

December 15, 1986

INTRODUCED BY: Ron Sims

PROPOSED NO: 86-473

ORDINANCE NO. 7919

AN ORDINANCE relating to massage businesses and public bathhouses; adopting licensing requirements and standards; prescribing penalties; repealing Resolution 31755, Sections 1 through 13, 15, 20 and 21, Resolution 36837 (Part), Ordinance 784, Sections 1 and 2, Ordinance 1888 Article IV, Sections 1, 2 and 3, and K.C.C. Sections 6.40.010 through 6.40.220.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Resolution 31755, Sections 1 through 13, 15, 20 and 21, Resolution 36837 (Part), Ordinance 784, Sections 1 and 2, Ordinance 1888 Article IV, Sections 1, 2 and 3, and K.C.C. Sections 6.40.010 through 6.40.220 are hereby repealed.

NEW SECTION SECTION 2. Definitions. For the purpose of this chapter, the following terms, words and phrases shall have the following meanings:

A. "Massage business" means the operation of a business where massages are given.

B. "Public bathhouse" means any place where baths or facilities for baths of any kind whatever are given or furnished and the term shall include but not be limited to: Finnish baths; Russian baths; Sauna baths; Swedish baths; Turkish baths; hot tubs; baths by hot air, steam, vapor, water or electric cabinet; provided, that such term shall not include ordinary tub or shower baths where attendant is not required.

C. "Massage practitioner" means a person engaged in the practice of massage.

D. "Genitals" includes genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

E. "Massage" means the treatment of a human body by another by the external manipulation or pressure of soft tissue. Massage includes rubbing, kneading, touching, stroking, or tapping by manual means as they relate to massage with or without the aids of superficial heat, cold, water, lubricants, or salts.

1           NEW SECTION SECTION 3. General provisions. Unless other-  
2 wise specified, the general licensing provisions, contained in  
3 King County Code, Chapter 6.01, shall apply to this license sec-  
4 tion.

5           NEW SECTION SECTION 4. License required. A. Massage busi-  
6 ness - public bathhouse. It is unlawful to conduct, operate or  
7 maintain a massage business or public bathhouse unless such  
8 establishment or premises is licensed as hereinafter provided.

9           B. Massage practitioner. It is unlawful for any person to  
10 give a massage without a massage practitioner license.

11           C. Exemptions. This chapter shall not apply to:

12           1. An individual giving massage in their home to members  
13 of their immediate family;

14           2. Physicians, surgeons, chiropractors, osteopaths, accu-  
15 puncturists, or physical therapists who are duly licensed or cer-  
16 tified to practice their respective professions in the State of  
17 Washington;

18           3. Persons practicing massage under the direct supervision  
19 of physicians, surgeons, chiropractors, osteopaths, or physical  
20 therapists duly licensed by the State of Washington. Direct  
21 supervision shall mean that the massage is given on the premises  
22 of or in the presence of such physicians, surgeons, chiro-  
23 practors, osteopaths, or physical therapists;

24           4. Nurses who are registered as such under the laws of the  
25 State of Washington and who act under the direction and control  
26 of a duly licensed physician;

27           5. Persons authorized by the laws of this state as barbers  
28 and cosmetologists, provided that such massage as is practiced is  
29 within their authorized scope of practice.

30           6. Massage practiced at the athletic department of any  
31 institution maintained by the public funds of the state, or any  
32

1 of its political divisions; or

2 7. Massage practiced at the athletic department of any  
3 school or college accredited by the northwest association of  
4 secondary and higher schools.

5 NEW SECTION SECTION 5. License application and issuance.

6 A. Massage business - public bathhouse. All applications  
7 for a massage business/public bathhouse shall be submitted in the  
8 name of the person or entity proposing to conduct such massage  
9 business/public bathhouse on the business premises and shall be  
10 signed by such person or his agent and notarized or certified as  
11 true under penalty of perjury. All applications shall be sub-  
12 mitted on a form supplied by the director, which shall require  
13 the following information:

14 1. The name, home address, home telephone number, date  
15 and place of birth, and social security number of applicant if  
16 the applicant is an individual.

17 2. The business name, address and telephone number of the  
18 establishment.

19 3. The names, addresses, telephone numbers, and social  
20 security numbers of any partners, corporate officers, share-  
21 holders who own ten percent or more of the business, or other  
22 persons who have a substantial interest or management respon-  
23 sibilities in connection with the business, specifying the  
24 interest or management responsibility of each. For the purpose  
25 of this subsection "substantial interest" shall mean ownership of  
26 ten percent or more of the business, or any other kind of contri-  
27 bution to the business of the same or greater size.

28 4. Terms of any loans, leases, secured transactions and  
29 repayments therefor relating to the business.

30 B. Massage practitioner. All applications for a massage  
31 practitioner's license shall be signed by the applicant and  
32

1 notarized or certified to be true under penalty of perjury. All  
2 applications shall be submitted on a form supplied by the direc-  
3 tor, which shall require, at a minimum, the following infor-  
4 mation:

5 1. The applicant's name, home address, home telephone  
6 number, date and place of birth;

7 2. A letter from the owner of the business indicating  
8 intent to employ the applicant; and

9 3. Written proof that the applicant is eighteen years of  
10 age or older. Written proof shall mean the following:

11 a. a motor vehicle operator's license issued by any  
12 State bearing the applicant's photograph and date of birth;

13 b. an identification card issued by the State of  
14 Washington which bears the applicant's photograph and date of  
15 birth; or

16 c. a passport.

17 C. Applications will be submitted to a background check in  
18 accordance with the procedures of the King County department of  
19 public safety;

20 D. A license shall be issued within four weeks of receipt  
21 provided that there are no grounds to deny the license pursuant  
22 to the sections of this code.

23 NEW SECTION SECTION 6. Standards for denial. A. Massage  
24 business or public bathhouse license.

25 1. The director shall deny any massage business/public  
26 bathhouse license applied for under the provisions of this  
27 chapter if he determines that the applicant has:

28 a. Made any material mis-statement in the application for  
29 a license;

30 b. Proposed a place of business or an establishment to  
31 be licensed which would not comply with all applicable require-  
32

1 ments of this code including but not limited to the zoning,  
2 building, health or fire codes of King County; or

3 c. Not complied with the operating requirements set out  
4 in Section 8 of this ordinance.

5 2. The director may deny any massage business/public bath-  
6 house license applied for under the provisions of this chapter if  
7 he determines that the applicant has, within three years prior to  
8 the date of application:

9 a. Had any convictions or bail forfeitures which have a  
10 direct connection with the licensed activity including, but  
11 not limited to, theft, controlled substances, prostitution, pro-  
12 moting or permitting prostitution, sexual offenses, consumer  
13 fraud, or obscenity; or

14 b. Had a massage business/bathhouse license denied or  
15 revoked by this county or any other jurisdiction.

16 B. Massage practitioner license.

17 1. The director shall deny any massage practitioner  
18 license if he determines that the applicant/licensee has:

19 a. Made any material misstatement in the application for  
20 a license; or

21 b. Not complied with the operating requirements set out  
22 in Section 8 of this ordinance.

23 2. The director may deny any massage practitioner's  
24 license if he determines that the applicant/licensee has:

25 a. Had any convictions or bail forfeitures which have a  
26 direct connection with the licensed activity including, but  
27 not limited to, theft, controlled substances, prostitution,  
28 sexual offenses, consumer fraud or obscenity, within three years  
29 prior to the date of application; or

30 b. Had a massage practitioner license revoked or  
31 suspended by the county or any other jurisdiction within one year

1 prior to the date of application.

2 C. Effect of license denial. If any applicant has his or  
3 her license denied pursuant to Section 6.A.2.a. or Section  
4 6.B.2.a. of this ordinance, a license may not be granted within  
5 three years from the date of such denial provided such denial was  
6 based on a conviction classified as a felony. All other con-  
7 victions pursuant to Section 6.A.2.a. or Section 6.B.2.a. of this  
8 ordinance will preclude the issuance of a license under this  
9 ordinance for a period of at least one year from the date of such  
10 denial. All applicants must comply with all application proce-  
11 dures, pursuant to this chapter.

12 NEW SECTION SECTION 7. Expiration of license - due date for  
13 license fees. Every license issued or renewed pursuant to this  
14 chapter shall expire on the thirtieth of November. All license  
15 fees, set out in Section 8 of this ordinance, are payable to the  
16 director at least four weeks prior to the opening of any massage  
17 business or public bathhouse, or the performance of massage in  
18 any massage business or public bathhouse.

19 NEW SECTION SECTION 8. License fees. The following fees  
20 are applicable to the licensing of massage businesses, public  
21 bathhouses and massage practitioners in King County as required  
22 in this ordinance:

23  
24 A. Massage business.....\$150.00 per year  
25 B. Public bathhouse.....\$150.00 per year  
26 C. Massage practitioner.....\$ 50.00 per year  
27 D. Late penalty - A late penalty shall be charged on all  
28 applications for renewal of a license received later than ten  
29 working days after the expiration date of such license. The  
30 amount of such penalty is fixed as follows:



1           4. Provide that all doors in such premises, excluding  
2 doors in office and storage rooms, unless such doors provide  
3 access to service areas, are so equipped that they may not be  
4 fastened shut so as to prevent reasonable access by such  
5 authorities who announce their authority to enter prior to  
6 inspection of such premises;

7           5. Comply with the applicable standards of conduct  
8 requirements set out in Section 12 of this ordinance;

9           6. Comply with the applicable provisions of the King  
10 County building, fire and zoning codes; and,

11           7. Submit proof of a current Washington State Massage  
12 business license.

13           8. Shall post in a prominent place a list of all services  
14 offered with a brief description of what the service entails  
15 along with the costs for such services. All business transac-  
16 tions with customers must be conducted in accordance with said  
17 posted list.

18           9. Shall not distribute or consume liquor and/or  
19 controlled substances on licensed premises.

20           B. Massage practitioner. All applicants for a massage prac-  
21 titioner's license or license renewal shall:

22           1. Be at least eighteen years of age;

23           2. Submit to a background check in accordance with the  
24 procedures of the King County department of public safety;

25           3. Submit proof of a current Washington State massage  
26 license.

27           4. Provide the director with a certificate signed by a  
28 licensed physician stating that the applicant has, within thirty  
29 days immediately prior therto, been examined and is free from any  
30 contagious, infectious or sexually transmitted diseases;

1           5. Comply with the applicable standards of conduct  
2 requirements of section 12 of this ordinance; and

3           6. Comply with the applicable safety and sanitation  
4 requirements of section 11 of this ordinance.

5           NEW SECTION SECTION 10. Transfer of licenses and change of  
6 location.

7           A. No massage business or public bathhouse license issued  
8 under this Chapter shall be transferable from one person to  
9 another. Upon the sale or transfer of any substantial interest  
10 in a massage business/public bathhouse, the license therefore  
11 shall be null and void. A new application shall be made by any  
12 person desiring to operate or maintain the establishment and  
13 shall include a release of interest statement from the previous  
14 licensee and/or a signed lease or rental agreement for the  
15 establishment.

16           B. The massage practitioner license, when issued, shall be  
17 valid only for the massage establishment listed on the license;  
18 provided, however, if the practitioner provides massage solely in  
19 the client's home, the license will so note and will be valid for  
20 such purpose. Before commencing work as a massage practitioner  
21 for a new employer, a massage practitioner shall submit a letter  
22 from the new employer indicating intent to employ the applicant  
23 and must have his or her license amended by the director for a  
24 fee of \$2.00.

25           NEW SECTION SECTION 11. Safety and sanitation. Health and  
26 sanitary requirements may include, but not necessarily limited  
27 to, the following:

28           A. Each room or enclosure where massage services are per-  
29 formed on patrons shall be provided with adequate lighting in  
30 accordance with the building code, and in addition, at least one  
31 artificial light of not less than forty watts shall be provided  
32

1 in each room or enclosure where services are performed on patrons  
2 and shall be in operation when such services are performed;

3 B. The premises shall have equipment for disinfecting and  
4 cleaning non-disposable instruments and materials used in admin-  
5 istering massage services. Such materials and instruments shall  
6 be cleaned after each use.

7 C. Hot and cold running water shall be provided at all  
8 times.

9 D. Closed cabinets shall be provided and used for the  
10 storage of all equipment, supplies and clean linens. All used  
11 disposable materials and soiled linens and towels shall be kept  
12 in covered containers or cabinets, which containers or cabinets  
13 shall be kept separate from clean storage cabinets.

14 E. Clean linen and towels shall be provided for each massage  
15 patron. No common use of towels or linens shall be permitted.

16 F. All massage tables, bathtubs, shower stalls, sauna baths,  
17 steam or bath areas and all floors shall have surfaces which may  
18 be readily cleaned.

19 G. Oils, creams, lotions or other preparations used in  
20 administering massages shall be kept in clean containers or  
21 cabinets.

22 H. Shower and/or bathtub, dressing, locker and toilet facili-  
23 ties shall be provided upon request for all patrons served at any  
24 given time. Upon the request of a patron, the licensee shall  
25 provide the patron with facilities to lock or secure personal  
26 property. Male and female patrons shall not simultaneously use  
27 common shower and/or bathtub, dressing, toilet and massage room  
28 facilities.

29 I. All walls, ceilings, floors, pools, showers, bathtubs,  
30 steam rooms and all other physical facilities shall be in good  
31 repair and maintained in a clean and sanitary condition. Wet and  
32 dry heat rooms, steam or vapor rooms, or steam or vapor cabinets,  
33

1 shower compartments, and toilet rooms shall be thoroughly cleaned  
2 each day the business is in operation. Bathtubs and showers  
3 shall be thoroughly cleaned after each use.

4 J. Each massage practitioner shall wash his or her hands in  
5 hot running water using soap or disinfectant before and after  
6 administering a massage to each patron.

7 K. No person shall consume food or beverages in massage work  
8 areas.

9 L. Animals, except for seeing-eye dogs, shall not be per-  
10 mitted in massage establishments.

11 M. A person suffering from infectious or contagious disease(s)  
12 shall not be treated by any licensed massage business or public  
13 bathhouse or massage practitioner. A massage practitioner who is  
14 suffering from infectious or contagious disease(s) shall not  
15 suffer massage services.

16 N. All massage establishments shall continuously comply with  
17 all applicable building, fire or health ordinances and regula-  
18 tions.

19 NEW SECTION SECTION 12. Standards of conduct. A. The  
20 following standards of conduct/operation must be adhered to by  
21 the owner, proprietor, manager or person in charge of any massage  
22 business or public bathhouse;

23 1. Any person who is employed to give a massage in such  
24 establishment must be at least eighteen years of age and be  
25 validly licensed as a massage practitioner.

26 2. At all times during the hours held open for business,  
27 and/or during the presence of patrons, at least one validly  
28 licensed massage practitioner must be on the premises. Public  
29 bathhouses must have a manager or supervisor on the premises at  
30 all times during the hours held open for business and/or during  
31 the presence of patrons.

1           3. Any person who is employed by such establishment must  
2 present documentation that he or she has attained the age of  
3 eighteen years when an inspection pursuant to this chapter is  
4 conducted. Any of the following shall be accepted as documen-  
5 tation of age:

6           a. a motor vehicle operator's license issued by any  
7 State bearing the applicant's photograph and date of birth;

8           b. an identification card issued by the State of  
9 Washington which bears the applicant's photograph and date of  
10 birth; or,

11           c. a passport.

12 Any violation of this section shall be grounds for revocation or  
13 suspension of the license.

14           B. It shall be unlawful for any employee or agent of any  
15 massage business or public bathhouse to:

16           1. intentionally touch or manipulate the genitals of a  
17 massage patron;

18           2. masturbate or fondle the genital area of a massage  
19 patron;

20           3. administer a massage to a massage patron unless such  
21 massage practitioner's sexual and genital body parts are  
22 completely covered by opaque clothing; or

23           4. administer a massage to massage patrons in the same  
24 room or enclosure at the same time.

25 Any violation of this section shall be grounds for revocation or  
26 suspension of the license.

27           NEW SECTION SECTION 13. Standards for suspension or revoca-  
28 tion.

29           A. Massage business or public bathhouse license.

30           1. The director shall revoke or suspend a massage busi-  
31 ness/public bathhouse license if he determines that the licensee  
32 has:  
33

1 a. Failed to comply with the applicable safety and sani-  
2 tation requirements set out in Section 11 of this ordinance;

3 or,

4 b. Failed to comply with the applicable standards of  
5 conduct set out in Section 12 of this ordinance; or,

6 c. Failed to comply with the applicable building, fire  
7 and zoning code provisions; or,

8 d. Employed persons who, within a period of one-year,  
9 have been convicted of prostitution or consumer fraud stemming  
10 from activities conducted on the licensed premises, or who have  
11 been arrested for such offenses and which lead to such convic-  
12 tions, provided that there are two or more such convictions  
13 within one year, or two or more arrests leading to such convic-  
14 tions within one year.

15 2. The director may revoke or suspend a massage  
16 business/public bathhouse license if he determines that the  
17 licensee has:

18 a. Failed to comply with any of the operating require-  
19 ments set out in Section 9 of this ordinance; or,

20 b. Had any convictions or bail forfeitures which have a  
21 direct connection with the licensed activity, including, but  
22 not limited to, consumer fraud, theft, controlled substances,  
23 prostitution, permitting or promoting prostitution, sexual offen-  
24 ses, or obscenity; or,

25 c. Failed to comply with or done anything which consti-  
26 tutes a basis for denying a license.

27 3. If the director determines during an inspection that  
28 the condition of any massage business needs correction, a written  
29 notice of violation shall be issued to the supervisor, manager,  
30 owner or person in charge specifying such violations. Those same  
31 violations shall be remedied immediately or by a later date  
32 determined by the director. Failure to comply with any written  
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1 notice of violation by the director to make corrections may  
2 result in suspension or revocation of the massage business

3 B. Massage practitioner license.

4 1. The director shall suspend or revoke any massage prac-  
5 titioner's license if he determines that the licensee has:

6 a. Failed to comply with the applicable standards of  
7 conduct set out in Section 11 of this ordinance;

8 2. The director may suspend or revoke any massage prac-  
9 titioner's license if he determines that the licensee has:

10 a. Failed to comply with any of the operating require-  
11 ments set out in Section 9 of this ordinance; or,

12 b. Had any convictions or bail forfeitures which have a  
13 direct connection with the licensed activity including, but  
14 not limited to, theft, controlled substances, prostitution, con-  
15 sumer fraud, obscenity, or sexual offenses;

16 c. Failed to comply with or done anything which consti-  
17 tutes a basis for denying a license.

18 C. Effect of license revocation. If any applicant under  
19 this ordinance has his or her license revoked, a license shall  
20 not be granted under this ordinance for a period of at least one  
21 year from the date of such revocation.

22 D. The director may suspend a license for no more than six  
23 months.

24 NEW SECTION SECTION 14. Violation - penalties.

25 A. Misdemeanor. Every person as principal, agent or other-  
26 wise, failing, neglecting or refusing to comply with any provi-  
27 sion of this chapter, or violating the same, shall be guilty of a  
28 misdemeanor. Each day of such failure, neglect or refusal to  
29 comply with the provision of this chapter or the violation of  
30 same shall constitute a separate offense hereunder.

31 B. Civil penalty. In addition to or as an alternative to  
32 any other penalty provided herein or by law any person who viola-  
33 tes any provision or any business license ordinance shall be sub-

