

MESSAGE PARLOR LICENSE APPLICATION

To obtain information regarding a Massage Parlor License, you can print and complete the Application Form, as well as review the City Code and CRS Section in the following documents. If you have questions, please call 303-538-7230.



MASSAGE PARLOR LICENSE

Checklist

City Clerk's office 303-538-7230
 9500 Civic Center Drive
 Thornton, Colorado 80229-4326

ALL Documents must be properly executed and correspond with name of applicant exactly.

Please type or print legibly in BLACK ink.

Clear copies of all other information may be submitted.

New License Application	
	Completed Application.
	\$350.00 Annual License Fee plus \$250.00 non-refundable Application Fee.
	City Sales Tax Application - submitted to Sales Tax Division 303-538-7400.
	Zoning Referral Form signed by the City Development Department.
	A current certificate and a straight-line drawing prepared within 30 days prior to initial application by a Colorado registered land surveyor evidencing compliance with location restrictions in City Code Section 42-379(b).
	A copy of the deed or lease which shows that the applicant has legal possession of the premises by virtue of ownership or under a lease. If leased, or under contract to purchase or lease, include the name and address of landlord and term of lease.
	Diagram of the premises.
	Contact the Building Inspection Division 303-538-7250 to apply for a Certificate of Occupancy. <ul style="list-style-type: none"> ➤ If new construction, submit six sets of plans for review before starting construction. ➤ If a development permit is required it must be issued before a Certificate of Occupancy can be issued. ➤ The City can not issue the license until the Certificate of Occupancy has been issued.
	Authorization to Release and Background Investigation forms will need to be completed for investigation of the background, character and financial responsibility of each individual applicant, partner, officer, director and/or holder of the corporate stock, and all managers of the proposed establishment.
	Each individual must be fingerprinted at the Thornton Police Department on Wednesday between 12:30 p.m. and 4:30 p.m.
	Copy of Driver's License or other acceptable picture identification.
	If a Corporation, a Certificate of Incorporation (if corporation is less than two years old) or current Certificate of Good Standing.
	Two recent photographs 2" x 2".
Renewal Application	
	Completed Application.
	\$350 Annual License Fee.
	Attach a copy of the lease if there have been any changes, assignments or changes in parties to the lease since the date of filing the last license application. Please identify any new parties to the lease and give their address.
	If there are any new individuals (i.e., manager, applicant, partner, officer, director and/or holder of the corporate stock), Authorization to Release and Background Investigation forms will need to be completed for investigation of the background, character and financial responsibility.
	Each new individual must be fingerprinted at the Thornton Police Department on Wednesday between 12:30 p.m. and 4:30 p.m.
	Copy of Driver's License or other acceptable picture identification.
	If a Corporation, a current Certificate of Good Standing.



MESSAGE PARLOR LICENSE APPLICATION

Chapter 42, Article V

City Clerk's office 303-538-7230

9500 Civic Center Drive

Thornton, Colorado 80229-4326

Application Date:	<input type="checkbox"/> New License Fee (\$350.00 Annual License Fee plus \$250.00 non-refundable Application Fee.) <input type="checkbox"/> Renewal Fee (\$350.00 Annual License Fee)
Date License Fees Paid:	

Name of Applicant:	
Mailing Address:	Zip Code:
Trade Name of Establishment:	
Address:	
Phone:	
Zip Code:	
Are the premises owned or rented?	If rented, by whom?
Colorado Sales Tax Number:	Thornton Sales Tax Number:

Manager of Establishment Name: (If not applicant, please complete Manager's Registration Form)		Phone:
Address:		Zip Code:
Social Security Number:	Driver's License Number:	Date of Birth:

Complete one of the following sections (Corporation/Individual/Partnership):

Corporation Name:		Phone:
Address:		Zip Code:
President Name:		Phone:
Address:		Zip Code:
Social Security Number:	Driver's License Number:	Date of Birth:
Vice-President Name:		Phone:
Address:		Zip Code:
Social Security Number:	Driver's License Number:	Date of Birth:
Secretary Name:		Phone:
Address:		Zip Code:
Social Security Number:	Driver's License Number:	Date of Birth:
Treasurer Name:		Phone:
Address:		Zip Code:
Social Security Number:	Driver's License Number:	Date of Birth:

Individual Name:		Phone:
Address:		Zip Code:
Social Security Number:	Driver's License Number:	Date of Birth:



MESSAGE PARLOR APPLICATION

City Clerk's office – Page 2

If more than two Partners please attach separate sheet		
Partner Name:		Phone:
Address:		Zip Code:
Social Security Number:	Driver's License Number:	Date of Birth:
Partner Name:		Phone:
Address:		Zip Code:
Social Security Number:	Driver's License Number:	Date of Birth:

If applicable, please attach information showing the name, address, home phone number, driver's license number, date of birth, and social security number of Stockholders holding 10% or more.

If Corporation or Limited Liability Company:	
Registered Agent (Name):	
Address:	Zip Code:

Has the applicant, owner, principal owner, or any other person holding any type of interest in the proposed business, ever had a Massage Parlor License issued by any other city, county or other governmental agency? Yes No If yes, complete the following:

Name	Type of Business	Governmental Agency that issued the license	Location	When

If the applicant or any other individual, including owner, principal owner, or any person with 10% interest or more ever had an interest in, or been a partner, limited partner, or corporate shareholder in a Massage Parlor, which has ever been revoked or suspended? Yes No
If so, explain in detail:

List Hours of Operation each day:	Beginning Time:	Ending Time:
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

I declare under the penalty of perjury, that this application, including the background investigation, authorization forms, and any accompanying statements, has been examined by me and to the best of my knowledge and belief are true, correct and complete. I also declare that I have been given a copy of Chapter 42, Article V of the Thornton City Code pertaining to Massage Parlors.

Signature of Applicant:	Date:
Signature of Applicant:	Date:
Signature of Applicant:	Date:

(Each individual that completes a background investigation report and authorization will need to sign here also)
(If necessary, please make additional copies for all applicant's signatures)



**AUTHORIZATION AND CONSENT TO RELEASE INFORMATION
MESSAGE PARLOR LICENSE**

City Clerk's office 303-538-7230
9500 Civic Center Drive
Thornton, Colorado 80229-4326

APPLICANTS & MANAGERS – COMPLETE BELOW AND SIGN	
Name of Corporation/Sole Proprietorship/Partnership	
Name of Individual (please print):	
Position:	
Trade Name of Establishment:	
Address of Establishment:	

➤ I fully understand that an investigation of my background, character and financial responsibility is necessary for the approval of said license. I understand that this investigation may solicit information from and include contact with the references listed on my background investigation report, former employers, business associates, police agencies, financial institutions, credit bureaus, neighbors, friends and relatives. Moreover, I request and authorize those people or organizations selected by the Thornton Police Department to release any and all information of a confidential or privileged nature concerning me. However, upon the express condition, that said release is limited to an investigation conducted pursuant to the aforesaid licensing and operation thereunder, but this authorization shall continue to operate so long as above-named licensee shall hold said license, if granted, and for the term or terms of any renewals or extensions thereof.

➤ I hereby release you, your organization or others from any liability or damage which may be incurred as a result of furnishing information to the City of Thornton ("City") as requested. I further waive any claims that I might have against the City arising from this request for information concerning my background investigation or such information and dissemination of information to the appropriate individuals employed by the City.

➤ I hereby release and agree to hold harmless and indemnify the City against any claims that third parties should make against the City based on the City's request for information on my background or its receipt of such information from other individuals or agencies.

Signature	Date Signed
------------------	--------------------

SEAL	Subscribed and sworn to before me by:
	in the County of Adams, State of Colorado, this day of , 20
	Notary Public:
	My Commission Expires:



**CONFIDENTIAL BACKGROUND INVESTIGATION REPORT
MESSAGE PARLOR LICENSE**

City Clerk's office 303-538-7230
9500 Civic Center Drive
Thornton, Colorado 80229-4326

REFERRAL TO THORNTON POLICE DEPARTMENT	PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK ATTACH SEPARATE SHEET IF NECESSARY
Name of Individual (please print):	
Position:	
Trade Name of Establishment:	
Address of Establishment:	

Pursuant to Chapter 42, Article V of the Thornton City Code, the Thornton Police Department will investigate the background, character and financial responsibility of each individual applicant and of the partners, officers, directors and/or holders of stock of a corporate applicant, as well as each person named as a manager of a proposed Massage Parlor establishment. The Background Investigation Report provides basic information about the applicant, which is necessary for the investigation.

Every answer you give will be checked for its truthfulness. A deliberate falsehood will jeopardize the application, as such falsehood within itself constitutes evidence regarding the reputation and character of the applicant.

**THE MOST IMPORTANT CONSIDERATION IN THE ANSWERS
MADE BY YOU IN THE BACKGROUND INVESTIGATION REPORT IS HONESTY.**

I will notify the City Clerk's office within 5 (five) days of any changes in the financing of this business, should the changes occur during the period for which this license is issued and for the term or terms of any renewals or extension thereof.

I have read and I do understand the above statement. I further acknowledge that I have obtained and examined a copy of Chapter 42, Article V of the Thornton City Code of the City of Thornton, Colorado, pertaining to Massage Parlors.

I further certify the facts contained within this Background Investigation Report to Massage Parlors Application are true and correct and I understand that any falsification or misrepresentation will result in a rejection of this application or a revocation of said license.

I further certify under penalty of law that no other person, excluding the officers, partners and/or managers of the licensed premises has any direct or indirect financial interest in the business to be conducted under the license herein applied for.

Signature	Date Signed
------------------	--------------------

SEAL	Subscribed and sworn to before me by:
	in the County of Adams, State of Colorado, this day of , 20
	Notary Public:
	My Commission Expires:



**CONFIDENTIAL BACKGROUND INVESTIGATION REPORT
MESSAGE PARLOR LICENSE – Page 2**

SECTION I - TO BE COMPLETED BY ALL APPLICANTS – INCLUDING MANAGERS

Aliases:			
Home Phone:		Date of Birth:	Place of Birth:
Sex:	Race:	Height:	Weight:
Social Security Number:		Hair Color	Eye Color:

Home Address:	Zip Code
How long at current address?	

Driver's License Number:	State Issued:
Has your driver's license ever been suspended or revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete the following:	
Where:	When: Reason:

Marital Status:	Maiden name, if applicable (include any other name changes and the date changed)	Name of Spouse	Spouse's date of birth (if applicable):

Military Service (branch):	From:	To:	Type of Discharge:

List residences and dates lived there within the past five years and all previous states resided within (including military service):	

Name of school from which graduated or last attended:
Address: Date Graduated:

Current occupation:
Employer: Phone:
Address: Zip Code:

Starting with current employment, list all for the past 10 years	Name	Address	Position	Dates Employed

If ever discharged from a position, complete the following:	Where:	When:	Reason:

Do you have a direct or indirect financial interest in any other Massage Parlor License? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please list full details of any such interest(s):

SECTION I CONTINUED - TO BE COMPLETED BY ALL APPLICANTS – INCLUDING MANAGERS

List four References - two Professional & two Personal:	Name	Address	Phone	Time Known

List at least three Bank and/or Credit References of applicant and spouse (if different):	Name	Address	Phone	Time Known

List all CONVICTIONS , including traffic:	Violation	When	Where	Final Disposition

List all civil action pertaining to or in anyway affecting the proposed licensed premises (including bankruptcy proceeding, assignments for the benefit of creditors, divorces and name changes):

Name of Litigant	Address	Date	Place	Cause of Action



**CONFIDENTIAL BACKGROUND INVESTIGATION REPORT
MESSAGE PARLOR LICENSE – Page 4**

SECTION II - THE FOLLOWING SECTION DOES NOT APPLY TO MANAGERS

Describe in detail the building containing the premises to be licensed:	
Type of structure:	
What type of anti-theft/burglary devices will be installed for security purposes:	
Specify the floor and room areas where merchandise will be stored:	

Are the premises owned or leased by the applicant?	
Please provide complete details concerning the lease agreement (If business is being purchased, provide a copy of the contract.):	

If the applicant does not reside in Colorado, provide the following for your authorized agent in Colorado upon whom service of process can be made in any proceedings against the applicant pursuant to any statute, ordinance, or regulation applicable to the conduct of said business:

Name:	Date of Birth:
Residence Address:	

Has the applicant agreed to permit any person to receive, or agreed to pay to any employee or other person (by way of rent or otherwise) all or any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for? Yes No If yes, please explain in detail: _____

Complete the following information on loans obtained:	Name & Business of Lender:	Address	Amount of Loan:	Term of Obligation:

Complete the following for bank where business account will be maintained:	Name of Bank:	Address of Bank:	Name on Account & Individuals authorized to draw thereon:



ZONING REFERRAL

Form 5

City Clerk's office 303-538-7230
9500 Civic Center Drive
Thornton, Colorado 80229-4326

Applicant - complete the first three questions, check appropriate box, and submit this form with a copy of the site plan of the premises to the City Development Department
Return the signed form with your application to the Deputy City Clerk in the City Clerk's office

Applicant – Complete this Section Only

Business Name:			
Business Address:			
Type of License applying for:			
Is the existing building going to be expanded/enlarged?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<input type="checkbox"/> New License <input type="checkbox"/> Change of Location <input type="checkbox"/> Modification of Premises			

To Be Completed & Signed By City Development / Zoning Division

Zoning for the property is:		
Is the property zoned for the type of license applied for?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Will the Development Review Process be required for this application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, what type of Development Permit is required?	<input type="checkbox"/> Major	<input type="checkbox"/> Minor

If a review is scheduled, please indicate the anticipated hearing date for the Development Permits and Appeals Board (DPAB)*:	
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Is there sufficient parking for the proposed use?

Comments:

*If this matter goes to DPAB, please attach the staff report and minutes.	
City Development/Zoning Division Signature:	Date:

ARTICLE V. MASSAGE PARLORS*

*State law reference(s)--Colorado Massage Parlor Code, C.R.S. § 12-48.5-101 et seq.

DIVISION 1. GENERALLY

Sec. 42-341. Definitions.

As used in this article, the definitions set out in C.R.S. § 12-48.5-103, as amended from time to time, shall apply and be incorporated in this section by this reference. The following additional words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages means any malt, fermented malt, vinous or spirituous liquor or beverage, as such terms are determined in C.R.S. § 12-47-101 et seq. and C.R.S. § 12-48-101 et seq., as amended.

Applicant means any person, including an officer or director of a corporation or other such organization, a member if the organization is a limited liability company, and any stockholder or member holding a ten percent or more interest, a limited, or general partner, or sole proprietor, which applicant is seeking the issuance of a massage parlor license.

Local Licensing Authority means the City Council.

Nudity or state of nudity means (1) the appearance of a human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, or areola or nipple of the female breast.

Owner means a person owning, directly or beneficially, any interest or part interest, however, identified, in a massage parlor.

(Code 1975, § 37-2; Ord. No. 694, 8-11-75; Ord. No. 2403, § 1, 1-8-96)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 42-342. Violations and penalties; abatement of violations.

(a) Any person violating any of the provisions of this article, in addition to the revocation or suspension of the massage parlor license, shall upon conviction be punished as provided in Section 1-8(b).

(b) Any massage parlor operated, conducted or maintained contrary to the provisions of this article shall be and the same is declared to be unlawful and a public nuisance, and the City Attorney may, in addition to or in lieu of prosecuting an action under this article, commence an action or proceeding, for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such massage parlor and restrain and enjoin any establishment contrary to the provisions of this article.

(Code 1975, § 37-19; Ord. No. 694, 8-11-75; Ord. No. 2403, § 17, 1-8-96)

Sec. 42-343. Legislative declaration.

The City Council declares that the operation of massage parlors in this City affects the public health, safety and welfare and that City regulation of such operations is in the public interest.

(Code 1975, § 37-1; Ord. No. 694, 8-11-75)

Sec. 42-344. Exceptions.

The following classes of persons and establishments are exempt from this article upon written verification of exempt status provided at the time an application for a massage parlor license is

requested:

- (1) Physicians, osteopaths, physical therapists, chiroprodists, podiatrists or chiropractors licensed to practice in this State.
 - (2) Registered nurses and licensed practical nurses who are licensed to practice in this State while performing such services in their usual nursing duties.
 - (3) 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. § 12-8-101 et seq., as amended from time to time.
 - (4) Massage practiced in connection with athletics, undertaken and supervised by the athletic department of any public or private school accredited by the State Board of Education, or in connection with the conduct of professional or amateur athletics, or at City-owned recreational facilities and in connection with professional or amateur athletics or sporting events.
 - (5) Hospitals, clinics, nursing and convalescent homes and other similar institutions dedicated to medical or nursing practices licensed under the laws of this State where massages and baths may be given.
 - (6) Massage practiced in an institution of learning established for such instruction under the Private Occupational Education Act of 1981 (C.R.S. § 12-59-101 et seq.), as amended from time to time.
 - (7) Licensed massage therapists as defined in the State Massage Therapy Practice Act, as it may be amended from time to time.
 - (8) Persons and establishments exempted from the definition of "a massage parlor" in C.R.S. § 12-48.5-103, as amended from time to time and persons and establishments engaged in massage therapy as defined in the State Massage Therapy Practice Act, as it may be amended from time to time.
- (Code 1975, § 37-4; Ord. No. 694, 8-11-75; Ord. No. 2150, 4-13-92; Ord. No. 2403, § 2, 1-8-96; Ord. No. 3093, § 1, 3-24-09)

Sec. 42-345. Compliance with laws.

It shall be unlawful to operate a massage parlor without also complying with all laws of the State or this municipality now or hereafter enacted. Persons who are exempt from the application of this article, pursuant to Section 42-344, shall not hire employees who are not also exempt without first complying with all the requirements of this article.

(Code 1975, § 37-17; Ord. No. 694, 8-11-75; Ord. No. 2403, § 15, 1-8-96)

Sec. 42-346. Inspections.

Each licensed massage parlor shall be inspected at least once each year by appropriate City departments before the massage parlor license can be renewed for the purpose of determining that the provisions of this article are met.

(Code 1975, § 37-13; Ord. No. 694, 8-11-75; Ord. No. 2403, § 11, 1-8-96)

Sec. 42-347. Employee requirements.

- (a) A person holding a massage parlor license may not employ anyone who has not attained 18 years of age.
- (b) A massage parlor licensed pursuant to this article may not allow any person to obtain a massage who has not attained 18 years of age.
- (c) The owner, owners, employees or any manager of a massage parlor licensed pursuant to his article shall have the responsibility to ensure there are no violations of Subsections (a) and (b) of this section.

(Code 1975, § 37-12; Ord. No. 694, 8-11-75; Ord. No. 2403, § 10, 1-8-96)

Sec. 42-348. Records of massage treatments.

Every person operating a massage parlor under a license issued pursuant to this article shall keep

a record of the date and hour of each treatment, the name and address of the patron and the name of the employee administering such treatment. The record shall be open to inspection by the Police Department, upon demand, or any City officials charged with the enforcement of these provisions for the purposes of law enforcement and for no other purpose. The information furnished or secured as a result of any such inspection shall be confidential. The records shall be maintained for a period of two years.

(Code 1975, § 37-14; Ord. No. 694, 8-11-75; Ord. No. 2403, § 12, 1-8-96)
Secs. 42-349--42-375. Reserved.

DIVISION 2. LICENSE

Sec. 42-376. Required.

(a) It shall be unlawful for any person to engage in, conduct or carry on, or to permit any person or employee to engage in, conduct or carry on, the act of massage at any place, location or establishment within the City, without such location or establishment first having obtained a license for the operation of a massage parlor, referred to in this article as a massage parlor license, issued pursuant to this article.

(b) Any license issued pursuant to this article shall also be issued pursuant to State law, C.R.S. § 12-48.5-101 et seq., as amended from time to time, which statute is hereby incorporated by this reference as if fully set forth in this section.

(Code 1975, § 37-3; Ord. No. 694, 8-11-75; Ord. No. 2403, § 2, 1-8-96)

Sec. 42-377. Terms, fees and renewal.

(a) Any person seeking to obtain a license to operate a massage parlor, massage parlor license, shall apply to the Local Licensing Authority by submitting an application to the City Clerk's office.

(1) A nonrefundable application fee, as established by the City Council by resolution from time to time, shall accompany the submission of each application to defray the costs of an investigation and reports.

(2) If a person requesting a massage parlor license, by submitting an application as provided by this article, meets all the requirements of this article and is approved by the Local Licensing Authority, a massage parlor license shall be issued upon payment of a license fee as established by the City Council by resolution from time to time.

(3) A massage parlor license will not be issued to any person who has not, at the time of issuance, attained the age of 18 years of age.

(b) The term of a massage parlor license shall be one calendar year with the license expiring on December 31 of each year subsequent to issuance. The license fee contained in Subsection (a)(2) of this section shall be prorated to effectuate the license term.

(c) Renewal requests for a massage parlor license must be filed with the City Clerk by December 1 of each calendar year. Massage parlor license may be renewed upon the same conditions as issuance of the initial license and upon payment of a renewal fee as established by the City Council by resolution from time to time.

(Code 1975, § 37-5; Ord. No. 694, 8-11-75; Ord. No. 2403, § 3, 1-8-96)

Sec. 42-378. Contents of application.

(a) Any applicant for a massage parlor license shall submit to the City Clerk's office, on an application form prepared by the City Clerk's office, the following information, in addition to the information required by C.R.S. § 12-48.5-105, at the time of filing an application.

(1) The full name and present business address of the applicant.

(2) The previous resident address of the applicant over the ten years immediately prior to the present resident address of the applicant and the dates of residence at each.

(3) Written proof verifying that the applicant is over the age of 18 years, which written proof shall include but not be limited to the following: a valid driver's license containing a picture issued by any state; a picture identification card issued by the State of Colorado; a military identification card; a passport; or an alien registration card.

(4) The applicant's height, weight, color of eyes and hair, and date of birth.

(5) Two recent portrait photographs, at least two by two inches, taken within the last six months, as well as verification that the applicant has been fingerprinted by the Police Department or any criminal justice agency.

(6) The business, occupation or employment history of the applicant for the ten years immediately preceding the date of the application.

(7) The business license history of the applicant: whether such applicant, in previously operating in this or another city or state under a massage parlor license, has had such a massage parlor license revoked or suspended, the reason therefor and the business activity or occupation subsequent to such action of suspension or revocation.

(8) All criminal convictions, except traffic offenses, and the reasons and dispositions therefor, for the last ten years.

(9) Such other identification and information as the Police Chief may require in order to fully investigate the application submitted.

(b) An applicant for a massage parlor license shall truthfully and completely disclose all information required by this article. Failure to provide complete and truthful information may be grounds for denial, revocation or suspension of a massage parlor license.

(Code 1975, § 37-6; Ord. No. 694, 8-11-75; Ord. No. 2403, § 4, 1-8-96)

Sec. 42-379. Minimum requirements for establishments.

(a) Facilities, equipment, etc. A massage parlor license will not be issued unless and until an inspection by the City reveals that the establishment complies with each of the following minimum requirements:

(1) Signage. A recognizable and legible sign shall be posted at a main entrance in compliance with all applicable ordinances identifying the establishment as a massage parlor.

(2) Lighting. Minimum lighting shall be provided in accordance with the Uniform Building Code adopted in Section 10-151 and, in addition, at least an artificial light of not less than 60 watts shall be provided in each room or enclosure where massage services are performed on patrons.

(3) Ventilation. Minimum ventilation shall be provided in accordance with the Uniform Building Code adopted in Section 10-151.

(4) Equipment and attire. Adequate equipment for disinfecting and sterilizing instruments used in performing acts of massage shall be provided. No persons may perform massage services nor shall any person receive massage services if such person is nude or in a state of nudity.

(5) Hours of operation. A massage parlor shall not be open for business nor shall the licensee, owner, principal owner, manager or any employee allow patrons upon the licensed premises:

a. On any Monday through Friday from 12:00 midnight to 6:00 a.m., and on any Saturday from 2:00 a.m. to 6:00 a.m.;

b. On any Sunday.

(6) Linen storage and water facilities. Closed cabinets shall be provided for the storage of clean linen, and hot and cold running water shall be provided at all times.

(7) Bathing, dressing, locker and toilet facilities. Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, and a minimum of one toilet and one washbasin shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, a separate massage room, separate dressing facilities and separate toilet facilities shall be provided for male and female patrons.

(8) Physical and sanitary conditions. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(9) Towels and linens. Clean and sanitary towels and linens shall be provided for each patron of the establishment. No common use of towels or linen shall be permitted.

(10) Facilities for employees. A minimum of one separate washbasin shall be provided in each massage parlor for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, sanitary towels placed in permanently installed dispensers shall be provided at each washbasin.

(11) No alcoholic beverages are to be made available, provided or allowed to be consumed by, patrons of a massage parlor licensed under this article.

(b) Locational restrictions for massage parlors.

(1) No massage parlor license will be issued if, within 750 feet, there exists the following:

a. A church;

b. A school or child care facility, as defined in the Development Code;

c. A public park;

d. A boundary of any residential zoned district;

e. The property line of a lot devoted to residential use.

(2) No massage parlor license shall be issued for the operation of a massage parlor within 750 feet of another massage parlor or a sexually oriented business licensed pursuant to Article VIII of this chapter.

(3) For the purposes of Subsections (b)(1) and (b)(2) of this section, the distance between any two massage parlors shall be measured in a straight line, without due regard to intervening structure 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 Subsections (b)(1)a through (b)(1)e of this section 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.

(4) Any massage parlor lawfully operating on the effective date of this article, which is in violation of Subsections (b)(1) through (b)(3) of this section, shall be allowed to continue operating for an amortization period of six months. Six months after this article becomes effective, all massage parlors must comply with Subsections (b)(1) through (b)(3) of this section and all other provisions of this article.

(5) 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 Development Code, a public park, a residential district, a residential lot, or an adult business; 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.

(Code 1975, § 37-7; Ord. No. 694, 8-11-75; Ord. No. 2403, § 5, 1-8-96)

Sec. 42-380. Procedure for issuance; transferability.

(a) Any applicant for a massage parlor license to be issued pursuant to these provisions shall submit a completed application, after payment to the City Clerk of the application fee required by Section 42-377(a)(1), completeness to be determined by the City Clerk's office, which application will then be submitted to the Police Department. The Chief of Police or designee shall investigate the application and the background of the applicant and report to the Local Licensing Authority. A building inspection, fire inspection, and review of the application by the City Development Department shall be made of the premises proposed for the massage parlor and a report shall be

made to the Local Licensing Authority concerning compliance with all applicable municipal ordinances. Based upon such investigation and reports, the Local Licensing Authority shall approve or deny the license within 90 days from the date of filing the application.

(b) The Local Licensing Authority shall grant a Massage Parlor License if all state requirements and requirements under this article are met, unless it appears that an applicant has deliberately falsified the application, has been convicted of any felony within the last ten years or any offense involving moral turpitude or is not a person of good moral character as stated in C.R.S. § 12-48.5-108.

(c) All licenses issued under this division are nontransferable either to a person other than the person shown on the massage parlor license or to a different geographic location other than that identified in the application. However, licenses may be transferred pursuant to C.R.S. § 12-48.5-104(a)

(Code 1975, § 37-8; Ord. No. 694, 8-11-75; Ord. No. 2403, § 6, 1-8-96; Ord. No. 2656, § 28, 2-12-01)

Sec. 42-381. Display; photograph required.

Every person or owner to whom or for which a massage parlor license shall have been granted shall display the license in a conspicuous place so that it may be readily seen by persons entering the premises where the massage or treatment is given. When the license is issued to an individual, a two-by-two inch photograph shall be affixed to the license.

(Code 1975, § 37-9; Ord. No. 694, 8-11-75; Ord. No. 2403, § 7, 1-8-96)

Sec. 42-382. Local Licensing Authority.

(a) The City Council shall be the Local Licensing Authority under this article and for the purposes of the Colorado Massage Parlor Code, C.R.S. § 12-48.5-101 et seq., as amended from time to time.

(b) No person holding a massage parlor or massage services license shall serve as a member of the Local Licensing Authority.

(c) The Local Licensing Authority shall have all powers granted in this article and under the Colorado Massage Parlor Code, C.R.S. § 12-48.5-101 et seq., as amended from time to time.

(d) The Local Licensing Authority shall have the power to promulgate rules and regulations to implement the Colorado Massage Parlor Code and this article, if necessary. The regulations shall be subject to the approval of the City Council.

(Code 1975, § 37-10; Ord. No. 2403, § 8, 1-8-96)

Sec. 42-383. Sale of transfer of ownership.

Any sale or transfer of ownership relating to a license shall conform to C.R.S. § 12-48.5-104, as from time to time amended.

(Code 1975, § 37-16; Ord. No. 694, 8-11-75; Ord. No. 2403, § 14, 1-8-96)

Sec. 42-384. Unlawful activities.

In addition to those unlawful acts identified in C.R.S. § 12-48.5-110, the conviction of any employee or owner of a licensed massage parlor of any offense arising out of operation of the licensed premises shall be deemed grounds for suspension or revocation of any massage parlor license. The word "offense," as used in this section, means any felony, or the violation of a City ordinance, or the intentional or reckless misrepresentation of any fact on an application for the issuance of a massage parlor license, or any offense, as defined by State law, involving moral turpitude.

(Code 1975, § 37-11; Ord. No. 694, 8-11-75; Ord. No. 2403, § 9, 1-8-96)

Sec. 42-385. Revocation or suspension; notice; hearing.

(a) Notice and hearing. No massage parlor license shall be revoked or suspended until after a hearing shall have been held before the Local Licensing Authority to determine just cause for such revocation or suspension; provided, however, that the Local Licensing Authority may order any license suspended, for a period of not more than 14 days, pending such hearing, only upon a showing that the public health, safety or welfare requires immediate action, and it shall be unlawful for any person to operate a massage parlor until the suspended license has been reinstated by the Local Licensing Authority. If the Local Licensing Authority orders such a suspension, the hearing date shall be held within 21 days from the order requiring suspension. Notice of such hearing shall be given in writing and served at least five calendar days prior to the date of the hearing thereon. The notice shall state the grounds for the complaint against the holder of the license, or against the business carried on by the licensee at the massage parlor, and shall state the time and place where such hearing will be held.

(b) Service of notice. The notice shall be served upon the license holder by personal delivery to the license holder or by leaving the notice at the place of business of the license holder with a person employed therein. In the event that the license holder cannot be found and the service of the notice cannot be made in the manner herein provided, a copy of the notice shall be mailed, postage fully prepaid, addressed to the license holder at the license holder's place of business or residence, at least five calendar days prior to the date of such hearing.

(c) Appeal. All decisions issued pursuant to this section shall be final. Any appeal of a decision rendered shall be to the Colorado District Court.

(Code 1975, § 37-15; Ord. No. 694, 8-11-75; Ord. No. 2403, § 13, 1-8-96)

Secs. 42-386--42-430. Reserved.

- § 12-48.5-101. Short title
- § 12-48.5-102. Legislative declaration
- § 12-48.5-103. Definitions
- § 12-48.5-104. Licensing--general provisions
- § 12-48.5-105. Application to local licensing authority--issuance
- § 12-48.5-106. Refusal of license by local licensing authority
- § 12-48.5-107. Suspension and revocation
- § 12-48.5-108. Persons prohibited as licensees
- § 12-48.5-109. License fees
- § 12-48.5-110. Unlawful acts
- § 12-48.5-111. Violations and penalty
- § 12-48.5-112. Powers of peace officers, local licensing authority
- § 12-48.5-113. Building plans to accompany application
- § 12-48.5-114. Public notice--posting and publication
- § 12-48.5-115. Results of investigation--decision of authorities
- § 12-48.5-116. Restrictions for applications for new licenses
- § 12-48.5-117. Local option
- § 12-48.5-118. Local government regulation
- § 12-48.5-119. Repeal of article--review of functions

12-48.5-101. Short title.

This article shall be known and may be cited as the "Colorado Massage Parlor Code".

Source: L. 77: Entire article added, p. 733, § 1, effective July 1.

12-48.5-102. Legislative declaration.

(1) The general assembly hereby declares that this article shall be deemed an exercise of the police powers of the state for the protection of the economic and social welfare and the health, welfare, and safety of the people of this state.

(2) The general assembly further declares that the licensing and regulation of massage parlors are matters of statewide concern; therefore, this article shall be applicable in every city, town, county, and city and county in this state.

Source: L. 77: Entire article added, p. 733, § 1, effective July 1.

12-48.5-103. Definitions.

As used in this article, unless the context otherwise requires:

(1) "License" means a grant to a licensee to operate a massage parlor.

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

(3) "Local licensing authority" means the governing body of a municipality or city and county, the board of county commissioners of a county, or any authority designated by municipal or county charter, municipal ordinance, or county resolution.

(4) "Location" means a particular parcel of land that may be identified by an address or by other descriptive means.

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

(6) "Massage parlor" means an establishment providing massage, but it does not include training rooms of public and 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, and 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 (6), "massage therapist" means a person who has 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 five hundred hours of training in massage therapy. For the purposes of this subsection (6), 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.

(7) "Person" means a natural person, partnership, association, company, corporation, organization, or managing agent, servant, officer, or employee of any of them.

(8) "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.

Source: L. 77: Entire article added, p. 733, § 1, effective July 1. L. 90: (6) amended, p. 827, § 1, effective April 16.

12-48.5-104. Licensing - general provisions.

(1) All licenses granted pursuant to the provisions of this article shall be valid for a period of one year from the date of their issuance unless revoked or suspended pursuant to section 12-48.5-107.

(2) Application for the renewal of an existing license shall be made to the local licensing authority not less than forty-five days prior to the date of expiration. The local licensing authority may cause a hearing on the application for renewal to be held. No such renewal hearing shall be held by the local 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 local licensing authority may refuse to renew any license for good cause, subject to judicial review.

(3) Upon receipt of an application for a license to operate a massage parlor, the local licensing authority shall, at its next regular meeting, set the boundaries of the neighborhood to be considered pursuant to subsection (4) of this section in determining whether or not to grant said license. At such time the applicant or any other interested party may attend and present evidence regarding said boundaries.

(4) Before granting any license, the local licensing authority shall consider, except where this article specifically provides otherwise, the reasonable requirements of the neighborhood, the desires of the inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions which are or may be placed on the neighborhood by the local licensing authority.

(5) Each license issued under this article 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.

(6) No license granted under the provisions of this article shall be transferable as to ownership except as provided in subsection (9) of this section.

(7) No changes of location for licensed premises shall be allowed.

(8) 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.

(9) For any other transfer of ownership, application shall be made to the local licensing authority on forms prepared and furnished by the local licensing authority. In determining whether to permit a transfer of ownership, the local licensing authority shall consider only the requirements of section 12-48.5-108. The local licensing authority may cause a hearing on the application for transfer of ownership to be held. No such hearing shall be held by the local licensing authority until the 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.

(10) The licenses provided pursuant to this article shall specify the date of issuance, the period which is covered, the name of the licensee, and the premises licensed. Said license shall be conspicuously placed at all times in the massage parlor thereby licensed.

Source: L. 77: Entire article added, p. 734, § 1, effective July 1.

12-48.5-105. Application to local licensing authority - issuance.

(1) Application for a license under the provisions of this article shall be made to the local licensing authority on forms prepared and furnished by the local licensing authority which shall set forth such information as the local licensing authority may require to enable the authority to determine whether a license should be granted. Such information shall include the name and address of the applicant and, if a partnership, also the names and addresses of all the partners and, if a corporation, association, or other organization, also the names and addresses of the president, vice-president, secretary, and managing officer, together with all other information deemed necessary by the local licensing authority. Each application shall be verified by the oath or affirmation of such persons as the local licensing authority may prescribe.

(2) (a) Before granting any license for which application has been made, the local licensing authority or one or more of its inspectors may visit and inspect the premises or property in which the applicant proposes to conduct his business and investigate the fitness to conduct such business of any person or officers and directors of any corporation applying for a license. In investigating the fitness of any applicant, licensee, or employee or agent of the licensee or applicant, the local 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 local licensing authority takes into consideration information concerning the applicant's criminal history record, the local 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.

(b) As used in this subsection (2), "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.

(3) No application to have a massage parlor 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.

(4) Every applicant, licensee, or agent or employee of said applicant or licensee shall, prior to commencing work in or upon the licensed premises, obtain an identity card from the law enforcement agency within the licensing jurisdiction in a form prescribed by the local licensing authority and shall carry said identity card at all times while in or upon the licensed premises.

Source: L. 77: Entire article added, p. 735, § 1, effective July 1.

12-48.5-106. Refusal of license by local licensing authority.

The local licensing authority shall refuse a license if the premises on which the applicant proposes to conduct its business do not meet the requirements of this article, or if the character of the applicant or its officers or directors is such that violations of this article would be likely to result if a license were granted, or if, in its opinion, licenses already granted for the particular locality are adequate for the reasonable needs of the neighborhood.

Source: L. 77: Entire article added, p. 736, § 1, effective July 1.

12-48.5-107. Suspension and revocation.

In addition to any other penalties prescribed by this article, the local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by such authority for any violation by the licensee or by any of its agents, servants, or employees of the provisions of this article, or of any of the rules or regulations authorized pursuant to this article, or of any of the terms, conditions, or provisions of the license issued by such authority. In addition, the local 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 or, in the case of a license approved for a facility which has not been constructed, such facility has not been constructed and placed in operation within one year of approval of the license application or construction of the facility has not been commenced within one year of such approval. The local 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 local licensing authority conducts.

Source: L. 77: Entire article added, p. 736, § 1, effective July 1.

12-48.5-108. Persons prohibited as licensees.

(1) No license provided by this article shall be issued to or held by:

(a) Any corporation, any of whose officers, directors, or stockholders holding over ten percent of the outstanding initial capital 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 moral character satisfactory to the local licensing authority;

(d) A peace officer or any of the local licensing authority's inspectors or employees;

(e) Any person unless such person is of moral character and has a record that is satisfactory to the local licensing authority.

Source: L. 77: Entire article added, p. 736, § 1, effective July 1. **L. 2002:** (1)(c) and (1)(e) amended, p. 116, § 4, effective March 26. **L. 2003:** (1)(d) amended, p. 1631, § 74, effective August 6.

Editor's note: Subsection (1)(d) was contained in a 2003 act that was passed without a safety clause. For further explanation concerning the effective date, see page vii of this volume.

12-48.5-109. License fees.

(1) The following license fees shall be paid to the local licensing authority annually in advance:

(a) For the issuance of a new license, an amount to be set by the local licensing authority, but in no event to exceed three hundred fifty dollars;

(b) For each renewal of a license, an amount to be set by the local licensing authority, but in no event to exceed one hundred fifty dollars.

Source: L. 77: Entire article added, p. 737, § 1, effective July 1.

12-48.5-110. Unlawful acts.

(1) It is unlawful for any person:

(a) To operate a massage parlor without holding a validly issued local license;

(b) To work in or upon the licensed premises of a massage parlor without obtaining and carrying a valid identity card pursuant to section 12-48.5-105 (4);

(c) 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 eighteen years of age, unless such person is accompanied by his parent or has a physician's prescription for massage services;

(d) To allow the sale, giving, or procuring of any massage services to any person under the age of eighteen years, unless such person is accompanied by his parent or has a physician's prescription for massage services;

(e) To permit any person under the age of eighteen years to be employed as an employee in a massage parlor. If any person who, in fact, is not eighteen years of age exhibits a fraudulent proof of age, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this article unless the person employing such person knew or should have known that said proof of age was fraudulent.

(f) To fail to display at all times in a prominent place on the licensed premises a printed card with a minimum height of fourteen inches and a width of eleven inches with each letter a minimum of one-half inch in height, which shall read as follows:

WARNING

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

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

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

Source: L. 77: Entire article added, p. 737, § 1, effective July 1.

12-48.5-111. Violations and penalty.

(1) Any person violating any of the provisions of this article or any of the rules and regulations authorized and adopted pursuant thereto is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars for each offense, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. The court trying such offense may decree that any license theretofore issued under the provisions of this article or of any law relating to the operation of massage parlors where such offense was committed be suspended or revoked and may decree that no license for the operation of a massage parlor shall thereafter be issued to any such person for a period not to exceed five years.

(2) The penalties provided in this section shall not be affected by the penalties provided in any other section of this article but shall be construed to be an addition to any other penalties.

(3) Any adult who causes a violation of the provisions of section 12-48.5-110 (1) (d) to (1) (f) may be proceeded against pursuant to section 18-6-701, C.R.S., for contributing to the delinquency of a minor.

Source: L. 77: Entire article added, p. 738, § 1, effective July 1. **L. 87:** (3) amended, p. 813, § 5, effective October 1.

12-48.5-112. Powers of peace officers, local licensing authority.

The peace officers of the city, town, county, or city and county or the duly authorized representatives of the local licensing authority authorized to enforce the provisions of this article, while engaged in performing their duties and while acting under proper orders or regulations, shall have and exercise all the powers vested in peace officers of the state, including the power to arrest and the authority to issue summons for violations of the provisions of this article.

Source: L. 77: Entire article added, p. 738, § 1, effective July 1.

12-48.5-113. Building plans to accompany application.

At the time of filing the application for the issuance of a license, the applicant shall file complete plans and specifications for the interior of the building if the building to be occupied is in existence at the time. If the building is not in existence, the applicant shall, in addition to the plans and specifications for the interior, submit an architect's drawing of the building to be constructed.

Source: L. 77: Entire article added, p. 738, § 1, effective July 1.

12-48.5-114. Public notice - posting and publication.

(1) Upon receipt of an application, except an application for renewal or for transfer of ownership, the local licensing authority shall schedule a public hearing upon the application not less than thirty days from the 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.

(2) Notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and 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 or other managing officers.

(3) Notice given by publication shall contain the same information as that required for signs.

(4) 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 (1) and (2) 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.

(5) (a) At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and cross-examine witnesses.

(b) As used in this subsection (5), "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.

(6) The local licensing authority, in its discretion, may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.

Source: L. 77: Entire article added, p. 738, § 1, effective July 1.

12-48.5-115. Results of investigation - decision of authorities.

(1) Not less than five days prior to the date of the hearing, the local licensing authority shall make known its findings based upon its investigation, in writing, to the applicant and other interested parties. The local licensing authority has authority to refuse to issue any license for good cause, subject to judicial review.

(2) Before entering any decision approving or denying the application, the local licensing authority shall consider, except where this article specifically provides otherwise, the facts and evidence produced as a result of its 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.

(3) Any decision of a local licensing authority approving or denying an application shall be in writing stating the reasons therefor and shall be made within thirty 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.

(4) No license shall be issued by any local 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 article, and then only after inspection of the premises has been made by the licensing authority to determine that the applicant has complied with the architect's drawing and plans and specifications submitted upon application.

Source: L. 77: Entire article added, p. 739, § 1, effective July 1.

12-48.5-116. Restrictions for applications for new licenses.

(1) No application for the issuance of any license authorized by this article shall be received or acted upon:

(a) If, within two years next preceding the date of the application, the local licensing authority has denied an application at the same location for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfied by the existing outlets;

(b) Until it is established that the applicant is, or will be, entitled to possession of the premises for which application is made under a lease, rental agreement, or other arrangement for possession of the premises or by virtue of the ownership thereof;

(c) For a location in an area where the operation of a massage parlor as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county.

Source: L. 77: Entire article added, p. 740, § 1, effective July 1.

12-48.5-117. Local option.

The application of this article shall be statewide unless any city, city and county, county, or incorporated town by a majority of the registered electors of any of them, voting at any regular election or special election called for that purpose in accordance with the election laws of this state or of the political subdivision concerned, decides against the right to operate massage parlors as provided by this article within its limits. Said local option question shall be submitted only upon a petition signed by not less than fifteen percent of the registered electors in said political subdivision; otherwise, the procedure with reference to the calling and holding of such election shall be substantially in accordance with the election laws of the state or of any of said local subdivisions. The expenses of such election shall be borne by the local subdivision in which said election is held. The question of the prohibition of the operation of massage parlors shall not be submitted to the voters more than once in any four-year period. If the question is passed in the election, licenses issued shall remain in effect but shall not be renewed after the effective date of prohibition according to the local option election.

Source: L. 77: Entire article added, p. 740, § 1, effective July 1. **L. 87:** Entire article amended, p. 305, § 20, effective July 1.

12-48.5-118. Local government regulation.

This article is intended to provide minimum standards for the licensing of massage parlors. Nothing in this article shall prohibit a local government from enacting an ordinance or resolution providing more stringent standards for such licensing, but such ordinance shall meet the minimum standards established by this article.

Source: L. 77: Entire article added, p. 740, § 1, effective July 1.

12-48.5-119. Repeal of article - review of functions.

This article is repealed, effective July 1, 2015. Prior to such repeal, the licensing functions of the local licensing authorities shall be reviewed as provided for in section 24-34-104, C.R.S.

Source: L. 88: Entire section added, p. 930, § 10, effective April 28. **L. 91:** Entire section amended, p. 684, § 33, effective April 20. **L. 92:** Entire section amended, p. 2013, § 1, effective March 24. **L. 2002:** Entire section amended, p. 116, § 1, effective March 26.
