

Village of Pleak

Ordinance No. 34

AN ORDINANCE REGULATING MASSAGE ESTABLISHMENTS WITHIN THE VILLAGE OF PLEAK, TEXAS; PROVIDING CERTAIN STANDARDS FOR SUCH ESTABLISHMENTS AND PERSONS WORKING THEREIN; REQUIRING THAT SUCH ESTABLISHMENTS OBTAIN A LICENSE FROM THE CITY; PROVIDING REQUIREMENTS FOR SUCH A LICENSE, CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE VILLAGE ALDERMEN OF THE VILLAGE OF PLEAK, TEXAS:

Section 1. Definitions.

For the purposes of this ordinance, the following words shall have the meanings herein ascribed to them:

"Massage" The word "massage" shall mean and include any process consisting in kneading, rubbing or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but shall not include massage by duly licensed physicians, or massage of the face practiced by duly licensed beauty parlors or barbershops.

"Massage Establishment." A "massage establishment" is hereby defined to mean any building, room, place or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body for compensation by anyone not duly licensed physician, whether with or without the use of mechanical, therapeutic or bathing devices, and such terms shall include Turkish bath

houses. This term shall not include, however, beauty parlors or barbershops duly licensed under state law.

Section 2. Closing Hours

No massage establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m.

Section 3. Use As Living or Sleeping Quarters Prohibited.

No massage establishment shall be operated or conducted in connection, either directly or indirectly, with any place used for living or sleeping quarters.

Section 4. Maintenance of Premises; Sterilization and Cleaning of Equipment.

It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic, and bathing devices or parts thereof that come into contact with the human body shall be sterilized by modern and approved method of sterilization, before initial use, and any such instruments and devices or parts thereof, after having been used upon one patron, shall be sterilized before being used upon another. Towels and linens furnished for use of one patron shall not be furnished for use of another until thoroughly laundered.

Section 5. Cleanliness and Health of Employees Generally; Diseased Patrons Not To Be Accommodated.

All masseurs and operators in a massage establishment shall wash their hands thoroughly before administering massage manipulations to each patron accommodated. No person suffering from a communicable disease shall work or be employed in a massage establishment. No person suffering from a communicable disease to the knowledge of the owner,

Custodian, or employees of a massage establishment shall be accommodated as a patron therein.

Section 6. Health Card Required of Employees.

At the time of making application for a license required by this ordinance, the applicant shall furnish to the City Health Officer the names and addresses of all employees of such establishment and all such employees shall be required to secure from the City Health Officer a health card in such form as prescribed by him.

Section 7. Employing Prostitutes Prohibited.

It shall be unlawful for any person operating a massage establishment to employ a known Prostitute in any capacity therein.

Section 8. List of Employees.

The manager or person in charge of a massage establishment shall keep a list of the names and addresses of all employees, both on duty and off duty, and such list shall be shown to all proper authorities of the police department and the City Health Officer.

Section 9. Responsibility of Employer For Acts of Employees.

The person managing, keeping or operating a massage establishment shall be responsible for the acts of their employees in the conduct of such business.

Section 10. License Required.

It shall be unlawful for any person to operate a massage establishment without first having obtained a license therefor from the Assessor and Collector of Taxes in accordance with the provisions of this ordinance.

Section 11. Application

Application for a license required by this ordinance shall be made to the Assessor and

Collector of Taxes on forms provided by him.

Section 12. Approval of City Health Officer and Chief of Police and Certificate of Occupancy Required for Issuance.

A licence required by this ordinance shall only be issued upon the approval in writing of the City Health Officer and the Chief of Police, and a certificate of occupancy from the Building Inspector.

Section 13. Chief of Police to Refuse Approval of Issuance in Certain Cases.

The Chief of Police shall refuse to approve the issuance of a license to any massage establishment which employs any person convicted of any crime involving moral turpitude in any state, municipal or federal court, or which employs a woman who has been convicted of vagrance or prostitution, or who is a known prostitute.

Section 14. Fee

The annual license fee shall be twenty-five dollars (\$25.00) for each massage establishment. If such license is obtained between January first and June thirtieth of any year, the full amount of such fee shall be paid. If such license is obtained between July first and December thirty-first of any year, the fee shall be one-half of such amount. No refund shall ever be made of any such license fees.

Section 15. Display

A license issued under this ordinance shall be displayed at all times in the massage establishment for which it was issued.

Section 16. Revocation

Any license issued under this ordinance may be revoked by the Chief of Police or the City Health Officer for a violation of this or any other ordinance of the city or any law of

the state by the licensee. Revocation shall be effected by written notice to the licensee.

Section 17. Penalty

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$200.00. Each day of violation shall constitute a separate offense.

Section 18. Severability

If any provision of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, of effect or any other provision of this ordinance.

PASSED AND APPROVED THIS 12 day of May 1999

Willie Ponick
Mayor

ATTEST:

Margie Krenak
City Secretary