

ORDINANCE NO. 2023-02

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING CHAPTER 5.30 OF THE RICHLAND MUNICIPAL
CODE RELATED TO PUBLIC MASSAGE PARLORS AND PUBLIC
BATHHOUSES.**

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code to promote the health, safety and general welfare of the citizens of Richland; and

WHEREAS, the City’s ordinance related to public massage parlors and bathhouses has not been updated since its creation in 1973 by Ordinance No. 975; and

WHEREAS, the proposed edits to Chapter 5.30 RMC are intended to bring the code into compliance with current practice and to include additional enforcement authority for the Richland Police Department to ensure that massage parlors are not used as fronts for prostitution and other lewd conduct.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 5.30 of the Richland Municipal Code, entitled Public Massage Parlors and Public Bathhouses, as first enacted by Ordinance No. 795, and last amended during the 2011 recodification, is hereby amended as follows:

**Chapter 5.30
PUBLIC MASSAGE PARLORS AND PUBLIC BATHHOUSES**

Sections:

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- 5.30.020 License for business required – Public massage parlor – Public bathhouse.**
- 5.30.025 License required – Manager.**
- 5.30.030 License required – Massage therapist ~~Masseur~~—~~Masseuse~~ – Attendant.**
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5.30.010 Statement of purpose.

The Richland city council finds that certain practices and conditions associated with public massage parlors and public bathhouses may be injurious to the public health and the public morals and that regulation and licensing of such establishments and their employees is necessary in the interests of the public welfare of the citizens of the city of Richland.

5.30.020 License for business required – Public massage parlor – Public bathhouse.

~~No person shall~~ It is unlawful to conduct, operate or maintain a public massage parlor or a public bathhouse unless such establishment or premises is ~~without first obtaining a~~ licensed ~~therefor~~ as hereinafter provided. No massage parlor or public bathhouse shall operate under any name or conduct its operation under any designation not specified in the license issued by the city in accordance with this chapter.

5.30.025 License required – Manager.

No person shall act as a manager of a public massage parlor or of a public bathhouse without first obtaining a license as hereinafter provided.

5.30.030 License required – Massage therapist ~~Masseur– Masseur~~ – ~~Masseur~~ – Attendant.

No person shall act as a massage therapist, ~~masseur or masseuse~~ or as a public massage parlor attendant or as a public bathhouse attendant without first obtaining a license as hereinafter provided.

5.30.040 Definitions.

“Felonious crimes against persons” means felony-level offenses that involve violent acts or trigger a fear of bodily harm in someone threatened with violence. This range of offenses includes, but is not limited to, murder, rape, kidnapping, unlawful imprisonment, felony harassment, felony assault, and felony stalking.

“Genitals” includes, but is not limited to, the pubic area, anus, or perineum of any person, and female breasts.

“License” means a certificate issued by the city of Richland authorizing a holder thereof to:

- A. Act as a massage therapist ~~masseur~~; or
- B. To act as a manager of a public massage parlor or public bathhouse; ~~masseuse~~; or
- C. To act as a public massage parlor attendant; or
- D. To act as a public bathhouse attendant; or
- E. To own/operate a public bathhouse; or
- F. To own/operate a public massage parlor.

~~License Officer.~~ “City license officer” or “license officer” is the finance director of the city of Richland, or any ~~officer~~ employee of the city designated by the finance director ~~him~~ to serve as city license officer or license officer.

“Manager” means any person who manages, directs, administers, or is in charge of the affairs and/or the conduct of any portion of any activity involving public massage parlors or public bathhouses.

“Massage” means the method, art or science of treating the human body for hygienic, remedial or relaxation purposes by rubbing, stroking, kneading, tapping, rolling or manipulating the human body of another with the hands or by any other agency or instrumentality. “Massage” as used herein includes the use, in connection with massage treatment, of such appliances, equipment and aids as heat lamps, electric cabinets designed to produce heat, steam baths given by cabinet or any other method, mineral baths either as complete or partial baths, baths by tub or shower or otherwise, baths administered hot or cold, using water, natural mineral water, a formula or other liquid, and including colonic irrigation. Manipulation of the human body in the course of the practice of medicine, surgery, osteopathy, chiropractic, chiropody, naturopathy, dentistry, nursing, physical therapy, optometry or any other of the healing arts by persons licensed by the state of Washington to practice such healing arts is not included in the term “massage” as used herein.

“Massage therapist” means a person engaged in the practice of massage. ~~“Masseur” or “masseuse” means a male person, or a female person, respectively, who practices massage,~~ or holding himself or herself out as practicing massage, for, or in expectation of, any fee, compensation or monetary consideration. The term “massage therapist” includes masseur and masseuse.

“Person” means any individual, firm, partnership, association, corporation, company or organization of any kind.

“Public bathhouse” means any place within the city of Richland where baths or facilities for baths of any kind whatever are given or furnished for, or in expectation of, any fee, compensation or monetary consideration including, but not limited to: Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam, vapor, water or electric cabinet; provided, that “public bathhouse” for the purpose of this chapter, does not include such baths or facilities for baths where no attendant or other person administers, or holds himself out as administering,

massage treatment as herein defined, either by physical manipulation of the body or by the use of equipment.

“Public bathhouse attendant” means any person who administers to, or performs services to, patrons of a public bathhouse or who supervises the work of such a person. The term does not include a person who performs only custodial or janitorial work.

“Public massage parlor” means any place within the city of Richland where massages are given or furnished for, or in expectation of, any fee, compensation, or monetary consideration.

“Public massage parlor attendant” means any person who administers to, or performs services to, patrons of a public massage parlor or who ~~observes~~ ~~supervises~~ the work of a ~~massage therapist~~ ~~masseur or masseuse~~ or other person administering to, or performing services to such patrons.

5.30.050 Exemptions.

When no fee, compensation or any other monetary consideration is charged or paid, directly or indirectly, for such services the provisions of this chapter do not apply to:

- A. Persons giving massage treatments or baths in a private residence or a private social or athletic club not open to the public generally;
- B. Athletic coaches or trainers affiliated with public or private education institutions or athletic organizations;
- C. Students enrolled in schools of massage performing such practices of massage as are incidental to their course of study.

The provisions of this chapter do not apply to massage treatments given in any hospital, duly licensed nursing or convalescent home, or by physical therapists duly licensed, who treat patients only upon written prescription of a licensed doctor of medicine, or by any other person licensed by the state of Washington to treat the sick, injured or infirm or by any nurse under the direction of a person so licensed.

Licensed beauty operators and barbers who perform only such acts of massage as are customarily given in beauty salons and barber shops for purposes of beautification only are also exempt from the provisions of this chapter.

5.30.060 Fees.

The fee for a ~~public massage parlor~~ license under this chapter shall be as provided in the Richland Fee Schedule. ~~is fixed at \$50.00 per year, and the fee for a public bathhouse license is fixed at \$2550.00 per year. An additional nonrefundable application fee of \$120.00 shall accompany each application for such a license.~~

~~The fee for a license as a masseur, masseuse, public massage parlor attendant, or a public bathhouse attendant is fixed at \$10.00.~~

5.30.070 Application for issuance and renewal of license for business – Public massage parlor – Public bathhouse.

No license or renewal of license to conduct a public massage parlor or public bathhouse shall be issued or renewed except upon written application filed with the city license officer ~~upon forms furnished by the city of Richland~~, which shall be signed and sworn to by the person who intends to conduct, operate and maintain a public massage parlor or bathhouse. Such applications shall include the following:

A. ~~The true name, home address and telephone number of the applicant~~ The applicant's name, residence address, residence telephone number, date and place of birth, driver's license number, and Social Security number;

B. The business name, business address and telephone number of the establishment or proposed establishment;

C. Whether the applicant is a sole proprietorship, partnership or corporation; if a partnership, giving the names of all persons sharing in the profits of the business; if a corporation, giving the names of its officers, directors and shareholders, giving title, residence address and telephone number of each;

D. If applicable, the state-issued massage therapist provider credential number of the applicant and the members/officers of the partnership or corporation, along with a detailed disclosure of any adverse action that has been taken against each provider license. How long applicant (or, if a corporation, its officers) have resided in Benton County;

E. If applicant is a sole proprietorship or a partnership, ~~stating whether~~ written proof that the proprietor or the partners are ~~of legal age; 18 years of age or older.~~ Written proof shall mean the following:

1. A current motor vehicle operator's license by any state bearing the sole proprietor or partners' photograph and date of birth; or
2. A valid identification card issued by the state of Washington which bears the sole proprietor's or partners' photograph and date of birth; or
3. A current passport of the sole proprietor or all partners;

~~F. Two two-by-two-inch black and white photographs of the applicant, or in the case of a firm, the party signing the application, taken within six months of the date of the application, showing only the full face of such applicant. The two-by-two-inch black and white photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it such photograph of the applicant, or the party signing the application, and such license shall be posted and displayed in a conspicuous place in the establishment where such licensee is employed, at all times, and such license shall not be tampered with in any manner;~~

~~G. Such applicants, or party signing the application, shall also be required to submit to~~

~~fingerprinting by the Richland Police Department police division, and such fingerprints shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Bureau;~~

~~H.F.~~ Whether the applicant or anyone owning an interest in the business or proposed business has ever been convicted of any crime. If so, stating the nature of the crime, the date of conviction, the name and location of the convicting court, and the disposition thereof;

~~I.G.~~ All assumed names or aliases which have been or are used by any person whose name appears on an application;

~~J.H.~~ Such other relevant and pertinent information as the city license officer may reasonably require in connection with such application.

5.30.080 Issuance and renewal of license for business – Public message parlor – Public bathhouse.

Upon the filing of an application for issuance or renewal of a public message parlor license or a public bathhouse license, the city license officer shall ascertain ~~from the development services department~~ whether the operation of such establishment at the business address shown on the application will be in compliance with the city's zoning regulations; ~~and the city license officer shall promptly refer the application to the police department with a request for an investigation of the statements contained in said application perform any background check necessary to determine whether to grant or deny the application, and for a written report to be made within 30 days by the police division containing the results of the investigation and any other matters pertinent to the application. The license officer shall also refer the application to the Benton County health department with a request for an inspection of the premises, or proposed premises, to determine their suitability and adequacy as to sanitary and physical conditions and to submit a written report thereon.~~ If, from the ~~reports and other~~ information provided, it appears that the application and the premises are fit and proper, that the statements contained in the application are true; that the applicant or the members/officers owners of the applicant firm have neither convictions nor pending charges for not been convicted of a felonious crimes against persons, crimes of dishonesty or involving moral turpitude, or attempt to defraud; and that the applicant has complied with all the requirements of this chapter and is otherwise in good standing with the city, the city license officer shall issue a license to the applicant; otherwise the license application shall be denied. When evaluating the application for approval or denial, the license officer will consider the age and significance of relevant criminal convictions identified in this section, and may determine not to automatically disqualify an applicant based solely on criminal convictions if additional evidence of character, competence, and suitability is available for review; provided, however, that any relevant criminal conviction imposed within seven (7) years of the date of application shall be an automatic disqualifier.

5.30.090 Suspension or revocation of license for business – Public message parlor – Public bathhouse.

~~The city council reserves unto itself the power to suspend or revoke a~~Any license for an establishment issued under ~~the provisions of~~ RMC 5.30.080 may be suspended or revoked by the license officer at any time where the same was procured by fraud or false representation of facts;

or for violation of any of, or failure to comply with, the provisions of this chapter by the person holding such license or any of ~~his~~ the licensee's servants, agents, or employees; or the conviction of the person holding such license of any crime or offense involving dishonesty, moral turpitude, or felonious crimes against persons, or the conviction of any of the licensee's ~~his~~ servants, agents or employees of any crime or offense involving moral turpitude or assault committed on the premises in which the licensed establishment is located; or where there is a reasonable basis to find ~~in the event that it is determined~~ that the further operation of such establishment would be detrimental to the public health or welfare of the citizens of the city of Richland.

5.30.100 Condition of premises.

The premises and equipment of all public massage parlors and public bathhouses shall be maintained in a clean, safe, and sanitary manner and it shall be the duty of the owner or operator of such establishment to meet the following requirements:

A. Adequate lighting, heating and ventilating is to be installed and maintained in all parts of the facility in full compliance with the city's applicable building, mechanical, plumbing, electrical and related codes;

B. Each patron using such a facility shall be furnished with an individual clean towel or disposable paper mat by the operator thereof; towels shall not be reused until they are washed and sanitized. There shall be adequate facility for towel and mat storage;

C. If any facility contains any swirling water pools where more than one person is immersed, such pools shall be maintained under the same restriction as any public or semi-public pool. Bacterial quality shall be such that not more than 15 percent of any series of samples nor more than two consecutive samples in any series of samples collected at times when the pool is in use shall allow the presence of coliform bacteria in any of the five 10-milliliter portions examined. Chlorine residual of 0.4 ppm in all parts of pool while in use will assure acceptable bacteriological standards;

D. Chlorine and pH test kit shall be used routinely to check the chemical makeup of pool water and results shall be recorded on a daily log sheet to be kept current at all times;

E. Any stools or benches in any bath facility shall be easily cleanable and soundly constructed. They shall be covered with single service towels when in use;

F. All exercise equipment and appliances shall be routinely checked for possible structural weaknesses and shall be maintained in a safe and sanitary manner at all times;

G. All pools shall be provided with recirculation and filtering equipment, which equipment shall include a rate of flow indicator and a loss of head gauge for the backwash filter;

H. All shower and dressing facilities shall be available outside the pool area. Such area must be well lighted and ventilated with nonslip floor finish provided on floors sloping to a floor drain;

I. A safety bar or hand rail shall be installed in the pool easily accessible to users in every area of the pool;

J. Any sauna bath or similar facility shall duly post a maximum exposure time table as suggested by the manufacturer thereof;

K. Ceilings shall be used in the sauna area which are so devised as to prevent dripping of hot water on users;

L. Any facilities using ultraviolet exposure rooms in their establishment shall post maximum exposure time, which shall not exceed three minutes for any individual.

5.30.110 Unlawful to admit certain persons.

It is unlawful for the owner, proprietor, manager or person in charge of any public massage parlor or public bathhouse, or for any employee of the establishment knowingly to harbor, admit, receive or permit to be or remain in or about such premises, ~~any prostitute, lewd or dissolute person, any drunken or boisterous person,~~ any person under the influence of intoxicating liquor or narcotic drugs or any person whose conduct threatens the immediate physical health or safety of any other person lawfully present in the establishment; ~~tends in any way to corrupt the public morals.~~

5.30.120 Business hours.

No public massage parlor or public bathhouse shall conduct business after the hour of 10:00 p.m. ~~2:00 a.m.,~~ or prior to the hour of 8:00 a.m.

5.30.130 Unlawful to advertise without license.

It is unlawful to advertise the giving of massage treatments or public baths by a person or in an establishment not licensed or otherwise qualified pursuant to this chapter.

5.30.140 Application for or renewal of license – Manager – Massage therapist Masseur— Masseur – Attendant.

No license or renewal of license to act as a manager, massage therapist, masseur or masseuse, or public massage parlor attendant, or public bathhouse attendant, shall be issued or renewed except upon written application filed with the city license officer ~~upon forms furnished by the city of Richland,~~ which shall be signed and sworn to by the applicant. Such application shall include the following:

A. The applicant's name, residence address, residence telephone number, date and place of birth, driver's license number, and Social Security number; ~~The true name, home address, and telephone number of the applicant;~~

B. A letter, dated no more than thirty (30) days prior to the date of the submission of the application, from the owner of the business indicating intent to employ or otherwise authorize the applicant on a specified date to begin performing, on the owner's premises, the function that is the subject of the application; ~~References as to moral character of the applicant from three (3) reputable citizens of Benton County, Washington;~~

C. ~~How long applicant has resided in Benton County;~~ Written proof that the applicant is 18 years of age or older. Written proof shall mean the following:

1. A current motor vehicle operator's license by any state bearing the applicant's photograph and date of birth; or
2. A valid identification card issued by the state of Washington which bears the applicant's photograph and date of birth; or
3. A current passport;

D. Whether the applicant has ever been convicted of a crime. If so, stating the nature of the crime, the date of conviction, the name and location of the convicting court and the disposition thereof;

E. All assumed names and aliases which have been or are used by the applicant;

~~F. Two two-by-two-inch black and white photographs of the applicant, taken within six months of the date of the application, showing only the full face of such applicant. The two two-by-two-inch black and white photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it such photograph of the applicant, and such license shall be posted and displayed in a conspicuous place in the establishment where such licensee is employed, at all times, and such license shall not be tampered with in any manner;~~

~~G. Such applicant shall also be required to submit to fingerprinting by the police division and such fingerprints shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Division;~~

H. If applicable, the state-issued massage therapist provider credential number of the applicant, along with a detailed disclosure of any adverse action that has been taken against the applicant's provider license; ~~The applicant's previous occupation and previous employer;~~

I. Such other relevant and pertinent information as the city license officer may reasonably require in connection with such application. When applying for license renewal, certain of the above may be waived by the license officer.

5.30.150 Issuance and renewal of license – Manager – Massage therapist ~~Masseur—Masseuse~~ – Attendant.

Upon the filing of an application for a license to act as a manager, massage therapist, masseur, masseuse, public massage parlor attendant or public bathhouse attendant, the city license officer shall ~~refer the same to the police division with the request to investigate the statements contained in the application and~~ perform any background check necessary to determine whether to grant or deny the application. ~~to furnish a written report within 30 days containing the results of the investigation, and any other matters pertinent to said application. The city license officer shall refer the application to Benton County health department, with a request to examine the applicant physically to ascertain if said applicant is free from contagious or infectious disease and to make a written report thereon.~~ If, from the ~~reports and other~~ information provided, it appears that the applicant holds a valid state credential as required; is fit and proper; that the applicant is free of infectious or contagious disease; that the statements contained in the application are true; that the applicant has neither convictions nor pending charges for ~~not been convicted of~~ felonious crimes

against persons, a crime involving dishonesty or moral turpitude, or attempt to defraud; and that the applicant has complied with all the requirements of this chapter and is otherwise in good standing with the city, the city finance license officer shall issue a license to the applicant; otherwise the license application shall be denied. When evaluating the application for approval or denial, the license officer will consider the age and significance of relevant criminal convictions identified in this section, and may determine not to automatically disqualify an applicant based solely on criminal convictions if additional evidence of character, competence, and suitability is available for review; provided, however, that any relevant criminal conviction imposed within seven (7) years of the date of application shall be an automatic disqualifier.

5.30.155 Standards of Conduct/Operation

A. Owner/manager requirements. The following standards of conduct and operation shall be adhered to by the owner, proprietor, manager, attendant, or person in charge of any public massage parlor or public bathhouse:

1. Any person who performs services as a massage therapist, massage parlor attendant, or bath attendant must be at least 18 years of age.
2. Public massage parlors and public bathhouses must have a manager on the premises at all times during the hours open for business and/or during the presence of patrons.
3. Provide that all doors in such premises, excluding doors in the office and storage rooms, unless such doors provide access to service areas, are so equipped that they may not be fastened shut so as to prevent reasonable access by such authorities who announce their authority to enter prior to inspection.

B. All licensees. The following standards of conduct and operation shall be adhered to by all licensees:

1. All licensees shall comply with all applicable federal, state and local laws, including all safety and sanitation requirements and the city's building, fire and zoning codes;
2. Any person providing services in a public massage parlor or public bathhouse must:
 - a. Wear a name tag clearly identifying the individual's name as it appears on the individual's city-issued license and state-issued credential (if applicable); and
 - b. Post their city-issued license and state-issued credential (if applicable) in a prominent location on the premises that is viewable by all patrons and enforcement authorities; and
 - c. Present documentation that he or she has attained the age of 18 years when an inspection pursuant to this title is conducted. Proper documentation shall be as described in RMC 5.30.140(C).
3. All licensees shall allow any police officer, a representative from the Benton-Franklin Health District, the Richland Building Official, or any officer of the Richland Fire Department entry

to the premises during the hours the public massage parlor or public bathhouse is open for business, upon presentation of proper identification, for purposes of inspecting the premises;

4. Maintain business receipts showing the date of service(s) given, the type of service(s) rendered and the name and city license number of the employee rendering the service(s). These business receipts shall be retained for no less than three (3) years after the date the service was rendered, and shall be open to inspection by the license officer and the Richland Police Department;
5. Post in a prominent place a list of all services offered with a brief description of what the service entails along with the costs of such service(s). All business transactions with the customers must be conducted in accordance with the posted list; and
6. Not distribute or consume any alcoholic beverages and/or controlled substances on licensed premises.

C. Minors. It shall be unlawful for the owner, manager, massage therapist, massage parlor attendant, bathhouse attendant, or any employee or agent to admit anyone under the age of 18 years of age and permit them to remain in or about such premises, unless such person is accompanied by or presents the written consent of his or her parent or legal guardian.

D. Prostitution. It shall be unlawful for any owner, manager, massage therapist, massage parlor attendant, bathhouse attendant, or any employee or agent to knowingly harbor, admit, receive or permit to be or remain in or about such premises any prostitute or allow to be performed any act, massage or manipulation in which contact is made with another's genital areas either by hand, body or by any mechanical device or object, whether it is covered or uncovered, clothed or unclothed, in whole or in part.

E. Clothing required. It shall be unlawful for any owner, manager, massage therapist, massage parlor attendant, bathhouse attendant or any employee or agent to disrobe or be partially disrobed in the presence of another, other than his or her spouse, while in any facility defined in this chapter.

F. Draping. Privacy and therapy conditions must be provided which prevent exposure of the unclothed body.

1. Draping and treatment must be provided in a way that ensures the safety, comfort, and privacy of the patron and massage therapist.
2. Draping must take place during the massage, and the massage therapist shall comply with the patron's request to remain partially or fully clothed under the drape.
3. Patrons receiving a massage must be draped to assure that the genitals are not exposed.

G. Supervision – Inspection. The owner or manager shall have the premises supervised at all times when open for business. Rooms and stalls used for the purpose of massage or where an attendant is provided or present shall be constructed in such a manner as to permit inspection.

H. Any business required to be licensed under this chapter shall not install any device that is designed as an internal warning system.

5.30.160 License suspension, revocation or refusal to renew – Grounds.

The following shall be grounds for suspension, revocation or refusal to renew any license for a manager, massage therapist, masseur, masseuse, public massage parlor attendant or public bathhouse attendant:

- A. Fraud or deception in connection with securing the license;
- B. Conviction of any crime involving dishonesty or moral turpitude;
- C. Conviction ~~of~~ for violating a federal, state, or local law relating to sex offenses, or to possession, use, or sale of narcotics, dangerous drugs or alcoholic beverages;
- D. One or more violations of the provisions of this chapter; Habitual drunkenness or intemperance in the use of narcotics or stimulants;
- E. Conduct ~~inimical~~ harmful to the public health or welfare or that presents a risk to the public.

5.30.165 Appeal of application denial or license suspension.

If a license is denied, suspended or revoked by the license officer, the basis for the adverse action will be provided in writing (the “Notice of Adverse Action”). The license officer’s decision to deny, suspend or revoke any license issued under this chapter may be administratively appealed to the City Manager or designee.

A. Any person seeking to appeal an adverse decision must submit a written appeal to the Richland City Clerk within ten (10) calendar days of the date the Notice of Adverse Action was issued. The appeal may be filed in person, by mail delivery or by e-mail. For purposes of calculating time, the date of issuance is excluded from the ten (10) day appeal timeframe. No fee shall be charged for filing the appeal.

B. The written appeal must include valid contact information; the name of the business and/or person affected by the adverse action of the license officer; the decision from which the person appeals; a brief description of the facts giving rise to the appeal; and a concise statement of the appellant’s reason for the appeal and the relief requested.

C. On appeal, the City Manager or designee will review the information in the record and determine whether the license officer’s adverse action was arbitrary and capricious. A hearing may be held at the City Manager or designee’s discretion, but is not required. The decision of the City Manager or designee is final.

5.30.170 Expiration of licenses.

All licenses issued or renewed pursuant to this chapter shall be issued for a period of one year commencing on the date of issuance. ~~April 1st of each year and ending March 31st of the following year.~~

5.30.180 Liquor.

Liquor (as that term is defined in the Washington State Alcoholic Beverage Control Act) shall not be distributed or consumed on the premises of any public massage parlor or public bathhouse.

5.30.185 Unlawful conduct.

It is unlawful for any [massage therapist](#) ~~masseur, masseuse,~~ or public massage parlor attendant, on premises operated or maintained as a public massage parlor, to knowingly touch or fondle the genitals, ~~pubic region,~~ or female breasts of another person.

5.30.190 Violations – Penalties.

A. Any person who has violated any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

B. Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

C. [Any penalties imposed under this RMC 5.30.190 are in addition to the adverse license actions authorized in this chapter.](#)

5.30.200 Severability.

If any section of this chapter, or any portion of any section of this chapter, or its application to any person or circumstances, is held invalid, the remainder of the chapter or the application of the provision to other persons and circumstances shall not be affected.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

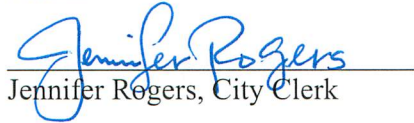
Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 7th day of February, 2023.


Terry Christensen, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

First Reading: January 17, 2023
Second Reading: February 7, 2023
Date Published: February 12, 2023