

ARTICLE II. - MASSAGE PARLORS AND MASSAGE ESTABLISHMENTS

Sec. 8-200. - Definitions.

The following words and phrases shall, for the purposes of this article have the meaning and definition as hereinafter stated:

Chief of police. The chief of police of the City of Keller, Texas, or his duly authorized representative.

Health officer. The health officer appointed by the city council.

Massage. Any process of kneading, rubbing or other such manipulating of the skin of the body of a human being either with the hands or by means of electrical instruments or apparatus. The term "massage" as used in this article shall not include kneading, rubbing, or otherwise manipulating of the skin or bone structure of a human body by duly licensed medical doctors, doctors of osteopathy, chiropractors or registered physical therapists who treat only patients referred by a licensed physician and who practice physical therapy under a physician's direction. The term "massage" shall not include massage of the face practiced by beauty parlors or barber shops duly licensed by the State of Texas.

Massage parlor or massage establishment. Any building, house, room or place where massage is practiced upon the human body by any person other than a duly licensed medical doctor, doctor of osteopathy or chiropractor. This term shall not include duly licensed beauty parlors or barber shops or the office or place of business of a registered physical therapist.

Sec. 8-210. - License required.

No person or corporation shall operate a massage parlor or massage establishment in the City of Keller, Texas, without having first obtained a license therefor from the city.

Sec. 8-220. - Application.

An application shall be required by an applicant for a license to operate a massage establishment or a massage parlor in the city. The application shall be on such form as may be prescribed by the chief of police. Such application shall be filed with the chief of police. The application shall require the applicant to state under oath the proposed location of the

establishment in an area properly zoned therefor and the name of all owners of the proposed business; and if a corporation the name of all shareholders, the names of all proposed employees and all such persons, both owners and employees, shall be required to state in writing under oath whether such person has ever been convicted in any court of theft, sodomy, procuring, pandering, keeping a bawdy house, engaging in prostitution or other criminal offense. No license shall be granted for the operation of any massage parlor or massage establishment if it should be determined that a person who has been convicted of any of the offenses stated in this section has become an owner, operator or employee of a massage parlor or massage establishment having a license issued by the city.

Sec. 8-230. - License fee.

A license to operate a massage establishment or massage parlor shall be issued to expire on the thirty-first day of December of each year. The annual license fee shall be three hundred dollars (\$300.00) and shall be payable in full regardless of the date upon which the license is granted. The license shall be posted and publicly displayed in a conspicuous place at the location of the massage parlor or massage establishment.

Sec. 8-240. - Medical certificates required.

Before commencing operation, the owner or operator of a massage parlor or establishment shall furnish to the chief of police a medical certificate for each employee signed by a medical doctor or doctor of osteopathy that such employee has been examined within three (3) days of the date of such medical certificate and that such examination established the fact that such person is free from any infectious or communicable disease. A medical certificate certifying that any such employee is free of infectious or communicable disease shall be furnished to the chief of police on January 1, April 1, July 1 and October 1 during any period of employment by such massage parlor or massage establishment.

Sec. 8-250. - License revocation.

A license issued under this article shall be revoked upon the following:

- (1) Conviction in any court of the holder of any such license or such licensee's employees of the offense of theft, sodomy, procuring, pandering, keeping a bawdy house, or engaging in prostitution; or

(2) Failure to furnish current medical certificates as required herein.

Sec. 8-260. - Hours of operation.

No massage parlor or massage establishment shall be kept open for any purpose before 8:00 a.m. or after 9:00 p.m.

Sec. 8-270. - Not to be used as residence.

No massage parlor or massage establishment shall be used for residence purposes.

Sec. 8-280. - Inspection.

The chief of police or his designated representative is authorized to make periodic inspection and examination of massage parlor or massage establishment premises. Such inspection shall be made to safeguard the health, safety and welfare of the public.

Sec. 8-290. - Sanitary requirements.

- (a) 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 a modern and approved method of sterilization before initial use; and any such instruments and devices, or parts thereof, after having been used upon one (1) patron, shall be sterilized before being used upon another. All towels and linens furnished for use of one (1) patron shall not be furnished for use of another until thoroughly laundered.
- (b) All masseurs and operators shall wash their hands thoroughly before administering massage manipulation to each patron accommodated.
- (c) No person suffering from a communicable disease shall work or be employed in a massage establishment.
- (d) No person shall be accommodated as a patron within a massage establishment when to the knowledge of the owner, person in control, or an employee, such person is suffering from a communicable disease.

Sec. 8-300. - Clothing.

Every person giving massages shall remain fully clothed in opaque material fully covering the body from the neck to knee with the exception of arms and hands.

Sec. 8-310. - Advertising.

No massage parlor shall advertise in any manner which would state or hint that a customer would receive anything besides a massage.