

**ORDINANCE NO. 2589**

**AN ORDINANCE OF THE CITY OF GARDNER, KANSAS AMENDING SECTION 5.15.030 OF THE GARDNER MUNICIPAL CODE RELATING TO THE PERMITTING OF, APPLICATION FOR AND PAYMENT OF FEES ASSOCIATED WITH THE LICENSURE OF A MASSAGE ESTABLISHMENT.**

**WHEREAS**, the City has previously adopted Municipal Code provisions regulating the maintenance, operation and conduct of massage establishments;

**WHEREAS**, the City wishes to amend its Municipal Code regulating the maintenance, operation and conduct of massage establishment relating to the payment of annual massage establishment application fees.

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

**SECTION 1.** Section 5.15.030 of the Gardner Municipal Code shall be amended to provide as follows:

“5.15.030 Permit – Application – Fees.

- A. Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application with the City and pay either an annual or a semi-annual filing fee as set by the Governing Body by resolution. Payment of the semi-annual fee will permit the applicant to maintain, operate or conduct a massage establishment from July 1<sup>st</sup> through the end of the year. If an applicant who has already paid the massage establishment fee has changed the location of a massage establishment, such applicant shall not be required to pay a new application fee for the remainder of the year, however, the new location for the massage establishment must otherwise comply with the provisions of this Code for licensure.
- B. The application for a permit to operate any such establishment shall set forth the exact nature of the services to be provided, the proposed place of business, and facilities therefor, and name, address, and telephone number of each applicant, including stockholders holding more than 10 percent of the stock of the corporation, any partner, when a partnership is involved, and any manager.
- C. In addition to the foregoing, any applicant for a permit shall furnish the following information:
  - 1. Written proof that the applicant is at least 18 years old;
  - 2. Two portrait photographs at least two inches by two inches taken within the preceding two years and fingerprints; provided, that once an applicant has submitted fingerprints, such applicant shall not have to submit fingerprints upon renewal applications for such applicant;
  - 3. Business, occupation, or employment of the applicant for the three years immediately preceding the date of application;

4. The massage establishment business license history of the applicant, whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
5. Any criminal convictions, except minor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof;
6. In the case of applicants who intend personally to provide in-office massage or massage therapy, the applicant must also apply for and receive a massage therapist license as provided for in GMC 5.15.160;
7. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and qualifications of the applicants for the permit."

**SECTION TWO:** Any ordinance not in conformity herewith is hereby repealed or amended to conform hereto.

**SECTION THREE:** This ordinance shall take effect and be in force upon its passage by the City Council and publication in the official City Newspaper as required by law.

PASSED by the City Council this 15th day of October 2018.

SIGNED by the Mayor this 15th day of October 2018.

(SEAL)

CITY OF GARDNER, KANSAS

\_\_\_\_\_  
/s/

Steve Shute, Mayor

Attest:

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/s/

Amy Nasta, City Clerk

Approved as to form:

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/s/

Ryan B. Denk, City Attorney