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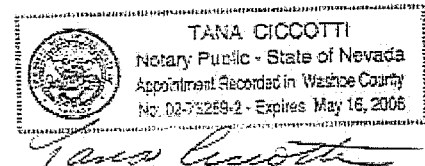
ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: 05/14/04 - 05/21/04, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

MAY 21 2004

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1235 NOTICE IS HEREBY GIVEN THAT: Bill No. 1415, Ordinance No. 1235 entitled An Ordinance amending the Washoe County Code by repealing certain sections relating to the requirements for issuance of a massage therapists work permit by the Sheriff; by adding provisions allowing the Business License Division to issue temporary massage therapists permits, providing grounds and reasons for denial and revocation of massage therapist work permits; and, providing other matters properly relating thereto. was adopted on May 11, 2004 by Commissioners Galloway, Humke, Sferrazza, Shaw and Weber. This ordinance shall be in full force and effect from and after May 21, 2004. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 350 South Center Street, Suite 100, Reno, Nevada. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No.278990 May 14, 21, 2004

## Attachment A, Clean Copy, Proposed Changes to WCC Chapter 25

SUMMARY: An ordinance amending the Washoe County Code by revising provisions relating to massage therapist's work permits and temporary massage therapist's permits.

BILL NO. 1415

ORDINANCE NO. 1235

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING CERTAIN SECTIONS RELATING TO THE REQUIREMENTS FOR ISSUANCE OF A MASSAGE THERAPIST'S WORK PERMIT BY THE SHERIFF; BY ADDING PROVISIONS ALLOWING THE BUSINESS LICENSE DIVISION TO ISSUE TEMPORARY MASSAGE THERAPIST'S PERMITS, PROVIDING GROUNDS AND REASONS FOR DENIAL AND REVOCATION OF MASSAGE THERAPIST WORK PERMITS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Sections 25.261, 25.2611, and 25.2613 of Chapter 25 of the Washoe County Code are hereby repealed.

SECTION 2. Section 25.229 of the Washoe County Code is hereby amended to read as follows:

25.229 Massage business license required.

1. Except as provided in section 25.259, it is unlawful for any person to operate, manage or maintain a business wherein massages are performed unless he holds a valid massage business license issued pursuant to the provisions of sections 25.227 to 25.259, inclusive.

2. A massage business license shall be issued for a specified location and shall authorize the performing of a massage at the location specified in the license and on an out-call basis under such conditions as will insure the legitimacy of such out-call massages.

3. A massage establishment business license allows for an establishment to be used for the purpose of massage and does not license or permit any individual to perform such massage. Massage therapist permits for individuals are separate and distinct from massage establishment business licenses.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138, 1182]

SECTION 3. Section 25.239 of the Washoe County Code is hereby amended to read as follows:

25.239 Massage business license and massage therapist permit issuance; investigation of suitability for license and for permit; grounds for denial and revocation.

1. As used in this section, the term "applicant" shall mean:
  - (a) The applicant, if an individual;
  - (b) Any of the officers and directors, if the applicant is a corporation;
  - (c) Any of the partners, including general and limited partners, if the applicant is a partnership; and/or
  - (d) The manager or other person principally in charge of the operation of the business, if the applicant is a partnership or a corporation.
2. Upon receipt of a completed application by the license division, the sheriff shall commence his investigation in accordance with section 25.023.
3. Upon receipt of a complete application for a massage business license or for a massage therapist's permit and after completion of the investigations required by this section, the license division shall issue or deny the license or permit.
4. Good cause exists for the denial of an application for a massage business license for the reasons listed in subsection 1 of section 25.018 or any of the following reasons:
  - (a) The applicant has been convicted within the past ten (10) years of the following crimes:
    - (1) Fraud.
    - (2) Prostitution.
    - (3) Solicitation.
    - (4) Rape (sexual assault)..
    - (5) Indecent Exposure.
  - (b) The applicant has had a massage business license, massage therapist permit or other similar permit or license denied, revoked or suspended for any of the causes stated in subsection 4(a) by this county or any other state or local agency within 5 years before the date of the application; or
  - (c) The applicant is under the age of 18 years.
5. Good cause exists for the denial of an application for a massage therapist permit for the following reasons:
  - (a) The applicant has been convicted within the past ten (10) years of the crimes stated in subsection 4(a) or the applicant is under the age of 18 years.
  - (b) Does not meet the educational requirements set forth in sections 25.2623 and 25.2625, as applicable.
  - (c) Has had a massage business license, massage therapist permit, or similar license or permit denied, suspended, or

revoked within the last five years by Washoe County or any other state or local agency.

6. The license division may revoke or refuse to renew a massage business license or a massage therapist's permit for any reason that would constitute grounds for denial in the first instance.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 827, 975, 1138]

SECTION 4. Section 25.243 of the Washoe County Code is hereby amended to read as follows:

25.243 Fees.

1. The fee for a massage business license shall be as set forth in section 25.025 of this code.

2. The initial and annual fee for a massage therapist permit shall be \$32.

3. The fee for the testing and hearing before the board of massage examiners will be \$15.

4. Members of the board of massage examiners shall be exempt from the fee requirements of this section.

[\$12, Ord. No. 605; A Ord. Nos. 692, 1138, 1182]

SECTION 5. Section 25.262 of the Washoe County Code is hereby amended to read as follows:

25.262 Requirement for massage therapist permits; terms.

1. No person may be employed by a massage business as a massage therapist unless he holds a valid massage therapist's permit issued by the license division.

2. A massage therapist's permit is valid for one year and may be renewed, provided the holder complies with the permit issuance requirements of section 25.239 and the educational requirements of section 25.2623.

[\$153, Ord. Nos. 1138, 1182]

SECTION 6. Section 25.2622 of the Washoe County Code is hereby amended to read as follows:

25.2622 Temporary massage therapist permit; reasons for denial or revocation.

1. The license division may issue a temporary massage therapist permit to allow time for the sheriff to complete an investigation required by this section 25.239.

(a) The license division may issue a temporary permit after determining that the temporary massage therapist activities will not threaten the public health or safety.

(b) A temporary permit shall be valid for no more than 90 days, except that the license division may extend the term for an additional 90 days if necessary for the sheriff to complete a required investigation.

(c) A temporary permit automatically expires, and the holder shall immediately surrender the permit and cease and desist all massage activities authorized, if the license division serves notice upon the applicant or his agent that the sheriff or the license division has denied the license.

(d) The fee for a temporary permit is the fee for an initial massage therapist permits as set forth in section 25.243.

2. If the license division denies, revokes, or refuses to renew a massage therapist's permit, the applicant shall be advised of the reason or reasons in writing and may appeal to an internal review board and the board in substantially the same manner set forth in section 25.0454. For the purposes of such an appeal, the internal review board shall consist of at least three members of the board of massage examiners and shall be convened by the chair of the board of massage examiners.

[\$155, Ord. Nos. 1138, 1182]

SECTION 7. Section 25.2625 of the Washoe County Code is hereby amended to read as follows:

25.2625 Continuing education requirements for massage therapists.

1. Continuing education courses shall be in one or more of the following subject areas: massage, body work techniques, and energy work techniques.

2. Continuing education requirements may be fulfilled by classroom study, home study, or correspondence course.

3. To satisfy the education requirements of this section and section 25.2623, applicants shall provide dated certificates of completion showing the number of hours of education completed. Such certificates must be issued by:

(a) A massage school, technical trade school, or institution of higher learning licensed by the State of Nevada Post Secondary Education Commission;

(b) A massage school or institution of higher learning duly licensed in a location outside the State of Nevada;

(c) A nationally recognized professional organization for attendance at a speech, seminar, or other event approved for continuing education units by that organization; or

(d) A massage therapist holding a valid permit issued by this County, with at least three years of practical experience, and certified by a national organization that recognizes the technique or modality taught by that person.

[S158, Ord. Nos. 1138, 1182]

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 20<sup>th</sup> day of APRIL, 2004.

Proposed by Commissioner HUMKE.

Passed on the 11<sup>th</sup> day of MAY, 2004.

Vote:

Ayes: SHAW, WEBER, HUMKE, GALLOWAY & SPERAZZA

Nays: (NONE)

Absent: (NONE)

*James M. Shaw*

James M. Shaw  
Chairman  
Washoe County Commission

ATTEST:

*Amy Harvey*

Amy Harvey  
County Clerk

This ordinance shall be in force and effect from and after the 21<sup>st</sup> day of MAY, 2004.