

## CITY OF BELLEVUE, WASHINGTON

## ORDINANCE NO. 2071

AN ORDINANCE relating to the regulation of massage parlors and public bathhouses amending City of Bellevue Ordinance No. 1543, Section 1, and Bellevue City Code, Sections 5.54.040, .060, .070, .080, .090, .110, .140, .150, .190 and adding a new section 5.54.095 and repealing 5.54.170.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.040, are hereby amended by the addition of the following definition:

CLERK: means such city employee or agent as the City Manager shall designate as licensing official under this chapter.

Section 2. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.060, are hereby amended to read as follows:

5.54.060 Fees. The fee for public massage parlor license ~~is fixed-at~~ shall be \$50.00 per year, and the fee for a public bathhouse license ~~is-fixed-at~~ shall be \$25.00 per year. An additional, nonrefundable application fee of \$10.00 shall accompany each application for such a license.

The fee for a license as a masseur, masseuse, public massage parlor attendant, or a public bathhouse attendant ~~is-fixed-at~~ shall be \$10.00 per year.

All such licenses shall expire on the 31st day of December of the year for which the license was issued and there shall be no prorating of the license fees; except that when the original application for a license is made subsequent to June 30th, then the fee for the balance of that year shall be one-half of the annual license fee.

Applications for renewal of a license issued hereunder shall be made on or before the expiration date provided for herein in the same manner and on payment of the same fees as provided for an original application under this chapter.

There shall be assessed by the Clerk an additional charge, on applications not filed on or before said expiration date, as follows:

<u>DAYS PAST DUE</u>	<u>PERCENT OF LICENSE FEE</u>
<u>7-30</u>	<u>25%</u>
<u>31-60</u>	<u>50%</u>
<u>61 or more</u>	<u>75%</u>

Section 3. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.070, are hereby amended to read as follows:

5.54.070 Application for and Renewal of License - Public Massage Parlor - Public Bathhouse.

No license or renewal of license to conduct a public massage parlor or public bathhouse shall be issued or renewed except upon written application filed with the City Clerk upon forms furnished by the City of Bellevue, which shall be signed and sworn to by the person who intends to conduct, operate and maintain a public massage parlor or bathhouse. Such applications shall include the following:

- (a) The true name, home address and telephone number of the applicant.
- (b) The business name, business address and telephone number of the establishment or proposed establishment.
- (c) Whether applicant is a sole proprietorship, partnership or corporation; if a partnership, giving the names of all persons sharing in the profits of said business; if a corporation, giving the names of its officers, directors and shareholders, giving title, residence address and telephone number of each.
- (d) How long applicant (or if a corporation, its officers) have resided in King County.
- (e) If applicant is a sole proprietorship or a partnership, stating whether the proprietor or the partners are of legal age.
- (f) Two 2" x 2" black and white photographs of the applicant, or in the case of a firm, the party signing the application, taken within six months of the date of the application, showing only the full face of such applicants. The two 2" x 2" black and white photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it such photograph of the applicant, or the party signing the application, and such license shall be posted and displayed in a conspicuous place in the establishment where such license is enjoyed, at all times, and such license shall not be tampered with in any manner.
- (g) Such applicants, or party signing the application, shall also be required to submit to fingerprinting by the Police Department, and such fingerprints shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Bureau.
- (h) Whether the applicant or anyone owning an interest in the business or proposed business has ever been convicted of any crime. If so, stating the nature of the crime, the date of conviction, the name and location of the convicting court, and the disposition thereof.
- (i) All assumed names or aliases which have been or are used by any person whose name appears on an application.

- (j) Such other relevant and pertinent information as the City Clerk may reasonably require in connection with such application.

Section 4. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.080, are hereby amended to read as follows:

5.54.080 Issuance and Renewal of License - Public Massage Parlor - Public Bathhouse - Referral to Planning and Police Departments.

Upon the filing of an application for issuance or renewal of a public massage parlor license or a public bathhouse license, the City Clerk shall ascertain from the City's Zoning Planning Department whether the operation of such establishment at the business address shown on the application will be in compliance with the City's Zoning Regulations; and the Clerk shall promptly refer the application to the Police Department with a request for an investigation of the statements contained in said application and for a written report to be made within 30 days by the Police Department containing the results of the investigation and any other matters pertinent to the application. The Clerk shall also refer the application to the Seattle-King County Health Department with a request for an inspection of the premises, or proposed premises, to determine their suitability and adequacy as to sanitary and physical conditions and to submit a written report thereon.

Section 5. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.090, are hereby amended to read as follows:

5.54.090 Suspension or revocation of Licenses. The City-Council reserves unto-itself-the-power-to Clerk may upon the recommendation of the Chief of Police or his delegate suspend or revoke any license issued under the provisions of this chapter at any time where the license was procured by fraud or false representation of facts; or for violation of any of, or failure to comply with, the provisions of this chapter by the person-holding-such-license licensee or any of his servants, agents, or employees; or the conviction of the person-holding-such-license licensee of any crime or offense involving moral turpitude or the conviction of any of his servants, agents or employees of any crime or offense involving moral turpitude committed on the premises in which the licensed establishment is located; or in the event that it is determined that the further operation of such establishment would be detrimental to the public health or welfare of the citizens of the City.

Section 6. A new section is hereby added to Chapter 5.54 of the Bellevue City Code, that constitutes Section 5.54.095 thereof, and to read as follows:

5.54.095 Appeal. Any person aggrieved by the action of the Clerk in refusing to issue or renew, or in revoking or suspending any license issued under this chapter shall have the right to appeal such action to the Board of Adjustment, or to such other Board as may hereafter be established by the City Council for the hearing of license appeals, by filing a Notice of Appeal with the Clerk within ten (10) days of receiving notice of the action from which appeal was taken. The Board shall set a date for hearing such appeal and at such hearing, the appellant may appear and be heard, subject to reasonable rules and regulations provided by the Board. The filing of such appeal shall stay the action of the Clerk pending the decision of the Board.

Section 7. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.110, are hereby amended to read as follows:

5.54.110 Unlawful to Admit Certain Persons. It shall be unlawful for the owner, proprietor, manager or person in charge of any public massage parlor or public bathhouse, or for any employee of said establishment knowingly to harbor, admit, receive or permit to be on or remain ~~in or about~~ on such premises, any prostitute, lewd or dissolute person, any drunken or boisterous person, any person under the influence of intoxicating liquor or narcotic drugs, or any person whose conduct ~~tends in any way to corrupt~~ is injurious to the public morals.

Section 8. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.140 are hereby amended to read as follows:

5.54.140 Application for or Renewal of License - Masseur - Masseuse - Attendant. No license or renewal of license to act as a masseur or masseuse, or public massage parlor attendant, or public bathhouse attendant, shall be issued or renewed except upon written application filed with the ~~City~~ Clerk upon forms furnished by the City of Bellevue, which shall be signed and sworn to by the applicant. Such application shall include the following:

- (a) The true name, home address, and telephone number of the applicant.
- (b) References as to the moral character of the applicant from three reputable citizens of King County, Washington.
- (c) How long applicant has resided in King County.
- (d) Whether the applicant has ever been convicted of a crime. If so, stating the nature of the crime, the date of conviction, the name and location of the convicting court, and the disposition thereof.
- (e) All assumed names and aliases which have been or are used by the applicant.
- (f) Two 2" x 2" black and white photographs of the applicant, taken within six months of the date of the application, showing only the full face of such applicant. The two 2" x 2" black and white photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it such photograph of the applicant, and such license shall be posted and displayed in a conspicuous place in the establishment where such licensee is employed, at all times, and such license shall not be tampered with in any manner.
- (g) Such applicant shall also be required to submit to fingerprinting by the Police Department, and such fingerprints shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Division.
- (h) The applicant's previous occupation and previous employer.

- (i) Such other relevant and pertinent information as the City Clerk may reasonably require in connection with such application.

Section 9. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.150, are hereby amended to read as follows:

5.54.150 Issuance and Renewal of License - Masseur - Masseuse - Attendant - Referral to Police, and Health Departments. Upon the filing of an application for a license to act as a masseur, masseuse, public massage parlor attendant, or public bathhouse attendant, the City Clerk shall refer the same to the Police Department with the request to investigate the statement contained in said application, and to furnish a written report within 30 days containing the results of the investigation, and any other matters pertinent to said application. The City Clerk shall refer the application to Seattle-King County Health Department, with the request to examine the applicant physically to ascertain if said applicant is free from contagious or infectious disease and to make a written report thereon.

If, from said reports and other information, it appears that the applicant is fit and proper; that the applicant is free of infectious or contagious disease; that the statements contained in the application are true; that the applicant has not been convicted of a crime involving moral turpitude or attempt to defraud and that the applicant has complied with all the requirements of this ordinance, the City Clerk shall issue a license to the applicant; otherwise the license application shall be denied.

Section 10. That part of Ordinance No. 1543, Section 1, codified as Bellevue City Code, Section 5.54.170 is hereby repealed.

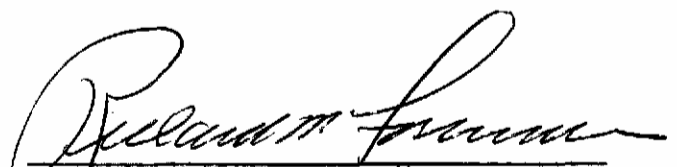
Section 11. Section 1 of Ordinance No. 1543 and Bellevue City Code, Section 5.54.190 are hereby amended to read as follows:

5.54.190 Penalty. Any person convicted of a violation of this chapter shall be guilty of a misdemeanor, ~~and shall be punished by a fine of not more than three hundred and fifty dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment.~~

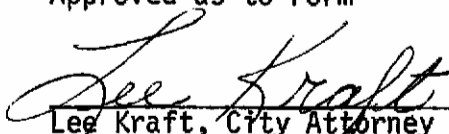
Section 12. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 20 day of May, 1974, and signed in authentication of its passage this 20 day of May, 1974.

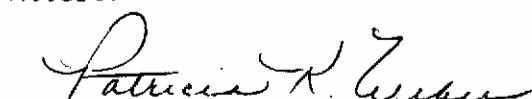
(SEAL)

  
Richard M. Foreman, Mayor

Approved as to Form

  
Lee Kraft, City Attorney

Attest:

  
Patricia K. Weber, City Clerk