



SCAPPOOSE *Oregon*

TUESDAY, JANUARY 17, 2023

CITY COUNCIL

CITY COUNCIL MEETING AGENDA

Regular meeting 7:00 pm

COUNCIL CHAMBERS

33568 EAST COLUMBIA AVENUE

SCAPPOOSE, OREGON 97056

ITEM AGENDA TOPIC

Action

Call to Order

Pledge of Allegiance

Oath of Office for Councilor Santiago

Roll Call

Approval of the Agenda

Public Comment ~ Items not on the agenda

Please sign a speaker request form and turn it in to the City Recorder along with any written testimony

1. Consent Agenda ~ January 3, 2023 City Council work session minutes and appointment of Elizabeth "Scottie" Meinke and Terry Brooks to the Park and Rec Committee

New Business

2. Update on Columbia County Small Business Development Center (SBDC)

Jason Moon, Director

3. Ordinance 910, An Ordinance Relating to Massage Businesses, Creating Scappoose

Municipal Code Chapter 5.20, Massage Facilities

Public Hearing/First Reading

Chief Steven Lougal

Announcements – information only

4. Calendar

5. Updates: City Manager, Police Chief, Councilors, and Mayor

6. EXECUTIVE SESSION ~ ORS 192.660(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed

Open Session

Adjournment PLEASE NOTE: IF YOU WOULD LIKE TO SPEAK WITH CITY STAFF ABOUT A PARTICULAR AGENDA ITEM, PLEASE CALL CITY HALL at 503-543-7146, EXT. 224, NO LATER THAN 3:00 PM ON THE DAY OF THE MEETING.

This meeting will be conducted in a handicap accessible room. If special accommodations are needed, please contact City Hall at (503) 543-7146, ext. 224 in advance.

TTY 1-503-378-5938



SCAPPOOSE

Oregon

TUESDAY, JANUARY 3, 2023
CITY COUNCIL
WORK SESSION ~ REVIEW GOALS, 6PM
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056

Mayor Elect Joe Backus called the work session to order at 6:00 p.m.

Present: Joe Backus; Megan Greisen; Pete McHugh; Tyler Miller; Kim Holmes; Andrew Lafrenz; City Manager Alexandra Rains; Legal Counsel Peter Watts; Police Lieutenant Chris Fluellen; Police Chief Steven Lougal; City Recorder Susan M. Reeves; Public Works Director Dave Sukau; Assistant to Public Works Director Huell Whitehaus; Assistant to City Manager Isaac Butman; Community Development Director Laurie Oliver Joseph; City Engineer Chris Negelspach; Associate Planner NJ Johnson; Judge Steven Todd; and Anna Del Savio, South County Spotlight.

Remote: Paul Fidrych; and Lisa Hoffmann (joined at 6:28pm).

Excused: Jeannet Santiago

City Manager Rains explained we have our annual review of Council goals for this evening's work session. There are several members of staff in the room that can answer specific questions as they were assigned to certain goals throughout the year, if you do have questions beyond what's already in your packets. She explained she will simply move down the list.

Council Goal 1: Develop a vibrant and diverse local economy

1.1 – Develop a downtown revitalization program

There were no questions.

1.2 – Evaluate the creation of a small business incubator

There were no questions.

1.3 - Identify goals for community branding

Kim Holmes explained in the description, she believes it refers to a rebranding exercise. She asked do we have a current brand or something that we're pivoting away from?

City Manager Rains replied she would say that with this particular goal, from a staff perspective, we haven't always had the most clarity on whether or not this was a discussion about branding more of the community in terms of tourism and economic development and things like that versus the City. It does seem like the cities brand is pretty well established. She doesn't know that that was necessarily on the table, but there was more of a look forward to see how you wanted to bring yourselves together more as a community. That's kind of how she took that, unless she is just misunderstanding.

Pete McHugh explained the discussion with the Urban renewal Agency, they have talked about branding and it's not a rebranding. He thinks what they're talking about is that is a broader image for the City.

Joe Backus asked what would come from the 50-Year Planning Committee toward the branding and how long will that take?

City Manager Rains replied well that's always kind of been part of the question, and maybe a little bit of hesitation on staff's part is that there is a lot going on. Is there a comfort level for Council to move forward with this because you feel like you all are somewhat clear on what you want to see or are you wanting things to develop more. Staff thought some kind of a process with having someone help us maybe define Councils vision or idea a little bit further before trying to put it out to hire someone. She thinks it is a very hard thing to define and there is just not a lot of clarity.

Joe Backus would like to look into the branding more.

1.4 - Support and monitor development of the Columbia Commerce Center

City Engineer Chris Negelspach explained the City gained ownership of the 14-acre park in the Southeast corner of this development.

1.5 - Work with partners to develop robust economic development marketing

Megan Greisen talked about the previous Mayor being heavily involved with this. She asked how will we represent ourselves moving forward.

City Manager Rains explained one of our primary partners in all of that with tourism is Columbia Economic Team and the new Mayor has applied to be on their board and take over that position that the previous Mayor held, so it does look like that will probably happen. With him assuming that role then he will be able to fulfill a lot of those same duties.

Joe Backus would like to see what Mayor Burge did and see if it is something he can continue and if not then find someone who can continue in that same capacity or role so that we don't lose anything there.

1.6 - Continue to Support OMIC's Expansion

City Engineer Chris Negelspach gave an update.

1.7 - Promote and support small local businesses

Associate Planner NJ Johnson explained one of the things that we have been trying to do is have a recurring small business spotlight. He explained the process that takes place.

1.8 - Promote and support county-wide and local tourism

Joe Backus talked about getting the word out about Chapman Landing.

Goal 2: Enhance Community Livability

2.1 - Update Rail Corridor Study

Joe Backus stated that does appear it is closed and no further action.

City Manager Rains replied correct.

2.2 - Develop Long Term Comprehensive Community Vision

Kim Holmes stated seeing how other cities have done their vision statements it seems that 50-years is a longer term than what's rationally adopted. She asked for some background on how we arrived at 50-years.

Legal Counsel Peter Watts explained under State Law we are required to have 20-years' worth of buildable lands inventory. He explained the process and said the idea is if the lands are designated as an urban reserve, it gives notice to the property owners that the City at some point expects it to come inside the Urban Growth Boundary which can have a lot of implications or none at all depending on whether someone wants to develop or not.

2.3 - Promote Community Events – signature event

Joe Backus stated that he knows there is a date set for the next event. He asked when will we be able to start promoting it?

Assistant to City Manager Isaac Butman gave an update.

Megan Greisen asked if we could add bullet points for the other events that the City funds just for reference in the end of year report.

2.4 - Continue identifying projects for fuel tax money

Public Works Dave Sukau gave an update.

2.5 - Annual one-on-one meetings with neighboring local leaders (school district, county, fire, port, OMIC, senior center, 911 district)

Megan Greisen stated if there are entity’s that Council wants to cross off or add just remember those when we make our goals.

2.6 - Continue community outreach and involvement

Pete McHugh stated he was impressed with the number of people we have following us on Facebook.

2.7 - Support Senior and Community Center

Pete McHugh stated the City has done a great job, mostly Alex, with working with the center.

Adjournment

Joe Backus adjourned the work session at 6:55 p.m.

Mayor Elect Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC

Columbia County Small Business Development Center (SBDC)

SBDC Stakeholder Listening Tour

Director: Jason Moon

jason@columbiacountyoregon.com

Winter 2023

Purpose of Listening Tour: To execute Columbia County Small Business Development Center strategic plan, develop advisory committee, programming and education roll-out, while identifying & acknowledging expectations by engaging with each local stakeholder.

Name:

Organization:

Role:

Questions:

What is your understanding of the Small Business Development Center – how it is organized, how it works?

What do you see as the top priorities for the Columbia County SBDC?

In your view, what are the greatest opportunities for small businesses – and your community — in regards to the Columbia County SBDC?

What partnerships, in your view, should the Columbia County SBDC cultivate?

What, if any, are your sectors or business areas of interest?

How would you, as a council and as a city, like to engage with the Columbia County SBDC?

Do you know of business owners, entrepreneurs, or potential business owners that would be interested in business advising?

Are you aware of successful business owners/entrepreneurs that would be interested in being on the Columbia County SBDC Advisory Committee?

Other comments or thoughts?

Please email your responses to Jason Moon: jason@columbiacountyoregon.com

Thank you!

Jason Moon

Director - Columbia County Small Business Development Center

503-410-1506

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: January 9, 2023

Agenda Date Requested: January 17, 2023

To: Scappoose City Council

From: Isaac Butman, Assistant to City Manager;
Stephen Lougal, Chief of Police

Subject: First Reading; Ordinance 910, An ordinance relating to massage businesses, creating Scappoose municipal code chapter 5.20, Massage Facilities

TYPE OF ACTION REQUESTED:

<input type="checkbox"/> Resolution	<input checked="" type="checkbox"/> Ordinance
<input type="checkbox"/> Formal Action	<input type="checkbox"/> Report Only

ISSUE: On August 23, 2022, the Scappoose Police Department received an application for a business license from Pure Massage. During an investigation it was discovered that the business was in violation of several State and Local statutes, lacked certification from the state massage board, and it was alleged that members of its staff were offering sexual services to customers, **Exhibit A**. It became clear to the Police Department and City Staff that Scappoose Municipal Code lacks language sufficient to prevent the establishment of massage businesses that are used as a front for illicit activities.

ANALYSIS: Massage businesses have long been a front for illicit activities, including prostitution, human trafficking, and money laundering. Business licensing is controlled by local municipal governments and is one of the best ways to prevent illicit businesses from establishing themselves in a community.

Staff reached out to the State Massage Board and were given a sample ordinance and guidance on best practices for preventing illicit massage businesses from establishing. The guidance can be seen in **Exhibit B**.

Staff drafted an ordinance, **Exhibit C**, to prevent illicit massage businesses from obtaining a business license in Scappoose, while balancing the needs of small businesses, by writing code that is not unnecessarily burdensome or costly.

Legitimate businesses can meet the requirements of this Ordinance while realizing minor impacts to the time it takes to complete a business license application. The majority of additional burden amounts to submitting diagrams of the business and submitting to a background check to ensure no records indicating that applicants engage in illicit activities.

Staff will be asking that applicants be required to pay a nominal fee of \$30 to process each background check; this is slightly less than the fee the Oregon State Police charge for a background check and is simply cost recovery for the additional costs to conduct the background check and write a report for the applicants' file. Staff will bring a Resolution before Council on this matter if this Ordinance is adopted.

This language has been reviewed by the Police Department and Legal Counsel. If adopted, this ordinance would be one of the first, if not the first, preventative local ordinance of its kind in the State of Oregon.

Fiscal Impacts: The largest fiscal impact of this ordinance causes is the cost to complete background checks for applicants. Each background check and written report will take 10-20 minutes to complete. The City of Scappoose does not currently charge a business license fee that could help offset this additional cost. Without assessing a background check fee there are no cost recovery options for the additional time and costs associated with the enhanced review required by this licensing process.

RECOMMENDATION: Staff recommends Council approve Ordinance 910, an ordinance relating to massage businesses, creating Scappoose municipal code chapter 5.20, Massage Facilities.

SUGGESTED MOTION: I move Council adopt Ordinance 910, an ordinance relating to massage businesses, creating Scappoose municipal code chapter 5.20, Massage Facilities, as written.



Exhibit A

Scappoose Police Department

33568 E. Columbia Ave. Scappoose, OR 97056

Office: (503)543-3114 • Fax: (503)543-2955

Dispatch/After Hours: (503) 397-1521

To: City Manager Alexandra Rains
From: Chief Steven Lougal
Subject: Pure Massage Appeal
Date: November 28, 2022

Alexandra:

On August 23, 2022, I received an application for business from Pure Massage, located at 52561 Columbia River Hwy Scappoose, Oregon, 97056.

Initial Observation

Shortly after receiving the application, I searched online and observed a welcoming web page. The site was professional. I then drove by the business and noticed the web page did not match the business. Tints and some cloth covered the windows and doors. Having over twenty-five years of law enforcement experience, I believed Pure Massage was engaging in illicit behavior.

Investigation

Due to my experience, I started an investigation, all of which is still active and occurring, so the information I provide is limited but more than enough to issue a denial. During my investigation, I observed women being picked up and dropped off with food and luggage. The women were living there and, from time to time, had an overnight guest. I then personally spoke



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to males who left the establishment and confirmed they were offered illegal sexual services.

There is also currently pending action from the Oregon Massage Board. I can also confirm that the massage board has not licensed the business, and none of the practitioners are licensed.

The current owners are involved in four other known massage parlors and have been investigated by the massage board in previous complaints. Please see the attached that is readily available on the massage board's website:

Green SpaFLE-185192515

Green SpaFLE-185192591

Green SpaFLE-185192811

Green SpaFLE-185193105

Huang, Andy FLE-162262613

Huang, Andy LEP-257952920

Huang, Andy N LEP-0232772733

Huang, Andy N LEP-0232772676

Lotus SpaFLE-243703082

Lotus SpaFLE-243703240

An internet search will show that Jianhua Tang is the listed owner of Marina Spa in Portland, Oregon, located on Marina Drive. Jianhua Tang is also the listed owner of the business license under appeal in Scappoose. Jianhua Tang is not licensed, nor does she have a valid



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facility permit and thus cannot legally be the owner/operator of the facility. Both spas have pending cases with the Massage Board.

Andy Huang is the emergency contact for Pure Massage in Scappoose. In addition, Andy Huang is the listed owner of Green Spa and Lotus Spa in Bend, Oregon. Both of which have been sanctioned.

We currently have the following criminal violations:

As far as the criminal code goes, ORS 687.991 states: 687.991 Criminal penalties. (1) Violation of ORS 687.021 or of any rule adopted under ORS 687.121 is a Class A misdemeanor. (2) Violation of ORS 687.410 is a Class A misdemeanor. [1955 c.492 §14; 1977 c.507 §15; 2003 c.547 §27]

ORS 687.021 reads: 687.021 Practice of massage without license prohibited; operation of massage facility without permit prohibited; injunction against violation. (1) A person may not:

(a) Engage in or purport to engage in the practice of massage without a massage therapist license issued by the State Board of Massage Therapists under ORS 687.051.

(b) Operate a massage facility or purport to operate a massage facility without a permit issued by the board under ORS 687.059, unless the person is an individual massage therapist who is working out of the individual's home.

(c) Advertise that the person engages in the practice of massage unless the person is licensed under ORS 687.051 or holds a permit under ORS 687.059.



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(d) Use the word “massage” in a business name unless the person is licensed under ORS 687.051 or holds a permit under ORS 687.059.

(2) The board may exempt by rule a type of massage facility from the prohibition in subsection (1)(b) of this section if the board finds that requiring a permit for that type of facility is not necessary to regulate the practice of massage therapy or to protect the health and safety of the public.

(3) The Attorney General, the prosecuting attorney of any county or the board may maintain an action for an injunction against a person violating this section. An injunction may be issued without proof of actual damages sustained by a person. An injunction does not relieve a person from criminal prosecution for violating this section or from any other civil, criminal or disciplinary remedy.

Based on the provided information, I request the appeal be denied in full in accordance with Scappoose Municipal Code 5.04.090(B)(1). Information will be provided by the massage board later, sometime in January. Please see the attached workflow sheet of prior cases. This should also support a full denial.

Respectfully,

Chief Steven Lougal

Successful Massage Ordinance Factors

September 2021

Cities that have successfully used ordinances to create an inoperable environment for illicit massage businesses (IMBs) as part of their anti-human trafficking efforts have a balance of effective prevention and strong enforcement measures. First, they focus on preventing the initial establishment of IMBs via rigorous application processes that check applicants' backgrounds and certify their licenses. Second, they implement swift, tough corrective measures for ordinance violations to sustain impact. The Network reviewed massage ordinances from cities around the country and conducted interviews with police departments, city councils, and code enforcement officials to find the common elements in jurisdictions that have deterred IMBs from operating there. To add rigor, we checked the claims of local officials and media reports against our own data: cities with highlighted successes below are those where our data shows either the significant reduction or the elimination of IMB presence since the passage of their ordinances.

ORDINANCE PROVISIONS

According to our research and interviews, ordinances contain provisions that generally fall into two equally important categories: preventing the opening of IMBs via a thorough application process, and/or attempting to regulate characteristics and behaviors associated with IMBs.

1. Characteristic/Behavior-based components: These elements¹ regulate the characteristics and behaviors that set IMBs apart from legitimate massage businesses to create an inoperable environment for storefronts selling commercial sex, or at least to provide legal grounds to inspect and investigate suspect enterprises. Jurisdictions often seek to prohibit behaviors known to be red flags for IMBs such as late operating hours, ads placed on websites catering to commercial sex buyers, and/or workers living onsite.
2. Preventative components: These elements focus on a rigorous application process with background checks and stipulate that massage businesses must satisfy certain requirements to obtain a local license before opening. This allows law enforcement to check for criminal history, verify state massage licenses and other credentials, and ensure that the businesses—and the names and phone numbers affiliated with them in the applications—are not advertising illegal services on adult-entertainment websites.²

PREVENTATIVE ELEMENTS

Jurisdictions with solid preventative measures have reported that suspected IMBs either voluntarily dropped out of the application process or closed once an ordinance was passed, even before enforcement mechanisms went into effect. While local licensing requirements vary, a best practice is to confirm that all employees—not just the owner on record—are licensed, do not have criminal records related to prostitution or human trafficking, and are not affiliated with illicit activities elsewhere, including in online commercial sex ads. In some locations, massage business owners wishing to obtain a license must appear in person to submit their credentials and plan or accept a home visit and interview. Another best practice is to request timely notification of all personnel changes that includes new employees' licensing information, as IMBs frequently rotate their employees.

- In 2016, Johnston, Iowa implemented an ordinance³ requiring an application process that details the credentials and backgrounds of all employees who will be working at the location, including massage license numbers issued by the state. In addition, the application is followed up by an in-person interview. The Network could find no IMBs listed on sex buyer review sites for Johnston since 2016.
- The California Massage Therapy Council (CAMTC) recommends that businesses be required to keep updated lists with their city authorities of all personnel, instead of only massage therapists, as unlicensed workers sometimes claim to be cleaning crews, cooks, or receptionists during inspections or law enforcement operations. CAMTC also recommends that businesses be required to keep original copies of all licenses on premises to avoid the illegal copying/duplication of credentials: something multiple state massage boards have noted as a persistent problem.
- In Woodstock, Georgia, a pre-licensing inspection at one business in 2018 turned up an unlicensed worker, 2 naked clients, and other violations—all before a license to operate had been granted. The city ultimately denied the owner’s application to operate within city limits.⁴ While most pre-licensing inspections are less eventful, they often uncover red flags that help city officials make informed decisions.

ENFORCEMENT-FOCUSED PROVISIONS

It is often difficult to close IMBs once they have opened and doing so can take significantly more time and resources than preventing them from opening in the first place. Depending on the laws, even if owners and employees are committing multiple code violations, the business may be subject only to small fines or other penalties that lack the severity to close it. Additionally, law enforcement may not be authorized to enter or inspect businesses without probable cause, leaving them dependent on citizen tips to investigate suspect locations. Our analysis indicates that ordinances that allow unannounced city inspections, and contain swift and meaningful accountability measures when violations are identified, have been the most impactful.

- In several Des Moines suburbs, businesses where unlicensed workers are caught giving massages are immediately closed and a placard telling customers that the business may not operate until it has obtained the necessary licenses is posted.⁵
- In Cedar Rapids, Iowa, multiple massage businesses were closed in the first half of 2019 for further investigation after police found indications of illicit activity online.^{6, 7} The Network’s data shows a nearly 60% drop in IMBs in Cedar Rapids since its ordinance passed in November 2018.
- In Aurora, Colorado, multiple IMBs predated the passage of its ordinance in May 2018. By allowing the city to close businesses for committing certain violations, such as operating without a license, Aurora closed 18 IMBs within a year after its regulations went into effect, according to local media reports. According to our data and interviews, in the past three years Aurora has achieved at least a 93%, and likely a 100%, closure rate.

OVERCOMING CHALLENGES TO BUILD SUSTAINABLE INITIATIVES

In our research, we found two main challenges that can undermine even well-written ordinances: (1) Enforcement that is not sustained in the long term, sometimes often due to the turnover of key leaders in the police department or local government; and (2) Displacement

effects inadvertently increase IMB presence in neighboring communities. Both challenges are surmountable.

- Continuous enforcement: Interviewees from multiple states indicated that the success of ordinances depended on sustained enforcement. In some cases, once an initial champion retired or changed roles, successors did not prioritize these regulations, creating an environment for the re-entry of IMBs. In some places, annual reviews or inspections are mandated in the regulations to try and ensure longevity.
 - Cities like Springboro, Ohio and Johnston, Iowa review massage businesses each year; this allows them to practice a 2-zone defense where some businesses are prevented from opening, while those that open in disregard of local regulations are more likely to be identified and closed quickly.
 - Troy, Michigan reduced its IMB presence from 4 in November 2017, the date of its ordinance, to 1 as of August 2021. The city has taken a proactive approach to enforcement, judging from local media coverage.⁸
 - Roswell, Georgia was an early adopter of a massage ordinance in 2004, but according to local media,⁹ is aware that results have not been maintained long-term and its city council has discussed the need for stricter licensing requirements. As of August 2021, Roswell had 15 IMBs, according to our data.
- Enlisting allies to prevent spillover effects: Some cities that had significant initial success with their ordinances heard complaints of increased IMBs in neighboring communities due to displacement. Subsequently, these jurisdictions began engaging in outreach¹⁰ to encourage and assist their neighbors in joining their efforts, broadening the impact by creating larger geographic areas with shared initiatives. However, regional efforts are only as effective as their weakest link, so it is essential to have all cities equally committed to tested prevention and enforcement mechanisms.
 - After Aurora's ordinance went into effect, some IMBs simply moved to Denver and its other suburbs.¹¹ In response, officials in Aurora assisted neighbors with developing their own responses across the greater Denver metro area. Several other suburbs passed ordinances modeled on Aurora's the following year,¹² as did the City of Denver in July 2021.
 - Multiple suburbs of Dayton, Ohio, passed similar ordinances between 2018 and 2020.¹³ The cities of Kettering and Springboro, among others, now require application processes with background checks, unannounced inspections, and requirements for the state licensing of all employees. Kettering and Springboro had no IMBs as of August 2021, according to our data.

SUMMARY OF BEST PRACTICES

The combination of strong pre-emptive processes and sustained, impactful enforcement has met with success in both large and small cities. We encourage communities that have met with success to continue assisting others in developing regulations and enforcement plans based on lessons learned. Based on our research, The Network highlights the following best practices:

- City inspectors should be able to make unannounced visits to suspected IMBs, as is done with health code inspections of restaurants, hotels, and other types of businesses; pre-scheduling allows for the moving of workers and the hiding of evidence.

- City officials should be empowered to close businesses on the spot for certain violations, such as unlicensed employees giving massages, sexual activity, and evidence of women living on premises.
- Ordinances should require that the city be notified of personnel changes promptly, given the frequent rotation of victim workers in IMB settings.
- When neighboring communities present a unified front, it is harder for sex buyers to easily find nearby IMBs.
The larger the covered geographic area, the harder it will be for IMBs to retain their clients.
- Communities may want to study options for information-sharing about applicants who have been denied licenses or shut down due to criminal activity and/or false statements in other jurisdictions. Interviewees told us that applicants affiliated with IMBs have lied about past arrests and license revocations on their paperwork. Some states lack statutes that would allow cities to access federal information for background checks; amending this would help identify traffickers as they move between states and allow for the tracking of broader patterns and histories of their criminal enterprises.
- The passage—or pending passage—of a well-crafted ordinance coupled with a good public messaging campaign can have a strong preventative effect: officials from multiple cities reported that some suspected IMBs voluntarily closed prior to enforcement.^{13 14}
- Ordinances can be combined with other anti-IMB efforts. Billings, Montana had already reduced its IMBs by a third via a landlord engagement project in the two years prior to passage of its ordinance.

References

¹ <https://www.ktvq.com/news/local-news/billings-city-council-passes-massage-ordinance-designed-to-fight-human-trafficking>

² <https://iowanah.org/wp-content/uploads/Johnston-Massage-Therapy-Ordinance-Case-Study-Examples-2016-17.pdf>

³ <https://www.cityofjohnston.com/DocumentCenter/View/4111/Massage-Therapy-Business-License-Ordinance-Revision---Ordinance-No-980?bidId=>

⁴ https://www.tribuneledgernews.com/ledger/july-massage-denied-business-license-after-violations/article_3852e320-b761-11e8-8c35bf81cf03e980.html

⁵ <https://www.desmoinesregister.com/story/news/2018/12/17/massage-therapists-iowa-state-license-work-des-moines-prostitution-humantrafficking-beaverdale/2342923002/>

⁶ <https://cbs2iowa.com/news/local/cedar-rapids-discovers-non-compliant-massage-businesses-through-new-ordinance>

⁷ <https://www.kcrg.com/content/news/Two-businesses-advertising-massages-accused-of-prostitution-561481971.html>

⁸ <https://www.candgnews.com/news/seven-arrestedin-connectionwith-prostitution-at-troy-massage-parlor-107951>

⁹ <https://www.ajc.com/news/local/alpharetta-clarifies-business-rules-for-spas-massage-parlors/X78mNLPfJapbvjJYPuzsKJ/>

¹⁰ <https://apnews.com/article/a98f20c023e7478288f3e7b3bec2cd13>

¹¹ <https://www.9news.com/article/news/investigations/businesses-shut-down-for-suspected-human-trafficking-in-aurora-reopen-just-a-fewmiles-away/73-555df664-b8de-404a-92b2-0e32ad7be92f>

¹² <https://krdo.com/news/2021/05/06/colorado-cities-find-success-with-ordinances-aimed-to-shut-down-illicit-spas/> ¹³<https://www.daytondailynews.com/news/beavercreek-cracking-down-on-sex-trafficking-with-new-massage-parlorlegislation/4MAQECVH3JGDTNEOHMKYUE5WEE/>

¹³

https://destinyhosted.com/bilmtdocs/2021/CCWS/20210119_1132/7820_MESSAGE_BUSINESS_LICENSE_ORDINANCE_DRAFT__1.15.2021.pdf

¹⁴ <https://www.eastbaytimes.com/2015/04/27/santa-clara-county-cracks-down-on-massage-parlors/>

ORDINANCE NO. 22- ____

AN ORDINANCE ADOPTING A NEW PART 1 (MASSAGE BUSINESSES) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATIONS AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MASSAGE BUSINESS LICENSES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. A new Part 1 (Massage Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is adopted to read as follows:

PART 1: MASSAGE BUSINESSES

- 2.3.101 DEFINITIONS**
- 2.3.102 MESSAGE BUSINESS LICENSE REQUIRED; TRANSFERABILITY**
- 2.3.103 APPLICATION REQUIREMENTS; BACKGROUND CHECKS**
- 2.3.104 FEES AND TERM**
- 2.3.105 EXEMPTIONS**
- 2.3.106 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE**
- 2.3.107 UNLAWFUL ACTS; VIOLATIONS**
- 2.3.108 RECORDS; INSPECTIONS**
- 2.3.109 NOTICE OF UNLICENSED MASSAGE BUSINESS**

2.3.101: DEFINITIONS:

ADVERTISE: means to publish, display, or disseminate information and includes, but is not limited to, the issuance of any card, sign, or direct mail, or causing or permitting any sign or marking on or in any building or structure or in any newspaper, magazine, or directory, or any announcement or display via any televised, computerized, electronic, or telephonic networks or media, including advertising through internet sites, online bulletin boards or internet forums.

EQUITY HOLDER: any natural person who is a shareholder, partner, member, trustee, or other principal owner of the massage business, who owns ten percent (10%) or greater financial interest in the massage business, whether directly or through any number of holding entities, partnerships, or trusts.

MASSAGE: a system of structured touch, palpation, or movement of the soft tissue of another person's body in order to enhance or restore the general health and well-being of the recipient. Such system includes, but is not limited to, techniques such as effleurage, commonly called stroking or gliding; petrissage, commonly called kneading; tapotement or percussion; friction; vibration; compression; passive and active stretching within the normal anatomical range of movement; hydro massage; and thermal massage.

Such techniques may be applied with or without the aid of lubricants, salt, or herbal preparations, water, heat, or a massage device that mimics or enhances the actions possible by human hands.

MASSAGE BUSINESS: a business that offers massage in exchange for any form of consideration except as provided in section 2.3.105.

MASSAGE THERAPIST: Any person who administers or offers to administer to another person, for any form of consideration or hire, a massage.

SPECIFIED ANATOMICAL AREAS:

- A. Less than completely and opaquely covered: human genitals, pubic region, buttocks, and breast below a point above the top of the areola.
- B. Human male genitals in a discernible turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Acts, simulated acts, exhibitions, representations, depictions, or descriptions of:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
- C. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
- D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, or lewd exhibition of genitals or an excretory function.
- E. Flagellation, mutilation, or torture for purposes of sexual arousal, gratification, or abuse.

2.3.102: MESSAGE BUSINESS LICENSE REQUIRED; TRANSFERABILITY:

A. On or after September 1, 2022, it shall be unlawful for any person to operate a massage business without possessing a valid massage business license for each premises where the massage business operates.

B. Each massage business license shall specify the name under which the licensee is to operate, the address of the principal place of business, the expiration date, the number of the license, and any other information the City Clerk deems necessary.

C. The massage business shall display the license in a conspicuous place readily visible to persons entering the licensed premises.

2.3.103: APPLICATION REQUIREMENTS; BACKGROUND CHECKS:

A. In addition to the requirements set forth in article 1, part 4 of this chapter, the application for a massage business license shall include:

1. The full name and any other names under which each equity holder of the applicant is or has been known and the residence address, telephone number, and date of birth of each equity holder of the applicant;

2. A description of the specific types of services to be rendered;

3. Documentary evidence that the officers, equity holders, and managers of the applicant are at least a minimum of eighteen (18) years old;

4. Documentary evidence that the applicant has or will have possession of the premises to be licensed during the term of the license by ownership, lease, rental, or other arrangement;

5. A statement identifying the zone district of the premises; and

6. A detailed diagram showing the configuration of the premises to be licensed as follows:

a. The diagram shall be no larger than eight and one-half inches by eleven inches (8½" x 11");

b. The diagram shall include the dimensions and total square footage of the premises to be licensed but does not need to be drawn to scale;

c. The diagram shall designate the use of each room or other definitive area of the premises to be licensed;

d. The diagram shall show the type of control of the exterior areas of the premises to be licensed, including, without limitation, fences, walls, and entry/exit points;

e. If the premises to be licensed consists of multiple levels, a separate diagram shall be filed for each floor; and

- f. The premises to be licensed shall be outlined in bold.

The Licensing Officer may waive the site diagram for renewal applications if the applicant adopts a diagram that was previously submitted, certifies that the configuration of the premises has not been altered since it was prepared and that the use of any area or room in the premises has not changed.

B. Each principal, managing agent, and equity holder shall meet the general standards and qualifications for an applicant as set forth in section 2.1.401.

C. Each applicant's, principal's, managing agent's, and equity holder's criminal history, any conviction or guilty plea to a charge based upon acts of dishonesty, fraud, deceit, violence, weapons, substance abuse or narcotics, sexual misconduct or prostitution related misconduct of any kind, regardless of the jurisdiction in which the act was committed, may be considered in a decision to grant, renew, revoke, or suspend the license.

D. In the event the Licensing Officer takes into consideration information concerning the applicant's, principal's, managing agent's, and equity holder's criminal history record, the Licensing Officer shall also consider any information provided by the applicant or licensee regarding the criminal history record, including, but not limited to, evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license or renewal.

2.3.104: FEES AND TERM:

Fees shall be as established by City Council under article 1, part 5 of this chapter. Fees shall not be refundable for any reason. All massage business licenses shall expire one (1) year from the date of issuance.

2.3.105: EXEMPTIONS:

The licensing requirements of this article do not apply to:

A. Public and private schools accredited by the state board of education or approved by the state division of private occupational schools;

B. Facilities providing massage services by employees of any governmental entity;

C. Training rooms of a recognized professional or amateur sports organization, dance troupe, bona fide athletic club, or other such athletic organization. For purposes of this subsection, a bona fide athletic club is an athletic club that receives ten percent (10%) or less of its gross income from providing massages to its members or the public;

D. Offices, clinics, and other facilities at which health care professionals licensed or registered with any state provide massage services to the public in the ordinary course of their health care profession;

E. Barber shops, beauty salons, and other facilities at which barbers and cosmetologists licensed by the state provide massage services to the public in the ordinary course of their professions;

F. A place of business where a person offers to perform or performs massage for not more than 72 hours in any six-month period and the massage is part of a public or charity event;

G. A self-employed massage therapist operating out of the massage therapist's home or the client's home;

H. A spa or resort operated on the premises of a hotel with at least one hundred (100) rooms for overnight guests; or

I. A place of business which employs individuals who do not claim expressly or implicitly to be massage therapists and provides:

1. Practices using reflexology, auricular therapy, and meridian therapies that affect the reflexes of the body;

2. Practices using touch, words, and directed movements to deepen a person's awareness of movement patterns in his or her body, such as the Feldenkrais method, the Trager approach, and body-mind centering;

3. Practices using touch or healing touch to affect the human energy systems, such as reiki, shiatsu, and meridians;

4. Structural integration practices such as Rolfing and Hellerwork; and

5. The process of muscle activation techniques.

2.3.106: DENIAL, SUSPENSION, OR REVOCATION OF LICENSE:

A. In addition to the grounds set forth in article 1 of this chapter, a massage business license may be denied, suspended, or revoked if the applicant, or a managing agent, principal, or equity holder of the applicant:

1. Has made a willful misrepresentation in applying for and obtaining a license;

2. Has been previously denied a license under this part or has had a license issued under this part suspended or revoked;

3. Has had a massage business license/permit revoked or suspended in another jurisdiction;
4. Applicant's operation of a massage business would be a threat to the public health or safety;
5. Has violated any provision of this part or any other applicable law;
6. Has failed within the required timeframe to remit payment to the City for any fees incurred pursuant to this Code;
7. Has been convicted of operating without a license under this part or performing any act for which a license is required under this part; or
8. Has violated any of the provisions of this General Licensing Code.

B. The suspension or revocation of a massage business license shall be subject to the provisions of section 2.1.801, *et seq.*, of this Chapter.

2.3.107: UNLAWFUL ACTS; VIOLATIONS:

A. It shall be unlawful for any person to:

1. Directly or indirectly, personally or through an agent or employee, conduct any massage business, or to use in connection with the massage business any premises, in whole or in part, without possessing a valid massage business license for each premises where the massage business operates.
2. Make a willful misrepresentation in applying for or obtaining a massage business license.
3. Flee, attempt to flee, or elude inspection pursuant to this part.

B. It shall be unlawful for any principal or managing agent of a massage business to:

1. Employ any person as a massage therapist or to allow any person to work as a massage therapist in a massage business who does not possess both a valid government-issued, photographic identity card and a massage therapist license.
2. Encourage, permit, or tolerate any massage therapist to engage in specified sexual activities or to expose the massage therapist's specified anatomical areas within the premises.
3. Fail to keep records as required by this part or fail to permit inspection of records as required by this part.

4. Fail to immediately report to law enforcement any specified sexual activities occurring in a massage business.

5. Permit the massage business premises to be used for living or sleeping quarters for any person when not otherwise permitted by this Code.

C. It shall be unlawful for any massage business to advertise specified sexual activities, prostitution, escort services, or other sexual services or to employ language in the text of any advertising or any images that would reasonably suggest to a prospective client that any specified sexual activities are available through the massage business or at the licensed premises.

D. It shall be unlawful for any massage business to operate between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M., inclusive.

E. Each principal, managing agent, and equity holder shall not violate, or permit to be violated, any local, State, or Federal law based on acts of dishonesty, fraud, deceit, violence, weapons, substance abuse or narcotics, sexual misconduct, or prostitution related misconduct of any kind, whether or not the acts were committed in the State of Colorado.

2.3.108: RECORDS; INSPECTIONS:

A. The managing agent and principals shall keep and maintain records for all employees and independent contractors of the massage business during the term of the person's employment and for at least three (3) years thereafter. These records shall, at a minimum, contain the following: name, age, current address and telephone numbers, description of the duties and responsibilities of the person, a copy of the valid government-issued photographic identity card of the person, and any other information reasonably required by the City Clerk's Office. The records shall also include a copy of the massage therapist license held by any licensed massage therapist working on the premises.

B. The Police Department and the City Clerk's Office may inspect each licensed massage business to determine compliance with the provisions of this part. The Police Department or City Clerk's Office shall inspect the premises and records at any reasonable time during the hours of operation or apparent activity. Upon request of the Police Department or the Clerk's Office, the licensed premises, including any places of storage, shall be open and made immediately available for inspection. Where any part of the licensed premises consists of a locked area, the area shall be unlocked and made available for inspection without delay upon request of the Police Department or City Clerk's Office.

2.3.109: NOTICE OF UNLICENSED MASSAGE BUSINESS:

Where the Police Department or the City Clerk's Office determines that an unlicensed premises is being used to operate a massage business, in addition to any other notice

provided for in Article 1 of this Chapter, the Police Department or the Clerk may provide notice of the requirements of this part to the owner and occupants of the premises by affixing a notice to the principal entrance of the unlicensed premises and by mailing notice to the property owner as their address appears on the tax records of the County Assessor.

Section 2. Any person convicted of violating Part 1 (Massage Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) shall be punished as provided in Sections 201 (General Penalty) and 202 (Minor Offenders) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs, 2001, as amended.

Section 3. This ordinance shall be in full force and effect from and after July 1, 2022.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ___ day of _____, 2022.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

Exhibit C

ORDINANCE NO. 910

AN ORDINANCE RELATING TO MASSAGE BUSINESSES, CREATING SCAPPOOSE MUNICIPAL CODE CHAPTER 5.20, MASSAGE FACILITES

WHEREAS, The Scappoose Police Department became aware of massage businesses in Scappoose being used for illicit purposes; and

WHEREAS, The Scappoose Police Department and the City of Scappoose are committed to the safety, health, and general welfare of all persons within the City of Scappoose; and

WHEREAS, the City of Scappoose and the Scappoose Police Department find it in the best interest of the public, and in the interest of the public’s health, safety, and general welfare, to prevent businesses who engage in these types of activities from obtaining a business license in the City of Scappoose;

NOW THEREFORE, THE COUNCIL OF THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Chapter 5 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of 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 hereof.

Section 3. This ordinance is effective 30 days after passage.

PASSED AND ADOPTED by the City Council this ____ day of _____, 20____, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Joe Backus, Mayor

First Reading:
Second Reading:

Attest: _____
Susan M. Reeves, MMC, City Recorder

Chapter 5.20

MASSAGE FACILITIES

Sections:

5.20.010 Definitions

5.20.020 City of Scappoose Massage Business License Required

5.20.030 Application Requirements

5.20.040 Fees and Term

5.20.050 Exemptions

5.20.060 Denial, Suspension, or Revocation of License

5.20.070 Unlawful Acts

5.20.080 Records and Inspections

5.20.090 Notice of Unlicensed Massage Business and Violation

5.20.010 DEFINITIONS

- (A) “Advertise” means to publish, display, or disseminate information and includes, but is not limited to, the issuance of any card, sign, or direct mail, or causing or permitting any sign or marking on or in any building or structure or in any newspaper, magazine, or directory, or any announcement or display via any televised, computerized, electronic, or telephonic networks or media, including advertising through internet sites, online bulletin boards or internet forums.
- (B) “Equity holder” means any natural person who is a shareholder, partner, member, trustee, or other principal owner of the massage business, who owns ten percent (10%) or greater financial interest in the massage business, whether directly or through any number of holding entities, partnerships, or trusts.
- (C) “Massage” means a system of structured touch, palpation, or movement of the soft tissue of another person’s body in order to enhance or restore the general health and well-being of the recipient. Such system includes, but is not limited to, techniques such as effleurage, commonly called stroking or gliding; petrissage, commonly called kneading; tapotement or percussion; friction; vibration; compression; passive and active stretching within the normal anatomical range of movement; hydro massage; and thermal massage.
- Such techniques may be applied with or without the aid of lubricants, salt, or herbal preparations, water, heat, or a massage device that mimics or enhances the actions possible by human hands.
- (D) “Massage business: means a business that offers massage in exchange for any form of consideration except as provided in section 5.20.050 of this Section.
- (E) “Massage therapist” means Any person who administers or offers to administer to another person, for any form of consideration or hire, a massage.

- (1) “Specified anatomical areas” means less than completely and opaquely covered human genitals, pubic region, buttocks, and breast below a point above the top of the areola; and/or, human genitals in a discernible turgid state even if completely and opaquely covered.
- (F) “Specified sexual activities” means acts, simulated acts, exhibitions, representations, depictions, or descriptions of any type of sexual activity. This includes: “sexually explicit conduct” as defined by the 2021 ORS 163.665 (3); “Sexual Contact” and “Sexual intercourse” as defined by the 2021 ORS 163.305; and “Sexual Conduct” and “Sexual Contact” as defined by the 2021 ORS 167.002.

5.20.020 CITY OF SCAPPOOSE MASSAGE BUSINESS LICENSE REQUIRED

- (A) On or after the date of enactment of this Ordinance, it shall be unlawful for any person to operate a massage business without possessing a valid massage business license for each premises where the massage business operates. Business operating with a valid City of Scappoose Business License at the time of enactment will need to complete the Massage Business License Addendum when they renew their business license, but do not need to complete the addendum until their business license expires.
- (B) Each massage business license shall specify the name under which the licensee is to operate, the address of the principal place of business, the expiration date, the number of the license, and any other information the City Manager, or their designee, deems necessary.
- (C) The massage business shall display the license in a conspicuous place readily visible to persons entering the licensed premises.

5.20.030 APPLICATION REQUIREMENTS

- (A) In addition to the requirements set forth in Scappoose Municipal Code, Chapter 5.04, the application for a massage business license shall include all of the following:
 - (1) The full name and any other names under which each equity holder of the applicant is or has been known and the residence address, telephone number, and date of birth of each equity holder of the applicant.
 - (2) A description of the specific types of services to be rendered.
 - (3) Documentary evidence that the officers, equity holders, and managers of the applicant are at least a minimum of eighteen (18) years old.
 - (4) Documentary evidence that the applicant has or will have possession of the premises to be licensed during the term of the license by ownership, lease, rental, or other arrangement.

(5) A detailed diagram showing the configuration of the premises to be licensed as follows:

- (a) The diagram shall be no larger than eight and one-half inches by eleven inches (8 1/2" x 11");
- (b) The diagram shall include the dimensions and total square footage of the premises to be licensed but does not need to be drawn to scale;
- (c) The diagram shall designate the use of each room or other definitive area of the premises to be licensed;
- (d) The diagram shall show the type of control of the exterior areas of the premises to be licensed, including, without limitation, fences, walls, and entry/exit points;
- (e) If the premises to be licensed consists of multiple levels, a separate diagram shall be filed for each floor; and
- (f) The premises to be licensed shall be outlined in bold.
- (g) The City Manager, or their designee, may waive the site diagram for renewal applications if the applicant adopts a diagram that was previously submitted, certifies that the configuration of the premises has not been altered since it was prepared and that the use of any area or room in the premises has not changed.

(B) Each applicant's, principal's, managing agents', and equity holders' criminal history, any conviction or guilty plea to a charge based upon acts of dishonesty, fraud, deceit, violence, weapons, substance abuse or narcotics, sexual misconduct or prostitution related misconduct of any kind, regardless of the jurisdiction in which the act was committed, may be considered in a decision to grant, renew, revoke, or suspend the license.

(C) Each applicant, principal, managing agent, and equity holder—and potentially employees, at the discretion of the City Manager or their designee—will also need to submit a notarized background check form along with the application, allowing the Scappoose Police Department to conduct a criminal background check and verify their standing with the Oregon State Board of Massage Therapists, and pay the associated background check fee, which can be found on the City of Scappoose fee schedule. City Staff can notarize the background check authorization form. A determination about the necessity of employees submitting background checks will be made after the initial business license application is submitted to the City of Scappoose.

- (1) Once an initial background check has been completed, applicants, principals, managing agents, equity holders, and potentially, employees, are not subject to Business License Application background checks required in this section for three (3) years.
 - (2) New applicants, principals, managing agents, equity holders, and potentially, employees, are subject to background checks under this Section when Business License Renewals are submitted to the City of Scappoose. Failure to disclose new applicants, principals, managing agents, equity holders, and potentially, employees, may be a violation as defined in 5.20.090(b) and subject to associated penalties.
 - (3) Background checks may be required more frequently than three years if there are reports of illicit activities relating to the business or persons named on the business license sought under this Section.
- (D) In the event the City Manager, or their designee, takes into consideration information concerning the applicant's, principal's, managing agent's, and equity holder's criminal history record, the City Manager, or their designee, shall also consider any information provided by the applicant or licensee regarding the criminal history record, including, but not limited to, evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license or renewal.

5.20.040 FEES AND TERM

Fees shall be as established by City Council and shall be listed on the City of Scappoose fee schedule. Fees shall not be refundable for any reason.

5.20.050 EXEMPTIONS

The licensing requirements of this article do not apply to:

- (A) Public and private schools accredited by the state board of education or approved by the state division of private occupational schools;
- (B) Facilities providing massage services by employees of any governmental entity;
- (C) Training rooms of a recognized professional or amateur sports organization, dance troupe, bona fide athletic club, or other such athletic organization. For purposes of this subsection, a bona fide athletic club is an athletic club that receives ten percent (10%) or less of its gross income from providing massages to its members or the public;
- (D) Offices, clinics, and other facilities at which health care professionals licensed or registered with any state provide massage services to the public in the ordinary course of their health care profession;

- (E) Barber shops, beauty salons, and other facilities at which barbers and cosmetologists licensed by the state provide massage services to the public in the ordinary course of their professions;
- (F) A place of business where a person offers to perform or performs massage for not more than 72 hours in any six-month period and the massage is part of a public or charity event;
- (G) A self-employed massage therapist operating out of the massage therapist's home or the client's home;
- (H) A spa or resort operated on the premises of a hotel with at least one hundred (100) rooms for overnight guests; or
- (I) A place of business which employs individuals who do not claim expressly or implicitly to be massage therapists and provides:
 - (1) Practices using reflexology, auricular therapy, and meridian therapies that affect the reflexes of the body;
 - (2) Practices using touch, words, and directed movements to deepen a person's awareness of movement patterns in his or her body, such as the Feldenkrais method, the Trager approach, and body-mind centering;
 - (3) Practices using touch or healing touch to affect the human energy systems, such as reiki, shiatsu, and meridians;
 - (4) Structural integration practices such as Rolfing and Hellerwork; and
 - (5) The process of muscle activation techniques.

5.20.060 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE

- (A) In addition to the grounds set forth in other portions of this chapter, a massage business license may be denied, suspended, or revoked if the applicant, or a managing agent, principal, or equity holder of the applicant:
 - (1) Has made a willful misrepresentation in applying for and obtaining a license;
 - (2) Has been previously denied a license under this part or has had a license issued under this part suspended or revoked;
 - (3) Has had a massage business license/permit revoked or suspended in another jurisdiction;
 - (4) Applicant's operation of a massage business would be a threat to the public health or safety;

- (5) Has violated any provision of this part or any other applicable law;
- (6) Has failed within the required timeframe to remit payment to the City for any fees incurred pursuant to this Code;
- (7) Has been convicted of operating without a license under this part or performing any act for which a license is required under this part; or
- (8) Has violated any of the provisions of this General Licensing Code.

(B) The suspension or revocation of a massage business license shall be subject to the provisions of Scappoose Municipal Code Chapter 5.04.090 and 5.04.100

5.20.070 UNLAWFUL ACTS

(A) It shall be unlawful for any person to:

- (1) Directly or indirectly, personally or through an agent or employee, conduct any massage business, or to use in connection with the massage business any premises, in whole or in part, without possessing a valid massage business license for each premises where the massage business operates.
- (2) Make a willful misrepresentation in applying for or obtaining a massage business license.
- (3) Flee, attempt to flee, or elude inspection pursuant to this part. Eluding may include, but isn't limited to, avoidance of inspections, refusing to allow entrance to the facility, or refusing to allow inspection of all of, or any portion of, the premises.

(B) It shall be unlawful for any principal or managing agent of a massage business to:

- (1) Employ any person as a massage therapist or to allow any person to work as a massage therapist in a massage business who does not possess both a valid government-issued, photographic identity card and a valid massage therapist license for the jurisdictions (federal, state, local, etc.) where the massage business is located.
- (2) Encourage, permit, or tolerate any massage therapist to engage in specified sexual activities or to expose the massage therapist's specified anatomical areas within the premises while working with a massage client.
- (3) Fail to keep records as required by this part or fail to permit inspection of records as required by this part.
- (4) Fail to immediately report to law enforcement any specified sexual activities occurring in a massage business.

- (5) Permit the massage business premises to be used for living or sleeping quarters for any person when not otherwise permitted by the Scappoose Municipal Code.
- (C) It shall be unlawful for any massage business to advertise in ways that violate local, state, or federal laws and statutes.
- (D) Each principal, managing agent, and equity holder shall abide by all applicable local, state, and federal laws and statutes.

5.20.080 RECORDS AND INSPECTIONS

- (A) The managing agent and principals shall keep and maintain records for all employees and independent contractors of the massage business during the term of the person's employment and for at least three (3) years thereafter. These records shall, at a minimum, contain the following: name, age, current address and telephone numbers, description of the duties and responsibilities of the person, a copy of the valid government-issued photographic identity card of the person, and any other information reasonably required by the City Manager, or their designee. The records shall also include a copy of the massage therapist license held by any licensed massage therapist working on the premises.
- (B) The Police Department, the City Recorder, or the City Manager's designee may inspect each licensed massage business to determine compliance with the provisions of this part. Inspection of premises and records shall occur at any reasonable time during the hours of operation or during any period of apparent activity. Upon request, the licensed premises, including any places of storage, shall be open and made immediately available for inspection. Where any part of the licensed premises consists of a locked area, the area shall be unlocked and made available for inspection without delay upon request.

5.20.090 NOTICE OF UNLICENSED MASSAGE BUSINESS AND VIOLATION

- (A) Where the Police Department, the City Recorder, or the City Manager's designee determines that an unlicensed premises is being used to operate a massage business, in addition to any other notice provided for in Article 1 of this Chapter, notice of the requirements of this part may be provided to the owner and occupants of the premises by affixing a notice to the principal entrance of the unlicensed premises and by mailing notice to the license holder and associated interest holders as their addresses appear on the business license, and the property owner as their address appears on the tax records of the County Assessor.
- (B) Any person convicted of violating this Chapter shall be punished as provided in Scappoose Municipal Code Chapter 1.08, General Penalty.

CITY OF SCAPPOOSE

January 2023						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 City Offices Closed	3 Council work session 6pm Council meeting 7pm	4	5	6	7
8	9	10	11	12	13	14
15	16 City Offices Closed	17 Council meeting 7pm	18	19 EDC, noon Park & Rec, 6pm	20	21
22	23	24	25	26 Planning Commission 7pm	27	28
29	30	31 50-Year SAC meeting, 6pm				

CITY OF SCAPPOOSE

February 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4 City Council Retreat
5	6 Council work session 6pm Council meeting 7pm	7	8	9	10	11
12	13	14	15	16 EDC, noon Park & Rec, 6pm	17	18
19	20 City Offices Closed	21 Council work session 6pm Council meeting 7pm	22	23 Planning Commission 7pm	24	25
26	27	28				