

BILL NO. 90- 5

PAHRUMP TOWN ORDINANCE NO. 30

AN ORDINANCE TO REGULATE MASSAGE ESTABLISHMENTS AND PUBLIC BATHHOUSES WITHIN THE LIMITS OF THE UNINCORPORATED TOWN OF PAHRUMP, NYE COUNTY, NEVADA; DEFINING THE TERMS USED THEREIN, EXEMPTING CERTAIN OCCUPATIONS FROM THE SCOPE OF THE ORDINANCE, REQUIRING A STANDARD OF CLEANLINESS FOR SUCH ESTABLISHMENTS, ESTABLISHING THE AGE FOR EMPLOYEES OF SUCH ESTABLISHMENTS, PROHIBITING FALSE, DECEPTIVE OR MISLEADING ADVERTISING OF SUCH ESTABLISHMENTS, AND PROHIBITING OBSCENE MASSAGE OR BATHING, AND FURTHER PROHIBITING THE MASSAGE OR BATHING OF THE OPPOSITE SEX AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

Copies of entire ordinance may be picked up at the Town Office.

Publish October 26, 1990
November 2, 1990

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WHEREAS, the Town Board of the unincorporated Town of Pahrump hereby feels that massage establishments and bathhouses seriously affect the economic, social and moral well-being of the Town and its residents, and,

WHEREAS, the Town Board of the unincorporated Town of Pahrump feels that such businesses must be regulated strictly for the welfare of the public.

NOW, THEREFORE, the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada, does hereby ordain as follows:

MASSAGE ESTABLISHMENTS AND PUBLIC BATHHOUSES

.010 **Definitions.** Unless the context otherwise requires, the following words shall have the meaning ascribed to them:

(A) **"Massage"** means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other such similar preparations commonly used in the practice of massage, under circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

(B) **"Massage establishment"** means any establishment having a source of income or compensation derived from the practice of massage as defined in Subsection A of this Section, and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in Subsection A of this Section.

(C) **"Masseur"** or **"masseuse"** means any individual, who in the course of any employment either directly or indirectly engages in the practice of massage as defined in Subsection A of this Section.

(D) **"Bath"** means a washing or soaking of all or part of the human body and includes the techniques and practices commonly referred to as Russian, Turkish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation or electrical baths of any kind or type whatever, as well as ordinary tub baths or showers.

(E) "Bathhouse attendant" means any person who in the course of any employment administers or assists in administering to another human being a bath as defined in Subsection D of this Section.

(F) "Public bathhouse" means any establishment having a source of income derived from the giving of a bath which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in subsection D of this Section. This definition does not purport to include motels, hotels, health clubs, gymnasiums or like establishments where bathing facilities are incidentally provided along with the facilities which serve the normal, central purpose of such establishment.

.020 Exemptions. This Ordinance does not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

(A) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State;

(B) Nurses who are registered under the laws of this State;

(C) Barbers, hairdressers and cosmeticians who are duly licensed under the laws of this State and who perform only those massages included within the practice of barbering or the practice of cosmetology as defined by State law;

(D) Barbers and beauticians who are duly licensed under the laws of this State, except that this exemption shall apply solely to the bathing of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes;

(E) Persons caring for the sick or elderly in a licensed hospital or convalescent center.

.030 Cleanliness. Every portion of a massage establishment and every portion of a public bathhouse, including appliances, apparatus and personnel, shall be kept clean and operated in a sanitary condition.

.040 Age of Employees. It is unlawful for any massage establishment or public bathhouse to employ any person who is not at least eighteen years of age.

.050 Advertising. No massage establishment nor public bathhouse shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage or bathhouse services.

.060 Obscene or opposite-sex massage.

(A) It is unlawful for any employee of a massage establishment to touch or massage the genitals of a male or female client or customer or to touch or massage the female breast(s).

(B) It is unlawful for any masseur or masseuse as defined in Section .010 (C) hereto to massage a person of the opposite sex.

.070 Bathing or touching opposite sex.

(A) It is unlawful for any employee of a bathhouse to touch or bathe the genitals of a male or female client or customer or to touch or bathe the female breast(s).

(B) It is unlawful for any bathhouse attendant to administer or assist in administering to a person of the opposite sex a bath as defined herein.

.080 Penalty for Violation. Any person, firm, association or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

.090 Severability. Every Section of this ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections, and the holding of any section or any part thereof to be voided or ineffective for any cause, shall not be deemed to affect, nor shall it affect, any other section or part of section in this ordinance contained.

.100 Effective Date. This ordinance shall be in full force and effect from and after its passage, adoption and second publication in the Pahrump Valley Times, a newspaper printed and published within the County of Nye, State of Nevada.

MESSAGE ESTABLISHMENTS AND PUBLIC BATHHOUSES

Proposed on the 23rd day of October, 1990.

Proposed by Board Member Wanda Lee Stiles.

Passed on the 13th day of November, 1990.

VOTE:

AYES:

Herbert Vennerus
Charles Connolly
James D. Hampden
Wanda Lee Stiles
Bo Bohannon

NAYS:

ABSENT:

ATTEST:

Wanda Lee Stiles
Town Clerk