

ORDINANCE NO. 761

AN ORDINANCE AMENDING THE GOLDEN PENAL CODE, CHAPTER 8.04 OF THE GOLDEN REVISED ORDINANCES OF 1965, BY PROHIBITING THE PRACTICE OF MASSAGE UPON PERSONS OF THE OPPOSITE SEX

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1: Chapter 8.04 of the Golden Revised Ordinances of 1965 is amended by adding a new section to read as follows:

8.04.580 Massage upon Persons of the Opposite Sex Prohibited. It shall be unlawful for any person to practice or administer or offer to practice or administer, massage as defined herein or to cause or allow or suffer or permit the practice or the administering of massage, either personally or by another person upon a person of the opposite sex, unless such person administering the massage shall be in possession of a written authorization or prescription signed by a physician, osteopath or chiropractor registered in the State of Colorado which states the date of issue, the name of the person who is to administer the massage, the name of the person upon whom the massage is to be administered and the duration of the period, not to exceed ninety (90) days, for which the person may practice or administer the massage upon the person designated.

1. "Massage" means the applying of pressure on, friction against, stroking and/or kneading the body by manual means or a mechanical device used manually, with or without appliances such as vibrators, infrared heat, sun lamps and external baths or body shampoos.

2. "The practice of massage" means the performance of massage with or without compensation.

3. The following classes of persons are exempted from this section:

A. Physicians, Osteopaths, Chiropractors, Physical Therapists, Chiropodists, Podiatrists, Registered Nurses and licensed Practical Nurses registered in the State of Colorado and performing these services in the course of their normal duties;

B. Barbers and Beauticians duly licensed under the laws of the State of Colorado insofar as their usual and ordinary vocation and profession is concerned, as defined by the laws of Colorado;

C. Trainers of any amateur, semi-professional athlete or athletic team or the practice of massage at the athletic department of any State accredited school, college, university or seminary;

D. Hospitals, clinics, nursing and convalescent homes and other similarly licensed institutions dedicated to medical or nursing practices, licensed under the laws of Colorado where massage and baths may be given.

E. Spouses practicing or administering massages upon their own spouses.

4. Violation - Operator Responsibility. In any prosecution for violation of this Section, it is sufficient to establish that acts in violation of this Section were in fact performed on the premises of any health service establishment, massage parlor, health studio or similar establishment. The person, firm, partnership or corporation that operates or causes to be operated such an establishment is fully responsible for the lawful operation of the establishment, and upon proof that such person is in fact the operator of the establishment shall be conclusively presumed to know of all acts of massage performed upon the premises of the establishment, and to know whether the participants therein were male or female.

Section 2. The penalty for violation of this Ordinance shall be as prescribed in Section 1.01.110 of the Golden Revised Ordinances of 1965. The Golden City Council may, upon seven (7) days written notice and public hearing suspend, revoke, deny or refuse to renew the Golden General Business License of any licensee who violates or permits the violation of any terms of this Ordinance or any statutes of the State of Colorado involving prostitution, solicitation for prostitution, procuring for prostitution, pandering, lewd acts or any other offense involving moral turpitude. The written notice shall state the contemplated action and in general the grounds therefor, and be mailed to the licensee at the address contained on the license.

Section 3. It is the intention of the City Council that this Ordinance, and every provision thereof shall be considered separable; and the invalidity of any section, clause, provision, or part or portion of any section, clause or provision of this ordinance shall not affect the validity of any other portion of this Ordinance.

Introduced, read and ordered published this 17th day of June, 1976.

Adopted, approved and ordered published this 28th day of June, 1976.

David C. Crawford, Mayor

Attest:

Sharon L. Bennetts, City Clerk

Approved as to form:

Daniel T. Moyle, Jr., City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced and read at a regular meeting of the City Council of said City, held on the 17th day of June, 1976, and by order of said City Council was published as a proposed ordinance as the law directs more than seven days prior to its passage in the Golden Daily Transcript, legal newspaper; and that on the 28th day of June, 1976, the said proposed ordinance was read and passed by the City Council aforesaid, the said meeting being a regular meeting of said City Council and ordered published in aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 29th day of June, A.D. 1976.

(S E A L)

Attest: _____
Sharon L. Bennetts, City Clerk of
the City of Golden, Colorado