



City of Lafayette  
Massage Parlor Business License  
Application Packet

Contents

Application Process

Application Checklist

License Application Form

Lawful Presence Affidavit

Individual History Record

Application for Sales and Use Tax License

Neighborhood Needs & Desires Guidelines

Inspection Checklist

Identification Card Application

Lafayette Municipal Code – Massage Parlor License

Colorado Revised Statutes – Massage Parlor Code



## City of Lafayette Massage Parlor License Application Process

1. Fill out a Massage Parlor Business License application using the checklist provided in this packet.
2. Make an appointment with the City Clerk to submit the completed application.
3. Applicant, officers, directors, shareholders and partners in the business must complete a local background investigation and must be cleared by the Colorado Bureau of Investigation and the Federal Bureau of Investigation, according to instructions provided in this packet.
4. The City Council will determine the boundary for a neighborhood needs and desires survey and set a hearing date at their next meeting following acceptance of the application.
5. Applicant proceeds with a survey or other method to prove the neighborhood needs and desires utilizing the guidelines provided in this packet. Results must be submitted to the City Clerk no later than 8 working days before the hearing.
6. Applicant must post notice of the public hearing in a location visible to the public on the property proposed for massage parlor licensure not less than 10 days prior to the hearing.
7. The Lafayette Code Enforcement Officer will conduct an inspection of the premises according to the checklist provided in this packet.
8. The City Clerk will provide the applicant with a report of findings not less than five days prior to the hearing date.
9. The City Council will conduct a hearing to consider the massage parlor license application and will approve, deny or continue consideration of the application.
10. If the application is approved, the applicant must refer all staff members to the Lafayette Police Department for issuance of a massage parlor identification card. Each employee must fill out an application for the card and an Individual History Record, provided in this packet.
11. The City Clerk will issue a massage parlor license upon confirmation from the Police Department that identification cards have been issued.
12. Applicant must post the "Warning" sign in a visible place within the licensed premise.



## MASSAGE PARLOR BUSINESS LICENSE APPLICATION CHECKLIST

It is recommended that you retain an attorney, accountant and/or consultant familiar with licensing procedures to assist you with this application process. CITY STAFF WILL NOT PROVIDE LEGAL ADVICE OR ASSIST IN THE COMPLETION OF THE APPLICATION OR SUPPLEMENTAL FORMS.

Documents must be properly executed and must correspond EXACTLY with the name of the applicant. Forms must be typed or legibly printed in ink.

Fees must be paid in full when the application is submitted. See attached Fee Schedule.

Submit one (1) copy of the complete application and attachments on single-sided 8.5" x 11" paper with the attachments in the order determined on this checklist:

- Individual History Record for each person named in Section 6.
- Corporate Documents according to the type of entity checked in Section 7.
  - CORPORATION
  - Certificate of Incorporation
  - Certificate of Good Standing if incorporated more than 2 years ago.
  - Certificate of Authorization, if foreign corporation
  - List of officers, directors and stockholders of parent corporation (designate one person as "principal officer")
  - Articles of Incorporation
  - Minutes of meeting electing current officers
  - Stock certificates

### PARTNERSHIP

- Partnership agreement (general or limited, except for husband/wife)
- Certificate of Co-partnership (if applicable)
- Diagram or flow chart of ownership – General or LTD partner
- Articles of Organization – LLC or LTD partner
- Articles of Incorporation – General or LTD partner
- Minutes of meeting electing current officers – General or LTD partner

### LIMITED LIABILITY CORPORATION (LLC)

- Copy of Articles of Organization
- Copy of Operating Agreement
- Certificate of Authority (if foreign company)

### SOLE PROPRIETOR

- Lawful Presence Affidavit

- Proof that the applicant is entitled to possession of the premises.
  - Lease
  - Deed
  - Lease assignment
- Diagram of the premises, no larger than 8 ½” x 11”, including the area to be licensed outlined in red. Diagram must include individual massage rooms, linen storage, bathing areas, dressing areas, locker and toilet facilities.
- For individuals named in Section 13, include notes, security instruments, and agreements pertaining to their financial interest in the business.
- Individual History Record for Manager.
- City Sales Tax License and State Sales Tax License if applicable.

**YOU MUST SCHEDULE A MEETING WITH THE CITY CLERK  
NO WALK-INS ALLOWED**

Call the Lafayette City Clerk’s Office at 303-661-1227 to schedule an appointment

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



## City of Lafayette

### Massage Parlor License

#### Fee Schedule

License	\$350
Application	\$250 (non-refundable)
Renewal	\$150

Fees are due upon submission of application.

Check should be made payable to the City of Lafayette.

If a license application is denied, the license fee will be refunded.



**MASSAGE PARLOR LICENSE APPLICATION**

Chapter 55, Article IV  
 City Clerk's Office  
 1290 S. Public Road  
 303-661-1227  
 Lafayette, CO 80026

Application Date:	<input type="checkbox"/> New License Fee: \$350
Hearing Date:	<input type="checkbox"/> Application Fee: \$250 non-refundable
	<input type="checkbox"/> Annual Renewal Fee: \$150

**1. Applicant is applying as a:**

<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company
	<input type="checkbox"/> Association or Other

<b>2. Applicant</b>	Fein Number
---------------------	-------------

<b>3. Trade Name of Establishment</b>	State Sales Tax No.	Business Phone
---------------------------------------	---------------------	----------------

**4. Address of Premises (specify exact location of premises)**

City	County	State	Zip Code
------	--------	-------	----------

<b>5. Mailing Address (if different)</b>	City or Town	State	Zip Code
--	--------------	-------	----------

**6. If applicant is a corporation, partnership, association, or limited liability company, applicant must list all OFFICERS DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS with ownership of 10% or more. In addition, the applicant must list any stockholders, partners, or members with OWNERSHIP IN THE APPLYING ENTITY. ALL PERSONS LISTED BELOW must attach an individual History form and submit to fingerprinting by the local police department.**

Name	Home Address, City & State	DOB	Position(s)	% Owned

**7. Additional Documents to be submitted by type of entity:**

- Corporation-Certificate of Incorporation, Certificate of Good Standing, Certificate of Authority (if foreign corporation)
- Partnership- Partnership Agreement (general or limited), Husband & Wife (no written agreement)
- LLC- Article of Organization, Certificate of Authority (if foreign company) Operating Agreement
- Individual - Lawful Presence Affidavit
- Association or Other - attach a copy of agreements creating the association or relationship between parties

**8. Is the applicant (including any of the partners, if a partnership; members or managers, if a limited liability company or officers, stockholders or directors, if a corporation) or manager under the age of eighteen years?**

YES  NO

**9. Has a massage parlor license application for this location been denied within two years preceding this application? If yes, explain**

**10.** Has the applicant (including any of the partners, if a partnership; members or managers, if a limited liability company; or officers, stockholders or directors, if a corporation) or manager ever (in Colorado or other State):

a) been denied a massage parlor license?  YES  NO

b) had a massage parlor license suspended or revoked?  YES  NO

c) had interest in another entity that had a massage parlor license suspended or revoked?  YES  NO

**11.** Has a massage parlor license ever been issued to the applicant (including any of the partners, if a partnership; members or managers, if a limited liability company; or officers, stockholders or directors, if a corporation) ? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from the licensee.

YES  NO

**12.** Does the Applicant, as listed in #2 of this application, have legal possession of the premises for at least one(1) year from the date that this license will be issued by virtue of ownership, lease, or other arrangement?

Ownership  Lease  Other (Explain)

a. if leased, list the name of the landlord and tenant and date of expiration, EXACTLY as they appear on the lease:

Landlord	Tenant	Expires
----------	--------	---------

b. Attach complete plans and specifications for the interior of the building (including dimensions) and outline or designate the area to be licensed which shows all rooms and service areas.

**13.** Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, LLC), will loan or give money, inventory, furniture, or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.

Name	Date of Birth	FEIN or SSN	Interest

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, LLC, etc) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

**14.** Name of manager: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

a. Does this manager act as the manager of, or have a financial interest in, any other massage parlor licensed establishment in the State of Colorado?  YES  NO

If yes, provide the name and address of said business.

**15. Hours of Operation**

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

**Per Article 55-53 of the Lafayette Code of Ordinances no massage parlor shall be open for business, or allow or permit the massage of any person upon the premises between the hours of 10:00 pm and 7:00 am.**

**OATH OF APPLICANT**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of Article 12-48.5-103 of the Colorado State Statutes, otherwise known as the Colorado Massage Parlor Code.

Authorized Signature	Title	Date
----------------------	-------	------

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY**

Date application filed with City Clerk	Date of hearing before City Council
--	-------------------------------------

**Inspection of premises:**

The City has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of all State and local laws.

YES

NO

Date of Inspection \_\_\_\_\_

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with Title 12, Article 12-48.5-103, C.R.S.

**THEREFORE, THIS APPLICATION IS APPROVED**

Local Licensing Authority for the City of Lafayette

Signature	Title	Date
-----------	-------	------

Signature (Attest)	Title	Date
--------------------	-------	------





**LAWFUL PRESENCE AFFIDAVIT**  
**FOR INDIVIDUALS (SOLE PROPRIETORS)**  
**APPLYING FOR A MASSAGE PARLOR BUSINESS LICENSE**

New License

License Renewal

I, \_\_\_\_\_, dba \_\_\_\_\_  
swear or affirm under penalty of perjury under the laws of the State of Colorado that  
(check one):

- \_\_\_ I am a United States citizen, or
- \_\_\_ I am a Permanent Resident of the United States, or
- \_\_\_ I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8- 503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Form of ID Presented: \_\_\_\_\_  
Valid Colorado Driver's License, Colorado ID card, Military ID, Coast Guard Mariner, or Native American Tribal Documents are acceptable forms of identification

STATE OF COLORADO  
COUNTY OF BOULDER

I, \_\_\_\_\_ Notary Public in and for said County and  
State, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
\_\_\_\_\_ appeared before me in person and executed the  
above instrument.

IN WITNESS THEREOF, I have hereunto set my hand and seal.

\_\_\_\_\_  
Notary Public

[SEAL]

My commission expires: \_\_\_\_\_



## INDIVIDUAL HISTORY RECORD

To be completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company managing members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers of a Massage Parlor.

<p><b>NOTICE:</b> this individual history record provides basic information which is necessary for the licensing authority investigation. <b>ALL</b> questions must be answered in their entirety or your application may be delayed or not processed. EVERY answer you give will be checked for its truthfulness. <b>A deliberate falsehood or omission will jeopardize the application as such falsehood within itself constitutes evidence regarding the character of the applicant.</b></p> <p style="text-align: center;">Attach separate sheets as necessary</p>						
1. Name of Business						
2. Your Full Name (last, first, middle)			3. List any other names you have used			
4. Mailing address			Home Phone			
5. List all residence addresses below. Include current and previous addresses for the past 5 years						
Street Address		City, State, Zip		From	To	
Current						
Previous						
6. List all current and former employers or businesses engaged in within the last 5 years						
Name of Employer		Address		Position Held	From	To
7. List the names of relatives working in or holding a financial interest in a Colorado Massage Parlor						
Name of Relative		Relationship to you		Position Held	Name of Licensee	

8. Have you ever applied for, held, or had an interest in Colorado Massage Parlor License, or loaned money, furniture or fixtures, equipment or inventory, to any massage parlor licensee? If yes, answer in detail.

YES  NO

9. Have you ever received a violation notice of suspension or revocation, for a massage parlor license, or have you applied for or been denied a massage parlor license anywhere in the U.S.? If yes, explain in detail.

YES  NO

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? Include DUI and DWAI. If yes, explain in detail.

YES  NO

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? If yes, explain in detail.

YES  NO

12. Have you ever had any STATE issued licenses suspended, revoked, or denied including a drivers license? If yes, explain in detail.

YES  NO

**PERSONAL AND FINANCIAL INFORMATION**

Unless otherwise provided by law in 24-72-204 C.R.S., information provided below will be treated as CONFIDENTIAL

Date of Birth	Social Security Number	Place of Birth	U.S. Citizen?
If Naturalized, state where		When	Name of District Court
Naturalization Certificate Number		Date of Certification	If an Alien, Give Registration Card No.
Permanent Residence Card No.		Height	Weight
		Hair Color	Eye Color
Sex	Race	Do you have a current Driver's License? If so, give number and state	
		<input type="checkbox"/> YES <input type="checkbox"/> NO	

14. Financial Information  
 a. Total purchase price \$ \_\_\_\_\_ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, LLC, or other \$ \_\_\_\_\_

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases and fees paid \$ \_\_\_\_\_

c. Provide details of Investment. You must account for the sources of ALL cash (how acquired).

Type: Cash, Services or Equipment	Source: Name of Bank, Account Type & Number	Amount

d. Loan Information (attach copies of all notes and loans)

Name of Lender & Account Number	Address	Term	Security	Amount

15. Give name of bank where business account will be maintained. Account Name and Account Number; and the name or names of persons authorized to draw thereon.

**OATH OF APPLICANT**

I declare under penalty of perjur in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature	Title	Date

Finance Dept \_\_\_\_\_



### APPLICATION FOR SALES AND USE TAX LICENSE

NO FEE REQUIRED

Owner's or Corporate Name	
Name of Business (DBA)	
Business Address (Street, City, State, Zip)	
Mailing Address (Street, City, State, Zip)	
Nature of Business (Type of sales/service)	
Does your business acquire, possess, cultivate, manufacture, produce, use, sell, distribute, dispense, or transport medical marijuana? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Ownership <input type="checkbox"/> Individual <input type="checkbox"/> Partner _____% <input type="checkbox"/> Corp <input type="checkbox"/> Other (explain)	
Federal Employer Identification Number (FEIN) or Social Security Number (SSN) – Application will <u>NOT</u> be processed if missing	
State of Colorado Sales Tax Account Number – Application will <u>NOT</u> be processed if missing	
Filing Period	<input type="checkbox"/> MONTHLY <input type="checkbox"/> QUARTERLY <input type="checkbox"/> ANNUAL
<div style="border: 1px solid black; padding: 5px;">           NOTE: If the monthly average for remittance is \$40 or greater, monthly filing is required. If less than \$40 per year or fewer than two sales transactions are expected, annual filing is desired.         </div>	
Will you be printing your own returns through your tax software? <input type="checkbox"/> Yes <input type="checkbox"/> No - They are not available on-line	
Date business will begin in Lafayette	
If business was purchased, list name of former owner and business name (if name listed above is new)	
Sales Tax Contact Name and Title	
Business phone number	
Business fax number	

I, DECLARE, UNDER PENALTY OF PERJURY THAT THIS APPLICATION HAS BEEN EXAMINED BY ME AND THE STATEMENTS MADE HEREIN ARE MADE IN GOOD FAITH PURSUANT TO THE CITY OF LAFAYETTE TAX LAWS AND REGULATION AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF ARE TRUE, CORRECT, AND COMPLETE.

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Please mail or fax the application to:    City of Lafayette - Sales Tax  
 PO Box 250                                      Fax    (303) 665-2153  
 Lafayette, CO 80026                          Phone   (303) 665-5588



City of Lafayette  
Massage Parlor Business License  
Neighborhood Needs & Desires Guidelines

The Lafayette City Council will set boundaries of the neighborhood affected by the proposed location of a new massage parlor license at the next meeting following the submission of a complete application. Criteria for establishing boundaries include population density; the nature of the area such as rural, residential, commercial or retail; and the proximity of the proposed site to physical barriers, geographic feature or the city limits. Most often, the boundary is set at a ½ mile radius around the premises. Do not begin the petitioning process until the boundaries have been set.

Before approving a massage parlor license application, the Lafayette City Council must consider the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrances, or other evidence submitted by you. The burden of producing such evidence is placed upon you, the applicant. Although the law does not require that an applicant petition the neighborhood, it is the most common form of evidence presented and is preferred by Council. There are professional survey firms that you may employ (see attached list of survey companies).

**COUNTER-TOP PETITIONS ARE NOT ACCEPTABLE**

Signatures obtained by petitioning must be from residents of the neighborhood and owners/managers of businesses within the designated neighborhood boundaries set by the Council and all those who sign must be at least 21 years of age. There is no set number of required signatures you must obtain on a petition, but you must provide the Council with sufficient evidence to support its findings that 1) the reasonable requirements of the neighborhood establish a need for the issuance of the requested license; and 2) that the desires of the inhabitants dictate the issuance of the license. The Council will also be looking to assure that a good sampling of the designated neighborhood was taken.

If the petitioning method is used for proving neighborhood needs and desires, your petition packet must be submitted to the City Clerk's Office no later than 8 days prior to the scheduled public hearing date for review. The applicant will then have an opportunity to amend the petition, obtain additional signatures if required. An amended petition for the Council's review and consideration must be filed the Monday prior to the scheduled public hearing.

**This information is meant only as a guideline provided as a courtesy by the City of Lafayette. Applicants are encouraged to consult a private attorney for answers to legal questions or concerns**



## City of Lafayette Massage Parlor License Application Inspection Checklist

According to Municipal Code Section 55-52, no license to conduct a massage parlor shall be issued unless an inspection by the City determines that the establishment complies with each of the following requirements:

- SIGN** A conspicuous and illuminated sign shall be posted at the establishment's main entrance identifying it as a massage parlor.
- LIGHTING** Minimum lighting shall be provided in accordance with the current International Building Code, as adopted by the City, and, in addition, artificial light of not less than forty (40) watts shall be provided in each room or enclosure where massage services are performed.
- VENTILATION** Minimum ventilation shall be provided in accordance with the current International Building Code, as adopted by the City.
- EQUIPMENT** Adequate equipment for disinfecting and sterilizing instruments used in the performance of massage services shall be provided.
- WATER** Hot and cold running water shall be provided at all times.
- LINEN STORAGE** Closed cabinets shall be provided for the storage of clean linen.
- BATHING, DRESSING, LOCKER, TOILET FACILITIES** Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, and one dressing room containing a separate securable locker shall be provided for each patron while in receipt of massage services; provided, however, that if male and female patrons are to be served simultaneously, separate massage room(s), separate dressing facilities and separate toilet facilities shall be provided for male and female patrons.
- PHYSICAL AND SANITARY CONDITIONS** All walls, ceilings, floors, pools, showers, bathrooms, steam rooms, and all other physical facilities of 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 establishment is in operation. All toilet facilities shall be thoroughly cleaned on a daily basis.
- TOWELS AND LINENS** Clean and sanitary towels and linens shall be provided for each patron. No common use of towels or linens shall be permitted.
- FACILITIES AND EMPLOYEES.** A minimum of one (1) separate wash basin shall be provided in each massage parlor for the use of employees of any such establishment, which basin shall provide soap and hand sanitizer, 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.



## MESSAGE PARLOR IDENTIFICATION CARD APPLICATION

AS REQUIRED BY C.R.S 12-48.5-105(4)

Each applicant, licensee, or agent or employee of said applicant or licensee shall, prior to commencing work in or upon the licensed premise, obtain an identity card from the Lafayette Police Department and shall carry said card at all times while in or upon the licensed premise.

Trade Name of Establishment (doing business as): \_\_\_\_\_

Address: \_\_\_\_\_ Lafayette, CO 80026  
Street

Business Mailing Address: \_\_\_\_\_  
(if different from above) Street City State Zip Code

Contact Person(s): \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Business Email Address: \_\_\_\_\_

### APPLICANT INFORMATION

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Gender: \_\_\_\_\_ Position: \_\_\_\_\_

Valid Colorado Drivers License No. \_\_\_\_\_  
(attach copy)

Other form of picture identification: \_\_\_\_\_  
(attach copy)

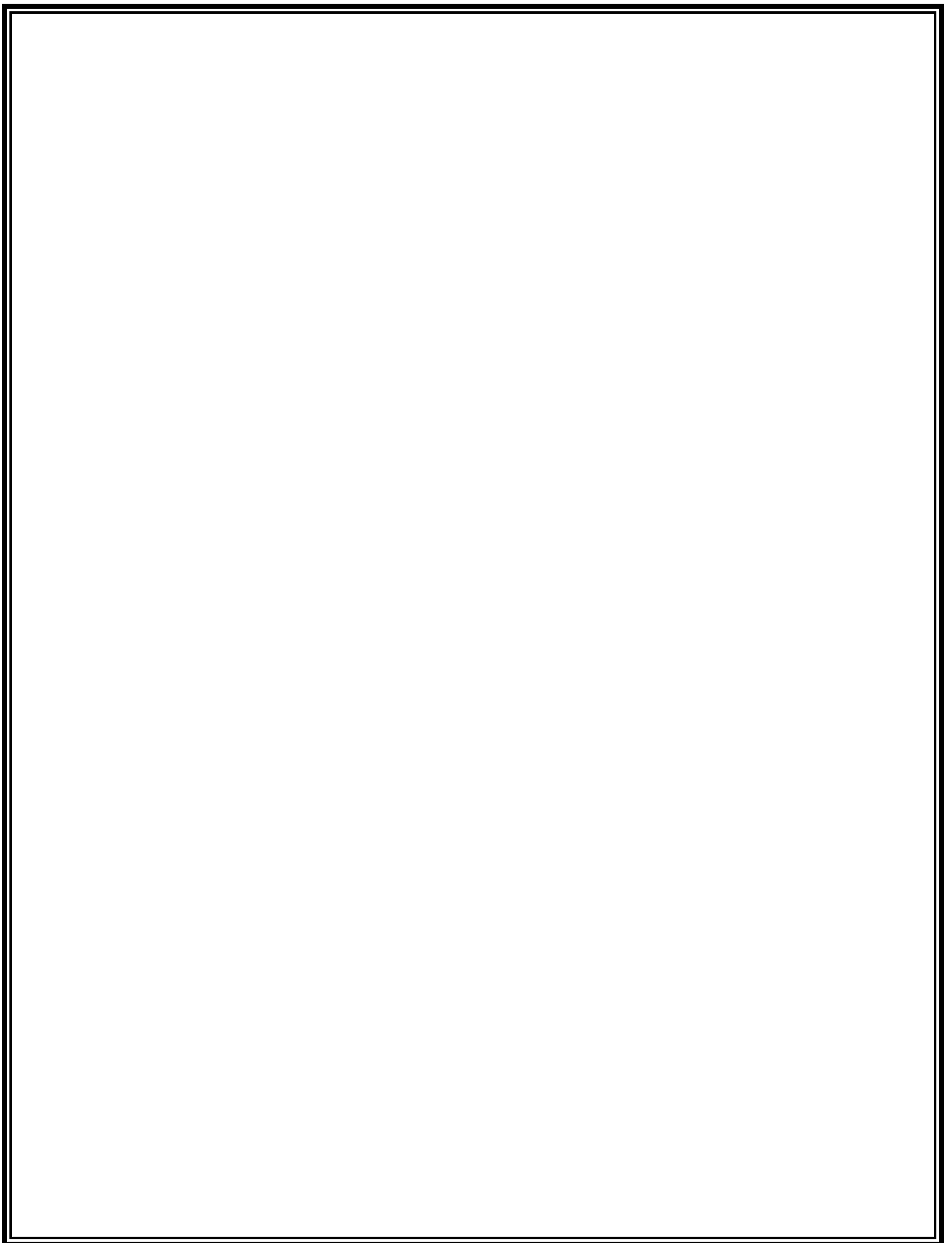
New Card Fee \$45.00 (check made out to City of Lafayette)

Replacement Card Fee \$45.00 (check made out to City of Lafayette)

\_\_\_\_\_  
Authorized Signature Printed Name

Date: \_\_\_\_\_





# **LAFAYETTE MUNICIPAL CODE**

## **ARTICLE IV. MASSAGE PARLOR LICENSE\***

\*Editor's note: Section 1 of Ord. No. 2009-35, adopted Jan. 5, 2010, repealed Art. IV in its entirety and reenacted similar provisions to read as herein set out. Former Art. IV was comprised of §§ 55-51--55-61, and derived from Ord. No. 753, adopted Dec. 20, 1977; Ord. No. 1987-24, adopted Jan. 5, 1988; Ord. No. 1995-2, adopted Feb. 21, 1995; and Ord. No. 2005-10, adopted March 1, 2005.

### **Sec. 55-51. Supplement to massage parlor code.**

The city with the additions set forth in this article shall license and regulate massage parlors in accordance with the terms and conditions and procedures set forth in the Massage Parlor Code, C.R.S. Section 12-48.5-101, et seq., as amended.

(Ord. No. 2009-35, § 1, 1-5-10)

### **Sec. 55-52. Additional requirement to issuance of a license.**

No license to conduct a massage parlor shall be issued unless an inspection by the city determines that the establishment complies with each of the following requirements:

- (a) **Sign.** A conspicuous and illuminated sign shall be posted at the establishment's main entrance identifying it as a massage parlor.
- (b) **Lighting.** Minimum lighting shall be provided in accordance with the current International Building Code, as adopted by the city, and, in addition, artificial light of not less than forty (40) watts shall be provided in each room or enclosure where massage services are performed.
- (c) **Ventilation.** Minimum ventilation shall be provided in accordance with the current International Building Code, as adopted by the city.
- (d) **Equipment.** Adequate equipment for disinfecting and sterilizing instruments used in the performance of massage services shall be provided.
- (e) **Water.** Hot and cold running water shall be provided at all times.
- (f) **Linen storage.** Closed cabinets shall be provided for the storage of clean linen.
- (g) **Bathing, dressing, locker, toilet facilities.** Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one (1) tub or shower, and one (1) dressing room containing a separate securable locker shall be provided for each patron while in receipt of massage services; provided, however, that if male and female patrons are to be served

simultaneously, separate massage room(s), separate dressing facilities and separate toilet facilities shall be provided for male and female patrons.

(h) Physical and sanitary conditions. All walls, ceilings, floors, pools, showers, bathrooms, steam rooms, and all other physical facilities of 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 establishment is in operation. All toilet facilities shall be thoroughly cleaned on a daily basis.

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

(j) Facilities and employees. A minimum of one (1) separate wash basin shall be provided in each massage parlor for the use of employees of any such establishment, which basin shall provide soap and hand sanitizer, 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.

(k) [Compliance.] Compliance with all applicable laws, rules and regulations of the city.

(Ord. No. 2009-35, § 1, 1-5-10)

**Sec. 55-53. Hours of operation.**

No massage parlor shall be open for business, or allow or permit the massage of any person upon the premises between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. No. 2009-35, § 1, 1-5-10)

**Sec. 55-54. License fee.**

Fees for the issuance of new licenses and renewals shall be set by resolution of city council except that new license fees shall not exceed three hundred fifty dollars (\$350.00) and renewals shall not exceed one hundred fifty dollars (\$150.00).

(Ord. No. 2009-35, § 1, 1-5-10)

**Sec. 55-55. Unlawful provisions.**

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;

(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 (18) years of age, unless such person is accompanied by his or her parent(s) 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 (18) years, unless such person is accompanied by his or her parent(s) or has a physician's prescription for massage services;

(e) To permit any person under the age of eighteen (18) years to be employed as an employee in a massage parlor. If any person who, in fact, is not eighteen (18) 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 (14) inches and a width of eleven (11) inches with each letter a minimum of one-half ( 1/2) 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 OR SHE IS ACCOMPANIED BY HIS OR HER 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 OR SHE IS ACCOMPANIED BY HIS OR HER PARENT(S) OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

FINES OR IMPRISONMENT MAY BE IMPOSED BY THE MUNICIPAL COURT FOR VIOLATION OF THESE PROVISIONS.

(g) Licensed pursuant to this article, including any agent, manager, or employee of such person, to fail to immediately report any unlawful act or disorderly conduct or disturbance occurring upon the licensed premises to the city's police department.

(Ord. No. 2009-35, § 1, 1-5-10)

**Secs. 55-56--55-61. Reserved.**

## COLORADO REVISED STATUTES

\*\*\* This document reflects changes current through all laws passed at the First Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2013) \*\*\*

### TITLE 12. PROFESSIONS AND OCCUPATIONS GENERAL - Continued **ARTICLE 48.5. MASSAGE PARLOR CODE**

C.R.S. 12-48.5-101 (2013)

#### **12-48.5-101. Short title**

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

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

Cross references: For disposition of moneys collected under this title, see § § 24-35-101 and 24-36-103; for practicing a profession or operating a business without a license, see § § 12-51-106 and 16-13-306; for rule-making procedures and license suspension and revocation procedures by state agencies, see article 4 of title 24; for the authority of the executive director of the department of regulatory agencies to change the period of validity and renewal date of any license or certificate issued by any examining or licensing board or commission in the division of registrations, see § 24-34-102 (7) and (8); for an alternative disciplinary action for persons licensed, registered, or certified pursuant to this title, see § 24-34-106.

#### **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.

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

#### ANNOTATION

The Colorado Massage Parlor Code is not unconstitutionally vague so as to violate due process of law; nor is it in violation of equal protection of the laws or the principle of constitutional overbreadth. *Regency Servs. v. Bd. of Co. Comm'rs*, 819 P. 2d 1049 (Colo. 1991).

There is no fundamental right to operate a massage parlor; therefore, a rational basis standard of review is applied to determine the validity of massage parlor regulations. *Regency Servs. v. Bd. of Co. Comm'rs*, 819 P. 2d 1049 (Colo. 1991).

Applied in *R F Enters., Inc. v. Bd. of County Comm'rs*, 199 Colo. 137, 606 P.2d 64 (1980).  
**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 that 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" has the meaning set forth in [section 12-35.5-103](#). 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.

**HISTORY:** Source: L. 77: Entire article added, p. 733, § 1, effective July 1. L. 90: (6) amended, p. 827, § 1, effective April 16. L. 2008: (6) amended, p. 1981, § 1, effective July 1.

#### **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.

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

#### ANNOTATION

Councilman's actions not violative of due process. Where a councilman helps organize a

petition drive in opposition to a proposed massage parlor and disqualifies himself from voting on the license application, then appears at, and participates in, the public hearing on the massage parlor license, such actions, while they create the appearance of impropriety, do not bias the quasi-judicial proceeding in violation of procedural due process. *Soon Yee Scott v. City of Englewood*, 672 P.2d 225 (Colo. App. 1983).

Appropriate guidelines for determining reasonable requirements of neighborhood. County commissioners regulations establishing fees and location of massage parlors, requirements that employees possess identity cards, and restrictions on the transfer of a license were appropriate guidelines for determining the reasonable requirements of the neighborhood and were consistent with subsection (4). *JRM, Inc. v. Bd. of County Comm'rs*, 200 Colo. 384, 615 P.2d 31 (1980).

Applied in *Hide-A-Way Massage Parlor, Inc. v. Bd. of County Comm'rs*, 198 Colo. 175, 597 P.2d 564 (1979).

### **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.

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

#### ANNOTATION

Applied in *R F Enters., Inc. v. Bd. of County Comm'rs*, 199 Colo. 137, 606 P.2d 64 (1980).

---

### **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.

**HISTORY:** 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.

**HISTORY:** 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.

**HISTORY:** 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.

#### ANNOTATION

Standard of conduct in this section is sufficiently defined to provide adequate notice to license applicants and their employees. *R F Enters., Inc. v. Bd. of County Comm'rs*, 199 Colo. 137, 606 P.2d 64 (1980).

Local government must state standards for determining whether an applicant's character and reputation is satisfactory for the granting of a license under the Colorado Massage Parlor Code. *Hide-A-Way Massage Parlor, Inc. v. Bd. of County Comm'rs*, 198 Colo. 175, 597 P.2d 564 (1979).

"Reputation", is unconstitutionally vague and cannot suffice as standard of conduct since it connotes merely an "opinion of the community". *R F Enters., Inc. v. Bd. of County Comm'rs*, 199 Colo. 137, 606 P.2d 64 (1980).

Meaning of "good moral character", "good character", or "character" includes the applicant's, or his employees', propensities toward criminal conduct and a criminal record, if any, taking into account such record as ameliorated by any rehabilitation. The criminal conduct referred to is limited to felonies or other offenses involving moral turpitude. *R F Enters., Inc. v. Bd. of County Comm'rs*, 199 Colo. 137, 606 P.2d 64 (1980).

"Record", as used in the Massage Parlor Code, refers to the criminal record of the applicant, or that of his employee when determining the "good character" of the employee. *R F Enters., Inc. v. Bd. of County Comm'rs*, 199 Colo. 137, 606 P.2d 64 (1980).

Employee who engaged in act of prostitution is "not of good character" within the meaning of this section. *R F Enters., Inc. v. Bd. of County Comm'rs*, 199 Colo. 137, 606 P.2d 64 (1980).

Appropriate guidelines for determining reasonable requirements of neighborhoods. County commissioners regulations establishing fees and location of massage parlors, requirements that employees possess identity cards, and restrictions on the transfer of a license were appropriate guidelines for determining the reasonable requirements of the neighborhood

and were consistent with § 12-48.5-104 (4). JRM, Inc. v. Bd. of County Comm'rs, 200 Colo. 384, 615 P.2d 31 (1980).

Board of county commissioners is not restricted to inquiring into prior felony convictions in making an examination of an applicant for a massage parlor license. JRM, Inc. v. Bd. of County Comm'rs, 200 Colo. 384, 615 P.2d 31 (1980).

#### **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.

**HISTORY:** 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 operate a massage parlor while failing 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 OR SHE IS ACCOMPANIED BY HIS OR HER 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 OR SHE IS ACCOMPANIED BY HIS OR HER PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.---PART 5 OF ARTICLE 3 OF TITLE 18, COLORADO REVISED STATUTES, PROHIBITS TRAFFICKING OF ADULTS, TRAFFICKING OF CHILDREN, AND COERCION OF INVOLUNTARY SERVITUDE AND ESTABLISHES CRIMINAL PENALTIES FOR THESE OFFENSES.---FINES OR IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS UNDER ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.

(g) To operate a massage parlor while failing 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 provides the name and contact information of a state or local organization that provides services or other assistance to victims of human trafficking.

**HISTORY:** Source: L. 77: Entire article added, p. 737, § 1, effective July 1.L. 2012: (1)(f) amended and (1)(g) added, (HB 12-1151), ch. 174, p. 622, § 5, effective August 8.

#### **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.

**HISTORY:** 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.

**HISTORY:** 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.

**HISTORY:** 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.

**HISTORY:** 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.

**HISTORY:** 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.

**HISTORY:** 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.

**HISTORY:** 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.

**HISTORY:** 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.](#)

**HISTORY:** 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.

---