

ORDINANCE NO.

AN ORDINANCE TO LIMIT THE PRACTICE OF MASSAGE THERAPY TO CERTIFIED MASSAGE THERAPISTS, LICENSE REQUIRED.

~~WHEREAS, certified massage therapists operating within the city limits of Casper, Wyoming, have had individuals approach them about providing services of a sexual nature as opposed to certified massage therapy; and,~~

WHEREAS, a number of massage operations have recently opened which provide massages twenty-four hours per day or are closed twenty-four hours per day; and,

WHEREAS, the governing body of the City of Casper ~~can~~ may perform all acts in relation to the concerns of the city necessary to the exercise of its corporate powers; and,

~~WHEREAS, those powers include the stated action of suppressing or prohibiting houses of prostitution and other disorderly houses~~ illegal sexual services; and,

WHEREAS, the governing body of the city of Casper has the authority by Wyoming State Statutes §15-1-103(a)(xiii) and (xli) to adopt ordinances, resolutions and regulations including regulations necessary for the health, safety and welfare of the city and necessary to give effect to the powers conferred by the state legislature.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that ~~a new~~ Chapter 8.04 Business Affecting Public Health -, is hereby amended to encompass the licensing and operation of massage businesses and the practice of massage therapy::adopted:

Amendments for existing Sections:

8.04.010 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. Adequate. "Adequate" is to be determined by the health officer according to the provisions of this chapter.

B. "Businesses affecting the public health" means any business other than mobile food vehicles and their operators, within the city furnishing to the public any food and drink, lodging, body art and permanent cosmetic establishments, massage establishments and massage therapists, supervision and care of children and all like services or business, whether such services or businesses are on or off the premises.

C. "Health officer" means the health officer of the Casper-Natrona County health department or his representative, whose duty it is to inspect all businesses affecting the public health

D. "Public" means four or more people not related to the operator of the business affecting the public health.

8.04.020 - License—Fee.

A. Every business affecting the public health shall, before beginning business, apply to the city for a license, and, after the business and premises are inspected and approved by the health officer and payment of the proper fee, such license shall be issued. The license fee shall be for those business other than massage establishments and massage therapists:

1. .Seventy-five dollars for swimming pools, food manufacturers, food distributors, food processors, groceries, bakeries, meat markets and delicatessens; provide, however, that groceries or supermarkets shall be charged a base license fee of seventy-five dollars, plus twenty-five dollars each for meat markets, bakeries and delicatessens;

2. Twenty-five dollars for campground facilities, motels, hotels, bed and breakfasts and body art and permanent cosmetic establishments;

3. Fifty dollars for child day care facilities;

4. One hundred dollars for bars. If a bar provides food, an additional license fee of twenty-five dollars is required;

5. One hundred dollars for restaurants. If a restaurant provides alcoholic liquor or malt beverage, an additional license fee of twenty-five dollars is required;

6. No license fee shall be required for food service facilities on any parochial, private or public school property.

7. The fees and requirements for massage establishments and massage therapists are set forth beginning at Section 8.04.090; those specific provisions shall control when they are in conflict with the earlier provisions of this Chapter.

B. Unless otherwise provided, if a business enterprise involves more than one of the above-named services or businesses, a license must be obtained for each fee classification.

Newly Created Sections:

8.04.090 ~~Section 1~~ Purpose and Intent for including massage businesses and practice.

A. 1. Establishments and individuals that provide massage services affect public health; some businesses and individuals use the term massage in fact are providing illegal sexual services.

2. It is the intent of the City of Casper that all entities and establishments which provide massage services within the Casper City limits, shall be licensed by the City of Casper as well as all individuals who provide the services for such businesses.

- B. To obtain such a license the business must hire only certified massage therapists, and to obtain, ~~as an individual~~ as a massage therapist, a certified massage therapist permit, the individual must be a certified massage therapist, or be grandfathered as an established Casper massage therapist.
- C. The purpose of this ~~Ordinance~~ Chapter is to comply with the statutory authority given to the governing body of cities within Wyoming to protect the health, safety and general welfare of its citizens and to suppress and prevent acts of ~~prostitution~~ illegal services.

8.04.100~~Section 2~~ Definitions applicable to Sections 8.04.110 through 8.04.280 concerning massage therapy.

1. "Business Entity" means a corporation, partnership, association, limited partnership, or LLC.
2. "Distance learning school" means a school or educational institution, as approved by the Casper ~~Natrona County Health Department~~ Police Department, that issues an official diploma or certificate of completion to successful students completing a massage and massage affiliated curriculum consisting of not less than five hundred hours of in-class correspondence, or electronic means of instruction, or a combination thereof, with a minimum of two hundred hours of in-class hands-on practicum under the supervision of staff instructors. The school must provide enrolled students with lesson materials prepared in a sequential and logical order for home study, and each lesson, when completed, must be returned to the school for correction and grading under the supervision of a credentialed staff instructor. Distance learning schools must be licensed, if required, through the applicable state agency in the state in which the school is located.
 - a. If a state license is not required, the distance learning school must meet one of the following requirements:
 - i. The school's massage and massage affiliated curriculum must be reviewed, evaluated and approved by a national or international professional massage therapy organization; or
 - ii. The school must have current accreditation status issued by an accreditation organization recognized by the U.S. Department of Education; or have current accreditation status issued by a national accreditation organization as approved by the Casper ~~Police~~ Natrona County Health Department.

3. "Health Officer" means a health officer of the Casper-Natrona County Health Department or his/her designated representative.
4. "Massage" means the administration by any person of any method of exerting or applying pressure, friction, moisture, heat or cold to the human body by any physical or mechanical means for any form of consideration. Massage does not mean the practice ~~of known as~~ acupuncture.
5. "Massage Establishment" means any establishment having a fixed place of business wherein any person, firm, association or corporation engages in or carries on or permits to engage in or carry on any of the activities mentioned in this Ordinance. Any establishment engaged in or carrying on, or permitting any type of massage for any ~~form payment~~ or consideration shall be deemed a massage establishment.
6. "Massage Therapist" means any person, ~~male or female,~~ who gives or administers to another, for any form of payment or consideration, a "massage", as that word is defined in this chapter. This shall include but not be limited to those persons calling themselves massage therapists, massagists, masseuses, or masseurs.
7. "License" means the license to engage in the activities of a massage establishment required by this Ordinance; the license fee is one hundred dollars.
8. "Patron" means any person over the age of majority (or minor who has written consent of parent, guardian or custodian) who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefore.
9. "Permit" means the permit needed to engage in the activities of a massage therapist required by this Ordinance; the permit fee is sixty dollars, unless the permit holder is a proprietor of his or her solo practice, in which case the permit fee shall be waived; the establishment license will permit a solo practitioner to obtain a permit without additional charge. -
10. "Person" means any proprietorship, individual, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.
11. "School" means a school or educational institution, as approved by the Casper ~~Police-Natrona County Health~~ Department that issues or has issued an official diploma or certificate of completion to successful students completing a massage and massage affiliated curriculum consisting of not less than five hundred hours of ~~in-class~~ instruction, including in class hands-on practicum under the supervision of staff instructors. The school must be licensed, if required, through the applicable state agency in the state in which the school is located.
 - a. If a state license is not required, the school must meet one of the following requirements:

- i. The school’s massage and massage affiliated curriculum must be reviewed, evaluated and approved by a national or international professional massage therapy organization; or
- ii. The school must have current accreditation status issued by an accreditation organization recognized by the U.S. Department of Education; or have current accreditation status issued by a national accreditation organization or have current accreditation status accepted by the Casper Police Department, as approved by the Casper Natrona County Health Officer.

12. “Specified Anatomical Areas” means the human genital, pubic and anal regions or the perineum of any person, or the vulva or areolas ~~breasts~~ of a female.

8.04.110 ~~Section 3~~ Massage Therapist Permit.

- A. No person shall practice as a massage therapist, proprietor, employee or otherwise, unless he/she has a valid and subsisting massage therapist permit issued by the ~~Casper Natrona County Health Department~~ City Clerk’s Office, pursuant to the provisions of this ~~Chapter Ordinance~~. An application for a ~~permit~~ license shall be submitted to the Clerk of the City of Casper who will forward the permit application to the ~~Casper Natrona County Health Department~~ Casper Police Department for review.

8.04.120 ~~Section 4~~ Application for Massage Establishment License.

- A. Any person desiring to engage in the business, trade, profession, operation or conduct of a massage establishment as provided in this ~~Chapter Ordinance~~ shall, before engaging in such business, file an application for a license in the Office of the Casper City Clerk. The application, once accepted shall be referred to the Casper Police Department for investigation of the applicant’s background and the applicant’s qualifications as required herein. ~~and to the Casper Natrona County Health Department for investigation and review of the applicant’s qualifications.~~ Copies shall be referred to the Casper Fire-EMS and the Casper Building Inspection; the departments shall, within ~~seven~~ five working days, inspect the premises proposed to be operated as a massage establishment and shall make written verification to the Health officer and City Clerk regarding compliance with the codes that they administer. Each application shall be written on forms provided by the City Clerk and shall contain the following:
 - 1. The full and true name(s) and any other name(s) used by each applicant (hereinafter all provisions which refer to the applicant include any applicant which may be a corporation or partnership, LLC, etc.);²
 - 2. The present address and telephone number, driver’s license number, must be current, ~~or and~~ social security number of each applicant.

- a. If the applicant is a corporation, partnership, limited partnership, LLC, etc., hereafter business entity, the names and residence addresses of each of the officers and directors of said business entity owning more than ten percent of the business entity, and the address of the business entity, if different from the address of the massage establishment;
3. The location, mailing address, and all telephone numbers where the massage establishment~~business~~ is to be conducted;
4. The ~~two previous prior~~ addresses for three years immediately prior to the date the application for a business license and/or permit ~~the present address~~ of the applicant is submitted to the City Clerk's Office;
5. Proof that the applicant is over the age of majority;
6. One photograph, at least two inches by two inches similar to the quality of a United States Passport, of each applicant, or if an entity of each officer, director, member, partner, and owner, owning more than ten percent of the business entity;
7. Color copy of the current ~~D~~driver's License, if any, and date and place of birth of each applicant, or if an entity of each officer, director, member, partner, and owner, owning more than ten percent of the business entity;
8. The Business, occupation or employment of the applicant for the three years immediately preceding the date the~~of~~ application was submitted to the City Clerk, setting forth the name and address and contact information for the establishment and the supervisors of an individual applicant;
9. The massage or similar business history of each applicant; whether such person, in previously operating in this or another city, county or state, has had a business license or permit revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation;
10. ~~All e~~Criminal convictions, whole over the age of eighteen, other than ~~misdemeanor~~ traffic violations, including the dates of convictions, nature of the crimes, and place convicted;
11. The name and address of each massage therapist who is or will be employed in such establishment.
- ~~12. The name and address of any person whose name is required to be given in subsection 2.~~
- ~~13.~~12. _____ A description of any other business to be operated on the same premises or on adjoining premises owned or operated by the applicant, and
- ~~14.~~13. _____ Authorization for the Casper Police Department ~~Health Officer~~, his/her/its agents and employees to seek information and conduct an investigation into

the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

~~15. Such other identification and information necessary to discover the truth of the matters herein before specified as required to be set forth in the application.~~

Upon completion of the application and the furnishings of all the foregoing information, the Casper City Clerk's Office shall accept the application for the necessary investigations. The holder of a massage establishment shall notify the Clerk's Office, who in turn will notify the appropriate departments, of each change in any of the data required to be furnished by this section within seven business days after such change occurs.

8.04.130 ~~Section 5~~ Application for Massage Therapist Permit.

A. Application for a massage therapist permit shall be made to the City Clerk's Office in the manner as provided above for massage establishment license. The application shall contain, but may not be limited to, the following:

1. The location where the massage is to be conducted or practiced and all telephone numbers of the applicant;
2. Applicant's name and residence address; social security number and all names, nicknames and aliases by which the applicant has been known, including the two previous addresses for the three years immediately prior to the ~~present address of the applicant~~ date the application was submitted to the City Clerk;
3. Copy of Driver's License number, if any, and date of birth and for non U.S. citizens who do not have permanent residence status, a copy of the applicant's passport;
4. ~~If a copy of the applicant's driver's license is not provided, the Applicant's date of birth,~~ weight, height, color of hair and eyes, and sex; and
5. ~~4. w~~Written evidence the applicant is at least the age of majority;
6. ~~5. A complete statement listing of~~ all convictions while over the age of majority, of the applicant for any felony or misdemeanor ~~or violation of a local ordinance~~, except misdemeanor traffic violations, including the date and location of such convictions;
7. ~~6. Two front-face portrait photographs taken within thirty days of the date of the application and at least two inches by two inches in size and similar to the quality for a United States passport;~~
8. ~~7. The name and address of the school or distance learning school attended, dates attended or enrolled, and a copy of the diploma or certificate of completion awarded to the applicant showing the applicant successfully completed the school's massage curriculum~~ or information from which a request for a grandfathered permit may be issued;

- ~~9.8.~~ Business occupation or employment history of the applicant for three years prior to the date of the application, including, but not limited to, whether or not the applicant in previously operating in this or another county, city, or state under license or permit has had such license or permit denied, revoked or suspended and the reasons therefore, and the business activities or occupations subsequent to such action of denial, suspension, or revocation;
- ~~10.~~ Such other information, identification and medical physical examination of the person deemed necessary by the Health Officer in order to discover the truth of the matters herein before required to be set forth in the application;
- ~~11.9.~~ _____ Authorization for the City, and the Casper Police Department ~~the Health Officer~~ and their designees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;
- ~~12.~~ Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being notarized, duly dated and signed in the County;
- ~~13.~~ Medical certificate signed by a physician, licensed to practice in the State of Wyoming, within fourteen days of the date of the application that includes results of a tuberculosis skin test. The certificate required by this subsection is required for annual renewal of the license.
- ~~14.10.~~ _____ Proof of a high school diploma or recognized equivalent;
- ~~15.11.~~ _____ Proof of not less than ~~five~~ three hundred thousand dollars in general liability coverage;
- ~~16.~~ Written documentation pertaining to, and proving current membership with an established national organization associated with massage therapy, including a copy of the organization's code of ethics;
- ~~17.12.~~ _____ Statement by applicant as to the primary purpose of the license (i.e. out of home services, in home services or combination thereof). If any in home services desired, written approval from the Planning Department is required; ~~a suitable floorplan delineating the area to be utilized for the administration of in home services shall be submitted with the application.~~ Massage therapists may provide massages at various sites throughout the city, but for any off premises work shall maintain a patron registry which shall provide at minimum the customer's name, what services were provided and the date of the services;
- ~~18.~~ Proposed format to be used as a patron register; and
- ~~19.13.~~ _____ A list of services available and the cost of such services must be available to patrons. The services s must be described in readily understandable English.

Section 68.04.140 Issuance of License for a Massage Establishment or Permit for a Massage Therapist.

- A. Upon completion of the application review, the City Clerk may issue a license for a massage establishment ~~and~~/or a permit for a massage therapist to any person if all requirements for a massage establishment license or massage therapist permit described in this ~~Ordinance Chapter~~ are met unless the City Clerk's Office finds:
1. The operation, as proposed by the applicant, if permitted, would not comply with ~~all applicable laws, including, but not limited to building, zoning and health regulations. this Code Chapter; or~~
 2. The applicant, if an individual; or if a business entity owner owning ten percent or more of the entity and the officers, members, partners and directors of the entity, or the holder of any lien, of any nature, upon the business and/or the equipment used therein, and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense, within or without, of the State of Wyoming that would have constituted any of the following offenses if committed within the last ~~ten~~five years within the State of Wyoming:
 - a. An offense involving the use of force and violence upon the person of another that amounts to a felony or would qualify as domestic violence; or
 - b. An offense involving sexual misconduct; or
 - c. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony; ~~or-~~
 3. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the license or permit application or in any document required by the applicant; ~~or-~~
 4. The applicant, if an individual, or any of the officers, directors, members or owners owning ten percent or more of the business entity, or manager or other person principally in charge of the operation of the business, is not over the age of eighteen years old.

8.04.150~~Section 7~~ Approval or Denial of Application.

The Casper City Clerk's Office (hereafter Clerk's Office) shall act to approve or deny an application for licenses and permits under this section within a reasonable period of time and in no event, if the application is complete, shall the Clerk's Office approve or deny said application or permit later than ~~sixty~~forty-five days from the date that said application was accepted and found to be complete. Every license and permit issued pursuant to this section will terminate on the expiration date specified unless sooner suspended or revoked.

8.04.160 ~~Section 8~~ Posting of License or Permit.

- A. Every massage therapist shall post the permit required by this Ordinance in his or her area or on his or her person.
- B. Every person and business entity licensed under this Ordinance shall display such license in a prominent place in his or her establishment.

8.04.170 ~~Section 9~~ Register of Employees.

The massage establishment shall maintain a register of all persons employed at any time as massage therapists and their permit numbers. Such register shall be available at the massage establishment to representatives of the City of Casper, including the Casper Police Department, during regular business hours.

~~Section 108.04.180~~ 8.04.180 Massage Establishment Operating Requirements.

No person or business entity shall engage in, conduct or carry on, or permit to engage in, conduct or carry on, the operation of a massage establishment unless each and all of the following requirements are met. ~~and inspections by the Casper Police Department may be made to insure compliance; If the requirements are not met or violated such act or omission is a violation of this Chapter and is unlawful;~~

- A. Each person employed or acting as a massage therapist shall have a valid permit issued pursuant to the provisions of this ~~Chapter Ordinance~~, and it shall be a violation of this Chapter-unlawful for any owner, operator, responsible managing employee, manager, or licensee in charge of or in control of a massage establishment to employ or allow a person to act as a massage therapist who is not in possession of a valid permit;
- B. The possession of a valid massage establishment license does not authorize the possessor to perform work for which a massage therapist permit is required;
- C. A list of services available and the cost of such services or hourly rates shall be posted in an open and conspicuous public place on the premises. The service shall be described in readily understandable English. ~~No owner, operator, responsible managing employee, manager or licensee in charge of or in control of the massage establishment shall allow and no massage therapist shall offer to perform, nor shall perform, any service other than those posted;~~
- D. The massage establishment business license, the massage therapist permit, and latest public health inspection form and a copy of the permit of each and every massage therapist employee by working in the establishment shall be displayed in an open and conspicuous place on the premises;

- E. A minimum of one toilet and washbasin shall be provided for the patrons in every massage establishment; ~~however if male and female patrons are to be served simultaneously at said establishment, separate toilet facilities shall be provided for male and female patrons.~~ Hot and cold running water under pressure shall be provided to all washbasins and similar equipment. Each wash-basin shall be provided with soap or detergent and sanitary towels ~~placed in permanently installed dispensers.~~ A trash receptacle shall be provided in each toilet room;
- F. Clean and sanitary towels, sheets and linens as needed shall be provided for each patron receiving massage services. No common use of towels or linens shall be permitted; ~~and reuse is~~ of towel, sheets and linens are prohibited unless they have been first laundered. Heavy white paper may be substituted for sheets; provided, that such paper is used once for each person, then discarded into a trash receptacle;
- G. A hand washbasin shall be ~~available provided~~ for the certified massage therapist with hot and cold running water under pressure. The washbasin must be provided with soap or detergent and sanity towels ~~placed in permanently installed dispensers.~~ A trash receptacle will be provided near the basin; ~~The hand wash basin shall be located as to be convenient, accessible and within close proximity to the massage room, table or chair;~~
- H. Disinfecting agents and sanitizing equipment sufficient to assure cleanliness and safe conditions thereof shall be provided for any instruments used in performing any massage;
- I. Massage tables shall be covered in a workmanlike manner with durable, washable plastic or other waterproof material;
- J. Each establishment shall provide to all disrobed patrons clean, sanitary and opaque coverings capable of covering the patron's specified anatomical areas. Such coverings shall be used for one customer only and shall not be reused without first being cleaned;
- K. No owners, operator, responsible managing employees, manager or licensee in charge or in control of a massage establishment shall allow a massage to be given unless the patron's specified anatomical areas are covered appropriately during the entire massage; ~~;~~
- L. With the exception of bathrooms or dressing rooms not open to public view, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used in common by the patrons or which can be viewed by patrons from such an area, unless such person's specified anatomical areas are fully covered;
- M. Kiosk, free standing, or "common area" fully clothed massage. A fully clothed client may be given a chair massage or table massage in a non-room setting provided the client remains fully clothed and the operator meets the requirements of this section; ~~;~~
- N. No owner, operator, responsible managing employee, manager, or licensee in charge of or in control of a massage establishment will permit any massage therapist to perform any service or task while in the presence of a patron or to be on the premises of a massage

establishment during its hours of operation unless the massage therapist is fully covered from a point not to exceed ~~seven~~four inches above the center of the kneecap to the ~~base of the neck, juncture of the therapist's armpits~~. Such covering must be an opaque material and maintained in a clean and sanitary condition;:-

- O. When a Health Officer has reasonable cause to suspect possible disease transmission by an employee of a massage establishment, he/she may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. ~~The Health Officer may require any and all of the following measures:~~
- ~~1. The immediate exclusion of the employee from employment in massage establishments;~~
 - ~~2. The immediate closing of the massage establishment concerned until, in the opinion of the Health Officer, no further danger or disease outbreak exists;~~
 - ~~3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;~~

8.04.190 ~~Section 11~~ Massage Therapist Operating Requirements.

No person will engage in, conduct or carry on the practice of a massage therapist unless each of the following requirements are met;:- ~~if the requirements are not met or violated such act or omission is a violation of this Chapter and is unlawful:~~

- A. Possession of a valid permit issued pursuant to the provisions of this chapter, a copy of which will be made available upon request;
- B. Massage therapy shall be provided only between the hours of six a.m. and ~~nine~~ten p.m.;
- C. A list of services available and the cost of such services or hourly rates will be posted on site or available upon request if services are provided offsite. Services must be described in a readily understandable English. ~~No massage therapist will perform or offer to perform any services other than those listed;~~
- D. Massage therapists shall wash their hands; prior to conducting the massage, after completing the massage and clean up and before commencing the next patron's massage;
- E. Clean and sanitary towels, sheets and linens must be provided for each patron receiving massage therapy if the patron does not remain in his or her clothes. No common use of towels or linens will be permitted and reuse is prohibited unless they have first been laundered. Heavy white paper may be substituted for sheets; provided, that such paper is used once for each person, then discarded into a sanitary receptacle;
- F. Disinfecting agents and sanitizing equipment sufficient to assure cleanliness and safe conditions thereof must be used for any instruments used in performing massage therapy;

- G. Massage tables must be covered in a workmanlike manner with durable, washable plastic or other waterproof material;
- H. Massage therapists must provide to all patrons clean, sanitary and opaque coverings capable of covering the patron's specified anatomical areas if the patron does not remain in his or her clothes. Such coverings shall be used for one customer only and will not be reused without first being cleaned;
- I. No massage therapist will give a massage unless the patron's specified anatomical areas are covered during the entire massage by the coverings required in subsection H. of this section, unless the ~~patron~~ patron's clothes cover the specified anatomical areas ~~remains fully clothed~~;
- J. No massage therapist will perform any service or task while in the presence of a patron unless the massage therapist is fully covered from a point not to exceed ~~seven~~ four inches above the center of the kneecap to the ~~base of the neck~~ junction of the massage therapist's armpits. Coverings must be of an opaque material and maintained in a clean and sanitary condition;
- K. No massage therapist will massage or intentionally touch the specified anatomical areas of another person while performing the services of a massage therapist;

8.04.200 ~~Section 12~~ Transfer of Permit.

No license or ~~f~~ permit shall be transferable.

~~Section 13~~ 8.04.210 Sale or Transfer Location.

Upon an application for sale or relocation of a massage establishment, the application shall be treated as a new facility.

8.04.220 ~~Section 14~~ Name and Place of Business.

No person granted a license pursuant to this chapter shall operate the massage establishment under a name not specified in his/her license, nor shall he/she conduct business under any designation or location not specified in his/her license. Off premises massage service can be included in approved establishment's or permittee's permit.

8.04.230 ~~Section 15~~ Inspection by Officials.

The ~~Casper Police Department or~~ Casper-Natrona County Health Officer or his/her designee and/or the City Clerk's Office Staff have the right to enter the premises from time to time, upon providing reasonable notice and during usual business hours –for the purpose of making reasonable inspections to ~~enforce~~ determine compliance ~~with~~ of this ~~Chapter~~ Ordinance.

Section 168.04.240 -Denial, Suspension or Revocation of License.

A. Denial. Within ~~ten~~three days of the denial of an application for a massage establishment license, or a massage therapist permit, the applicant may file with the City Clerk's Office a written request for an appeal hearing. At such hearing, to be held at a reasonable time after receipt of request, evidence shall be received for the purpose of determining whether or not such denial shall be upheld. During the hearing, all requirements of the Wyoming Administrative Procedures Act shall be followed and an independent hearing officer, a member of the Wyoming State Bar, shall be retained to conduct such hearing and render a decision on the issue(s).

~~A.B.~~ The notification of any reason for such decisions shall be set forth in writing and sent to the applicant by means of registered or certified mail or hand delivery. ~~During the hearing, all requirements of the Wyoming Administrative Procedures Act shall be followed.~~

~~B.C.~~ Suspension or Revocation. Any massage establishment license or massage therapist permit shall be subject to a non- arbitrary suspension or revocation by the City Clerk's Office for a violation in the of issuance of such permit in the first instance, or for the violation of any law regulating massage establishments or massage therapists. A suspension of five days or more or a revocation may be appealed pursuant to the procedure referred in the preceding two paragraphs.

Section 178.04.250 Exemptions.

The provisions of this ~~Chapter Ordinance~~ shall not apply to the following individuals or their professional practices while providing engaged in the personal performance of their duties services as professionals:

- A. Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective professions in the State of Wyoming.
- B. Registered nurses, licensed practical nurses, and nurses' aides performing massage services in the course of their usual nursing duties.
- C. Barbers or beauticians who are duly licensed under the laws of this state, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic beatifying purposes.
- D. Cosmetologists and nail technicians who are licensed under the laws of this state, except that this exemption shall solely apply to the massaging of the patron's lower leg, starting at the section of the leg at and below the patron's kneecap and including their ankles, and feet; and the patron's arms, starting at the patron's shoulder through their fingertips.

- E. Hospitals, clinics, nursing and convalescent homes, and other similarly licensed health care facilities.

Section 18-8.04.260 Renewal Procedures.

- A. Any massage establishment license or massage therapist permit issued under the provisions of this chapter shall be valid for one year from the date of issuance.
- B. Any person holding a valid massage establishment license or a valid therapist permit who wishes to renew the same shall submit to the City Clerk’s Office no less than sixty days, but no more than ninety days prior to the renewal date the same information and documentation as required for the initial issuance as previously set forth herein.
- C. The City Clerk’s Office shall act to approve or deny an application for renewal of a permit under this Ordinance within a reasonable period of time and in no event shall the City Clerk’s Office act to approve or deny said permit later than ~~forty-five-sixty~~ days from the date and said renewal application was accepted and found to be complete by the City Clerk’s Office.
- D. Renewal fees shall be one-half the application fee per renewal.

Section 198.04.270 Severability and Effective Date.

- A. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- B. This Ordinance shall be in full force and effect ~~threesix~~ months after its passage. Upon effect, massage therapists who were actively practicing for one year or more in Casper, Wyoming prior to the passage of this Chapter will be grandfathered in notwithstanding a lack of certification and/or deficiencies in the physical work space of the massage therapist; these exceptions shall not affect the other requirements of this chapter including requirements for building, fire, or electrical safety pursuant to adopted building, fire, and electrical code or health requirements.”

8.04.280 Violation – Penalty.

- A. Any person or business entity violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and may be punishable by a fine up to Seven Hundred and Fifty Dollars, six months incarceration or both. Ongoing violations are separate occurrences and may result in additional charges.

PASSED on 1st reading the ____ day of _____, 2020

PASSED on 2nd reading the ____ day of _____, 2020

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day
of _____, 2020.

APPROVED AS TO FORM:

ATTEST:

Fleur Tremel
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Steven K. Freel
Mayor