but does not attend the
17 hearing, the initial decision shall be final and conclusive.

18
19 (f) A massage establishment permit issued under this section shall be valid ~~for a~~
20 ~~period of one year~~ from the date of issuance until February 14 of the year after it was
21 issued, and it may be renewed for additional one-year periods upon the filing of a new
22 application. A late renewal application fee, in an amount established by Alexandria City
23 Council, shall be charged to those applicants whose renewal applications are submitted
24 more than 14 days after their massage establishment permit has expired. The provisions
25 of this section that apply to initial applications shall apply to renewal applications.

26
27 (g) Whenever a massage therapist is newly employed by a massage
28 establishment or a massage therapist leaves the employ of a massage establishment, the
29 massage establishment shall notify the director of these changes within five business days
30 by providing the date the change occurred and the name, mailing address and telephone
31 number of the massage therapist.

32
33 Section 5. That Section 11-4.2-7 of The Code of the City of Alexandria,
34 Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read
35 as follows:

36
37 Sec. 11-4.2-7 Same--minimum standards.

38
39 Every massage establishment in the city and every salon, day spa, fitness center or
40 like facility, but not guest rooms, located in a hotel at which massages are provided
41 pursuant to section 11-4.2-2(b)(1)(vi), shall, at all times, comply with the following
42 minimum health and safety standards:

43
44 (1) Massages may only be provided or administered by a massage therapist who
45 possesses a valid massage therapist permit issued under this chapter.

46

1 (2) The premises shall have adequate equipment for disinfecting and sterilizing
2 nondisposable instruments and materials used in administering massages. Such
3 nondisposable instruments and materials shall be disinfected after use on each patron.
4

5 (3) Closed cabinets shall be provided and used for the storage of clean linen,
6 towels and other materials used in connection with administering massages. All soiled
7 linens, towels and other materials shall be kept in properly covered containers or
8 cabinets, which container's or cabinets shall be kept separate from the clean storage areas.
9

10 (4) Clean linen and towels shall be provided for each massage patron. No
11 common use of towels or linens shall be permitted.
12

13 (5) All massage tables shall have surfaces which may be readily disinfected.
14 The floor areas, depending on the material covering the floor surface, shall have surfaces
15 which may be readily disinfected. This provision shall be applicable to bathtubs, showers,
16 stalls, steam or bath areas, if applicable.
17

18 (6) Oils, creams, lotions or other preparations used in administering massages
19 shall be kept in clean, closed containers or cabinets.
20

21 (7) Adequate dressing facilities shall be provided for the patrons to be served at
22 any given time. Adequate toilet facilities as required by law shall be furnished.
23

24 (8) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all
25 other physical facilities, where provided, shall be in good repair and maintained in a clean
26 and sanitary condition. All facilities, including showers, shall be thoroughly cleaned
27 each day the business is in operation, and all massage tables and bathtubs, ~~and showers~~,
28 where furnished, shall be thoroughly cleaned and disinfected after each use. When
29 carpeting is used on any floor area, it shall be kept dry.
30

31 (9) The premises shall be equipped with a service sink for custodial services, if
32 applicable.
33

34 (10) The premises shall be equipped with a hand sink (lavatory) in each room
35 where massages are provided. Massage establishments under permit on January 1, 2010,
36 will have until January 1, 2015, or until they change ownership, whichever comes first, to
37 meet this requirement.
38

39 (11) The massage therapist shall thoroughly wash their hands and exposed
40 portions of their arms in a hand sink with soap and warm water both immediately before
41 and after administering a massage. Hand washing shall be done using the following
42 procedure:
43

44 (a) Rinse hands and exposed areas of the arms under clean, running warm water;

45 (b) Apply soap to the area to be washed;

1 (c) Rub hands together vigorously for at least 10 to 15 seconds while paying
2 particular attention to removing soil from underneath the fingernails during the cleaning
3 procedure and creating friction on the surfaces of the hands and arms, finger tips, and
4 areas between the fingers;

5
6 (d) Thoroughly rinse under clean, running warm water; and

7
8 (e) Immediately following the cleaning procedure, thoroughly dry the hands and
9 arms using disposable paper towels or a heated-air hand drying device.

10
11 (f) To avoid recontaminating their hands or arms, massage therapists may use
12 disposable paper towels or similar clean barriers when touching surfaces such as
13 manually operated faucet handles on a handwashing sink.

14
15 Section 6. That a new Section 11-4.2-14 of The Code of the City of
16 Alexandria, Virginia, 1981, be adopted to read as follows:

17
18 Sec. 11-4.2-14 Plan Review.

19
20 A drawing, approximately to scale, of each proposed new massage establishment
21 shall be submitted to the director along with the initial application for a massage
22 establishment permit. The drawing shall include the location of all pieces of equipment
23 and furniture as well as all plumbing fixtures. A plan review request form and a plan
24 review fee in the amount established by the Alexandria City Council shall be submitted
25 with the drawing. The director shall review the drawing and make a site visit to
26 determine if the physical facilities meet the requirements of Section 11-4.2-7. A new
27 drawing (with plan review fee) shall be submitted to the director for review and approval
28 whenever the massage establishment is modified or remodeled.

29
30 Section 7. That this ordinance shall become effective January 1, 2010.

31
32 WILLIAM D. EUILLE
33 Mayor
34

35 Introduction: 10/13/09
36 First Reading:
37 Publication:
38 Public Hearing:
39 Second Reading:
40 Final Passage: