

"Shawn"

O R D I N A N C E

MASSAGE SALONS, HEALTH CLUBS, ETC.

NOTICE is hereby given that at a regular meeting of the Board of Supervisors of Russell County, Virginia, held in the County Courthouse at Lebanon, Virginia, on Monday, February 5th, 1979, at 6:00 O'clock P. M., the ordinance hereinafter set forth was proposed for adoption, and the Clerk of said Board was directed to cause to be published once a week for two successive weeks in a newspaper published and having a general circulation in Russell County, Virginia, a copy of such ordinance, together with notice that said Board will hold a public hearing on said ordinance at the regular meeting of such Board to be held in the County Courthouse at Lebanon, Virginia, on Monday, March 5, 1979, at 6:00 O'clock P. M., and the ordinance which is proposed for adoption at that time is as follows:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF RUSSELL COUNTY, VIRGINIA:

MASSAGE SALONS, HEALTH CLUBS, ETC.

- Sec. 1. Definitions.
- Sec. 2. Purpose of chapter.
- Sec. 3. Policy.
- Sec. 4. Compliance with chapter.
- Sec. 5. Permits.
- Sec. 6. Training of masseur or masseuse.
- Sec. 7. Equipment standards.
- Sec. 8. Building structure and layout.
- Sec. 9. Sanitation and hygiene.
- Sec. 10. Sleeping quarters.
- Sec. 11. Massages or baths administered by person of opposite sex.
- Sec. 12. Prohibited acts in violation of state law, this Code, etc.
- Sec. 13. Penalties.
- Sec. 14. Effective.

Sec. 1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Health club. Any establishment which offers service in the form of massage, baths, exercises or similar services, in combination to club members, or the public for a charge.

The term "health club" does not include:

(1) Hospitals, nursing homes, medical clinics or the offices or quarters of a physician, a surgeon or an osteopath; or

(2) exercise clubs exclusively for members or clientele of one sex alone where the services, without massage in any form, are performed by persons of the same sex as the members or clientele; or

(3) barbershops and beauty parlors which do not offer services in the form of massage, baths, exercises or similar services to members or clientele.

Masseur and masseuse. A person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, corrective gymnastics, mechanotherapy; including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam or any other special type of bath.

Sec. 2. Purpose of chapter.

This chapter is enacted to secure and promote the health, safety and general welfare of the inhabitants of the county.

Sec. 3. Policy.

It is hereby declared that the business of operating health clubs, as defined in this chapter, are businesses affecting the public health, safety and general welfare.

Sec. 4. Compliance with chapter.

It shall be unlawful for any person to engage in the business of a health club without a permit, or being in violation of any requirements or prohibitions set forth in this chapter or any regulation issued pursuant thereto.

Sec. 5. Permits.

(a) No health club shall operate without first obtaining a permit.

(b) No permit shall be issued for any health club except to an owner or manager who is either (1) a physician, (2) a registered nurse with at least two years nursing experience, (3) a licensed practical nurse with at least four years nursing experience, or (4) a registered physical therapist.

(c) Permit forms are obtainable and are processed in the offices of the county administrator.

Sec. 6. Training of masseur or masseuse.

No person shall practice as a masseur or masseuse without having satisfactorily completed a course of study in body massage in an approved school of instruction and training. The county administrator shall maintain a list of such approved schools.

Sec. 7. Equipment standards.

(a) All tables, tubs, shower stalls and floors, except reception and administrative areas, shall be made of nonporous materials which may be readily disinfected.

(b) Closed containers shall be provided for wet towels and waste material.

Sec. 8. Building structure and layout.

(a) No health club shall begin operations until the building occupied or to be occupied shall have been approved by the county administrator, who shall establish procedures for investigation and report by the administrative officers of the Building, Plumbing, Electric and Fire Prevention Codes.

(b) Any applicant for a permit to operate a health club shall submit to the county administrator plans and specifications of the quarters proposed to be occupied. Such plans shall show details of entrances, partitions, windows, openings, ventilation, plumbing fixtures, water supply and waste and vent connections.

(c) Each health club shall be equipped with toilet and lavatory facilities for patrons, and separate readily available toilet and lavatory facilities for patrons, and separate readily available toilet and lavatory facilities for personnel. Each operating area shall be equipped with a hand lavatory.

(d) Either the club quarters or the floor of the building on which the quarters are located shall be equipped with a service sink for custodial services.

"(d) No health club shall knowingly serve any patron infected with any fungus or other skin infections; nor shall service be performed on any patron exhibiting skin inflammation or eruptions; provided, that a duly licensed physician may certify that a person may be safely served, prescribing the conditions thereof.

Sec. 9. Sanitation and hygiene.

(a) All equipment, shower stalls, toilets, lavatories and any other such accouterments of the establishment shall be regularly treated with disinfectants, and shall be maintained in a clean and sanitary condition at all times.

(b) Health, plumbing, electric and other inspectors shall be given access to any part of the quarters of a health club for purposes of inspection at all reasonable times.

(c) No person shall practice any of the services of a health club without a certificate of good health issued by a duly licensed physician, commensurate with the nature of the services rendered. Such certificate shall be renewed every six months.

(d) *See above*
(e) All personnel shall wash his or her hands in hot running water, using a proper soap or disinfectant, before giving any service or treatment to each separate patron.

(f) All towels and tissues, all sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.

(g) Nondisposable tools of the trade shall be disinfected after use upon one patron.

Sec. 10. Sleeping quarters.

No part of any quarters of any health club shall be used for, or connected with, any bedroom or sleeping quarters, nor shall any person sleep in such health club except it be for limited periods incidental to and directly related to a massage or bath. This provision shall not preclude the location of a health club, in separate quarters of a building housing a hotel or other separate businesses or clubs.

Sec. 11. Massages or baths administered by person of opposite sex.

It shall be unlawful for any establishment, regardless of whether it is a public or private facility, to operate a massage salon, bath parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex. Upon conviction of any person for violating the provisions of this section, the county administrator shall revoke the permit of the owner or manager of the health club wherein the provisions of this section shall have been violated. No permit shall be issued to the owner or manager of any health club who has had a permit to operate a health club revoked pursuant to the provisions of this section, or pursuant to the provisions of any other statute or ordinance which parallels this section.

Sec. 12. Prohibited acts in violation of state law, this ordinance.

No owner or manager of a health club shall tolerate in his establishment any activity or behavior prohibited by the laws of the Commonwealth, particularly, but not exclusive of, Title 18.2, Chapter 8, Article 3, Sections 18.2-344 et seq. of the Code of Virginia of 1950, as amended, proscribing prostitution, sodomy, a bawdy place, adultery, fornication and any lewd and lascivious cohabitation, etc., and Article 5 thereof, Sections 18.2-372 et seq., being the state statute on obscenity, dealing with shameful or morbid interest in nudity or sex, which appeals to prurient interest, and which covers obscene items, exhibitions, performances, indecent exposure, illicit photographs or photographic activity and illicit modeling.

Nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this ordinance, particularly, but not exclusive of those sections which parallel the state statutes on immorality and obscenity detailed above.

Any conviction of any employee of a health club of a violation of the foregoing mentioned statutes and codes shall devolve upon the owner or manager of such club, it being specifically declared hereby that following such a conviction of any employee, the owner or manager of the club shall be prosecuted as an accessory to such violation.

Sec. 13. Penalties:

Any person violating the provisions of this ordinance shall, upon conviction, be punished as provided in Sec. 15.1-505 of the Code of Virginia of 1950, as amended; that is to say, by confinement in jail for not more than twelve months and a fine of not more than one thousand dollars, either or both.

Sec. 14. Effective.

This ordinance shall be effective on and after March fifth, nineteen hundred seventy nine, and

1. Shall be applicable in all the unincorporated territory of the county and within the corporate limits of each incorporated town in the county.

2. If an incorporated town in the county adopts an ordinance which parallels the proposed ordinance, said ordinance shall not be applicable within the corporate limits of such incorporated town.

3. If the governing body of an incorporated town in the county shall notify in writing the county administrator of the county that said ordinance shall not be applicable within the corporate limits of such incorporated town, said ordinance shall not be applicable within the corporate limits of such incorporated town.

4. The county administrator shall mail an attested copy of this ordinance to the mayor and each member of the governing body of each incorporated town in the county.

THE RUSSELL COUNTY BOARD OF SUPERVISORS
BY THE CLERK OF THE BOARD

"Shawn"

ORDINANCE

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