

ORDINANCE 2842

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING AND REGULATION OF MASSAGE PARLORS AND PUBLIC BATHHOUSES AND AMENDING CHAPTER 7.32 OF THE KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Section 7.32.010 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.32.010 Purpose and scope of chapter. It is the purpose of this chapter to establish standards for the licensing of massage parlors and public bathhouses within the city and to proscribe activities which may be detrimental to the public health, welfare and safety [~~morals~~] of the citizens of the city, and to set forth licensing fees and penalties relative to the operation of the activities.

Section 2. Section 7.32.020 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

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

(1) "Massage parlor" means any place where massages, or other treatment to the body of another by rubbing, kneading, hitting, or any other manipulation are given or furnished;

(2) "Masseur" also means "masseuse";

(3) "Person" means any individual, or any firm, partner-association, corporation, company or organization of any kind;

(4) "Public bathhouse" means any place where baths or facilities for baths of any kind whatever, are given or furnished and the term includes but is not limited to: Hot tubs, spas, Finnish baths, Russian baths, sauna baths, Swedish baths; Turkish

baths, baths by hot air, steam, water vapor or electric cabinet: provided, that such term does not include ordinary tub or shower baths where an attendant is not required or furnished.

Section 3. Section 7.32.030 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.32.030 Exceptions. This chapter does not apply to massage treatments or baths given in a family home where only members of the family are treated, or to massage treatments or baths given by a licensed masseur in any hospital or licensed medical facility, or by physical therapists, physicians, or by any person including chiropractors [se] licensed by the state of Washington to treat the sick, injured or infirm, or by any physical therapist or nurse under the direction or written prescription of a person so licensed; or to massage treatments or bath given by a licensed masseur in any bona fide club or organization which has been in continuous existence and operation for a period of two years or more and which caters only to club or organization members.

Section 4. Section 7.32.050 of the Kirkland Municipal Code is hereby amended to read as follows:

7.32.050 Inspection of premises. Any massage parlor or public bathhouse as licensed herein, shall be at all times open to inspection as to health sanitary and [moral] public safety conditions by the City and the Seattle King County Health Department. All doors in such premises, excluding doors in office and storage rooms, shall be so equipped that they may [not] be [fastened shut so as to prevent] opened to provide immediate access by such authorities upon lawful request.

Section 5. Section 7.32.060 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.32.060 Employment of persons under [twenty-one] eighteen years unlawful. It is unlawful for the owner, proprietor, manager, or person in charge of any massage parlor or public bathhouse to employ in such establishment any person who is [not twenty-one] under eighteen years of age [and of good moral character] or who has within one year forfeited bail or within three years of such employment been convicted of a felony or a violation of this chapter.

Section 6. Section 7.32.080 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.32.080 [~~Admitting certain persons~~] Unlawful activities. It is unlawful for the owner, proprietor, manager or person in charge of any massage parlor or public bathhouse, or for any employee of the establishment to knowingly:

(A) Harbor, admit, receive, or permit to be or remain in or about such premises, any [~~prostitute, lewd or dissolute persons, any drunken or boisterous person or any~~] person under the influence of intoxicating liquor or narcotic drugs or other controlled substances, or any person whose conduct threatens the immediate physical health or safety of any other person lawfully present in the establishment [~~tends in any way to corrupt the public morals~~];

(B) Permit, allow or authorize any activity or course of conduct in the establishment in violation of Sections 11.20.170 through 11.20.300 of the Kirkland Municipal Code relating to lewd and unlawful public exposure, prostitution and body studios.

Section 7. Section 7.32.140 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.32.140 Expiration of licenses. All licenses issued or renewed pursuant to this chapter shall expire on the 31st day of December of each calendar year. No license shall be renewed nor reissued to any licensee or other person who has been previously convicted of a violation of any provision of this chapter within three years of the date of application for license renewal or reissuance or who within one year thereof has forfeited bail on such an offense or violation.

Section 8. Section 7.32.100 of the Kirkland Municipal Code be and it hereby is repealed.

Section 9. There is hereby added to Chapter 7.32 of the Kirkland Municipal Code a new section to read as follows:

"Section 7.32. _____ Liability Insurance Required. Every massage parlor and every public bathhouse shall at all times, maintain general public liability insurance through a carrier or underwriter authorized to do business as such within the state of

NEW SECTION

Washington. Such public liability insurance shall be maintained with limits of not less than \$500,000 combined single limit personal injury and property damage. A certificate of such insurance shall be filed with the City of Kirkland before any license shall issue. Such certificate shall evidence the existence, terms and conditions of the insurance, including a provision that such insurance shall not be cancelled nor renewed, nor shall the terms or conditions thereof be altered or amended without giving 60 days' written notice to the City."

Section 10. If any section, subsection, sentence, clause, phrase, part or portion of this amendatory ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this amendatory ordinance. The City Council declares that it would have adopted this amendatory ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or parts or portions be declared invalid or unconstitutional.

Section 11. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of December, 1984.

Signed in authentication thereof this 17th day of December, 1984.

Loris Cooper
MAYOR

ATTEST:

Tom Aderson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Paul [Signature]
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 18th day of December, 1984 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk