

# COMMON COUNCIL



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*I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 25<sup>th</sup> day of January, 2013, that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 8<sup>th</sup> day of January 2013.*

## **A REVISION TO MODIFY SECTION 13-3 OF THE WINCHESTER CITY CODE PERTAINING TO THE REGULATION OF MASSAGE PARLORS**

**WHEREAS**, §15.2-1102 of the Code of Virginia authorizes municipalities to enact laws necessary to protect the health, safety, and general welfare of its citizens; and,

**WHEREAS**, the current City ordinance prohibits the issuance of massage permits to persons who are not massage therapists; and,

**WHEREAS**, this section of the current ordinance does not seem to be consistent with good business practices; and,

**WHEREAS**, the City wants to encourage new businesses to open; and,

**WHEREAS**, the Chief of Police believes Section 13-3 restricts opportunities for persons wanting to conduct business in the City.

**NOW, THEREFORE BE IT ORDAINED**, that Section 13-3 of the Winchester City Code is hereby modified as follows.

### **SECTION 13-3. PERMIT REQUIRED FOR OPERATION OF MASSAGE ESTABLISHMENT.**

(a). *Required.* No health club or massage establishment shall operate without first obtaining a permit.

(b). *Qualifications.* No permit shall be issued for any health club or massage establishment except to an owner or manager who is either:

- (1) A physician or chiropractor;
- (2) A registered nurse with at least two (2) years nursing experience;
- (3) A licensed practical nurse with at least four (4) years nursing experience;
- (4) A registered physical therapist;

- (5) A massage therapist holding a permit in accordance with Section 13-3.3 of this ordinance or who is otherwise licensed as a “certified massage therapist” by the State Board of Nursing for the Commonwealth of Virginia;
- (6) Or employs a physician or chiropractor; a register nurse with at least two (2) years nursing experience; a licensed practical nurse with at least four (4) years nursing experience; a registered physical therapist; or a massage therapist holding a permit in accordance with Section 13-3.3 of this ordinance, on the premises to which the permit is issued.

Ordinance No. 2012-35

ADOPTED by the Common Council of the City of Winchester on the 8<sup>th</sup> of January, 2013.

*Witness my hand and the seal of the City of Winchester, Virginia.*

*Kari J. Van Diest, CMC  
Deputy Clerk of the Common Council*