

EXHIBIT NO. 1

11.1  
1-8-08

Introduction and first reading:	01/08/2008
Public hearing:	01/12/2008
Second reading and enactment:	01/12/2008

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Chapter 4.2 (MASSAGE REGULATIONS) of Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS) of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance amends the City code to permit, subject to licensing and regulation by the City, certified massage therapists to provide services at hotels in the City.

Sponsor

Staff

Charles Konigsberg, Health Director  
David Baker, Chief of Police  
Faroll Hamer, Director, Planning and Zoning  
Christopher Spera, Assistant City Attorney

Authority

§§ 2.04(a), 2.04(z), Alexandria City Charter

Estimated Costs of Implementation

See memorandum from the City Manager

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Chapter 4.2 (MASSAGE REGULATIONS) of Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

Sec. 11-4.2-1 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning given below, except in those instances when the context clearly indicates a different meaning.

(1) *Care facility*. Any place or building in which (i) medical, surgical, nursing or other health services are furnished by duly licensed individuals for the prevention, diagnosis or treatment of human disease, pain, injury or other physical condition to two or more unrelated sick, injured, disabled or aged persons, or (ii) convalescent or similar care is furnished by duly licensed individuals to two or more unrelated sick, injured, disabled or aged persons.

(2) *Director*. The director of public health of the city or his duly authorized representative.

(3) *Massage*. The treatment of the external parts of the human body for comfort or the general well-being of the body, consisting of rubbing, stroking, kneading, tapping or vibrating one or more parts of the body with hand, or any instrument, for compensation.

(4) *Massage establishment*. Any establishment in the city where massages are provided or administered, or which holds itself out to the public as a place where massages are provided or administered; provided, that this definition shall not include a hotel, hospital, nursing home or medical clinic, a care facility, the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath, barbershop or a beauty salon.

(5) *Massage therapist*. Any person possessing a valid massage therapist permit issued pursuant to this chapter.

(6) *Police chief*. The chief of police of the city or his duly authorized representative.

(7) *Public gathering*. Any event occurring in the city that is open to the general public and involves more than 50 persons.

(8) *Residence*. A place which an individual considers his permanent abode and in which he either has resided during at least the prior six months or intends to reside during at least the next six months; this term shall not include any place which provides transient lodging such as hotels, inns, apartment house hotels, hostelrys, tourist homes or houses, motels, and rooming houses.

(9) *Seated massage*. A massage provided to the upper human body while the massage recipient is fully clothed and seated in a chair.

(10) *Sexual or genital part*. The genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female.

1 Sec. 11-4.2-2 Provision of massages.

2  
3 (a) Except as provided in subsection (b), it shall be unlawful for any person to provide or  
4 administer a massage at any location in the city.

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

7 (1) *massage therapists:*

8 (i) at or within a massage establishment;

9 (ii) at the regular place of business of the massage recipient between the hours of  
10 9:00 a.m. and 6:00 p.m.; provided, that a therapist may only provide a seated massage at  
11 this location and may do so only if he possesses his massage therapy permit while  
12 performing the seated massage;

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

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

17 (v) at the residence of the massage recipient between the hours of 6:00 a.m. and  
18 9:00 p.m.; provided, that the therapist holds a valid home massage permit issued pursuant  
19 to this chapter, possesses that permit and his massage therapy permit while performing  
20 massages in a residence, and provides massages at the residence only to individuals  
21 identified in his home massage permit.

22 (vi) at a hotel having 45 or more guest rooms, which offers massage services to  
23 its registered overnight guests in the normal course of the hotel's business, either in the  
24 hotel room of the guest receiving the massage, or at a salon, day spa, fitness center or like  
25 facility located within the hotel, between the hours of 6:00 a.m. and 9:00 p.m.; provided,  
26 that the therapist carries his massage therapy permit on his person while performing  
27 massages in guest rooms.

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

30 (i) at the regular place of business of the massage recipient between the hours of  
31 9:00 a.m. and 6:00 p.m.; provided, that the board certified therapist may only provide a  
32 seated massage at this location and may do so only if he possesses a picture identification  
33 while performing the seated massage; and

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

36 (3) *persons:*

37 (i) at a hospital, nursing home or medical clinic, or at the office of a duly licensed  
38 physician, surgeon, physical therapist, chiropractor or osteopath; or

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

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

2  
3 (a) Any person who desires to provide or administer massages in the city as a massage  
4 therapist shall possess a valid massage therapist permit issued in accordance with this section. A  
5 person possessing a massage therapist permit issued under this section who, following receipt of  
6 the permit, does not continue to meet the requirements set out in subsection (b) below shall not  
7 be considered to be in possession of a valid massage therapist permit.

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

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

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

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

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

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

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

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

45 (g) The decision of the director on an application under this section shall be conveyed to  
46 the applicant in writing, and shall be sent by certified mail to the applicant's last known address.

1 If the director denies the application, he shall state in his written decision the grounds for the  
2 denial and shall notify the applicant of his right to request a hearing, as provided in subsection  
3 (h). If the director approves the application, he shall issue, or cause to be issued, a massage  
4 therapist permit to the applicant.

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

15 (i) If, following the issuance of a massage therapist permit, a massage therapist intends  
16 to provide or administer massages at a massage establishment or hotel that is different from the  
17 establishment or hotel identified on his application, the therapist shall immediately notify the  
18 director in writing of this different establishment or hotel.

19 (j) A permit issued under this section shall be valid for a period of two years, and it may  
20 be renewed for additional two-year periods upon the filing of a new application with the director,  
21 along with a \$50 fee payable to the director of finance. In applying for the renewal of a permit,  
22 the applicant shall demonstrate that he continues to meet the requirements of subsection (b).  
23 Every permit issued under this section shall contain a serial number as determined by the  
24 director, and each renewal application filed, and each renewal permit issued, shall continue to  
25 utilize the same serial number. The provisions of this section that apply to initial applications for  
26 massage therapist permits shall apply to applications for permit renewals.

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

30  
31 Sec. 11-4.2-4 Same--issuance of home massage permits.

32  
33 (a) Any massage therapist desiring to provide or administer a massage in the residence of  
34 message recipients, pursuant to section 11-4.2-2(b)(1)(v), shall possess a valid home permit  
35 issued in accordance with this section. A person possessing a home massage permit issued under  
36 this section who, following receipt of the permit, does not continue to meet the requirements set  
37 out in subsection (b) below shall not be considered to be in possession of a valid home massage  
38 therapist permit.

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

43 (c) All applicants for a home massage permit shall apply to the chief of police. The  
44 application shall be on a form prepared by the chief, and shall be accompanied by an application  
45 fee of \$25, payable to the director of finance. The application shall contain the applicant's name  
46 and address, his Virginia Board of Nursing certified massage therapist number, the number of the

1 massage therapist permit issued to him under section 11-4.2-3 and, as to each residence at which  
2 he wishes to provide massages, the address of the residents who will receive massages.

3 (d) The application to be filed under this section shall state thereon, "It is unlawful for  
4 any person to make a false statement on this application and the discovery of a false statement  
5 shall constitute sufficient grounds, in and of itself, for denial of an application or revocation of a  
6 permit, after the imposition of a fine or imprisonment or both." It shall be unlawful for a person  
7 to make a false statement on an application filed under this section.

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

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

18 (g) An applicant whose application under this section has been denied may request a  
19 hearing before the chief of police. Such request, which shall not stay the effect of the chief's  
20 initial decision, shall be in writing and shall be filed with the chief within 10 days of the date on  
21 which the chief's decision was sent to the applicant. The chief shall schedule a hearing on a date  
22 and at a time that is mutually convenient to the applicant and the chief, and shall notify the  
23 applicant in writing of the date, time and place of the hearing. Within 10 days of the hearing, the  
24 chief shall send a copy of his decision by certified mail to the applicant at his last known address.  
25 This decision shall be final and conclusive. In the event an applicant does not timely request a  
26 hearing on the chief'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 (h) If, following the issuance of a home massage permit, a massage therapist wishes to  
29 provide or administer massages at residences other than those identified in the permit, the  
30 therapist shall request the chief of police to amend the permit to include the address of such other  
31 residences at which the therapist may provide massages. No massages shall be provided in such  
32 other residences until an appropriate permit amendment has been issued by the chief.

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

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

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

1 Sec. 11-4.2-5 Massage establishments; required licenses and permits.

2  
3 (a) It shall be unlawful for any person to establish, maintain or operate a massage  
4 establishment in the city without an appropriate business license under title 9 of this code and a  
5 valid massage establishment permit issued under this section.

6 (b) Every person to whom a massage establishment permit has been issued shall display  
7 the permit in a conspicuous place in the massage establishment so that it may be readily seen by  
8 persons entering the establishment.

9  
10 Sec. 11-4.2-6 Same--application for massage establishment permit; renewal.

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

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

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

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

43 (e) An applicant whose application under this section has been denied may request a  
44 hearing before the director. Such request, which shall not stay the effect of the director's initial  
45 decision, shall be in writing and shall be filed with the director within 10 days of the date on  
46 which the director's decision was sent to the applicant. The director shall schedule a hearing on a

1 date and at a time that is mutually convenient to the applicant and the director, and shall notify  
2 the applicant in writing of the date, time and place of the hearing. Within 10 days of the hearing,  
3 the director shall send a copy of his decision by certified mail to the applicant at his last known  
4 address. This decision shall be final and conclusive. In the event an applicant does not timely  
5 request a hearing on the director's initial decision to deny his application, or requests but does not  
6 attend the hearing, the initial decision shall be final and conclusive.

7 (f) A massage establishment permit issued under this section shall be valid for a period  
8 of one year, and it may be renewed for additional one-year periods upon the filing of a new  
9 application. The provisions of this section that apply to initial applications shall apply to renewal  
10 applications.

11  
12 Sec. 11-4.2-7 Same--minimum standards.

13  
14 Every massage establishment in the city and every salon, day spa, fitness center or like  
15 facility, but not guest rooms, located in a hotel at which massages are provided pursuant to  
16 section 11-4.2-2(b)(1)(vi), shall, at all times, comply with the following minimum health and  
17 safety standards:

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

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

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

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

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

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

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

37 (8) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other  
38 physical facilities, where provided, shall be in good repair and maintained in a clean and sanitary  
39 condition. All facilities shall be thoroughly cleaned each day the business is in operation, and all  
40 massage tables and bathtubs and showers, where furnished, shall be thoroughly cleaned after  
41 each use. When carpeting is used on any floor area, it shall be kept dry.

42 (9) The premises shall be equipped with a service sink for custodial services, if  
43 applicable.



1 Sec. 11-4.2-8 Same--hours of operation.

2  
3 Massage establishments and salon, day spa, fitness center or like facility, and in-room  
4 massage services located or provided in a hotel at which massages are provided pursuant to  
5 section 11-4.2-2(b)(1)(vi), shall not operate or be offered before 6:00 a.m. or after 9:00 p.m.  
6 Massage establishments and salon, day spa, fitness center or like facility, and in-room massage  
7 services located or provided in a hotel at which massages are provided pursuant to section 11-  
8 4.2-2(b)(1)(vi), may be opened or offered seven days a week.  
9

10 Sec. 11-4.2-9 Same--right of entry of chief of police and director.

11  
12 The chief of police and the director may enter, examine and survey any premises in the  
13 city for which a massage establishment permit has been issued to enforce the provisions of this  
14 chapter. Such inspections shall be made in a reasonable manner during business hours only.  
15 Every holder of a massage establishment permit shall be deemed, by virtue of the application for  
16 and utilization of such permit, to have consented and agreed to all of the provisions of this  
17 chapter, including the right of entry and inspection set forth in this section.  
18

19 Sec. 11-4.2-10 Suspension or revocation of massage therapist, home massage or massage  
20 establishment permit.  
21

22 (a) One or more violations of the provisions of this chapter by the permittee named in a  
23 massage therapist, massage establishment or home massage permit shall be grounds for the  
24 director, in the case of massage therapist and massage establishment permits, or the chief of  
25 police, in the case of home massage permits, to suspend or revoke the permit. Prior to a permit  
26 suspension or revocation, the director or chief shall provide written notice of the proposed action  
27 to the permittee, of the reasons for the proposed action, and of the opportunity for a hearing  
28 before the director or chief. The notice shall be mailed by certified mail to the last known address  
29 of the permittee. The permittee shall request a hearing before the director or chief by filing a  
30 request in writing within 10 days after notice of the director's or chief's proposed action has been  
31 mailed to the permittee. The director or chief shall schedule a hearing on a date and at a time that  
32 is mutually convenient to all parties. The director or chief shall give written notice of the date,  
33 time and place of the hearing to the permittee. Within 10 days of the hearing, the director or chief  
34 shall send a copy of his decision by certified mail to the permittee at his last known address. This  
35 decision shall be final and conclusive.

36 (b) If a permittee does not request a hearing, the action proposed by the director or chief  
37 shall be effective, and shall be final and conclusive, at the close of the tenth day following the  
38 day on which notice of the proposed action was mailed to the permittee. If the permittee requests  
39 but does not participate in the hearing, the action proposed by the director or chief shall be  
40 immediately effective, and shall be final and conclusive.

41 (c) One or more violations of the provisions of this chapter at a hotel which offers  
42 massage services pursuant to section 11-4.2-2(b)(1)(vi) of this code shall be grounds for the  
43 director to suspend or revoke the authorization to offer massage services by the hotel. Prior to  
44 such suspension or revocation, the director shall provide written notice of the proposed action to  
45 the hotel, of the reasons for the proposed action, and of the opportunity for a hearing before the  
46 director. The notice shall be mailed by certified mail to the hotel. The hotel may request a

1 hearing before the director by filing a request in writing within 10 days after notice of the  
2 director's proposed action has been mailed. The director shall schedule a hearing on a date and at  
3 a time that is mutually convenient to all parties. The director shall give written notice of the date,  
4 time and place of the hearing to the hotel. Within 10 days of the hearing, the director shall send a  
5 copy of his decision by certified mail to the permittee at his last known address. This decision  
6 shall be final and conclusive.

7  
8 Sec. 11-4.2-11 Specific unlawful acts.

9  
10 (a) It shall be unlawful for any person to provide or administer a massage in the city  
11 except as specifically authorized by section 11-4.2-2(b).

12 (b) It shall be unlawful for any person in a massage establishment, or in any of the other  
13 locations and facilities identified in section 11-4.2-2(b) at which massages may be provided or  
14 administered, to place his hand or hands upon, to touch with any part of his body, to fondle in  
15 any manner, or to massage a sexual or genital part of another person.

16 (c) It shall be unlawful for any person, in a massage establishment, or in any of the other  
17 locations and facilities identified in section 11-4.2-2(b) at which massages may be provided or  
18 administered, to expose a sexual or genital part, or any portion thereof, of his own to any other  
19 person, or to cause to be exposed a sexual or genital part, or any portion thereof, of any other  
20 person.

21 (d) It shall be unlawful for any person, while in the presence of any other person in a  
22 massage establishment, or in any of the other locations and facilities identified in section 11-4.2-  
23 2(b) at which massages may be provided or administered, to fail to conceal with a fully opaque  
24 covering the sexual or genital parts of his body.

25 (e) It shall be unlawful for any person owning, operating or managing a massage  
26 establishment or any of the other locations and facilities identified in section 11-4.2-2(b) at  
27 which massages may be provided or administered knowingly to cause, allow or permit in or  
28 about the establishment, location or facility any agent, employee or other person under his  
29 control or supervision to perform any of the acts described above in subsection (a), (b), (c) or (d).

30  
31 Sec. 11-4.2-12 Penalties.

32  
33 Any person violating any of the provisions of this chapter shall, upon conviction, be  
34 guilty of a class 1 misdemeanor and shall be punished by a fine not exceeding \$2,500 or  
35 imprisonment not exceeding twelve months, or both. Violations of the provisions of this chapter  
36 may also be restrained, prohibited or enjoined by appropriate action or proceeding.  
37 Notwithstanding the above, no provision of this chapter shall apply to employees or agents of the  
38 United States, the Commonwealth of Virginia or the city, or of any agency or department of  
39 these governmental units, including city police officers, while in the performance of official  
40 duties.

41  
42 Sec. 11-4.2-13 Records required for massage services in hotel guest rooms.

43  
44 (a) Each hotel which offers massage services in hotel guest rooms pursuant to this  
45 chapter shall maintain a written record for a period of not less than two years of each massage  
46 provided, including the date and time of service, identity of massage therapist and name of guest.

1 (b) Each massage therapist who provides massage services in hotel guest rooms  
2 pursuant to this chapter shall maintain a written record for a period of not less than two years of  
3 each massage provided at the hotel, including the date and time of service and name of guest.

4 (c) Failure to maintain the records required by this section shall be a Class 3 civil  
5 violation.

6 (d) Records maintained pursuant to this section shall be produced on written demand  
7 by the director or the chief of police.

8  
9 Section 2. That this ordinance shall become effective on the date and at the time of final  
10 passage.

11  
12 William D. Euille  
13 Mayor  
14

15  
16 Introduction: 01/08/08  
17 First Reading: 01/08/08  
18 Publication:  
19 Public Hearing:  
20 Second Reading:  
21 Final Passage: