

MONROE TOWNSHIP BOARD OF TRUSTEES

Resolution No. 10 - \_\_\_\_\_ - 22

**A RESOLUTION ADOPTING MASSAGE ESTABLISHMENT REGULATIONS  
AND ORDERING NOTICE BE GIVEN TO PUBLIC**

The Monroe Township Board of Trustees met in Regular session on the seventeenth day of October 2022 at the offices of the Monroe Township Trustees with the following Trustees being present: Mr. Gregory Siefring, Mr. Martin English and Mr. Phillip Cox.

Trustee \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**WHEREAS**, the Monroe Township Board of Trustees, Miami County, Ohio, finds that in order to protect the public health, safety and welfare, it is necessary to regulate Massage Establishments within the unincorporated areas of Monroe Township, and to establish a system of permits and licenses for such establishments and their employees, pursuant to Ohio Revised Code sections 503.40 to 503.50; and

**WHEREAS**, as required by law, at least two public hearings on the proposed regulations were held pursuant to notice at regular sessions of the Board on October 3, 2022 and on October 17, 2022 at which interested persons were given an opportunity to state their views on the proposed regulation of Massage Establishments and their employees within the unincorporated areas of Monroe Township, Miami County, Ohio.

**NOW, THEREFORE BE IT RESOLVED** by the Monroe Township Board of Trustees, Miami County, Ohio, that the following regulations governing Massage Establishments, including without limitation massage parlors, and their employees within the unincorporated areas of Monroe Township, Miami County, Ohio, are hereby adopted:

**(A) Definitions.** As used in these regulations:

- (1) "Massage " means any method of external pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.
- (2) "Massage Establishment" means any fixed place of business, including but not limited to, a massage parlor, where a person offers Massages, either in exchange for anything of value, or in connection with providing another legitimate service, except as provided in (B) (2), below.
- (3) "License" means a license to act as a Masseur or Masseur at a Massage Establishment, issued pursuant to these regulations.

(4) "Masseur" or "Masseuse" means any person who performs Massages at a Massage Establishment.

(5) "Permit" means a permit to operate a Massage Establishment, or a permit to operate an adult cabaret, issued pursuant to these regulations.

(6) "Sexual or genital area" includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female.

### **(B) Scope of Regulations**

(1) These regulations govern Massage Establishments within the unincorporated area of Monroe Township, Miami County, Ohio, and the permittees, owners, operators, persons in charge, and/or employees of such Massage Establishments.

(2) The regulations regarding Massage Establishments do not apply to the practice of any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code section 4731.15, including the practice of Massage therapy, and to the extent specified in Ohio Revised Code section [4731.151](#). naprapathy and mechanotherapy, or the practice of providing therapeutic Massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other licensed health professional licensed, certified, or registered to practice in the State of Ohio.

### **(C) Permit or License Required**

(1) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of a Massage Establishment in, on or about a premises owned or controlled by him or her within the unincorporated area of Monroe Township, Miami County, Ohio, without first registering with the Board of Trustees and obtaining a valid, current permit issued pursuant to these regulations. A separate permit is required for each location at which a Massage Establishment is operated.

(2) No individual shall act as a Masseur or Masseuse for a Massage Establishment located in the unincorporated areas of Monroe Township, Miami County, Ohio, without first having obtained a valid, current license from the Monroe Township Board of Trustees issued pursuant to these regulations.

### **(D) Application for Permit or License**

(1) An application for an original or renewal permit or an original license or renewal license shall be made in writing and addressed to the Board of Trustees of MONROE Township, Miami County, Ohio.

- (2) An application for a renewal permit or license shall be filed not later than thirty days prior to expiration of the permit or license to be renewed.
- (3) All applications shall be filed with the Fiscal Officer.
- (4) A non-refundable filing fee shall be paid at the time of filing the application, as follows:
  - (a) \$250.00 for an initial permit to operate a Massage Establishment;
  - (b) \$125.00 for a renewal permit to operate a Massage Establishment;
  - (c) \$100.00 for an initial license as masseur or masseuse;
  - (d) \$50.00 for a renewal license as masseur or masseuse.
- (5) A written and signed application for a permit or renewal permit to operate a Massage Establishment shall contain the following:
  - (a) The address where the Massage Establishment is operated, or is to be operated, including a legal description of the premises and a plat of the such property showing the property lines, building locations, parking areas, entry ways, and lighting systems.
  - (b) The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;
  - (c) The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity;
  - (d) If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal employer identification number; the name and address of its statutory agent in Ohio; the full name, residence address, date of birth, and social security number of each partner or any other person holding any financial interest in the Massage Establishment, and the status of each individual as a general partner, limited partner or having a financial interest in the Massage Establishment;
  - (e) If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each shareholder holding more than two per cent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership;

- (f) The full name, residence address, date of birth, and social security number of each person employed by the Massage Establishment or whose employment is contemplated by the Massage Establishment, and the capacity in which such person is or is to be employed; A statement that the applicant and, to the applicant's knowledge, the persons named in the application have never been convicted of or pleaded guilty to any offense other than a misdemeanor traffic offense, or a statement listing the offenses other than misdemeanor traffic offenses of which the applicant or any person named in the application has been convicted, including the offense, date of conviction, and the name and location of the court;
  - (g) A written health and safety report of an inspection of the premises performed within thirty days of the application to determine compliance with applicable health and safety codes, which inspection shall be performed by the Miami County Sheriff's Office or other appropriate state or local authorities acting pursuant to an agreement with the Board shall perform;
  - (h) Authorization for an investigation into the criminal record and/or other background of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information;
  - (i) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactment thereof.
- (6) An application for a license or renewal license as a Masseur or Masseuse shall contain all of the following:
- (a) The full name, residence address, date of birth, and social security number of the applicant;
  - (b) A statement of the applicant's training, experience, and other qualifications as a Masseur or Masseuse;
  - (c) A dated, signed, written report of the results of a physical examination of the applicant by a licensed physician a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within thirty days of the application certifying that the applicant is free from communicable diseases;
  - (d) The results of an investigation by the Miami County Sheriff's Office or other appropriate police agency into the criminal record of the applicant, including two clear color photographs of the applicant taken no later than thirty days prior to the application, fingerprints, and background investigation. The applicant shall provide written authorization for an investigation into the background and any criminal record of the applicant, including authorization for subsequent investigations to supplement or update the information.

- (e) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactment thereof.

**(E) Inspection and Investigation**

(1) Upon receipt of an application for a permit or renewal permit to operate a Massage Establishment, the Fiscal Officer shall notify the Miami County Sheriff's Office or other local or State of Ohio authorities designated by the Board to conduct health and safety inspections of the specified premises, and to determine compliance or noncompliance with applicable health and safety codes. Written reports of any such inspection shall be prepared by the persons conducting such inspections and shall be filed with the Fiscal Officer, which inspection reports shall become part of the application for a and/or renewal permit.

(2) Upon receipt of an application for a permit or renewal permit to operate a Massage Establishment, or an application for a license or renewal license as a Masseur or Masseuse, the Fiscal Officer shall refer the applicant to the Miami County Sheriff's Office to be fingerprinted, and shall notify the Miami County Sheriff's Office to conduct an investigation into the background of the applicant and, in the case of a permit, into the background of other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the Miami County Sheriff's Office and filed with the Fiscal Officer and shall become part of the application for a license or permit.

**(F) Action on Application For Any Permit**

(1) The Board shall consider an application for any permit within 30 days of the Fiscal Officer receiving such application. The Board shall maintain a complete record of each proceeding and shall notify the applicant in writing of its order approving, denying, or revoking any permit. The Board may issue an order denying or revoking a permit to operate a Massage Establishment without holding a hearing.

(2) The Board shall deny an application for any permit to operate a Massage Establishment or revoke a previously issued permit, for any of the following reasons:

- (a) Applicant's falsification of any of the information required for the application or failure to fully complete the application;
- (b) The failure of the applicant to cooperate with any required health or safety inspection;
- (c) Any one of the persons named on the application is under the age of eighteen;
- (d) Any one of the persons named on the application has been convicted of or pleaded guilty to any violation of Ohio Revised Code Chapter 2907 or of any municipal ordinance that is substantially equivalent to any offense contained in Chapter Ohio Revised Code Chapter 2907, within five years preceding the application;

- (e) Any Masseur or Masseuse employed at the licensed Massage Establishment has been convicted of or pleaded guilty to a violation of Ohio Revised Code section 503.42(D)
- (f) The operation of the Massage Establishment would violate any existing zoning restrictions;
- (g) The report of the applicable health and safety inspections conducted pursuant to this Resolution reveal any unsanitary, unsafe, or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health or safety codes;
- (h) The applicant has violated these regulations, or aided and abetted any violation of these regulations.

(3) If any application for a permit is denied, the Fiscal Officer shall promptly notify the applicant in writing of the order denying the application. If the Board approves any application, the Fiscal Officer shall promptly issue to the applicant a permit. In accordance with Ohio Revised Code Chapter 2506, any person adversely affected by an order of the Board denying or revoking any permit may appeal from the order of the Board to the Miami County Court of Common Pleas, the court of common pleas for the county where the place of business where the permit holder is located, and/or the court of common pleas for the county where the person is a resident.

(4) Any permit to operate a Massage Establishment shall contain the address of the permit premises, the name and address of the permit holder, and the date of issuance and date of expiration of the permit. Any permit issued under this Resolution shall expire one year after the date of issuance, except that no Massage Establishment shall be required to discontinue business because of the failure of the Board to act on a renewal application filed in a timely manner and pending before the Board on the expiration date of the Massage Establishment's permit.

(5) The permit to operate a Massage Establishment shall be prominently displayed in an area of the premises open to the public.

**(G) Action on Application For Any License**

(1) The Board shall consider any application for a license within 30 days of the Fiscal Officer receiving such application. The Board may issue an order approving, denying or revoking a license to work as a Masseur or Masseuse without holding a hearing. The Board shall maintain a complete record of each proceeding and shall notify the applicant in writing of its order approving, denying, or revoking any license.

(2) The Board shall deny an application for any license or revoke a previously issued permit, for any of the following reasons:

- (a) The applicant has falsified any of the information required for the application or failure to fully complete the application;
- (b) The applicant is under the age of twenty-one;
- (c) The applicant has been convicted of or pleaded guilty to any violation of Ohio Revised Code Chapter 2907 or of any municipal ordinance that is substantially equivalent to any offense contained in Ohio Revised Code Chapter 2907 within the five years preceding the application;
- (d) The applicant has been convicted of or pleaded guilty to a violation of Ohio Revised Code section 503.42(D);
- (e) The applicant for a license or renewal license has failed to cooperate with any required background investigation;
- (f) Any report of the physical examination filed with the application license or renewal license as Masseur or Masseuse reveals that the applicant suffers from a communicable disease;
- (g) The applicant has violated these regulations, or aided and abetted any violation of these regulations.

(3) If the Board approves any application, the Fiscal Officer shall promptly issue to the applicant a license. If any application for a license is denied, the Fiscal Officer shall promptly notify the applicant in writing of the order denying the application. In accordance with Ohio Revised Code Chapter 2506, any person adversely affected by an order of the Board denying or revoking a license may appeal from the order of the Board to the Miami County Court of Common Pleas, the court of common pleas for the county where the place of business where the license holder is located, and/or the court of common pleas for the county where the person is a resident.

(4) Any license issued to a Masseur or Masseuse shall contain the name, address, date of birth, physical description, and a clear, color photograph of the licensee, and the date of issuance and date of expiration of the license. Any license issued under this Resolution shall expire one year after the date of issuance, except that no Masseur or Masseuse shall be required to discontinue business because of the failure of the Board to act on a renewal application filed in a timely manner and pending before the Board on the expiration date of the Masseur or Masseuse license.

(5) The license of a Masseur or Masseuse shall be prominently displayed in the area where the licensee provides Massages.

**(H) Transfer of Permit or License Prohibited**

A permittee or licensee shall not transfer the permit or license to a location other than the premises designated in the application or the permit. A permittee or licensee shall not transfer the permit or license to any other person or entity.

**(I) Inspections, Investigations, And Physical Examinations**

(1) Health and safety inspections of permitted premises Massage Establishment shall be conducted at intervals of 3, 6, 9 and 12 months after issuance or renewal of the permit, to insure continued compliance with health and safety codes.

(2) In addition, the Board may order health and safety inspections at any time the Board has reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises.

(3) When it becomes necessary to undertake any inspection set forth in (1) or (2) above, the Fiscal Officer shall notify the Miami County Sheriff's Office and/or other appropriate authorities or agencies to make such inspections at the designated times. Written reports of inspections shall be filed with the Fiscal Officer. The costs of the health and safety inspections shall be paid by permittee.

(4) Township personnel, the Miami County Sheriff's Office and/or other designated law enforcement personnel may at all reasonable times inspect the permitted premises to insure continued compliance with the laws of Ohio and these regulations.

(5) At any time there is reasonable cause to do so, the Board may order a background investigation, including the criminal record, if any, of any permittee, person named in the application for a permit, employee of a permittee, or any licensee. Written reports of any such investigation shall be filed with the Fiscal Officer.

(6) Every 3<sup>rd</sup>, 6<sup>th</sup>, 9<sup>th</sup> and 12<sup>th</sup> month after issuance of any license as Masseur or Masseuse, the licensee shall undergo a physical examination by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife to determine that the licensee remains free of communicable diseases. Such person conducting the exam shall issue a dated, signed, written report of the results of a physical examination of the licensee.

(7) The Board may order a licensee to undergo a physical examination by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife at any time there is reasonable cause to believe the licensee has a communicable disease. The Fiscal Officer shall notify the licensee when an examination is so ordered. The licensee is responsible for obtaining any such examination who shall also pay the costs of such physical examination. The licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife conducting the exam shall issue a dated, signed, written report of the results of a physical examination of the licensee.

**(J) Rules Governing Operation of Massage Establishments**

(1) No permittee or operator of a Massage Establishment shall knowingly allow, permit and/or encourage a licensed Masseuse, Masseur and/or any other person to do any of the following acts:

- (a) Place his or her hand upon, touch with any part of his or her body, fondle in any manner and/or Massage the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.
- (b) Perform, offer, or agree to perform any act which would require the touching and/or fondling of the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.
- (c) Touch, offer, or agree to touch the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person with any mechanical or electrical apparatus or appliance.
- (d) Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the sexual, pubic, genital areas, buttocks or, if the person is a female, the breast, of the Masseur or Masseuse.
- (e) Wear unclean clothing, or fail to wash the hands or bathe when reasonably necessary, or otherwise fail to observe reasonable standards of personal cleanliness and hygiene.
- (f) At any time, uncover or allow the breasts of a female and/or the sexual, pubic or genital areas or buttocks of a client and/or other person be uncovered and/or exposed while providing Massage s or any other time.
- (g) Engage, offer, and/or agree to engage, in sexual conduct or sexual contact as those terms are defined in Ohio Revised Code section 2907.01, whether such sexual conduct or sexual contact is with any part of the employee's body and/or with a mechanical or electrical apparatus or appliance.
- (h) Commit, offer, or agree to commit any offense set forth in Ohio Revised Code Chapter 2907 titled "Sex Offenses".

(2) The permittee or person in charge of a Massage Establishment shall exercise adequate supervision to insure that the employees comply at all times with these regulations and the laws of the State of Ohio.

(3) No permittee or operator of a Massage Establishment shall employ a Masseur or Masseuse who does not have a valid, current license issued pursuant to these regulations.

- (4) The permittee or person in charge of a Massage Establishment shall allow state or local authorities, including the Miami County Sheriff's Office and other law enforcement personnel to make any health or safety inspection pursuant to these regulations or other law, and shall cooperate in any background investigation.
- (5) No permittee or operator of a Massage Establishment shall employ or contract with any person under the age of eighteen in any capacity, whether full-time or part-time, and with or without remuneration or compensation in any form.
- (6) No person under age eighteen shall be permitted entry into the Massage Establishment during business hours without being accompanied by a parent or legal guardian.
- (7) Massage Establishments shall close not later than 11 :00 PM and shall not reopen earlier than 12:00 Noon.
- (8) The permittee or person in charge of a Massage Establishment shall file a list of employees with the Fiscal Officer, and shall file an amended list at any time there is a change in personnel. The list shall state the name, address, date of birth, and position of each employee and have attached thereto a copy of the license of any Masseuse or Masseur working at the Massage Establishment.
- (9) All off street parking areas and premises entries of the Massage Establishment business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface.
- (10) The permittee or person in charge of a Massage Establishment shall not allow any portion of the interior premises of the Massage Establishment to be visible from outside such premises.
- (11) The permittee or person in charge of a Massage Establishment shall not allow or permit any person to sleep for any length of time at the Massage Establishment and/or otherwise use the Massage Establishment premises as his or her residence.

**(K) Rules Governing Conduct of Massage Establishment Employees**

(1) No person employed in a Massage Establishment located within the unincorporated area of Monroe Township, Miami County, Ohio shall knowingly in the performance of his or her duties do any of the following:

- (a) Place his or her hand upon, touch with any part of his or her body, fondle in any manner and/or Massage the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.

- (b) Perform, offer, or agree to perform any act which would require the touching and/or fondling of the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.
  - (c) Touch, offer, or agree to touch the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person with any mechanical or electrical apparatus or appliance.
  - (d) Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the sexual, pubic, genital areas, buttocks or, if the person is a female, the breast, of the masseur or masseuse.
  - (e) Wear unclean clothing, or fail to wash the hands or bathe when reasonably necessary, or otherwise fail to observe reasonable standards of personal cleanliness and hygiene.
  - (f) At any time, uncover or allow the breasts of a female and/or the sexual, pubic or genital areas or buttocks of a client and/or other person be uncovered and/or exposed while providing Massage s or any other time.
  - (g) Engage, offer, and/or agree to engage, in sexual conduct or sexual contact as those terms are defined in Ohio Revised Code section 2907.01, whether such sexual conduct or sexual contact is with any part of the employee's body and/or with a mechanical or electrical apparatus or appliance.
  - (h) Commit, offer, or agree to commit any offense set forth in Ohio Revised Code Chapter 2907 titled "Sex Offenses".
- (2) No licensed Masseur or Masseuse shall accept or continue employment at a Massage Establishment that does not have a current, valid license issued by the Board pursuant to this Resolution and/or the regulations contained herein.
- (3) Any Masseur, Masseuse and/or other employee of a Massage Establishment shall cooperate with any background investigation and/or health or safety inspection conducted by state or local authorities, including the Miami County Sheriff's Office, and other law enforcement personnel, making any health or safety inspection pursuant to these regulations or any other law.
- (4) A Masseur or Masseuse shall obtain a physical examination whenever required to do so under this Resolution and/or any pertinent State, Local or Federal law.
- (5) No licensed Masseur or Masseuse shall sleep for any length of time at the Massage Establishment.

(6) No licensed Masseur or Masseuse shall use the Massage Establishment premises as his or her residence.

**(L) Records**

The Fiscal Officer shall keep a complete record of all documents and proceedings under these regulations, including without limitation applications, reports, copies of permits and licenses issued, notices, correspondence, permittee employee lists, Board proceedings, resolutions and orders, and petitions. All documents shall be endorsed by the Fiscal Officer with the date of filing.

**BE IT FURTHER RESOLVED** that the regulations adopted by the Board herein shall become effective thirty days after the date of their adoption unless, within thirty days after the adoption of this resolution and the regulations contained herein the Fiscal Officer receives a petition, signed by a number of qualified electors residing in the unincorporated area of the Monroe Township equal to not less than ten per cent of the total vote cast for all candidates for governor in the area at the most recent general election at which a governor was elected, requesting the Board to submit the regulations to the electors of the area for approval or rejection at the next primary or general election occurring at least ninety days after the Board receives such petition, and as such, these regulations for which the referendum vote has been requested shall not become effective unless a majority of the votes cast on the issue is in favor of the regulations and upon certification by the Miami County Board of Election Board of Elections that a majority of the votes cast on the issue was in favor of the regulations, the regulations shall take immediate effect; and

**BE IT FURTHER RESOLVED** that all fees collected by the Board and/or the Fiscal Officer for permits and licenses under this Resolution shall be deposited in the general fund, and first applied to the cost of administering and enforcing this Resolution and the regulations contained herein; and

**BE IT FURTHER RESOLVED** that the Fiscal Officer is hereby directed to keep the regulations available for public inspection and copying at the offices of the Board; and

**BE IT FURTHER RESOLVED** that this Resolution and the regulations contained herein shall be made available to the general public at the Monroe Township offices and/or Hall and further, the Fiscal Officer is directed to cause, within ten days of their adoption, notice of the adoption of the regulations to be published once in a newspaper of general circulation within the township.

Mr. \_\_\_\_\_ seconded the motion and the Board voted as follows upon roll call:

<u>Name</u>	<u>Signature</u>	<u>Yes or No</u>
Mr. Gregory Siefring	_____	_____
Mr. Martin English	_____	_____
Mr. Phillip Cox	_____	_____

Adopted on the seventeenth day of October, 2022.

ATTEST: \_\_\_\_\_

Mr. L. Anthony Becker, Fiscal Officer  
MONROE Township, Miami County, Ohio

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