

ORDINANCE NO. 1672

An ordinance to amend Chapter 9 of the Code of Ordinances of the City of Slidell, by adding thereto a new section, to be designated as Section 9-14 relative to massage establishments.

BE IT ORDAINED by the Slidell City Council, in legal session convened, that a new Section 9-14 relative to massage establishments be adopted as follows:

SECTION 9-14. An ordinance relative to Massage Establishments; to establish standards for massage establishment facilities; to regulate operation of massage establishments; to provide for licensing of massage establishments; to require massage technicians permits; to provide for license or permit suspension or revocation; to provide grounds for suspension and revocation; to provide for penalties under the ordinance; to establish expiration dates of licenses and permits; to provide for exemptions under this ordinance; to repeal all ordinances or parts of ordinances in conflict herewith; and otherwise to provide with respect thereto.

I. Massage Establishments.

1. Definitions.

A. Massage. The term "massage" shall mean any process or procedure upon the external parts of the body of a patron consisting of rubbing, stroking, kneading or tapping by any means.

B. Massage Establishment. The term "massage establishment" shall include any place or establishment which is operated for the purpose of giving either or all of the following services at such establishment; Physical massage of the person, colon irrigation, or any other similar services commonly rendered by such establishments for health purposes.

C. Massage Technician. The term "massage technician" means any person who gives or administers a massage.

D. Person. The term "person" means any person, association, firm, partnership or corporation.

E. Patron. The term "patron" means any person 18 years or older, who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefor.

F. Recognized School. The term "recognized school" means any school or institution of learning which has for its purpose the teaching of the theory, method,

1 profession or work of massage technicians, which school requires a resident course
2 of study of not less than two hundred (200) hours to be given in not less than three
3 (3) calendar months before the student shall be furnished with a diploma or certificate
4 of graduation from such school following successful completion of such course of
5 study or learning. Such school must show current membership in good standing in the
6 American Massage and Therapy Association.
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13 II. Massage Establishment Facilities.

14 Every massage establishment shall maintain facilities meeting the following
15 requirements:
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17 A. Every massage establishment shall be equipped with security deposit
18 facilities capable of being locked by the patron. Sufficient safety deposit
19 facilities shall be furnished so that each patron will have a separate compartment
20 available for storage of clothing and valuables. Disposable containers shall be
21 provided for storage of articles of clothing.
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28 B. Every massage establishment shall have a minimum of one (1) shower,
29 one (1) toilet and one (1) washbasin for every two (2) massage technicians employed.
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33 C. If male and female patrons are to be served simultaneously, such
34 massage rooms dressing facilities, toilet facilities, steam rooms and sauna rooms are
35 as provided shall be separate for male and female patrons and each such separate
36 facility or room shall be clearly marked as such. It shall be unlawful for any
37 person employed by a massage parlor to perform a massage on a person of the opposite
38 sex. It shall be unlawful for any proprietor, agent or person lawfully in charge
39 of a massage parlor to knowingly allow any employee thereof to perform a massage
40 on a person of the opposite sex.
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49 D. Rooms in which massage is to be practiced or administered shall have
50 at least fifty (50) square feet of clear floor area and shall maintain a light level
51 of no less than forty (40) foot candles as measured at three (3) feet above the floor.
52 Lighting in colors other than white shall be prohibited. Such rooms shall be equipped
53 with cabinets for the storage of clean linen and chemicals and approved receptacles
54 for the storage of soiled linen. Such rooms shall contain a door incapable of being
55 locked from the exterior or interior. Such door shall contain a transparent window
56 pane no less than twelve (12) inches wide and twelve (12) inches long, such that an
57 unobstructed view of the room is provided from a hallway or other common access area
58 which is immediately adjacent to the room.
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1 E. No stuffed or upholstered furniture or beds and mattresses shall be
2 permitted in rooms in which massage is to be practiced or administered. Such rooms
3 shall be equipped with massage tables having a hard surface impervious to liquids
4 with a width of no more than three (3) feet and a length of no more than eight (8)
5 feet. The surface of such tables shall be positioned at least two (2) feet from the
6 surface of the floor so as to allow for free access to the floor beneath. Such
7 tables may be equipped with either nondisposable pads or coverings or disposable
8 coverings not more than two and one-half (2½) inches thick. Nondisposable pads
9 or coverings shall be removable, impervious and cleanable.
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19 III. Massage Establishment Operation.

20 Every massage establishment and every massage technician shall comply
21 with the following operating requirements. These requirements shall be prominently
22 and publicly displayed in a conspicuous place upon every premises licensed under
23 the provisions of this ordinance.
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29 A. Massage establishments shall commence operations no earlier than 8:00
30 A.M. and the hours of operation shall extend no later than 10:00 P.M. Massage technicians
31 shall not practice or administer massage at massage establishment at anytime outside of
32 the hours of operation.
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37 B. Massage establishments and massage technicians therein shall prominently
38 and publicly display on the premises their licenses and permits during all hours of
39 operation.
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43 C. Massage establishments shall keep a record of the date and hour of
44 each massage, the name and address of the patron receiving the massage and the name
45 of the technician practicing or administering the massage. Such record shall be
46 open to inspection by City Officials. Information furnished or secured as a result
47 of such inspection by authorized officials shall be confidential.
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53 D. Massage establishments shall at all times be equipped with an adequate
54 supply of clean sanitary towels, coverings and linens. Clean towels, coverings and
55 linens shall be stored in cabinets. Towels and linens shall not be used on more than
56 one (1) patron unless they have first been laundered and disinfected. Disposable
57 coverings and towels shall not be used on more than one (1) patron. Soiled linens and
58 paper towels shall be deposited in approved receptacles.
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65 E. Instruments utilized in performing massage shall not be used on more
66 than one (1) patron unless they have first been disinfected, using disinfecting agents
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1 or sterilizing equipment. Massage table pads and reusable table coverings shall
2 be disinfected between each massage with approved chemicals. Chemicals used during
3 massage shall be stored separately in containers clearly labeled as to contents.
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5 All chemical containers shall be stored in cabinets reserved solely for such
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7 purpose.
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11 F. Massages shall not be given unless patrons are wearing clothing
12 fully covering their genitals and female patrons are in addition wearing clothing
13 fully covering their breasts. Where such clothing is furnished patrons by the
14 massage establishment, it shall not be used by more than one (1) patron unless it
15 has first been laundered and disinfected. Massage technicians shall be fully
16 clothed from the knee to the neck in clean opaque light colored clothing.
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19 G. Massages shall not be given to patrons who have open sores or other
20 visual signs of contagion or communicable disease.
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23 a. For purposes of ascertaining violations of this ordinance and conducting
24 routine inspections, police officers and building inspectors of the City of Slidell
25 and State Sanitary inspectors shall have the right of entry onto the premises of
26 any massage establishment during the hours such establishment is open for business.
27 If said officers observe that any massage technician has open sores or otherwise
28 have reasonable grounds to believe that any massage technician is infected with a
29 contagious or communicable disease, they shall have the right to suspend such
30 massage technician from practicing or administering massage until such time as
31 he furnishes a doctor's certificate showing him to be free of any contagious or
32 communicable disease.
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35 b. The owner or licensee or his/her duly authorized manager shall be on
36 duty at all times during working hours in the massage establishment.
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39 IV. Massage Establishment License Required.
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41 No person shall carry on the business of operating a massage establishment
42 at any place within the city unless he has a valid license issued pursuant to the
43 provisions of this ordinance for each and every such place of business.
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46 A. Application.
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48 1. Fee
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50 Any person desiring to obtain a license to operate a massage establishment
51 shall make application to the Director of Finance. A fee of one hundred dollars (\$100)
52 made payable to the City of Slidell, shall accompany the submission of the application
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1 to defray the costs of administration and investigation. In the event the applicant
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3 is not granted a license under the provisions of this ordinance, fifty dollars (\$50)
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5 of the application fee shall be returned to the applicant.
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7 2. Contents.
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9 Any person desiring a massage establishment license shall file a written
10 application with the Director of Finance on a form to be provided by the Director
11 of Finance. If the applicant is a corporation, the name of the corporation shall be
12 of Finance. If the applicant is a corporation, the name of the corporation shall be
13 set forth exactly as set forth in its articles of incorporation, together with the
14 names and addresses of each of its officers, directors and each stockholder of the
15 corporation and the application shall be verified by an officer of the corporation.
16
17 If the applicant is a partnership, the application shall set forth the name and
18 residence address of each of the partners, including limited partners, and the application
19 shall be verified by each partner. If one or more of the partners is a corporation,
20 the provisions of this section pertaining to a corporate applicant shall apply
21 to the corporation partner. If the applicant is neither a corporation nor a
22 partnership, the application shall set forth the full name and address of the applicant
23 and be verified by the applicant. The application for massage establishment license
24 shall set forth the proposed place of business and the facilities therefor, together
25 with a detailed description of the nature and scope of the proposed business operation.
26
27 In addition to the foregoing, the following information shall be furnished concerning
28 the applicant if an individual; and concerning each individual stockholder of the
29 corporation, each officer and director if the applicant is a corporation; and concerning
30 the partners, including limited partners, if the applicant is a partnership:
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32 a. The previous address, if any, for a period of three (3) years, immediately
33 prior to the date of application and the dates of such residence.
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35 b. The date of birth.
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37 c. Three (3) passport size photographs one inch by one inch (1"x1") taken
38 within six (6) months of the date of application.
39

40 d. A complete set of fingerprints.
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42 e. The business, occupation or employment history for three (3) years
43 immediately preceding the date of application, including but not limited to, whether
44 such person previously operating under a permit or license in another city in this
45 or another state had such license suspended or revoked.
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47 f. All convictions, including ordinance violations, exclusive of traffic
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1 violations, with a brief statement of the nature of the convictions and the jurisdiction
2 in which the convictions occurred.

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4 g. A physical description to include height, weight, sex, color of
5 eyes, color of hair, birth marks and scars.

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8 B. Investigation.

9 Applications for licenses under this ordinance shall be referred to the
10 Council Administrator and the Chief of Police within 48 hours of the
11 application being filed, all of whom shall cause an investigation to be made and
12 report their findings to the Director of Finance. Applicants shall cooperate with
13 any investigation conducted pursuant to the provisions of this ordinance and shall
14 permit access to the proposed place of business and facilities therefor in conjunction
15 with any such investigation.

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17 C. Granting of License.

18 Within sixty (60) days of the receipt of an application the Director of
19 Finance shall either grant or deny a massage license. The Department of Police,
20 shall be notified within 48 hours of the denial or acceptance of the application by
21 the Finance Department. The Director of Finance shall grant a massage license only
22 if he/she finds:

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25 1. The required fee has been paid.

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27 2. The application conforms in all respects to the provisions of this
28 article of the City Code.

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30 3. The applicant has not knowingly made a material mis-statement in the
31 application for a license.

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33 4. The applicant has fully cooperated in the investigation of his
34 application.

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36 5. The massage establishment as proposed by the applicant would comply
37 with all applicable laws, including but not limited to, the City's Building,
38 zoning and health regulations.

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40 6. The applicant if an individual, or any of the stockholders of the
41 corporation, any officers or directors, if the applicant is a corporation, or any
42 of the partners, including limited partners, if the applicant is a partnership have
43 not been convicted of a felony or has pleaded guilty to or has currently pending
44 against that person, or forfeited bail, or been convicted of violation of any law of
45 any jurisdiction for prostitution, pandering, pimping, lewd conduct or sexual misconduct
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1 within five (5)years of the application.
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3 7. The applicant has not had a massage establishment license or a massage
4 technician permit or other similar license or permit denied or revoked for cause
5 by this city or any other city located in or out of this state.
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7 8. The applicant, if an individual, or any of the officers and directors
8 if the applicant is a corporation, or any of the partners, including limited partners,
9 if the applicant is a partnership is eighteen (18) years of age.
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11 9. The applicant, if a corporation, is licensed to do business and in
12 good standing in the State of Louisiana.
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14 10. The massage establishment as proposed by the applicant would comply
15 with the requirements of this article of the City Code.
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17 V. Massage Technician Permit Required.
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19 No person shall practice or administer massages unless he has a valid
20 permit issued pursuant to the provisions of this ordinance.
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22 A. Application
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24 1. Fee
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26 Any person desiring to obtain a permit to act as a massage technician
27 shall make application to the Police Department for a massage technician permit.
28 A fee of twenty-five dollars (\$25) made payable to the City of Slidell shall
29 accompany the submission of an application to defray the costs of investigation and
30 administration.
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32 2. Contents
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34 Any person desiring a massage technician permit shall file a written
35 application with the Police Department on a form to be provided by the Police Department.
36 The applciation shall be verified by the applicant. The applicant shall furnish the
37 following:
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39 a. Certificate from a medical doctor, licensed to practice in the State of
40 Louisiana, stating that the applicant has within thirty (30) days immediately proceeding
41 the date of application been examined and found to be free of any contagious or
42 communicable diseases.
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44 b. A diploma or certificate of graduation from a recognized school.
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46 c. The massage establishment, if any at which the applicant expects to be
47 employed.
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49 B. Investigation.
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1 Applications for permits under this ordinance shall be referred to the
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3 Chief of Police who shall cause an investigation to be made of the applicant
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5 and report his findings to the Council Administrator and the Director of Finance.
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7 C. Granting of Permit.

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9 Within sixty days (60) of receipt of the application the Police Department
10 shall grant or deny a massage technicians permit only if it is found that:

11 1. The required fee has been paid.

12
13 2. The application conforms in all respects to the provisions of this
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15 article of the City Code.
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18 3. The applicant has not knowingly made a material mis-statement in
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20 the application for a permit.
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23 4. The applicant has fully cooperated in the investigation of his
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25 application.
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28 5. The applicant has not been convicted of a felony or has pleaded
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30 guilty to or has currently pending against that person, or forfeited bail, or been
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32 convicted of violation of any law of any jurisdiction for prostitution, pandering,
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34 pimping, lewd conduct or sexual misconduct within five (5) years of the application.

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36 6. The applicant has furnished an acceptable medical certificate in compliance
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38 with the rules and regulations of the City.

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40 7. The applicant has furnished to the Police Department an acceptable
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42 diploma or certificate of graduation from a recognized school.

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44 8. The applicant has not previously had a massage technician permit
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46 or other similar permit or license denied or revoked for cause by this city or by
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48 any other state.

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50 9. The applicant is at least eighteen (18) years of age.

51 IV. License or Permit Suspension or Revocation.

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53 A. No license or permit may be suspended or revoked until after due notice
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55 and hearing before the City Council to determine if grounds for such revocation exist.
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57 Notice of such hearing shall be in writing and served at least ten (10) days prior
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59 to the date of hearing by personally serving the person in charge of the massage
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61 establishment and by posting upon the entrance to the massage establishment in the
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63 issuance of a license suspension or revocation and by personally serving the massage
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65 technician in the instance of a permit suspension or revocation. The notice shall
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67 state the grounds of the complaint against the permittee or licensee and shall
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1 designate the time and place where the hearing will be held. The licensee or
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3 permittee shall have the right to appear at such hearing and to produce evidence.
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5 If, after holding the hearing, the City Council shall determine that the massage
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7 establishment was being operated as charged in the complaint, the City Council
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9 shall revoke the license or permit if it is charged and proved that the licensee
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11 or permittee has been guilty of violating Subsection VII.

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13 VII. Grounds for Suspension and Revocation.

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15 The following acts or omissions are declared to be in violation of this
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17 article and constitute grounds for revocation of a license or permit issued under
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19 this article.

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21 Prohibited Acts.

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23 A. Any lewd acts, sexual misconduct, sexual perversion or homosexual
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25 acts within such establishments. The following acts are in violation:

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27 Exposing, touching, caressing or fondling of genitals, anus, vulva, pubic
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29 hair, or nipples of female breasts; masturbation; oral copulation, cunnilingus or
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31 fellatio; sexual intercourse, vaginal or anal; urination or defecation except in
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33 provided facilities; sodomy, bestiality; sadomasochistic abuse, flagellation or
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35 torture; any unnatural carnal copulation by a human being with another of the same
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37 or opposite sex.

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39 B. Prostitution, pandering, or solicitation to perform a natural or
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41 unnatural sex act within such establishment.

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43 C. Making false statements in writing on application for license issued
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45 under this article.

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47 D. The drinking or consuming of intoxicants, or use of illegal drugs,
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49 at such establishments.

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51 E. Allow persons below the age of eighteen (18) years to be on the
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53 premises of a massage establishment.

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55 F. Any act of disturbance of the peace at such establishment. Defined
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57 as the performance of any of the following acts:

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59 1. To communicate to another person a threat, either verbally, in writing,
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61 or through any other form of communication, to kill or murder him or to do him great
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63 bodily harm, or threatening to kill, murder, or do great bodily harm to members
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65 of his family, or to any other person when that person is in the immediate company of
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67 the person to whom the threat is communicated.
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1 2. To address any words to any person who is lawfully in a public place
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3 where such words, which by their very utterance, inflict injury or have a direct
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5 tendency to cause acts of violence by the person to whom individually, the remark
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7 is addressed.

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9 3. To address language to any person that makes reference to the person
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11 addressed as having sexual intercourse with himself or with another where such language
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13 inflicts injury, insults or causes acts of violence by the person to whom the language
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15 is addressed or is intended to inflict injury, insult or cause acts of violence.

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17 G. Violation of any of the provisions of this article.

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19 H. The presence of a person on the massage establishment premises who
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21 administers massages and does not have a valid massage technician permit.

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23 VIII. Penalty.

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25 Violation by any person of any of the provisions of this article is hereby
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27 declared to be a misdemeanor, and upon the first conviction thereof, such person shall
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29 be fined not less than one hundred dollars or sentenced to not more than ninety
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31 days in jail, or both; and, on second and subsequent convictions thereof, such person
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33 shall be fined not less than one hundred dollars and sentenced to not less than
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35 ninety days in jail.

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37 IX. Sale or transfer.

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39 Upon the sale or transfer of any interest in a massage establishment,
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41 the license therefore shall be null and void. Any person desiring to continue to
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43 operate such massage establishment following sale or transfer shall make the proper
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45 application therefor.

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47 X. Expiration of Licenses and Permits.

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49 All licenses and/or permits issued pursuant to the provisions of this
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51 ordinance shall expire on the last day of December of each calendar year. Said
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53 licenses and/or permits shall be renewable by the 15th day of December of said calendar
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55 year and shall become null and void on the 31st day of December of said calendar
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57 year if not renewed.

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59 XI. Exemptions.

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61 This article shall not apply to the following:

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63 A. Hospitals, nursing homes, sanitariums or other health care facilities
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65 licensed under the State of Louisiana, and physicians, surgeons, chiropractors,
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67 osteopaths or physical therapists licensed or registered to practice their respective
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1 professions under the laws of the State of Louisiana or nurses registered under the
2 laws of the State of Louisiana acting under their direction and control.

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5 B. Barber shops and beauty parlors, barbers and beauticians licensed
6 under the laws of the Sate of Louisiana provided that such massage as is practiced
7 is limited to the head, neck and scalp.
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11 C. Accredited high schools and colleges and coaches and trainers therein
12 while acting within the scope of their employment.
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15 D. Trainers of any amateur, semi-professional or professional athlete
16 or athletic team.
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19 XII. Severability.

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21 If any provisions, section or part of any section of this ordinance is
22 declared to be invalid or unconstitutional, such declaration shall not be construed
23 to affect any of the other provisions, sections or parts of sections herein, and
24 the remainder of the ordinance shall not thereby be invalidated.
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29 XIII. This ordinance will go in effect immediately upon being
30 signed by the Mayor of Slidell.
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37 ADOPTED this 28th day of February , 1984.

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39 **DELIVERED** 2-29-84

40
41 11:00 AM to the Mayor

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43 **RECEIVED** 2-29-84

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45 11:34 AM from the Mayor

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51 *Gerri G. Ingrao*
52 Gerri G. Ingrao
53 Clerk of the Council
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Philip M. Salvaggio
Philip M. Salvaggio
Councilman, District F
President of the Council

M.W. Hart
M.W. "Webb" Hart
Mayor