

BILL NO. 2020-38

ORDINANCE NO. _____

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF LVMC CHAPTER 6.52 TO CLARIFY LICENSING REQUIREMENTS FOR MASSAGE THERAPISTS, ESTABLISH NEW RECORDKEEPING AND OPERATIONAL REQUIREMENTS FOR MASSAGE ESTABLISHMENTS, AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert Summerfield, Director of Planning

Summary: Amends various provisions of LVMC Chapter 6.52 to clarify licensing requirements for massage therapists, and establish new recordkeeping and operational requirements for massage establishments.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 52, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.52.010: (A) The City Council hereby finds that massage establishments seriously affect the economic, social and moral well-being of the City and its residents, that such businesses must be regulated strictly for the welfare of the public, and that such businesses must therefore comply with LVMC Chapter 6.06, as well as the provisions of this Chapter. Although the Nevada Legislature has removed the ability of the City to regulate massage therapists as to their qualifications and practices, the City retains its authority to:

[(A)] (1) Require massage therapists and massage establishments to obtain a City business license; and

[(B)] (2) Regulate the manner in which massage establishments themselves may operate.

(B) Except as otherwise provided in this Subsection (B) and LVMC 6.52.180, the issuance and governance of individual massage therapist licenses, including those for independent massage therapists, shall be in accordance with LVMC Chapter 6.02. The issuance and governance of licenses for massage establishment licensee practitioners shall be in accordance with LVMC Chapter 6.06 and this

1 Chapter.

2 SECTION 2: Title 6, Chapter 52, Section 50, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.52.050:** (A) Each massage establishment must pay in advance an annual license fee of four
5 hundred dollars, together with the additional license fees for professional employees described in
6 LVMC 6.04.060. As an alternative to paying the license fees for professional employees, an establishment
7 may elect to require those employees to pay a license fee as if they were independent massage therapists
8 under Subsection (B), in which case each such employee must do so. A massage establishment with separate
9 facilities for men and women shall be considered a single massage establishment and shall be charged a
10 single license fee every year.

11 (B) Each independent massage therapist and massage establishment licensee practitioner
12 must pay in advance an annual license fee of two hundred dollars.

13 SECTION 3: Title 6, Chapter 52, Section 80, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.52.080:** The licensee or principal of a massage establishment shall maintain a register of all persons
16 who at any time are employed or contracted [as massage therapists and their City and State license numbers.
17 Such register must be made available upon request to representatives of the Department or Metro during
18 regular business hours.] to perform any function or service within the establishment, whether or not related
19 to the provision of massage therapy. The register must show each such person's full legal name, as well as
20 each alias or nickname used by that person; the person's date of birth; the person's title or function; and each
21 applicable State and City license and registration held by that person. The register must be updated to include
22 any such person before the person is allowed on the premises. At all times the establishment is open for
23 business, the register shall be made available upon request to representatives of the Department, Metro, and
24 any other regulatory agency having jurisdiction. In addition, each massage establishment is responsible for
25 ensuring that any person entering the establishment in any capacity is in possession of valid identification
26 issued by a government entity to and regarding that person.

SECTION 4: Title 6, Chapter 52, Section 160, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.52.160: An applicant for a license under this Chapter shall provide to the Department [evidence of a valid health permit or health card issued by the Health District, if and to the extent required by the Health District, and] proof of temporary or permanent licensure by the Nevada State Board of Massage [Therapists.] Therapy.

SECTION 5: Title 6, Chapter 52, Section 180, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.52.180: (A) Except as otherwise provided in this Section, the Director shall issue a license to perform massage therapy to an applicant upon the acceptance of a completed application, payment of appropriate license fees, proof of a valid unexpired massage therapist license issued by the Nevada Board of Massage [Therapists, and a valid health card issued by the Health District, if one is required by the Health District.] Therapy.

(B) The Director may deny, refuse to renew, or revoke an application for a license to perform massage therapy for the following reasons:

(1) The applicant or licensee fails to possess or maintain a valid unexpired massage therapist license issued by the Nevada State Board of Massage [Therapists.] Therapy.

(2) The applicant or licensee has been convicted of a charge of solicitation of prostitution during the three-year period immediately preceding the Director's action.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2020.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed,
Deputy City Attorney

Date _____

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2020, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2020, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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