

AGENDA  
LAKEWOOD CITY COUNCIL  
STUDY SESSION  
CITY OF LAKEWOOD, COLORADO  
**VIRTUAL MEETING**  
FEBRUARY 7, 2022  
**5:30 P.M.**

To watch the Council Workshop live, please use either one of the following links:

City of Lakewood Website: <https://www.Lakewood.org/CouncilVideos>

OR

Lakewood Speaks: <https://lakewoodspeaks.org/>

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How to Connect to provide Public Comment:

By Computer: <https://lakewood.zoom.us/j/99869585479>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **998 6958 5479**

By Telephone: **720-707-2699**

Webinar ID: **998 6958 5479, #**

Participant ID: **#**

Press \*9 to Request to Speak, you will be prompted when to speak.

Press \*6 to Unmute

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The City of Lakewood does not discriminate on the basis of race, age, national origin, color, creed, religion, sex, sexual orientation or disability in the provision of services. People with disabilities needing reasonable accommodation to attend or participate in a City service program, can call 303-987-7080 or TDD 303-987-7057. Please give notice as far in advance as possible so we can accommodate your request.

**ITEM 1 – CALL TO ORDER**

**ITEM 2 – ROLL CALL**

**ITEM 3 – PRESENTATION – AN OVERVIEW OF THE DEPARTMENT OF COMMUNITY RESOURCES**

**PUBLIC INPUT**

**ITEM 4 – DISCUSSION – ENTERTAINMENT DISTRICTS**

**PUBLIC INPUT**

**ITEM 5 – DISCUSSION – MESSAGE BUSINESS ORDINANCE**

**PUBLIC INPUT**

**ITEM 6 – REPORTS**

**ITEM 7 – ADJOURNMENT**

## COMMUNITY RESOURCES OVERVIEW

### INDOOR FACILITIES

### PARKS & OUTDOOR FACILITIES

Arts Education Facilities	1	Amphitheaters	2
Before & After School Sites	4	Fitness Courts	3
City Buildings Maintained	157	Marinas	1
Campgrounds	1	Miles of Maintained Right of Way	85
Climbing Walls	1	Miles of Trails	235
Cultural Centers / Theater	1	Parks	113
Golf Courses	2	Pickleball Courts	4
Head Start & Early Head Start	5	Play Areas	79
Heritage Centers	1	Pools	3
Basketball / Volleyball Courts	9	Public Art Pieces	60
Pools	3	Reservable Picnic Shelters	20
Racquetball Courts	6	Skate Features	3
Recreation / Community Centers	5	Splash Playgrounds	3
		Sports Fields	67
		Swim Beaches	1
		Tennis Courts	34

Total Park Acreage – 7,474.4 \*Developed Acreage – 4,101 \*Developed Sites - 90

# COMMUNITY RESOURCES DEPARTMENT

## RESPONSIBILITY AREAS

The department works very closely with other city departments and many outside partners. Important partner agencies include, but are not limited to: Jeffco Schools, Jefferson County Open Space, Great Outdoors Colorado, Colorado Lottery, Denver Urban Gardens, Denver Water, Consolidated Mutual, Army Corps of Engineers, Metro West Housing, West Metro Fire District, Gold Crown, SCFD, Go Farm to Families, Jeffco Department of Health and Environment, Red Rocks Community College, and the Colorado Division of Wildlife.

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### Administration

- Park shelter reservations
- Registration for recreation programs/classes
- BCLP camping reservations
- Group park use permits
- Contracts administration
- Budget support

### Communications & Community Relations

- Marketing & promotions for all CR programs and services
- Creative Services across City
- Community engagement & outreach
- Looking at Lakewood
- Community Connections
- Bravo Magazine
- Live the Life

### Construction & Building Maintenance

- Building maintenance – 157 city buildings
- Facility renovation & remodeling
- Contract and project management
- Construction management

### Facility & Park Planning

- Park and facilities design, and construction management
- Contract administration
- Land use planning
- Property assessment & acquisition

## **Family Services**

- Early childhood education – Early Head Start, Head Start, and Preschool
- School aged services – (4) licensed before and after school care, out of school break licensed camps, and (3) themed licensed summer camps

## **Golf Course Operations**

- Fox Hollow (27 holes) operations & maintenance
- The Homestead (18 holes) operations & maintenance
- Two restaurants and event offerings through concessionaire

## **Heritage, Culture & the Arts**

- Heritage Lakewood Belmar Park – 20<sup>th</sup> Century Museum, Bonfils Stanton Amphitheater and festival area
- Washington Heights Art Center
- Lakewood Cultural Center and galleries
- Community events & festivals
- Historic preservation & interpretation
- Educational and cultural programming
- Visual arts programs
- Public art
- Performing arts

## **Parks**

- 113 Parks
- 7,474.4 acres, 4,101 developed acres
- 3 leased reservoirs
- 90 developed sites
- Landscape, vegetation and pest management
- Street and right of way maintenance
- Small construction projects
- Routine maintenance – graffiti, trash, mowing, field preparation
- Contract administration
- Restoration work
- Urban forest management & ordinance enforcement
- Shrub & flower bed design & maintenance
- Greenhouse operations
- Irrigation control
- Snow removal

- Bear Creek Lake Park – operated and maintained through a lease with the Army Corp of Engineers – passive & active outdoor recreation, native vegetation management, naturalist education programs, park ranger oversight

### **Recreation**

- Recreation / Community Centers & Pools – Carmody & pools, Charles Whitlock, Green Mountain & pool, the Lakewood Link & pool, Morse Park Pool, Glennon Heights Pool, Surfside Pool, Ray Ross Spray feature
- Lakewood Rides Transportation for those over 55 years of age and those with disabilities
- Volunteers of America Meal Site at the Clements Community Center
- Therapeutic Recreation program (includes Camp Paha)
- Recreation programs offered include: youth & adult sports, fitness & wellness, aquatics classes, school break camps, gymnastics, teen and afterschool programs, and many others offered through partner agencies and at local schools and in parks
- Middle School Sports Programs at local schools

# STAFF MEMO

**DATE OF STUDY SESSION: FEBRUARY 7, 2022 / AGENDA ITEM NO. 4**

To: Mayor and City Council

From: Travis Parker, Planning Director, 303-987-7908

Subject: **ENTERTAINMENT DISTRICTS**

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## **SUMMARY STATEMENT:**

Colorado state statutes were amended in 2019 to allow local municipalities to create “entertainment districts” of up to 100 acres. Within entertainment districts created by the city, promotional associations of businesses within the district can apply to the city for “common consumption areas.” A common consumption area is a designated part of the entertainment district where food and alcohol can be commonly sold by businesses in the area and openly consumed by visitors in the common space.

Staff is seeking guidance from City Council regarding local legislation authorizing the creation of entertainment districts in the City of Lakewood in anticipation of requests from Lakewood businesses for this newly authorized option.

## **BACKGROUND INFORMATION:**

C.R.S. 44-3-301 authorizes the creation of entertainment districts and C.R.S. 44-3-103 defines common consumption areas. Since the authorization of entertainment districts, districts have been created in cities across the state including Aurora, Carbondale, Central City, Denver, Erie, Fort Collins, Glendale, Greely, Leadville, Salida and Telluride. Many others including Pueblo have legislation under consideration.

The new ownership of the Belmar commercial area has approached the city about the creation of an entertainment district on the plaza and Teller Street between Alaska and Virginia Avenues. Such a district would allow restaurants, bars, and venues in that area to establish promotional associations to oversee common consumption areas. A common consumption area is a smaller area located within an entertainment district where food and alcohol sold by businesses located within the consumption area could be consumed.

## **BUDGETARY IMPACTS:**

Any costs of the district would be borne by the businesses and owners in the district so no costs to the city are anticipated. There is a potential for increased sales tax revenue.

## **STAFF RECOMMENDATIONS:**

The study session is informational. Staff is seeking feedback from City Council on moving forward with legislation to create an entertainment district.

**ALTERNATIVES:**

City Council can direct staff to proceed with whether to finalize and bring forth an ordinance in conformance with State law.

**PUBLIC OUTREACH:**

Normal public outreach was conducted for this meeting.

**NEXT STEPS:**

If City Council provides guidance to continue, staff will bring forth an ordinance for review and approval.

**ATTACHMENTS:** None

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF STUDY SESSION: FEBRUARY 7, 2022 / AGENDA ITEM NO. 5**

To: Mayor and City Council

From: Daniel McCasky, Chief of Police, 303-987-7102

Subject: **MASSAGE BUSINESS LICENSING ORDINANCE**

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## SUMMARY STATEMENT:

Illicit massage businesses are a serious public safety issue. Concerns range from illegal prostitution to human trafficking. An illicit massage business is structured to operate as if it were a legitimate massage entity, while providing sexual services to customers in exchange for money. The City of Lakewood has a significant presence of suspected illicit massage businesses. Human trafficking is a crime involving the exploitation of adults and children for forced labor or commercial sex through force, fraud, or coercion.

While there is no way to determine the exact number of illicit massage parlors in Lakewood, there is evidence that Lakewood has a significant presence of these businesses. The website “rub maps” reviews and rates erotic massage parlors throughout the United States. It has been described as “a forum-based website which allows customers...to discuss their individual experiences at illicit massage parlors.” A website called rubmaps.com promises to link customers with these illegal services.

According to a recent check of “rub maps” by Lakewood Police personnel, the site listed 44 massage parlors in the City of Lakewood. Of these, 27 were labeled as erotic with customers giving reviews in the past year suggesting that illegal acts would be performed. The only cities hosting more massage parlors are Denver and Colorado Springs, which are the number one and number two most populated cities in the state.

Aurora is more than double Lakewood’s population, yet they host less than 10% of erotic/illicit massage parlors as compared to Lakewood. Aurora currently has three erotic parlors compared to Lakewood’s thirty-six. In May of 2018 Aurora passed a municipal ordinance requiring massage businesses to be licensed. The licensing process is detailed, and the ordinance allows non-sworn city inspectors to check establishments and provides quick and effective civil remedies when infractions are found. During the first year of the law Aurora closed 17 erotic massage parlors. The significant disparity in the number of erotic parlors advertised on the internet between Aurora and the City of Lakewood suggests that the ordinance is highly effective.

The City of Lakewood does have an ordinance requiring the licensing of massage parlors. (Municipal Code Chapter 5.52). According to the City Clerk’s Office, the ordinance has never been enforced due to deficiencies in the ordinance and it was not designed to require the licensing of all businesses providing massages.

It is recommended that the City of Lakewood void its current massage parlor ordinance and adopt a new ordinance that requires the licensing of establishments providing massages. This new ordinance would outline activities that violate the ordinance such as prostitution, and provides a means for revoking the license, thus closing the business, when violations are established.

The licensing would look similar to the liquor licensing the City already enforces, to include background checks on managers, employees, and owners for any prior offenses. A robust licensing process would compliment the police department’s enforcement efforts to prevent prostitution and human trafficking.

**BACKGROUND INFORMATION:**

Please see the summary statement for background information.

**BUDGETARY IMPACTS:**

At this time budgetary impacts are unknown but anticipated to be minimal.

**STAFF RECOMMENDATIONS:**

Staff recommends the adoption of a new massage business licensing ordinance.

**ALTERNATIVES:**

Allow illicit massage businesses to operate and attempt to utilize police undercover operations to prevent prostitution and human trafficking.

**PUBLIC OUTREACH:**

The Lakewood Police Department Special Investigations Unit (SIU) sent letters to all massage business that are listed on the State of Colorado Department of Regulatory Agency website. These letters provided contact information for the businesses to contact LPD to learn more about the ordinance. SIU personnel also contacted business by phone to determine what questions or concerns businesses had regarding the proposed ordinance.

**NEXT STEPS:**

Work in conjunction with the City Clerk's Office to develop licensing applications and a licensing authority.

**ATTACHMENTS:** Draft Ordinance  
LPD presentation to City Council  
Business Outreach Letter

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

## Chapter 5.52

### MESSAGE BUSINESS

#### 5.52.010 Purpose.

This Chapter is enacted for the purpose of promoting the health, safety, and welfare of the citizens of the City by licensing massage businesses.

#### 5.52.020 Definitions.

As used in this chapter, unless the context otherwise requires, the following words and terms shall be defined as follows:

“Applicant” means an individual acting on behalf of a massage business to apply for a license.

“City Clerk” means the City Clerk or, such Clerk’s his or her designee.

“Client” means an individual who enters into an agreement for massage therapy for a fee or compensation of any kind within the City.

“Control” means the power to direct the management and policies of a massage business.

“Controlling person” means a person designated to control a massage business and is responsible for all enforcement of licensing matters.

“Employee” means any person who performs any service at a massage business on a full-time, part-time, or contract basis, whether or not the person is designated an employee, independent contractor, or otherwise. Employee does not include a person exclusively engaged in the repair or maintenance of the massage business facilities or equipment, or for the delivery of goods to a massage business.

“Inspector” means any person authorized by the City Manager, or such Manager’s designee, to enforce the provisions of this Chapter.

“License” means a grant to a licensee to operate a massage business.

“Licensed premises” means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such premises licensee is authorized to carry on the practice of massage.

“Massage Business Licensing Authority”, “Licensing Authority” or “Authority” means the hearing officer designated the Massage Business Licensing Authority of the City in accordance with this Chapter.

“Location” means a particular parcel of land that may be identified by an address or by other descriptive means.

“Manager” is an individual authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions required of a manager by this section.

“Massage business” means any place of business where any massage therapy or full body massage is practiced or administered. The term “massage business” shall not include:

- (a) Training rooms of public or private schools accredited by the state board of education or approved by the division charged with the responsibility of approving private occupational schools.
- (b) Training rooms of recognized professional or amateur athletic teams.
- (c) Offices, clinics, and other facilities at which medical professionals licensed by the state of Colorado, or any other state, provide massage services to the public in the ordinary course of their medical profession.
- (d) Medical facilities licensed by the state.
- (e) Barber shops, beauty salons, and other facilities at which barbers and cosmetologists licensed by state provide massage services to the public in the ordinary course of their professions.
- (f) Bona fide athletic clubs not engaged in the practice of providing massage services to their members or to the public for remuneration; for purposes of this definition, if an athletic club does not receive more than 10 percent of its gross income providing massages to its members, or to the public, such shall be prima facie evidence of its status as a bona fide athletic club.
- (g) A place of business where a person offers to perform or performs massage therapy:
  - a. For not more than 72 hours in any six-month period; and
  - b. As a part of a public or charity event, the primary purpose of which is not to provide massage therapy.
- (h) A place of business where a state-licensed massage therapist practices as a solo practitioner, and complies with all required acts and limitations of operation of this section and;
  - a. Does not use a business name or assumed name; or
  - b. Uses a business name or an assumed name and provides the massage therapist’s full legal name, or license number in each advertisement, and each time the business name or assumed name appears in writing; and
  - c. Does not maintain or operate a table shower as defined in this Chapter.
- (i) A place of business which limits its business to offering the following practices performed by persons who:
  - a. Do not claim expressly or implicitly to be massage therapists; and
  - b. Limit their work to one or more of the following practices:

- i. Use touch, words, and directed movement to deepen awareness of existing patterns of movement and suggest new possibilities of movement. Such practices include, but are not limited to the Feldenkrais method of somatic education, the “Rolf Institute’s Rolf Movement Integration”, the Trager approach to movement education, body-mind centering and ortho-bionomy; or use minimal touch over specific points on the body to facilitate balance in the nervous system. Such practices include, but are not limited to Bowenwork; or
  - ii. Use touch to affect the energy systems, acupoints or qi meridians (channels of energy) of the human body. Such practices include, but are not limited to, acupressure, Asian bodywork therapy, biodynamic craniosacral therapy, jin shin do body-mind acupressure, polarity, polarity therapy, and polarity therapy bodywork, qigong, reiki, shiatsu, and tuina; or
  - iii. Use touch to effect change in the structure of the body while engaged in the practice of structural integration. Such practices include, but are not limited to, practitioners of Rolfing structural integration, the Rolf method of structural integration, and Hellerwork; or
  - iv. Apply pressure to relax points on the feet, hands, and ears to bring the body into balance, thereby promoting wellbeing of clients. Such practices include, but are not limited to reflexology; and
- c. If required for the practice, hold active certification or recognition by a professional organization or credentialing agency that:
- i. Requires a minimum level of training specific to the discipline, demonstration of competence, and adherence to an approved scope of practice and ethical standards; and
  - ii. Maintains disciplinary procedures to ensure adherence to the requirements of the organization or agency; and
  - iii. Provide consumers with contact information for the organization or agency in the practitioner’s place of business.

“Massage or massage therapy” 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.

“Massage therapist” is an individual who has fulfilled the requirements for state licensure under Section 12-235-101, *et seq.*, C.R.S., and has a valid massage therapist license issued by the state of Colorado to engage in the practice of massage therapy.

“Mobile massage unit” means a vehicle or other moveable enclosure specifically equipped for a massage therapist to provide massage therapy inside the vehicle or enclosure.

“Person” means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

“Premises” means a distinct and definite location which may include a building, a part of a building, a room, or any other definite area contiguous thereto.

“Sexual act” means sexual contact, sexual intrusion, or sexual penetration as defined in Section 18-3-401, C.R.S.

“Spa establishment” means a commercial massage business that offers or engages in personal services that call for the patron to disrobe, such as body wraps, hydro mineral wraps, body polish, body wash, baths, and hydro tub soak.

“Table shower” or “Vichy shower” means an apparatus for the bathing or massaging of a person on a table or in a tub.

**5.52.030 Licensing Authority established.**

A. There is established a Massage Business Licensing Authority (Authority), which shall have and is vested with the authority to grant or deny licenses for massage businesses; conduct investigations, and to suspend or revoke licenses for cause in the manner provided by this Chapter.

B. The Authority shall establish procedures for all hearings in conformity with the laws of the State and ordinances and resolutions of the City and shall promulgate all decisions in writing pursuant to the standards and requirements of this Chapter.

C. The Massage Business Licensing Authority shall consist of a Hearing Officer chosen by the City Clerk.

D. The Authority shall meet as needed.

E. The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the Authority, upon receipt of all fees as are required by this Chapter. All public notices required by this Chapter shall be accomplished by the City Clerk.

F. The City Clerk, or the Clerk’s designee, shall also be the massage business inspector, who shall perform routine periodic inspections of the licensed premises and such other duties as the Authority may reasonably direct.

**5.52.040 License required.**

A. Massage Business License. It is unlawful to operate a massage business within this City except pursuant to a massage business license issued by the City. Such licenses shall be renewed annually and are non-transferable to any other identified business or location. An original of such license shall be posted in a conspicuous place within the business pursuant to regulations promulgated by the Clerk.

B. **Massage Business Manager License.** No person shall be permitted to work as a manager of a massage business without a massage business manager's license unless they are the owner of a licensed massage business. Such licenses shall be renewed annually. Such licenses are non-transferable to any other individual or to any other location within the City.

**5.52.050 Application fee.**

A. Each applicant for a massage business license, whether an individual, partnership, or corporation, shall pay an application fee of \$50 for a new massage business license application. Fees for massage business licenses shall be paid at the time of filing an application for such license. Such application fee shall be nonrefundable.

B. Each applicant for a massage business manager's license shall pay an application fee of \$25 for a massage business manager's license. Fees for massage business manager's licenses shall be paid at the time of filing an application for such license. Such application fee shall be nonrefundable.

**5.52.060 Application for New License.**

A. All applicants for any form of license mandated by this Chapter shall file an application for a license with the City Clerk.

B. Each application for a massage business license shall be on forms prepared and furnished by the City Clerk and shall contain the following information:

1. Each individual applicant, partner of a partnership, shall be named in each application form, and each of them shall be photographed and fingerprinted by the Police Department.
2. If the applicant is an individual, the applicant shall provide satisfactory proof that such applicant is 18 years of age or older.
3. If the applicant is a legal entity such entity shall provide satisfactory proof that each of the individual officers, directors, managers, partners, members, and/or principal owners of such entity is 18 years or older.
4. Each applicant for a massage business license, whether signing as an individual, or on behalf of a partnership or corporation, shall have an address, personal or professional, within the City at which service of any violation of this Chapter may be served and where such notices will be received by such applicant, after such applicant becomes a licensee.
5. Whether the applicant, or any of the other individuals required to be listed in the application, have been convicted of, or pled "nolo contendere" to, a felony or misdemeanor, in any federal, state, or municipal court in any of the United States jurisdictions or possessions, for prostitution, solicitation of prostitution, fraud, theft, embezzlement, money laundering, or similar crimes. Failure to disclose any criminal conviction of the nature described within this paragraph may result in denial of the license application.

6. Whether the applicant, or any of the other individuals required to be listed in the application, has had a previous license under this or any other similar massage business ordinance from another jurisdiction or possession of the United States, denied suspended or revoked, and, if so, the name and location of the massage business for which such license was denied, suspended, or revoked, as well as the date of such denial, suspension, or revocation.

7. Whether the applicant, or any other individuals required to be listed in the application, has been an officer, director, manager, partner, member, and/or principal owner of any legal entity which currently or previously operates or operated a massage business or business meeting the definition of massage business in this Chapter within the last ten years, and the name, dates of operation, and location of such business or businesses.

8. Satisfactory proof of the applicant's ownership or right of possession of the premises wherein the massage business will be operated. The applicant shall have a continuing obligation to provide, where applicable, subsequent evidence of the right to possession of the premises.

9. Each individual applicant, partnership, and corporate applicant shall also furnish evidence from the Planning Department and Public Works Department that the proposed establishment meets the requirements of the City of Lakewood zoning ordinance and occupancy requirements, complete plans and specifications for the premises, and any other information necessary to complete the determination that such premises are in compliance with this Chapter.

10. Each corporate applicant shall furnish evidence that it is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado.

C. Each applicant for a massage business manager's license shall submit an application for such license on forms prepared and furnished by the City Clerk. Such application shall include, at a minimum, the following information:

1. Satisfactory proof that the applicant is 18 years of age or older;
2. The applicant's name, home address, date of birth, and telephone number.
3. Whether the applicant is a licensed massage therapist within the State of Colorado, and if so, the state massage therapy license number;
4. Whether the applicant has been involved in a criminal act as described in paragraph (A) of this section, and if so, the date and place of conviction, and the disposition; and
5. Any disciplinary actions taken by any state or local massage therapy board or criminal convictions for violations of a massage therapy practice act in any jurisdiction or possession of the United States, and the result of such disciplinary actions, whether the applicant is a licensed massage therapist or not.

D. The City Clerk shall not accept any application that is not complete in every detail. If an omission or error is discovered by the City Clerk, the application shall be rejected and returned to the applicant for completion or correction without further action by the City Clerk. All fees shall be returned with the application. For purposes of this chapter, the date the City Clerk accepts an

application which is complete in every detail shall be the filing date.

**5.52.070 Table or Vichy showers.**

A. To operate or maintain a table or Vichy shower on or about the licensed premises, such device must be specifically allowed as a permitted device on the massage business license.

B. The City Clerk may approve the use of a table or Vichy shower in the license if the following conditions are met:

1. The shower is commercial and professional in nature, manufactured with industrial grade materials, and is designed solely for the purpose of massage utilizing multiple overhead spray nozzles; and
2. The business practices appropriate draping of a shower client, to include draping of the buttocks and genitalia of all clients, unless the client gives specific written consent to be undraped.
3. Massage bathtubs and tables with accessory sprayers shall not be approved permitted devices pursuant to this Section

C. If the City Clerk has reason to believe that there is a failure to comply with the conditions in subsection B of this section, the City Clerk shall provide licensee with written notice that permission to operate a table or Vichy shower as a part of its license is terminated and the business shall not be allowed to operate such shower.

D. The licensee may appeal the termination or denial of shower use in accordance with the provisions set forth in Section 5.52.090(F).

**5.52.080 Application Review**

The City Clerk shall immediately submit for review by applicable City Departments copies of applications submitted in accordance with this section.

A. Within twenty (20) days of the date of the filing of a complete application for any license application associated with this Chapter being accepted by the City Clerk, the police department shall notify the Clerk's office as to whether the applicant, and any such individual required to be listed in the corresponding license application, meet the requirements in subsection 5.52.090. Such review shall be completed within 20 days after the license application is submitted. The police department shall only be required to provide the information specified in subsection A of this section and shall not be authorized to approve or disapprove any license application but shall provide information as to the veracity of information provided in any such applications.

B. Within twenty (20) days of the date of the filing of the complete application for a massage business license being accepted by the City Clerk, the Planning Department and Public Works Department shall notify the Clerk's office as to whether the identified site of such massage business meets the requirements of the City of Lakewood zoning ordinance and occupancy requirements, and any other information necessary to complete the determination that such premises are in compliance with this Chapter.

### **5.52.090 Decision – New Applications; Appeal**

A. An application with a completed investigation shall be administratively approved or denied by the City Clerk within thirty (30) days of the date of the filing of the complete application.

B. The City Clerk shall administratively approve the application for licensure upon a finding that such application conforms to the requirements of this Chapter. The City Clerk shall make written findings setting forth the City Clerk's basis for approval and provide a copy of such findings to the applicant.

C. Following administrative approval of a license an applicant has fifteen (15) days following notification of such approval to appear in person at the Office of the City Clerk to pay the licensing fee and to collect the license document for posting at the business premises.

D. The City Clerk shall deny a license application if:

1. The applicant has voluntarily surrendered any license to practice as a massage therapist or operate a massage business because of, or while under, civil or criminal investigation; or
2. The applicant has had a license to practice as a massage therapist or to operate a massage business or similar license, denied or revoked by the State of Colorado or a political subdivision of Colorado, or a regulatory board in another United States jurisdiction or possession, for an act that occurred in that jurisdiction that would be a violation under this Chapter; or
3. The applicant is a registered sex offender or required by law to register as a sex offender; or
4. The applicant has any prior conviction for an offense involving sexual misconduct with a child, including sexual abuse, sexual assault, sexual conduct, sexual molestation, and sexual exploitation; or
5. Subject to the requirements of Section 24-5-101, C.R.S., the applicant has any prior convictions or pending violations for any crimes, including but not limited to prostitution, or of operating a prostitution enterprise, theft, embezzlement, kidnapping, human trafficking or money laundering; or
6. The location where the license is applied for has had a similar license revoked or surrendered for cause within the last 24 months; or
7. The applicant knowingly made a false statement or knowingly gave false information in connection with the application.

E. Any change in the partners' holdings over ten percent (10%) in interest of a partnership, or any change in the officers, directors, or holders of over ten percent (10%) of the stock of a corporate licensee, holding a massage business license shall result in termination of the massage business license of the partnership or corporation, unless such licensee within thirty days after such change, files a written notice of such change with the City Clerk on forms provided by the City Clerk, together with the required fees, fingerprints, and photographs. A complete application review, including conformance to Section 5.52.80 shall be completed prior to the City Clerk approving or denying modification of the license.

F. Each license issued under this Chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which such individual holds. A separate license shall be issued for each specific business or business entity and each geographical location.

G. In the event the City Clerk denies a license application, the City Clerk shall prepare written findings of fact stating the reasons or basis for the denial. The City Clerk shall, within ten (10) days after the date of the City Clerk's denial, send a copy of the City Clerk's findings by certified mail, return receipt requested, to the address of the applicant.

H. In the event the City Clerk denies a license application, the applicant shall have the right to appeal such decision. Such appeal shall be a public hearing before the Authority. The request for appeal shall be in writing and received by the City Clerk within twelve (12) days of the date the City Clerk mailed the Clerk's determination of denial to such applicant. The appeal hearing shall be conducted by the Authority in conformance with the standards of Section 5.52.030 within thirty (30) days of the City Clerk's receipt of the written request unless a later date is requested by the applicant in writing. If the applicant fails to request an appeal of the Clerk's decision within the allotted time the City Clerk's decision to deny a license application shall become final. An applicant is not eligible apply for a license under this Chapter for six (6) months following denial of any application for a license under this Chapter. Following approval of a license by the Authority an applicant has fifteen (15) days following notification of such approval to appear in person at the Office of the City Clerk to pay the licensing fee and to collect the license document for posting at the business premises.

#### **5.52.100 Temporary license.**

A. The City Clerk may issue a temporary massage business license upon receipt of a complete massage business application, when such massage business was previously licensed in accordance with this Chapter and the new license is required due to the sale or change in ownership of a business. Such license shall be issued for 30 days and renewed every 30 days until approval or denial of the massage business license. No license application fee shall be mandated if such request for modification is made during the first six months of an approved license. If such modification of license is made after the first six months of an approved license all fees as applicable to a renewal license shall apply.

B. The City Clerk may issue a temporary massage business manager license upon receipt of a complete massage manager license application upon sale, change of ownership, or change of manager of an existing licensed massage business. Such license shall be issued for 30 days and may be renewed for good cause for additional 30-day periods until approval or denial of the massage manager license. No license application fee shall be mandated if such request for modification is made during the first six months of an approved license. If such modification of license is made after the first six months of an approved license all fees as applicable to a renewal license shall apply.

#### **5.52.110 Renewals.**

Application for the renewal of an existing license shall be made to the City Clerk not less than forty-five days prior to the date of expiration. The Clerk may administratively renew such license if such renewal is in conformance with this Chapter. If the Clerk is not able to administratively renew such license the Clerk shall cause a hearing on the application for renewal to be held. Failure to be issued a renewal license prior to the end of the previous term of license may be grounds for temporary cessation of business at such location unless the Clerk determines that

such business may be temporarily licensed pursuant to Section 5.52.100 of this Chapter.

No such renewal hearing shall be held by the Authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided to the applicant at least ten days prior to the hearing. The Authority, in its discretion, may revoke or elect not to renew a license if it determines that the licensed premises have been inactive for at least three months. The Authority may also refuse to renew any license for good cause, subject to judicial review.

**5.52.120 Transferability; Change of ownership.**

No license under this Chapter shall be transferable to another person or any other group acting as a unit.

**5.52.130 License term - Fees.**

A. All licenses granted pursuant to this Chapter shall be for a term of one year. Said term shall commence on the date the license is issued or renewed.

B. The license fee for a new massage business license shall be set pursuant to an assessment of licensing cost by the city clerk at the beginning of each calendar year. The annual license renewal fee shall be a lesser amount also set by the city clerk each year.

C. The license fee for a new massage business manager's license shall be \$25. The annual manager's license renewal fee shall be \$10.

D. In the event of a suspension, revocation, or cessation of business, no portion of the license fee shall be refunded.

**5.52.140 Suspension-Revocation-Hearings.**

A. In addition to any reason in this Chapter, and notwithstanding any provision of this Chapter to the contrary, the Authority may suspend, revoke or not renew a license upon a finding of one or more of the following:

1. The licensee has committed a violation of any section of this Chapter; or
2. Any employee or contractor required by this Chapter to possess a valid massage therapist license is determined to have obtained such license through fraud, deceit or misrepresentation, or the state has revoked said massage therapy license; or
3. The licensee willfully failed to disclose any information as required in this Chapter; or
4. The licensee knowingly permitted a person to perform massage therapy when licensee should have reasonably known that such person was not licensed in accordance with Section 12-235-101, *et seq.*, C.R.S.; or
5. A pattern of credible facts emerges that the business is attempting to operate a prostitution enterprise whether there is a violation of any specific law, rule, or code; or
6. The licensee failed to permit an inspection as authorized by this Chapter any time the business is occupied or open for business.

B. Notice. When the Authority decides to suspend, revoke, or not renew a license the Authority, through the City Clerk, shall prepare written findings of fact stating the reasons or basis for the suspension, revocation, or denial of renewal. The City Clerk shall, within ten (10) days after the date of revocation, suspension or denial, send a copy of the City Clerk's findings by certified mail, return receipt requested, to the address of the licensee.

C. Appeal. In the event a license is suspended, revoked, or denied renewal, the licensee shall have the right to appeal such decision. Such appeal shall be a public hearing before the Authority. The request for appeal shall be in writing and received by the City Clerk within twelve (12) days of the date the City Clerk mailed the Clerk's determination of suspension, revocation, or denial. The appeal hearing shall be conducted within thirty (30) days of the City Clerk's receipt of the written request unless a later date is requested by the applicant in writing. If the applicant fails to request an appeal of the Authority's decision within the allotted time the Authority's decision to suspend, revoke, or deny renewal shall become final.

D. Hearing procedure. The Authority shall establish procedures for all hearings in conformity with the laws of the state and ordinances and resolutions of the City.

E. Subpoenas.

1. The Lakewood City Attorney's Office and the licensee shall have the power to issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing the Authority is authorized to conduct. It is unlawful for any person to fail to comply with any such properly issued subpoena.

2. Subpoenas shall be served in accordance with the Colorado Rules of Civil Procedure.

3. Upon failure of any witness to comply with such subpoena, the Lakewood City Attorney's Office may petition any judge of the Lakewood Municipal Court, setting forth that due notice had been given of the time and place of attendance of the witness and that service of the subpoena was proper, and requesting the court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify, or to produce books, records or other evidence, under penalty of punishment for contempt in the event of willful failure to comply with such order.

F. Oaths. The City Clerk shall have the power to administer oaths.

G. Continuance. The Authority may continue the hearing to a date certain as may be required to gather necessary facts and evidence and to permit witnesses to testify.

H. Decision. The Authority shall render a written decision and order no later than thirty (30) days after the conclusion of the appellate hearing.

I. Appeals. The Authority's order shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure § 106(a)(4).

#### **5.52.150 Unlawful acts.**

A. It is unlawful for any person:

1. To operate a massage business anywhere within the City without holding a valid Lakewood massage business license.

2. To employ any person to act as manager at a massage business who is not licensed as a manager or a licensed owner as required by this Chapter.
3. To be open for business for the practice of massage therapy without a massage therapist on the premises that has been licensed in accordance with Section 12-235-101, C.R.S.
4. To operate or maintain a table shower or Vichy shower on the premises unless operation of such table/Vichy shower was approved as a part of the massage business license.
5. To permit a licensed massage business to be used for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s). The owner and family members of any massage business operated as a home occupation, as defined by Lakewood Zoning Ordinance, are exempt from this prohibition.
6. To massage any other person, or give or administer any bath or baths, including table showers or Vichy showers, in a manner intended to arouse, appeal to, or gratify the lust or passions, or sexual desires of such other person. In no case shall the employee intentionally touch either the male or female genitalia of the client.
7. To allow any employee to provide massage therapy or other massage services without being fully clothed. For purposes of this subsection, clothing shall be of a fully opaque, nontransparent material that shall not expose the employee's genitals, pubic region, buttocks, or breasts below a point one inch above the top of the areola, or substantially expose the employee's undergarments.
8. To require client nudity as a part of any massage service without the client's prior consent.
9. To use or possess adult-oriented merchandise, including sex toys, sexual aids, vaginal or anal lubricant, or any contraceptive item, in any part of a massage business.
10. To permit any individual, including a client, student, contractor, or employee, to engage in any sexual act in the massage business.
11. To fail to immediately report to appropriate law enforcement the commission of any criminal acts upon the premises, including any disorderly conduct, sexual acts, or other criminal activity.
12. To make an agreement, or to permit any individual to make an agreement with an employee, to engage in sexual activity in any other location.
13. To conceal persons in the business for illegal purposes or to conceal such individuals by allowing them to exit side or back doors to avoid lawful criminal justice action.
14. To perform or permit anyone to perform massage without a valid massage therapist license issued under Section 12-235-101, *et seq.*, C.R.S.

15. To operate the business between the hours of 10:00 p.m. and 5:00 a.m.

**5.52.160 Required acts.**

A. Every licensed massage business is required to:

1. Have a licensed Massage Business Manager or the owner of a licensed massage business on premises during the business's hours of operation.
2. Maintain a current list of employees and contractors on site including start dates of employment or contracted service, full legal name, date of birth, home address and telephone number, employment position, date first began employment or service, and the date when services were terminated if applicable.
3. Maintain a copy of each massage therapist's Colorado license for each employee and contractor performing massages.
4. Maintain a complete set of records to include a log of all massage or massage therapy administered at the business. The log shall contain the following information: date, time, and type of each massage therapy administered, and the name of the employee administering the massage therapy. The log shall be retained for a minimum of one year following any massage therapy. The massage therapy log shall be subject to inspection upon request by the inspector, during normal business hours in compliance with applicable law.
5. Operate under or conduct business under only the designation specified in the license.
6. List the address of the business in any advertisement.
7. Ensure that massage facilities interior and exterior doors remain unlocked while the massage business is open. The exception to this requirement is as follows: The exterior doors may remain locked if: (i) the massage business is operated as a home occupation or (ii) during the time period when only one employee is present in the business.

B. Massage therapists shall remain fully clothed while administering massage or otherwise visible to clients on business premises, including premises designated by the client through an outcall massage service.

**5.52.170 Inspections.**

A. No owner, manager, massage therapist, or employee shall fail to immediately grant access to a licensed massage business any time such establishment is occupied or open for business, to a licensing administrator, authorized inspector, or any other person authorized or required by law to inspect the business.

B. Inspections shall be for the purposes of determining if a licensed massage manager or the owner of a licensed massage business is on premises, if a log of all massage therapy being administered at the business is being kept, and whether all massage therapists working at the time held valid Colorado massage therapist licenses.

C. No owner, manager, massage therapist, or employee shall fail to immediately grant access to the log of all massage therapy administered at the business to a licensing administrator, authorized inspector, or any other person authorized or required by law to inspect the massage business, without reasonable delay.

D. Inspectors may request to review the massage therapist license issued by the State at any time during an inspection for the massage therapists, managers, or massage therapist employed as contractors.

**5.52.180 Supplemental provisions.**

The City Clerk may promulgate rules and regulations carrying out the requirements of this Chapter;

**5.52.190 Cumulative and concurrent remedies.**

No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this Chapter in the municipal court of the City, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any criminal activity, civil offense, or nuisance found to exist upon any property licensed hereto.

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law.

**5.52.200 Severability.**

If any paragraph or subparagraph of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of this chapter and, to this end, the provisions of this chapter are declared to be severable.

## Chapter 5.52 MASSAGE PARLORS

### 5.52.010 Purpose.

This chapter is enacted for the purpose of promoting the health, safety, and welfare of the citizens of the city by regulating and licensing massage parlors.

(Ord. O-93-14 § 2 (part), 1993).

### 5.52.020 Definitions.

As used in this chapter, unless the context otherwise requires, the following words and terms shall be defined as follows:

*License* means a grant to a licensee to operate a massage parlor.

*Licensed premises* means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such licensee is authorized to carry on the practice of massage.

*Licensing authority or authority* means the massage parlor licensing authority of the city.

*Location* means a particular parcel of land that may be identified by an address or by other descriptive means.

*Massage* means a method of treating the body of another for medical, remedial or hygienic purposes, including but not limited to rubbing, stroking, kneading, or tapping with the hand or an instrument or both.

*Massage parlor* means an establishment providing massage, but it does not include training rooms of public or private schools accredited by the state board of education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams, or licensed health care facilities. A facility which is operated for the purpose of massage therapy performed by a massage therapist is not a massage parlor. For purposes of this subsection, "massage therapist" means a person who was graduated from a massage therapy school accredited by the state educational board or division charged with the responsibility of approving private occupational schools, or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least 500 hours of training in massage therapy. For purposes of this subsection, a massage therapy school may include an equivalency program approved by the state educational board or division charged with the responsibility of approving private occupational schools.

*Person* means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

*Premises* means a distinct and definite location which may include a building, a part of a building, a room, or any other definite area contiguous thereto.

(Ord. O-93-14 § 2 (part), 1993).

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### **5.52.030 Licensing authority established.**

- A. There is established a massage parlor licensing authority, which shall have and is vested with the authority to grant or refuse licenses for massage parlors based upon the criteria set forth herein and state law, to conduct investigations, and to suspend or revoke such licenses for cause in the manner provided by this chapter.
- B. Hereinafter, the massage parlor licensing authority shall be the Lakewood Liquor and Fermented Malt Beverage Licensing Authority.
- C. The authority shall meet as needed.
- D. The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the authority, upon receipt of all fees as are required by this chapter. All public notices required by this chapter shall be accomplished by the City Clerk.
- E. The code administration officer in the City Clerk's office shall also be the massage parlor inspector, who shall perform routine periodic inspections of the licensed premises and such other duties as the massage parlor licensing authority may reasonably direct. Public notice by posting of signs required by this chapter shall be accomplished by the inspector.

(Ord. O-2008-10 § 4, 2008; Ord. O-93-14 § 2 (part), 1993).

### **5.52.040 License required—Display.**

- A. It is unlawful for any person to operate a massage parlor within this city unless such person shall have first obtained a massage parlor license from the city.
- B. Such license shall be prominently displayed at all times upon the premises for which the license was issued.

(Ord. O-93-14 § 2 (part), 1993).

### **5.52.050 Application fee.**

Each applicant, whether an individual, partnership, or corporation, shall pay an application fee of \$150.00 at the time of filing an application. Such application fee shall be nonrefundable.

(Ord. O-93-14 § 2 (part), 1993).

### **5.52.060 License application.**

- A. Applications for a license under the provisions of this chapter shall be on forms prepared and furnished by the City Clerk which shall set forth such information as the licensing authority requires to enable the authority to determine whether a license should be granted. Each individual applicant, partner of a partnership, officer, director, and holder of over ten percent of the corporate stock of the corporate applicant, and all managers, shall be named in each application form, and each of them shall be photographed and fingerprinted by the Police Department. Each individual applicant, partnership, and corporate applicant shall also furnish evidence from the Planning Department, Public Works Department that the proposed establishment meets the requirements of the City of Lakewood zoning ordinance, proof of the applicant's right to possession of the premises, complete plans and specifications for the premises, a financial questionnaire, a background investigation report, and consent to release financial information and any other information necessary to complete the investigation of the applicant. Each corporate applicant

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shall furnish evidence that it is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado.

- B. The City Clerk shall not accept any application that is not complete in every detail. If an omission or error is discovered by the City Clerk, the application shall be rejected and returned to the applicant for completion or correction without further action by the City Clerk. All fees shall be returned with the application. For purposes of this chapter, the date the City Clerk accepts an application which is complete in every detail shall be the filing date.
- C. Upon receipt of a complete application for a license to operate a massage parlor, the City Clerk shall set the boundaries of the neighborhood to be considered pursuant to Section 5.52.090(B) of this chapter in determining whether or not to grant said license.

(Ord. O-2019-24 § 4, 2019; Ord. O-93-14 § 2 (part), 1993).

### **5.52.070 Public notice—Posting and publication.**

- A. Upon receipt of a complete application, except an application for renewal or for transfer of ownership, the licensing authority shall schedule a public hearing upon the application not less than 30 days after the filing date of the application and shall post and publish the public notice thereof not less than ten days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation in the municipality or county in which the premises are located.
- B. Notice given by posting shall include a sign of suitable material, stating the type of license applied for, the date of the application, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners, and, if the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager.
- C. Notice given by publication shall contain the same information as that required for signs.
- D. If the building in which the massage parlor is to be operated is in existence at the time of the application, any sign posted as required in subsections (A) and (B) of this section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.
- E. At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and cross-examine witnesses. As used in this chapter, "party in interest" includes the applicant, a resident of the neighborhood under consideration, or the owner or manager of a business located in the neighborhood under consideration.
- F. The licensing authority, in its discretion, may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.

(Ord. O-93-14 § 2 (part), 1993).

### **5.52.080 Investigation.**

- A. When a complete application has been accepted for filing, the required individuals have been fingerprinted and photographed, and the license fee has been paid, the City Clerk shall transmit the application to the Police Department for investigation of the background and financial interest of each individual applicant,

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each partner holding over ten percent interest of a partnership, each officer, director, and holder of over ten percent of the stock of a corporation of a proposed massage parlor establishment. The Police Department shall also investigate the source of funds for the business. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount then charged by the Colorado Department of Public Safety for each person who will be investigated.

- B. 1. The investigation conducted by the Police Department shall be sufficient to verify the accuracy of all the information submitted as part of the application. The Police Department shall make a recommendation to the licensing authority to approve or deny the license based on its investigation. In investigating the qualifications of any applicant, licensee, or employee or agent of the licensee or applicant, the licensing authority may have access to criminal history record information furnished by criminal justice agencies subject to any restrictions imposed by such agencies. In the event the licensing authority takes into consideration information concerning the applicant's criminal history record, the licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of 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 his application for a license.
2. As used in this subsection (B), "criminal justice agency" means any federal, state, or municipal court or any governmental agency or subunit of such agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.
- C. No application for a massage parlor license at a particular location by or on behalf of the same person shall be received or acted upon concerning a location for which, within two years preceding, the local licensing authority has refused to approve a license on the ground, in whole or in part, that the licenses already granted for the particular locality were adequate for the reasonable requirements of the neighborhood and the desires of the inhabitants at the time of such refusal.

(Ord. O-2019-24 § 4, 2019; Ord. O-93-14 § 2 (part), 1993).

### **5.52.090 Results of investigation—Decision of authority—Change of financial interest.**

- A. Not less than five days prior to the date of the hearing, the city shall make known its findings based upon its investigation, in writing, to the applicant and other interested parties. The licensing authority has authority to refuse to issue any license, subject to judicial review.
- B. Before entering any decision approving or denying the application, the licensing authority shall consider, except where this chapter specifically provides otherwise, the facts and evidence produced as a result of the investigation, including the reasonable requirements of the neighborhood for the license for which application has been made, the desires of the inhabitants, the number, type, and availability of other massage parlors located in or near the neighborhood under consideration, and any other pertinent matters affecting qualifications of the applicant for the conduct of the business proposed.
- C. Any decision of a licensing authority approving or denying an application shall be in writing stating the reasons therefor and shall be made within 30 days after the date of the public hearing, and a copy of such decision shall be sent by certified mail to the applicant at the address shown in the application.
- D. No license shall be issued by the licensing authority after approval of an application until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with the provisions of this chapter, and then only after inspection of the premises has been made by the licensing authority to determine that the Applicant has complied with the plans and specifications submitted upon application. If the building has not been constructed or placed in

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operation within one year after approval of the license application or construction of the building has not been commenced within one year after such approval, the licensing authority, in its discretion, may revoke or elect not to renew the license.

- E. Any change in the partners holding over ten percent in interest of a partnership or in the officers, directors, or holders of over ten percent of the stock of a corporate licensee holding a massage parlor license shall result in termination of the license of the partnership or corporation, unless such licensee within 30 days after such change, files a written notice of such change with the City Clerk on forms provided by the City Clerk, together with the required fees, fingerprints, and photographs. The Police Department shall thereafter conduct an investigation and make a recommendation as set out in Section 5.52.080.
- F. Each license issued under this chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be issued for each specific business or business entity and each geographical location.

(Ord. O-2019-24 § 4, 2019; Ord. O-93-14 § 2 (part), 1993).

### **5.52.100 Renewals.**

Application for the renewal of an existing license shall be made to the licensing authority not less than 45 days prior to the date of expiration. The licensing authority may cause a hearing on the application or renewal to be held. No such renewal hearing shall be held by the licensing authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority, in its discretion, may revoke or elect not to renew a license if it determines that the licensed premises have been inactive for at least three months. The licensing authority may also refuse to renew any license for good cause, subject to judicial review.

(Ord. O-93-14 § 2 (part), 1993).

### **5.52.110 Transfer of ownership.**

- A. Application shall be made to the licensing authority prior to any transfer of ownership on forms prepared and furnished by the licensing authority. In determining whether to permit a transfer of ownership, the licensing authority shall consider the requirements of Section 5.52.160. The licensing authority may cause a hearing on the application for transfer of ownership to be held. No such hearing shall be held by the licensing authority until the notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and written notice of the hearing has been provided the applicant at least ten days prior to the hearing.
- B. When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license.

(Ord. O-93-14 § 2 (part), 1993).

### **5.52.120 Location of massage parlors.**

- A. It is unlawful to operate or cause to be operated a massage parlor which is in violation of the Lakewood Zoning Ordinance.
- B. It is unlawful to operate or cause to be operated a massage parlor within 750 feet of:

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1. A church;
  2. A school or child care facility, as defined in the Lakewood Zoning Code;
  3. A public park;
  4. A boundary of any residential district;
  5. The property line of a lot devoted to residential use.
- C. It is unlawful to cause or permit the operation of a massage parlor within 1,000 feet of another massage parlor or an adult business licensed under Title 5, Chapter 47 of the Lakewood Municipal Code.
  - D. It is unlawful to cause or permit the operation, or maintenance of more than one massage parlor in the same building, structure, or portion thereof.
  - E. For the purposes of subsections (B) and (C) above, the distance between any two massage parlors shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located. The distance between a massage parlor and the uses listed in (B)(1) through (B)(5) above shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the property line of such use to the closest exterior wall of the structure in which the massage parlor is located.
  - F. Any massage parlor lawfully operating on the effective date of this chapter that is in violation of subsections (B) through (E) of this section shall be allowed to continue operating for an amortization period of six months. Six months after this ordinance becomes effective, all massage parlors must comply with subsections (B) through (E) of this section and all other provisions of this chapter.
  - G. A massage parlor lawfully operating is not rendered a nonconforming use by the subsequent location of a church, a school or child care facility, as defined in the Lakewood Zoning Code, public park, residential district, a residential lot, or adult business within 750 feet of the massage parlor; however, if the massage parlor ceases operation for a period of 180 days or more regardless of any intent to resume operation, it may not recommence operation in that location.
  - H. No changes of location for a licensed massage parlor shall be allowed.
- (Ord. O-93-14 § 2 (part), 1993).

#### **5.52.130 License term—Fees.**

- A. All licenses granted pursuant to this chapter shall be for a term of one year. Said term shall commence on the date the license is issued or renewed.
  - B. The license fee for a new license shall be \$350.00. The annual license renewal fee shall be \$150.00.
  - C. In the event of a suspension, revocation, or cessation of business, no portion of the license fee shall be refunded.
- (Ord. O-93-14 § 2 (part), 1993).

#### **5.52.140 Identity cards.**

- A. Every applicant, licensee, agent or employee of said applicant or licensee who administers massages shall, prior to commencing work in or upon the licensed premises, obtain an identity card from the City Clerk and shall carry said identity card at all times while in or upon the licensed premises.

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- B. The identity card shall include the location of the massage parlor, the name, signature, and photograph of the individual. A fee of \$50.00 shall be charged for each card, said fee to be collected by the City Clerk and used to defray the expenses of providing such identity cards. A separate identity card shall be required for each Person for each place of employment.
  - C. Each applicant for an identity card shall be photographed and fingerprinted by the Police Department and must submit an application form, background investigation report, a copy of a valid picture driver's license or other form of acceptable picture identification, and the required identity card and investigation fees to the City Clerk. Upon receipt of a properly completed application form, acceptable form of identification, and fee, the City Clerk shall transmit the application to the Police Department for investigation of the applicant's background. The City Clerk shall reject any application that is not complete in every detail.
  - D. Within 45 days after filing of a properly completed application for an identity card, the City Clerk will either issue the requested identity card or notify the applicant that the Police Department has recommended denial of the identity card. The Police Department may request a reasonable extension of time from the City Clerk if such extension of time is necessary in order to complete its investigation. Notice of denial of an identity card setting out the grounds for denial shall be sent by certified mail to the applicant at the address provided by the applicant. The grounds for denial shall be those set out in this section and Section 5.52.160 herein. In the event of a denial, an applicant shall have the right to a hearing before the licensing authority as set forth in Section 5.52.150.
  - E. Should any identity card be lost, stolen, or otherwise missing, the person to whom the identity card was issued shall report the missing card to the City Clerk within 48 hours of discovery that the identity card is missing. Replacement identity cards shall be issued within five business days of receipt of an application for a replacement identity card. The fee for a replacement card shall be \$10.00.

(Ord. O-2019-24 § 4, 2019; Ord. O-93-14 § 2 (part), 1993).

### **5.52.150 Suspension—Revocation—Denial of ID card—Hearings.**

- A. The licensing authority may suspend or revoke any license granted pursuant to this chapter upon a finding of the following:
  - 1. That repeated disturbances of the public peace involving patrons, agents or employees, or the licensee of the establishment have occurred within the licensed establishment or upon any parking areas, sidewalks, access ways or grounds within the neighborhood of the licensed establishment;
  - 2. That the licensee or any agents or employees thereof are illegally offering for sale or illegally allowing to be sold or consumed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, narcotics or dangerous drugs, fermented malt beverages, or malt, vinous or spirituous beverages;
  - 3. That the licensee or any agents or employees thereof permitted patrons to engage in public displays of indecency prohibited by Lakewood Municipal Code Sections 9.50.080 and 9.50.090, or permitted patrons or employees to engage in acts of prostitution or negotiations for acts of prostitution within the licensed establishment, or upon any parking areas, sidewalks, access ways, or grounds immediately adjacent to the licensed establishment, when the licensee or agent or employee knew or should have known such displays or acts were taking place;
  - 4. That the licensee made a false statement or gave false information in connection with an application for or renewal of a massage parlor license;
  - 5. That the licensee violated or permitted a violation of any provisions of this chapter.

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- B. Nothing in this chapter shall prohibit the city from taking any other enforcement action provided for by the Lakewood Municipal Code, the laws of the state, or of the United States.
- C. A licensee shall be entitled to a hearing before the licensing authority if the City Attorney files a written complaint with the licensing authority seeking to suspend or revoke a license.
1. When there is probable cause to believe that a licensee has committed or has allowed to be committed acts which are grounds for suspension or revocation under this chapter, the City Attorney may file a written complaint with the licensing authority setting forth the circumstances of such acts.
  2. The licensing authority shall provide a copy of the complaint to the licensee, together with notice to appear before the licensing authority or designee for the purpose of a hearing on a specified date to show cause why the licensee's license should not be suspended or revoked.
  3. At the hearing referred to above, the licensing authority shall hear and consider relevant evidence from any witness. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation, and shall be allowed to give evidence and statements in mitigation of the charges. In the event the licensee is found to have committed the violation charged, evidence and statements in aggravation of the offense shall also be permitted. The licensing authority shall make findings of fact from the evidence as to whether a violation has occurred. If the licensing authority determines that a violation did occur, it shall issue an order within 30 days after the hearing suspending or revoking the licensee's license based on its findings of facts. No suspension shall be for a longer period than six months. A copy of the findings and order shall be mailed to or served on the licensee at the address on the license.
  4. The order of the licensing authority made pursuant to subsection (C)(3) above shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of a licensee to appeal said order in a timely manner shall constitute a waiver of any right a licensee may otherwise have to contest the suspension or revocation of his license.
  5. a. The licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing which the licensing authority conducts. It is unlawful for any person to fail to comply with any subpoena issued by the licensing authority.
    - b. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the state. Upon failure of any witness to comply with such subpoena, the City Attorney shall:
      - i. Petition any judge of the Municipal Court of the city, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or
      - ii. Petition the District Court in and for the county, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court.
- D. The City Attorney may act on behalf of the city during hearings before the licensing authority.

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- E. All hearings held before the licensing authority under this chapter shall be recorded stenographically or by electronic recording device. Any Person requesting a transcript of such record shall post a deposit in the amount required by the City Clerk, and shall pay all costs of preparing such record.

(Ord. O-93-14 § 2 (part), 1993).

### **5.52.160 Persons prohibited as licensees.**

No license provided by this chapter shall be issued to or held by:

- A. Any corporation, any of whose officers, directors, or stockholders holding more than ten percent of the stock thereof are not of good moral character;
- B. Any partnership, association, or company, any of whose officers, or any of whose members holding more than ten percent interest therein, are not of good moral character;
- C. Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the licensing authority;
- D. Any sheriff, deputy sheriff, police officer, or prosecuting officer or any of the licensing authority's inspectors or employees;
- E. Any person unless he is, with respect to his character, record, and reputation, satisfactory to the licensing authority.

(Ord. O-93-14 § 2 (part), 1993).

### **5.52.170 Unlawful acts.**

- A. It is unlawful for any person:
  - 1. To operate a massage parlor anywhere within the city without holding a valid Lakewood massage parlor license;
  - 2. To work in or upon the licensed premises of a massage parlor administering massages without obtaining and displaying a valid identity card pursuant to Section 5.52.140 of this chapter;
  - 3. To be in or upon the premises of a massage parlor or to obtain the services provided in a massage parlor by misrepresentation of age or by any other method in any place where massage is practiced when such person is under 18 years of age, unless such person is accompanied by his parent or legal guardian, or has a physician's prescription for such massage services;
  - 4. To allow the sale, giving, or procuring of any massage services to any person under the age of 18 years, unless such person is accompanied by his parent or legal guardian, or has a physician's prescription for such massage services;
  - 5. To employ any person under the age of 18 years in a massage parlor; however, if any person who is not 18 years of age exhibits a fraudulent proof of age that he is 18 years of age or older, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this chapter for violation of subsection (A)(3) through (5) of this section, unless the person inspecting such proof of age knew or should have known that it was fraudulent;
  - 6. To fail to display at all times in a prominent place on the licensed premises a printed card with a minimum height of 14 inches and a width of 11 inches with each letter a minimum of one-half inch in height, which shall read as follows:

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WARNING

IT IS ILLEGAL FOR ANY PERSON UNDER 18 YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME UNLESS HE IS ACCOMPANIED BY HIS PARENT OR LEGAL GUARDIAN, OR HAS A PHYSICIAN'S PRESCRIPTION FOR SUCH MASSAGE SERVICES.

IT IS ILLEGAL FOR ANY PERSON TO ALLOW A PERSON UNDER 18 YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME, UNLESS HE IS ACCOMPANIED BY HIS PARENT OR LEGAL GUARDIAN, OR HAS A PHYSICIAN'S PRESCRIPTION FOR SUCH MASSAGE SERVICES.

FINES OR IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS UNDER THE LAKEWOOD MUNICIPAL CODE AND ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.

7. To permit any narcotics or dangerous drugs on the licensed premises;
8. To permit any fermented malt beverages, or malt, vinous, or spirituous liquors on the licensed premises;
9. To administer a massage or permit any massage to be administered to a patron whose genitals, anus, or female breasts are exposed during the massage treatment; and no patron of a massage parlor shall knowingly expose his or her genitals, anus, or female breasts during a massage;
10. To intentionally touch or permit any other person to touch the genitals, anus, or female breasts of any other person while on the licensed premises;
11. To engage in, encourage, or request, or to permit any person to engage in, encourage, or request acts of masturbation while on the licensed premises;
12. To interfere with or refuse to permit any inspection of the licensed premises by the Lakewood Police Department or agent of the city.

B. No massage parlor shall be open for business between the hours of 12:00 midnight and 6:00 a.m.

(Ord. O-93-14 § 2 (part), 1993).

**5.52.180 Penalty.**

- A. Any person violating any provision of this chapter shall be punished pursuant to Chapter 1.16 of the Lakewood Municipal Code.
- B. The penalties provided in this section shall not be affected by the penalties provided in any other section of this chapter but shall be construed to be an addition to any other penalties.

(Ord. O-93-14 § 2 (part), 1993).

**5.52.190 Employee apparel.**

All employees shall wear clothing that covers the pubic area, perineum, buttocks, cleft of the buttocks, and entire chest to four inches below the collar bone and legs not exposed more than six inches above the knees. No transparent clothing shall be permitted.

(Ord. O-93-14 § 2 (part), 1993).

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### **5.52.200 Right of entry.**

The application for a massage parlor license shall constitute consent of the licensee and his or her agents or employees to permit the Police Department or any other agent of the city to conduct routine inspections of any licensed massage parlor during the hours the establishment is conducting business and at other times during which activity on the premises is in evidence.

(Ord. O-2019-24 § 4, 2019; Ord. O-93-14 § 2 (part), 1993).

### **5.52.210 Exemptions.**

The following classes of persons and establishments are exempted from this ordinance:

- A. Physicians, osteopaths, physical therapists, chiropodists, chiropractors or podiatrists licensed or registered to practice in this state while performing such services in the practice of their respective professions;
- B. Registered nurses and licensed practical nurses who are licensed to practice in this state while performing such services in their usual nursing duties;
- C. Barbers and cosmetologists duly licensed under the laws of this state in the course of practice of their usual and ordinary licensed vocation and profession, as defined in C.R.S. Section 12-8-101 et seq.;
- D. Hospitals, clinics, nursing and convalescent homes and other similar institutions dedicated to medical or nursing practices licensed under the laws of this state where massage and baths may be given;
- E. Massage practiced in an institution of learning established for such instruction under C.R.S., Title 12, Article 59;
- F. Training rooms of public and private schools accredited by the state board of education or approved by the state board for community colleges and occupational education, and training rooms of recognized professional or amateur athletic teams;
- G. Health care facilities licensed by the State of Colorado, and not specified in this chapter;
- H. Massage therapists as defined in Section 5.52.020 of this chapter.

(Ord. O-93-14 § 2 (part), 1993).

### **5.52.220 Severability.**

If any paragraph or subparagraph of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of this chapter and, to this end, the provisions of this chapter are declared to be severable.

(Ord. O-93-14 § 2 (part), 1993).

## Chapter 5.52

### MASSAGE BUSINESS

#### 5.52.010 Purpose.

This Chapter is enacted for the purpose of promoting the health, safety, and welfare of the citizens of the City by licensing massage businesses.

#### 5.52.020 Definitions.

As used in this chapter, unless the context otherwise requires, the following words and terms shall be defined as follows:

“Applicant” means an individual acting on behalf of a massage business to apply for a license.

“City Clerk” means the City Clerk or, such Clerk’s his or her designee.

“Client” means an individual who enters into an agreement for massage therapy for a fee or compensation of any kind within the City.

“Control” means the power to direct the management and policies of a massage business.

“Controlling person” means a person designated to control a massage business and is responsible for all enforcement of licensing matters.

“Employee” means any person who performs any service at a massage business on a full-time, part-time, or contract basis, whether or not the person is designated an employee, independent contractor, or otherwise. Employee does not include a person exclusively engaged in the repair or maintenance of the massage business facilities or equipment, or for the delivery of goods to a massage business.

“Inspector” means any person authorized by the City Manager, or such Manager’s designee, to enforce the provisions of this Chapter.

“License” means a grant to a licensee to operate a massage business.

“Licensed premises” means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such premises licensee is authorized to carry on the practice of massage.

“Massage Business Licensing Authority”, “Licensing Authority” or “Authority” means the hearing officer designated the Massage Business Licensing Authority of the City in accordance with this Chapter.

“Location” means a particular parcel of land that may be identified by an address or by other descriptive means.

“Manager” is an individual authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions required of a manager by this section.

“Massage business” means any place of business where any massage therapy or full body massage is practiced or administered. The term “massage business” shall not include:

- (a) Training rooms of public or private schools accredited by the state board of education or approved by the division charged with the responsibility of approving private occupational schools.
- (b) Training rooms of recognized professional or amateur athletic teams.
- (c) Offices, clinics, and other facilities at which medical professionals licensed by the state of Colorado, or any other state, provide massage services to the public in the ordinary course of their medical profession.
- (d) Medical facilities licensed by the state.
- (e) Barber shops, beauty salons, and other facilities at which barbers and cosmetologists licensed by state provide massage services to the public in the ordinary course of their professions.
- (f) Bona fide athletic clubs not engaged in the practice of providing massage services to their members or to the public for remuneration; for purposes of this definition, if an athletic club does not receive more than 10 percent of its gross income providing massages to its members, or to the public, such shall be prima facie evidence of its status as a bona fide athletic club.
- (g) A place of business where a person offers to perform or performs massage therapy:
  - a. For not more than 72 hours in any six-month period; and
  - b. As a part of a public or charity event, the primary purpose of which is not to provide massage therapy.
- (h) A place of business where a state-licensed massage therapist practices as a solo practitioner, and complies with all required acts and limitations of operation of this section and;
  - a. Does not use a business name or assumed name; or
  - b. Uses a business name or an assumed name and provides the massage therapist’s full legal name, or license number in each advertisement, and each time the business name or assumed name appears in writing; and
  - c. Does not maintain or operate a table shower as defined in this Chapter.
- (i) A place of business which limits its business to offering the following practices performed by persons who:
  - a. Do not claim expressly or implicitly to be massage therapists; and
  - b. Limit their work to one or more of the following practices:

- i. Use touch, words, and directed movement to deepen awareness of existing patterns of movement and suggest new possibilities of movement. Such practices include, but are not limited to the Feldenkrais method of somatic education, the “Rolf Institute’s Rolf Movement Integration”, the Trager approach to movement education, body-mind centering and ortho-bionomy; or use minimal touch over specific points on the body to facilitate balance in the nervous system. Such practices include, but are not limited to Bowenwork; or
  - ii. Use touch to affect the energy systems, acupoints or qi meridians (channels of energy) of the human body. Such practices include, but are not limited to, acupressure, Asian bodywork therapy, biodynamic craniosacral therapy, jin shin do body-mind acupressure, polarity, polarity therapy, and polarity therapy bodywork, qigong, reiki, shiatsu, and tuina; or
  - iii. Use touch to effect change in the structure of the body while engaged in the practice of structural integration. Such practices include, but are not limited to, practitioners of Rolfing structural integration, the Rolf method of structural integration, and Hellerwork; or
  - iv. Apply pressure to relax points on the feet, hands, and ears to bring the body into balance, thereby promoting wellbeing of clients. Such practices include, but are not limited to reflexology; and
- c. If required for the practice, hold active certification or recognition by a professional organization or credentialing agency that:
- i. Requires a minimum level of training specific to the discipline, demonstration of competence, and adherence to an approved scope of practice and ethical standards; and
  - ii. Maintains disciplinary procedures to ensure adherence to the requirements of the organization or agency; and
  - iii. Provide consumers with contact information for the organization or agency in the practitioner’s place of business.

“Massage or massage therapy” 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.

“Massage therapist” is an individual who has fulfilled the requirements for state licensure under Section 12-235-101, *et seq.*, C.R.S., and has a valid massage therapist license issued by the state of Colorado to engage in the practice of massage therapy.

“Mobile massage unit” means a vehicle or other moveable enclosure specifically equipped for a massage therapist to provide massage therapy inside the vehicle or enclosure.

“Person” means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

“Premises” means a distinct and definite location which may include a building, a part of a building, a room, or any other definite area contiguous thereto.

“Sexual act” means sexual contact, sexual intrusion, or sexual penetration as defined in Section 18-3-401, C.R.S.

“Spa establishment” means a commercial massage business that offers or engages in personal services that call for the patron to disrobe, such as body wraps, hydro mineral wraps, body polish, body wash, baths, and hydro tub soak.

“Table shower” or “Vichy shower” means an apparatus for the bathing or massaging of a person on a table or in a tub.

**5.52.030 Licensing Authority established.**

A. There is established a Massage Business Licensing Authority (Authority), which shall have and is vested with the authority to grant or deny licenses for massage businesses; conduct investigations, and to suspend or revoke licenses for cause in the manner provided by this Chapter.

B. The Authority shall establish procedures for all hearings in conformity with the laws of the State and ordinances and resolutions of the City and shall promulgate all decisions in writing pursuant to the standards and requirements of this Chapter.

C. The Massage Business Licensing Authority shall consist of a Hearing Officer chosen by the City Clerk.

D. The Authority shall meet as needed.

E. The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the Authority, upon receipt of all fees as are required by this Chapter. All public notices required by this Chapter shall be accomplished by the City Clerk.

F. The City Clerk, or the Clerk’s designee, shall also be the massage business inspector, who shall perform routine periodic inspections of the licensed premises and such other duties as the Authority may reasonably direct.

**5.52.040 License required.**

A. Massage Business License. It is unlawful to operate a massage business within this City except pursuant to a massage business license issued by the City. Such licenses shall be renewed annually and are non-transferable to any other identified business or location. An original of such license shall be posted in a conspicuous place within the business pursuant to regulations promulgated by the Clerk.

B. **Massage Business Manager License.** No person shall be permitted to work as a manager of a massage business without a massage business manager's license unless they are the owner of a licensed massage business. Such licenses shall be renewed annually. Such licenses are non-transferable to any other individual or to any other location within the City.

**5.52.050 Application fee.**

A. Each applicant for a massage business license, whether an individual, partnership, or corporation, shall pay an application fee of \$50 for a new massage business license application. Fees for massage business licenses shall be paid at the time of filing an application for such license. Such application fee shall be nonrefundable.

B. Each applicant for a massage business manager's license shall pay an application fee of \$25 for a massage business manager's license. Fees for massage business manager's licenses shall be paid at the time of filing an application for such license. Such application fee shall be nonrefundable.

**5.52.060 Application for New License.**

A. All applicants for any form of license mandated by this Chapter shall file an application for a license with the City Clerk.

B. Each application for a massage business license shall be on forms prepared and furnished by the City Clerk and shall contain the following information:

1. Each individual applicant, partner of a partnership, shall be named in each application form, and each of them shall be photographed and fingerprinted by the Police Department.

2. If the applicant is an individual, the applicant shall provide satisfactory proof that such applicant is 18 years of age or older.

3. If the applicant is a legal entity such entity shall provide satisfactory proof that each of the individual officers, directors, managers, partners, members, and/or principal owners of such entity is 18 years or older.

4. Each applicant for a massage business license, whether signing as an individual, or on behalf of a partnership or corporation, shall have an address, personal or professional, within the City at which service of any violation of this Chapter may be served and where such notices will be received by such applicant, after such applicant becomes a licensee.

5. Whether the applicant, or any of the other individuals required to be listed in the application, have been convicted of, or pled "nolo contendere" to, a felony or misdemeanor, in any federal, state, or municipal court in any of the United States jurisdictions or possessions, for prostitution, solicitation of prostitution, fraud, theft, embezzlement, money laundering, or similar crimes. Failure to disclose any criminal conviction of the nature described within this paragraph may result in denial of the license application.

6. Whether the applicant, or any of the other individuals required to be listed in the application, has had a previous license under this or any other similar massage business ordinance from another jurisdiction or possession of the United States, denied suspended or revoked, and, if so, the name and location of the massage business for which such license was denied, suspended, or revoked, as well as the date of such denial, suspension, or revocation.

7. Whether the applicant, or any other individuals required to be listed in the application, has been an officer, director, manager, partner, member, and/or principal owner of any legal entity which currently or previously operates or operated a massage business or business meeting the definition of massage business in this Chapter within the last ten years, and the name, dates of operation, and location of such business or businesses.

8. Satisfactory proof of the applicant's ownership or right of possession of the premises wherein the massage business will be operated. The applicant shall have a continuing obligation to provide, where applicable, subsequent evidence of the right to possession of the premises.

9. Each individual applicant, partnership, and corporate applicant shall also furnish evidence from the Planning Department and Public Works Department that the proposed establishment meets the requirements of the City of Lakewood zoning ordinance and occupancy requirements, complete plans and specifications for the premises, and any other information necessary to complete the determination that such premises are in compliance with this Chapter.

10. Each corporate applicant shall furnish evidence that it is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado.

C. Each applicant for a massage business manager's license shall submit an application for such license on forms prepared and furnished by the City Clerk. Such application shall include, at a minimum, the following information:

1. Satisfactory proof that the applicant is 18 years of age or older;
2. The applicant's name, home address, date of birth, and telephone number.
3. Whether the applicant is a licensed massage therapist within the State of Colorado, and if so, the state massage therapy license number;
4. Whether the applicant has been involved in a criminal act as described in paragraph (A) of this section, and if so, the date and place of conviction, and the disposition; and
5. Any disciplinary actions taken by any state or local massage therapy board or criminal convictions for violations of a massage therapy practice act in any jurisdiction or possession of the United States, and the result of such disciplinary actions, whether the applicant is a licensed massage therapist or not.

D. The City Clerk shall not accept any application that is not complete in every detail. If an omission or error is discovered by the City Clerk, the application shall be rejected and returned to the applicant for completion or correction without further action by the City Clerk. All fees shall be returned with the application. For purposes of this chapter, the date the City Clerk accepts an

application which is complete in every detail shall be the filing date.

**5.52.070 Table or Vichy showers.**

A. To operate or maintain a table or Vichy shower on or about the licensed premises, such device must be specifically allowed as a permitted device on the massage business license.

B. The City Clerk may approve the use of a table or Vichy shower in the license if the following conditions are met:

1. The shower is commercial and professional in nature, manufactured with industrial grade materials, and is designed solely for the purpose of massage utilizing multiple overhead spray nozzles; and
2. The business practices appropriate draping of a shower client, to include draping of the buttocks and genitalia of all clients, unless the client gives specific written consent to be undraped.
3. Massage bathtubs and tables with accessory sprayers shall not be approved permitted devices pursuant to this Section

C. If the City Clerk has reason to believe that there is a failure to comply with the conditions in subsection B of this section, the City Clerk shall provide licensee with written notice that permission to operate a table or Vichy shower as a part of its license is terminated and the business shall not be allowed to operate such shower.

D. The licensee may appeal the termination or denial of shower use in accordance with the provisions set forth in Section 5.52.090(F).

**5.52.080 Application Review**

The City Clerk shall immediately submit for review by applicable City Departments copies of applications submitted in accordance with this section.

A. Within twenty (20) days of the date of the filing of a complete application for any license application associated with this Chapter being accepted by the City Clerk, the police department shall notify the Clerk's office as to whether the applicant, and any such individual required to be listed in the corresponding license application, meet the requirements in subsection 5.52.090. Such review shall be completed within 20 days after the license application is submitted. The police department shall only be required to provide the information specified in subsection A of this section and shall not be authorized to approve or disapprove any license application but shall provide information as to the veracity of information provided in any such applications.

B. Within twenty (20) days of the date of the filing of the complete application for a massage business license being accepted by the City Clerk, the Planning Department and Public Works Department shall notify the Clerk's office as to whether the identified site of such massage business meets the requirements of the City of Lakewood zoning ordinance and occupancy requirements, and any other information necessary to complete the determination that such premises are in compliance with this Chapter.

**5.52.090 Decision – New Applications; Appeal**

A. An application with a completed investigation shall be administratively approved or denied by the City Clerk within thirty (30) days of the date of the filing of the complete application.

B. The City Clerk shall administratively approve the application for licensure upon a finding that such application conforms to the requirements of this Chapter. The City Clerk shall make written findings setting forth the City Clerk’s basis for approval and provide a copy of such findings to the applicant.

C. Following administrative approval of a license an applicant has fifteen (15) days following notification of such approval to appear in person at the Office of the City Clerk to pay the licensing fee and to collect the license document for posting at the business premises.

D. The City Clerk shall deny a license application if:

1. The applicant has voluntarily surrendered any license to practice as a massage therapist or operate a massage business because of, or while under, civil or criminal investigation; or

2. The applicant has had a license to practice as a massage therapist or to operate a massage business or similar license, denied or revoked by the State of Colorado or a political subdivision of Colorado, or a regulatory board in another United States jurisdiction or possession, for an act that occurred in that jurisdiction that would be a violation under this Chapter; or

3. The applicant is a registered sex offender or required by law to register as a sex offender; or

4. The applicant has any prior conviction for an offense involving sexual misconduct with a child, including sexual abuse, sexual assault, sexual conduct, sexual molestation, and sexual exploitation; or

5. Subject to the requirements of Section 24-5-101, C.R.S., the applicant has any prior convictions or pending violations for any crimes, including but not limited to prostitution, or of operating a prostitution enterprise, theft, embezzlement, kidnapping, human trafficking or money laundering; or

6. The location where the license is applied for has had a similar license revoked or surrendered for cause within the last 24 months; or

7. The applicant knowingly made a false statement or knowingly gave false information in connection with the application.

E. Any change in the partners’ holdings over ten percent (10%) in interest of a partnership, or any change in the officers, directors, or holders of over ten percent (10%) of the stock of a corporate licensee, holding a massage business license shall result in termination of the massage business license of the partnership or corporation, unless such licensee within thirty days after such change, files a written notice of such change with the City Clerk on forms provided by the City Clerk, together with the required fees, fingerprints, and photographs. A complete application review, including conformance to Section 5.52.80 shall be completed prior to the City Clerk approving or denying modification of the license.

F. Each license issued under this Chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which such individual holds. A separate license shall be issued for each specific business or business entity and each geographical location.

G. In the event the City Clerk denies a license application, the City Clerk shall prepare written findings of fact stating the reasons or basis for the denial. The City Clerk shall, within ten (10) days after the date of the City Clerk's denial, send a copy of the City Clerk's findings by certified mail, return receipt requested, to the address of the applicant.

H. In the event the City Clerk denies a license application, the applicant shall have the right to appeal such decision. Such appeal shall be a public hearing before the Authority. The request for appeal shall be in writing and received by the City Clerk within twelve (12) days of the date the City Clerk mailed the Clerk's determination of denial to such applicant. The appeal hearing shall be conducted by the Authority in conformance with the standards of Section 5.52.030 within thirty (30) days of the City Clerk's receipt of the written request unless a later date is requested by the applicant in writing. If the applicant fails to request an appeal of the Clerk's decision within the allotted time the City Clerk's decision to deny a license application shall become final. An applicant is not eligible apply for a license under this Chapter for six (6) months following denial of any application for a license under this Chapter. Following approval of a license by the Authority an applicant has fifteen (15) days following notification of such approval to appear in person at the Office of the City Clerk to pay the licensing fee and to collect the license document for posting at the business premises.

#### **5.52.100 Temporary license.**

A. The City Clerk may issue a temporary massage business license upon receipt of a complete massage business application, when such massage business was previously licensed in accordance with this Chapter and the new license is required due to the sale or change in ownership of a business. Such license shall be issued for 30 days and renewed every 30 days until approval or denial of the massage business license. No license application fee shall be mandated if such request for modification is made during the first six months of an approved license. If such modification of license is made after the first six months of an approved license all fees as applicable to a renewal license shall apply.

B. The City Clerk may issue a temporary massage business manager license upon receipt of a complete massage manager license application upon sale, change of ownership, or change of manager of an existing licensed massage business. Such license shall be issued for 30 days and may be renewed for good cause for additional 30-day periods until approval or denial of the massage manager license. No license application fee shall be mandated if such request for modification is made during the first six months of an approved license. If such modification of license is made after the first six months of an approved license all fees as applicable to a renewal license shall apply.

#### **5.52.110 Renewals.**

Application for the renewal of an existing license shall be made to the City Clerk not less than forty-five days prior to the date of expiration. The Clerk may administratively renew such license if such renewal is in conformance with this Chapter. If the Clerk is not able to administratively renew such license the Clerk shall cause a hearing on the application for renewal to be held. Failure to be issued a renewal license prior to the end of the previous term of license may be grounds for temporary cessation of business at such location unless the Clerk determines that

such business may be temporarily licensed pursuant to Section 5.52.100 of this Chapter.

No such renewal hearing shall be held by the Authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided to the applicant at least ten days prior to the hearing. The Authority, in its discretion, may revoke or elect not to renew a license if it determines that the licensed premises have been inactive for at least three months. The Authority may also refuse to renew any license for good cause, subject to judicial review.

**5.52.120 Transferability; Change of ownership.**

No license under this Chapter shall be transferable to another person or any other group acting as a unit.

**5.52.130 License term - Fees.**

A. All licenses granted pursuant to this Chapter shall be for a term of one year. Said term shall commence on the date the license is issued or renewed.

B. The license fee for a new massage business license shall be set pursuant to an assessment of licensing cost by the city clerk at the beginning of each calendar year. The annual license renewal fee shall be a lesser amount also set by the city clerk each year.

C. The license fee for a new massage business manager's license shall be \$25. The annual manager's license renewal fee shall be \$10.

D. In the event of a suspension, revocation, or cessation of business, no portion of the license fee shall be refunded.

**5.52.140 Suspension-Revocation-Hearings.**

A. In addition to any reason in this Chapter, and notwithstanding any provision of this Chapter to the contrary, the Authority may suspend, revoke or not renew a license upon a finding of one or more of the following:

1. The licensee has committed a violation of any section of this Chapter; or
2. Any employee or contractor required by this Chapter to possess a valid massage therapist license is determined to have obtained such license through fraud, deceit or misrepresentation, or the state has revoked said massage therapy license; or
3. The licensee willfully failed to disclose any information as required in this Chapter; or
4. The licensee knowingly permitted a person to perform massage therapy when licensee should have reasonably known that such person was not licensed in accordance with Section 12-235-101, *et seq.*, C.R.S.; or
5. A pattern of credible facts emerges that the business is attempting to operate a prostitution enterprise whether there is a violation of any specific law, rule, or code; or
6. The licensee failed to permit an inspection as authorized by this Chapter any time the business is occupied or open for business.

B. Notice. When the Authority decides to suspend, revoke, or not renew a license the Authority, through the City Clerk, shall prepare written findings of fact stating the reasons or basis for the suspension, revocation, or denial of renewal. The City Clerk shall, within ten (10) days after the date of revocation, suspension or denial, send a copy of the City Clerk's findings by certified mail, return receipt requested, to the address of the licensee.

C. Appeal. In the event a license is suspended, revoked, or denied renewal, the licensee shall have the right to appeal such decision. Such appeal shall be a public hearing before the Authority. The request for appeal shall be in writing and received by the City Clerk within twelve (12) days of the date the City Clerk mailed the Clerk's determination of suspension, revocation, or denial. The appeal hearing shall be conducted within thirty (30) days of the City Clerk's receipt of the written request unless a later date is requested by the applicant in writing. If the applicant fails to request an appeal of the Authority's decision within the allotted time the Authority's decision to suspend, revoke, or deny renewal shall become final.

D. Hearing procedure. The Authority shall establish procedures for all hearings in conformity with the laws of the state and ordinances and resolutions of the City.

E. Subpoenas.

1. The Lakewood City Attorney's Office and the licensee shall have the power to issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing the Authority is authorized to conduct. It is unlawful for any person to fail to comply with any such properly issued subpoena.

2. Subpoenas shall be served in accordance with the Colorado Rules of Civil Procedure.

3. Upon failure of any witness to comply with such subpoena, the Lakewood City Attorney's Office may petition any judge of the Lakewood Municipal Court, setting forth that due notice had been given of the time and place of attendance of the witness and that service of the subpoena was proper, and requesting the court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify, or to produce books, records or other evidence, under penalty of punishment for contempt in the event of willful failure to comply with such order.

F. Oaths. The City Clerk shall have the power to administer oaths.

G. Continuance. The Authority may continue the hearing to a date certain as may be required to gather necessary facts and evidence and to permit witnesses to testify.

H. Decision. The Authority shall render a written decision and order no later than thirty (30) days after the conclusion of the appellate hearing.

I. Appeals. The Authority's order shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure § 106(a)(4).

#### **5.52.150 Unlawful acts.**

A. It is unlawful for any person:

1. To operate a massage business anywhere within the City without holding a valid Lakewood massage business license.

2. To employ any person to act as manager at a massage business who is not licensed as a manager or a licensed owner as required by this Chapter.
3. To be open for business for the practice of massage therapy without a massage therapist on the premises that has been licensed in accordance with Section 12-235-101, C.R.S.
4. To operate or maintain a table shower or Vichy shower on the premises unless operation of such table/Vichy shower was approved as a part of the massage business license.
5. To permit a licensed massage business to be used for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s). The owner and family members of any massage business operated as a home occupation, as defined by Lakewood Zoning Ordinance, are exempt from this prohibition.
6. To massage any other person, or give or administer any bath or baths, including table showers or Vichy showers, in a manner intended to arouse, appeal to, or gratify the lust or passions, or sexual desires of such other person. In no case shall the employee intentionally touch either the male or female genitalia of the client.
7. To allow any employee to provide massage therapy or other massage services without being fully clothed. For purposes of this subsection, clothing shall be of a fully opaque, nontransparent material that shall not expose the employee's genitals, pubic region, buttocks, or breasts below a point one inch above the top of the areola, or substantially expose the employee's undergarments.
8. To require client nudity as a part of any massage service without the client's prior consent.
9. To use or possess adult-oriented merchandise, including sex toys, sexual aids, vaginal or anal lubricant, or any contraceptive item, in any part of a massage business.
10. To permit any individual, including a client, student, contractor, or employee, to engage in any sexual act in the massage business.
11. To fail to immediately report to appropriate law enforcement the commission of any criminal acts upon the premises, including any disorderly conduct, sexual acts, or other criminal activity.
12. To make an agreement, or to permit any individual to make an agreement with an employee, to engage in sexual activity in any other location.
13. To conceal persons in the business for illegal purposes or to conceal such individuals by allowing them to exit side or back doors to avoid lawful criminal justice action.
14. To perform or permit anyone to perform massage without a valid massage therapist license issued under Section 12-235-101, *et seq.*, C.R.S.

15. To operate the business between the hours of 10:00 p.m. and 5:00 a.m.

**5.52.160 Required acts.**

A. Every licensed massage business is required to:

1. Have a licensed Massage Business Manager or the owner of a licensed massage business on premises during the business's hours of operation.
2. Maintain a current list of employees and contractors on site including start dates of employment or contracted service, full legal name, date of birth, home address and telephone number, employment position, date first began employment or service, and the date when services were terminated if applicable.
3. Maintain a copy of each massage therapist's Colorado license for each employee and contractor performing massages.
4. Maintain a complete set of records to include a log of all massage or massage therapy administered at the business. The log shall contain the following information: date, time, and type of each massage therapy administered, and the name of the employee administering the massage therapy. The log shall be retained for a minimum of one year following any massage therapy. The massage therapy log shall be subject to inspection upon request by the inspector, during normal business hours in compliance with applicable law.
5. Operate under or conduct business under only the designation specified in the license.
6. List the address of the business in any advertisement.
7. Ensure that massage facilities interior and exterior doors remain unlocked while the massage business is open. The exception to this requirement is as follows: The exterior doors may remain locked if: (i) the massage business is operated as a home occupation or (ii) during the time period when only one employee is present in the business.

B. Massage therapists shall remain fully clothed while administering massage or otherwise visible to clients on business premises, including premises designated by the client through an outcall massage service.

**5.52.170 Inspections.**

A. No owner, manager, massage therapist, or employee shall fail to immediately grant access to a licensed massage business any time such establishment is occupied or open for business, to a licensing administrator, authorized inspector, or any other person authorized or required by law to inspect the business.

B. Inspections shall be for the purposes of determining if a licensed massage manager or the owner of a licensed massage business is on premises, if a log of all massage therapy being administered at the business is being kept, and whether all massage therapists working at the time held valid Colorado massage therapist licenses.

C. No owner, manager, massage therapist, or employee shall fail to immediately grant access to the log of all massage therapy administered at the business to a licensing administrator, authorized inspector, or any other person authorized or required by law to inspect the massage business, without reasonable delay.

D. Inspectors may request to review the massage therapist license issued by the State at any time during an inspection for the massage therapists, managers, or massage therapist employed as contractors.

**5.52.180 Supplemental provisions.**

The City Clerk may promulgate rules and regulations carrying out the requirements of this Chapter;

**5.52.190 Cumulative and concurrent remedies.**

No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this Chapter in the municipal court of the City, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any criminal activity, civil offense, or nuisance found to exist upon any property licensed hereto.

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law.

**5.52.200 Severability.**

If any paragraph or subparagraph of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of this chapter and, to this end, the provisions of this chapter are declared to be severable.



# ADDRESSING ILLICIT MASSAGE BUSINESSES (IMBs) IN LAKEWOOD



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## DEFINING THE ISSUE

### *WHAT IS HUMAN TRAFFICKING?*

**A CRIME INVOLVING THE EXPLOITATION OF SOMEONE FOR FORCED LABOR AND OR COMMERCIAL SEX THROUGH FORCE, FRAUD, OR COERCION.**

### *WHAT IS PROSTITUTION?*

**PERFORMING, OFFERING, OR AGREEING TO PERFORM ANY SEX ACT IN EXCHANGE FOR MONEY OR OTHER THING OF VALUE.**

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## WHAT ARE ILLICIT MASSAGE BUSINESSES ( IMB'S )

***A business structured to operate as if it were a legitimate massage entity, while hiding a house of prostitution, which provides sexual services to customers in exchange for money.***

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## THE HUMAN TRAFFICKING AND THE IMB OVERLAP

Illicit sexual activity in exchange for money occurs in the IMBs

Traffickers hide behind loopholes to commit this victimization

Illicit sexual activity and human trafficking causes lasting trauma to the  
sex worker victim



## THE HUMAN TRAFFICKING AND THE IMB OVERLAP

Current tools and investigative techniques to address this issue are insufficient as victims are often revictimized.

Licensing will allow more appropriate business oversight

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***Behind Illicit Massage Parlors Lie a Vast Crime Network and Modern Indentured Servitude***

New York Times, March 2, 2019

**Sex trafficking is behind the  
lucrative illicit massage business.  
Why police can't stop it.**

USA Today, July 29, 2019

**Inside The \$4.5  
Billion Erotic  
Massage Parlor  
Economy**

Forbes, April 4, 2021

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# THE ILLICIT MASSAGE INDUSTRY IN THE UNITED STATES

\$3.5 BILLION DOLLAR INDUSTRY

NATIONAL AND INTERNATIONAL PIPELINE OF VICTIMS

VICTIM SEX WORKERS OFTEN LIVE AT THE MASSAGE BUSINESS AND WORK FOR TIPS ONLY

BECAUSE SO MANY SEX WORKERS ARE IMMIGRANTS, TRAFFICKERS USE THE THREAT OF DEPORTATION TO COERCE WOMEN INTO OBEDIENCE.



# THE ILLICIT MASSAGE INDUSTRY IN THE UNITED STATES AND ASSOCIATED CRIME

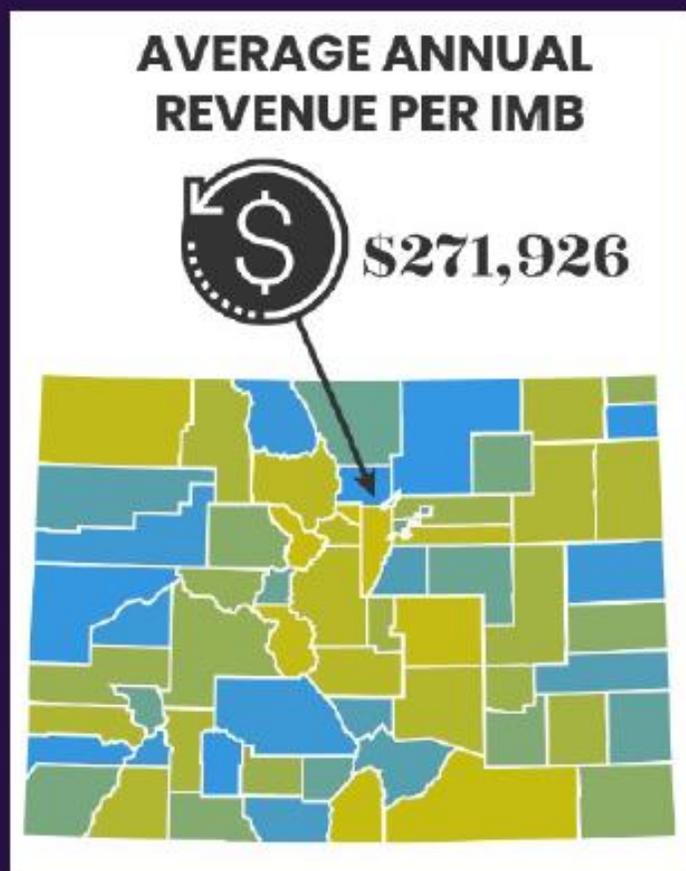
MARCH 16, 2021-A GUNMAN KILLED 8 PEOPLE AT THREE ASIAN MASSAGE  
BUSINESSES

7 VICTIMS WERE WOMEN

ALL THREE BUSINESSES WERE ILLICIT MASSAGE BUSINESSES

# Denver Metro Area

IMBs are big business, and the economic benefit isn't local.



- Average 8 customers per day
- Average transaction cost = \$105.73
- Currently **152** suspected IMBs in the Denver Metro Area
- 1,216 men buying sex from an exploited woman per day
- This equates to \$42,703,755 of potential unreported illegal earnings each year

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## HOW DOES LAKEWOOD COMPARE WITH 27?

#3 in the State of Colorado

<b>DENVER:</b>	<b>36</b>
<b>COLORADO SPRINGS:</b>	<b>30</b>
<b>WHEATRIDGE:</b>	<b>3</b> with <u>Ordinance in effect</u>
<b>COMMERCE CITY</b>	<b>2</b> with <u>Ordinance in effect</u>
<b>AURORA:</b>	<b>1</b> with <u>Ordinance in effect</u>

Research shows that neighboring cities who DO NOT pass ordinances and are near cities that have passed ordinances to regulate IMBs, will experience a sharp increase of new IMBs in their city.

# ADDRESSING IMBs IN LAKEWOOD

## Historic Law Enforcement Approach

- Citizen complaints, tips, police observations.
- Investigation / Undercover operations.
- Charges were usually for prostitution, and person charged may have been trafficking victim.
  - Little ability to charge the business.
- Recent use of landlord education letters.

## Improved Approach With Licensing

- Shifts focus to business, not potential victim.
- Combines regulatory and enforcement tools.
- Protects legitimate massage businesses.
- Identifies ownership through the application process.
- Prohibits practices specific to IMBs.

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## PUBLIC HEALTH PRIORITIES

**Victim Sex Workers sometimes reside within commercial buildings**

**Potential building and fire code violations**

**There is limited oversight for environmental and public health issues**

**Unlicensed massage practitioners have direct and unregulated contact with the public**



## LICENSING MASSAGE BUSINESSES

Requiring massage businesses to license with the City of Lakewood is a proven tool to reduce IMBs

Aurora, Commerce City, Wheat Ridge, and Denver have, or are in the process of adopting, a massage business license

More effective use of police resources

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## WHAT WILL THE ORDINANCE LOOK LIKE?

Annual license that can be administratively approved by the City Clerk or their designee.

Similar to the liquor licensing the City already enforces, to include background checks on managers, employees and owners for any prior offenses.

Exempts out medical facilities and massage schools.

Creates a licensing authority to give the licensee due process before adverse action is taken against the license. A robust licensing process would complement the police department's enforcement efforts to prevent prostitution and human trafficking in the City.

# EDUCATION AND OUTREACH



## City of Lakewood City Clerk's Office

Lakewood Civic Center  
480 South Allison Parkway  
Lakewood, Colorado 80226-3127  
303/987-7080  
303/987-7088Fax  
303/987-7080TDD  
E-mail: [bernad@lakewood.org](mailto:bernad@lakewood.org)

January 7, 2022

Re: Message Business Licensing Ordinance

Dear Message Provider:

The Lakewood City Council will be considering an ordinance requiring businesses that conduct massages to obtain a massage business license. The purpose of the ordinance is to support legitimate massage providers, promote the health, safety, and welfare of the citizens, while also preventing illegal activity. The ordinance will set requirements for facility management and provide for inspections of the business. The ordinance will also contain provisions that identify acts that can result in the revocation of a license, such as having prostitution or other sexual activity take place on the premises or having items on the premises consistent with sexual activity.

The ordinance is currently scheduled to be presented to the City Council for a first reading on February 14, 2022, and for a second reading on February 28, 2022. If the ordinance is adopted, more information will be provided about the process to obtain the required massage business license.

To learn more about the proposed ordinance and its requirements, we encourage you to attend one of the City Council Meetings. You can also call the Lakewood Police Department Special Investigation Unit at 303-987-.

Sincerely,

Bernadette Salazar  
Deputy City Clerk

- Informational Letters Mailed To  
Massage Businesses
- In-Person Follow-Up Visits

## FEE STRUCTURE

- Massage Business License
    - \$50 Application Fee
    - \$350 License Fee
    - \$100 Annual Renewal Fee
  - Massage Business Manger's License
    - \$25 Application Fee
    - \$25 Annual License Fee
    - \$10 Annual Renewal Fee
  - Comparison
    - New Lodging Facility Fee: \$750 (\$350 Application/\$400 Fee)
    - Lodging Yearly Renewal Fee: \$400
- Other Cities
- Denver: \$500 Massage Application Fee And \$250 Annual License Fee
  - Aurora: \$216 Massage Facility License Application, \$43 General Business License, \$53 Annual Facility License Fee, and \$50 Massage Facility Manager Fee
  - Commerce City: \$550 Massage License, \$330 License Renewal, And \$75 Manager License
  - Wheat Ridge: \$25 Massage License And \$20 Massage Business Manager License



QUESTIONS?



**Lakewood**  
Colorado

**City of Lakewood**  
City Clerk's Office

Lakewood Civic Center  
480 South Allison Parkway  
Lakewood, Colorado 80226-3127  
303/987-7080  
303/987-7088Fax  
303/987-7080TDD  
E-mail: [bersal@lakewood.org](mailto:bersal@lakewood.org)

January 7, 2022

Re: Massage Business Licensing Ordinance

Dear Massage Provider:

The Lakewood City Council will be considering an ordinance requiring businesses that conduct massages to obtain a massage business license. The purpose of the ordinance is to support legitimate massage providers, promote the health, safety, and welfare of the citizens, while also preventing illegal activity. The ordinance will set requirements for facility management and provide for inspections of the business. The ordinance will also contain provisions that identify acts that can result in the revocation of a license, such as having prostitution or other sexual activity take place on the premises or having items on the premises consistent with sexual activity.

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To learn more about the proposed ordinance and its requirements, we encourage you to attend one of the City Council Meetings listed above. You can also call the Lakewood Police Department Special Investigation Unit at 303-987-7110.

Sincerely,

A handwritten signature in blue ink that reads "Bernadette Y. Salazar". The signature is fluid and cursive, with the first name being the most prominent.

Bernadette Y. Salazar  
Deputy City Clerk