

ORDINANCE NO. 987

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING IN PART CHAPTER 5, ARTICLE 4, SECTION 5-402, 5-408, AND 5-410 OF THE WESTWOOD CITY CODE, RELATING TO THE ISSUANCE OF A MASSAGE ESTABLISHMENT PERMIT.

WHEREAS, Chapter 5, Article 4, Sections 5-402, 5-408 and 5-410 within the current Code of the City of Westwood requires permit approval by the governing body for the operation of a bath house, massage establishment, body painting studio or modeling studio.

WHEREAS, the City wishes to establish an administrative review and approval process.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1. That Chapter 5, Article 4, Section 5-402 of the Westwood City Code is hereby amended to read as follows:

PERMIT REQUIRED. No person, firm, partnership, association or corporation shall operate a bath house, massage establishment, body painting studio or modeling studio, as defined herein, without first having obtained a permit from the City Clerk. A separate permit shall be required for each and every separate place of business conducted by any one permittee. Such permit shall be valid only from January 15 to January 14 of a calendar year. However, the fee may be prorated to the nearest month if an application is made after July 1 of any year.
(Ord. 856, Sec. 2; Code 2008)

SECTION 2. That Chapter 5, Article 4, Section 5-408 of the Westwood City Code is hereby amended to read as follows:

ISSUANCE OF PERMIT. After the filing of an application in the proper form, the City Clerk shall issue a permit for a massage establishment, bath house, modeling studio or body painting studio or employee permit, unless:

- a) The correct permit fee has not been tendered to the city, and, in the case of a check or bank draft, honored with payment upon presentation;
- b) The operation fails to comply with state and local laws, including, but not limited to, the city's building, zoning and health regulations.
- c) Any of the following have been convicted of any crime, including, but not limited to, any felony, misdemeanor, code violation, ordinance violation, or other violation of the laws of the United State or of any state or city of the United States where such conviction was for an offense involving force or threat of force, violence, theft, dishonesty, fraud, sexual misconduct or moral turpitude or where such conviction

was for a violation of this ordinance or a substantially similar ordinance or enactment of any other jurisdiction, unless such conviction occurred at least five years prior to the date of the application:

- i) The applicant, if an individual;
 - ii) Any of the stockholders holding more than ten percent of the stock of the corporation;
 - iii) Any of the officers and directors, if the applicant is a corporation;
 - iv) Any of the partners, including limited partners, if the applicant is a partnership; and
 - v) The manager or other person principally in charge of the operation of the business.
- d) The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith.
 - e) The applicant has had a massage establishment, bath house, body painting studio or modeling studio as defined herein, or other similar permit or license, denied, revoked or suspended for any of the above causes by the city or any other state or local agency within five years prior to the date of the application.
 - f) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of eighteen years;
 - g) The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this article; and
 - h) In the case of a masseur or masseuse that the applicant has not successfully completed a resident course of study from a recognized school as required under the provisions of this article.
- (Ord. 856, Sec. 5; Ord. 598; Code 2008)

SECTION 4. That Chapter 5, Article 4, Section 5-410 of the Westwood City Code is hereby amended to read as follows:

REVOCATION OR SUSPENSION OF PERMIT.

- a) Any permit issued for an employee or for a massage establishment, bath house, modeling studio or body painting studio may be revoked or suspended by the City Clerk where it is found that any of the provisions of this article are violated.
- b) The City Clerk, before revoking or suspending any permit, shall give the permittee at least ten days written notice of the charges against him or her and the opportunity for a public hearing before the Governing Body, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

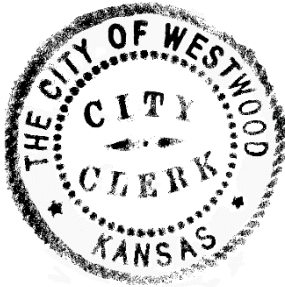
(Ord. 598; Code 1993, 5-510)

SECTION 5. That any provision within Chapter 5, Article 5, Sections 5-402, 5-408 and 5-410 of the Westwood City Code, inconsistent with the language of this ordinance is hereby repealed.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED by the Governing Body this 14th day of December, 2017.

APPROVED by the Mayor this 14th day of December, 2017.



ATTEST:

A handwritten signature in black ink, appearing to be "John M. Ys.", written over a horizontal line.

John M. Ys, Mayor

A handwritten signature in black ink, appearing to be "F-L S.", written over a horizontal line.

Frederick L. Sherman, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to be "R Denk", written over a horizontal line.

Ryan B. Denk, City Attorney