

**BOARD OF TOWNSHIP TRUSTEES  
BLENDON TOWNSHIP  
FRANKLIN COUNTY, OHIO**

The Board of Township Trustees (the "Board") of Blendon Township (the "Township"), Franklin County, Ohio met in regular session on \_\_\_\_\_, 2018 at \_:00 pm at 6350 South Hempstead Road, Westerville, Ohio 43081, with the following members present:

Jan Heichel

James Welch

Stew Flaherty

Trustee \_\_\_\_\_ introduced the following resolution in writing:

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION ADOPTING REGULATIONS FOR THE ESTABLISHMENT OF  
MESSAGE ESTABLISHMENTS WITHIN THE UNINCORPORATED TERRITORY OF  
BLENDON TOWNSHIP, FRANKLIN COUNTY, OHIO**

**WHEREAS**, the Board is responsible for the public health, welfare and safety of the Township; and

**WHEREAS**, the Township is encountering an unforeseen increase in message establishments and local interest in message establishments; and

**WHEREAS**, a township may adopt, administer and enforce all powers of local self-government within the unincorporated area of the Township; and

**WHEREAS**, the Township has the authority to regulate message establishments pursuant to Section 503.41 of the Ohio Revised Code; and

**WHEREAS**, message services performed in violation of applicable law and regulations can harm public health, safety and welfare by allowing illicit activities such as prostitution and human trafficking;

**WHEREAS**, there is evidence that such message establishments that allow illicit activities have a negative effect on the existing businesses around them and the surrounding residential areas, causing increased crime and decreased property values; and

**WHEREAS**, it is in the best interests of the Township to act to prevent negative results of unregulated massage establishments;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Township Trustees of Blendon Township, Franklin County, Ohio, hereby adopts the Regulations Governing Massage Parlors, a copy of which is attached to and made a part of this Resolution.

This Resolution is hereby declared to necessary for the preservation of the public peace, health, safety and welfare of the Township to prevent the unregulated operation of massage establishments and concerns associated therewith, including human trafficking and prostitution.

It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

This resolution shall take effect at the earliest time permitted by law.

Adopted: \_\_\_\_\_, 2018  
Effective: \_\_\_\_\_, 2018

**BOARD OF TOWNSHIP TRUSTEES  
BLENDON TOWNSHIP  
FRANKLIN COUNTY, OHIO**

Attest: \_\_\_\_\_  
Wade Estep, Clerk

\_\_\_\_\_  
Jan Heichel, Township Trustee

\_\_\_\_\_  
James Welch, Township Trustee

\_\_\_\_\_  
Stew Flaherty, Township Trustee

**CERTIFICATE OF PUBLICATION**

I, \_\_\_\_\_, Fiscal Officer of Blendon Township, Franklin Township, Ohio do hereby certify that notice of availability of this resolution was published in the newspapers listed below and on the dates listed below:

\_\_\_\_\_ and \_\_\_\_\_, 2018

\_\_\_\_\_ and \_\_\_\_\_, 2018

\_\_\_\_\_  
Wade Estep, Fiscal Officer  
Blendon Township, Franklin County, Ohio

**BLENDON TOWNSHIP, FRANKLIN COUNTY, OHIO**  
**REGULATION GOVERNING MASSAGE PARLORS**

**(A) Definitions**

- 1) **Massage**: any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.
- 2) **Massage establishment**: any fixed place of business where a person offers massages (a) in exchange for anything of value or (b) in connection with the provision of another legitimate service.
- 3) **Employee**: a person who performs any service or work on the premise of a massage establishment, including but not limited to masseuses, masseurs, managers, supervisors, and custodians, on a full-time, part-time, or contractual basis, whether or not the person is considered an employee, contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. "Employee" does not include a person on the premises exclusively for repair or maintenance of the equipment or premises, or for the delivery of goods to the premises.
- 4) **Masseur/Masseuse**: any individual who performs massages at a massage establishment.
- 5) **Sexual/Genital area**: the genitalia, pubic area, anus, perineum of any person, and the breasts of a female.
- 6) **Permit**: a permit to operate a massage establishment pursuant to these regulations.
- 7) **License**: a license to act as a masseur or masseuse at a massage establishment, issued pursuant to these regulations.

**(B) Scope**

- 1) These regulations govern massage establishments within the unincorporated area of Blendon Township (the "Township") and the owners, operators, persons in charge, and employees of such establishments.
- 2) These regulations shall not apply to the following:
  - a. Hospitals, nursing homes, public health centers, occupational therapists, and athletic trainers; and

- b. A person engaged in the practice of providing therapeutic massage as a licensed physician, licensed podiatrist, a licensed nurse, or any other licensed health professional, provided that the aforementioned persons are licensed, certified, or registered to practice in the state of Ohio, or a person practicing any limited branch of medicine specified in Section 4731.15 of the Ohio Revised Code or.

**(C) Permit or License Required**

- 1) No person shall operate or participate in the operation of a massage establishment, or permit the operation of a massage establishment, without a valid, current permit issued pursuant to these regulations. A separate permit is required for each location at which a massage establishment is operated.
- 2) No person shall act as a masseuse or masseur for a massage establishment without a valid, current license issued pursuant to these regulations.

**(D) Application for Permit or License**

- 1) Application for an original or renewal permit or license shall be in writing, addressed to the Board of Trustees of Blendon Township, Franklin County, Ohio.
- 2) All applications shall be filed with the Blendon Township Administrator or the Administrator's designees (hereafter the "Administrator").
- 3) An application for a renewal permit or license shall be filed not later than thirty (30) days prior to expiration of the permit or license to be renewed.
- 4) A non-refundable filing fee shall be paid at the time of filing the application, as follows:
  - a. \$250 for an initial permit to operate a massage establishment;
  - b. \$125 for a renewal permit to operate a massage establishment;
  - c. \$100 for an initial license as a masseuse or masseur;
  - d. \$50 for a renewal license as a masseuse or masseur.
- 5) An application for an initial or renewal permit to operate a massage establishment shall contain the following:
  - a. The address where the massage establishment is or will be operated;
  - b. The full name, residential address, date of birth, and social security number of the applicant and, if a person is applying on behalf of an entity, the full name of the entity, including:

- i. If the entity is a partnership or limited partnership, the name; the status of the partnership as a general or limited partnership; the state or jurisdiction under which it is organized; the address of the principal office; the address of the principal office in Ohio; the federal employer identification number; the name and address of the statutory agent in Ohio; the full name, date of birth, and social security number of each partner or limited partner; or
    - ii. If the entity is a corporation, the name of the corporation; the state or jurisdiction under which it is organized; the address of the principal office; the address of the principal office in Ohio; the federal employer identification number; the name and address of the statutory agent in Ohio; the full name, date of birth, and social security number of any officer or director, and any stockholder holding more than two percent (2%) of the stock of the corporation.
  - c. The following employee information:
    - i. The full name, residential address, date of birth, and social security number of each person employed by the massage establishment or whose employment is contemplated by the establishment, and the capacity in which such person is or is to be employed;
    - ii. a statement that the applicant and, to the applicant's knowledge, the persons named in the application have never been convicted of or plead guilty to any offense other than a misdemeanor traffic offense, or a statement listing the offenses other than misdemeanor traffic offenses of which the applicant or any person named in the application has been convicted, including the offense, date of conviction, and the name and location of the court; and
  - d. The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or revisions thereof.
- 6) An application for a renewal permit to operate a massage establishment shall, in addition to those requirements in Section 5, include the names, addresses, dates of birth and social security numbers of each person employed by the massage establishment.
- 7) An application for a license or renewal license as a masseuse or masseur shall contain the following:
  - a. The full name, residential address, date of birth, and social security number of the applicant;

- b. A statement of the applicant's training, experience, and other masseuse or masseur qualifications;
- c. The results of a physical examination performed by a licensed physician, physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within thirty (30) days of the application certifying that the applicant is free from communicable diseases;
- d. Two clear, passport-sized photographs of the applicant, taken not more than thirty (30) days prior to the date of filing the application;
- e. Authorization for an investigation into the background and any criminal record of the applicant, including authorization for subsequent investigations to supplement or update the information;
- f. The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or revisions thereof.

**(E) Inspection**

- 1) Upon receipt of an application for an initial or renewal permit to operate a massage establishment, the Administrator shall notify the authorities, as designated by the Board of Trustees, to conduct health and safety inspections of the premises within thirty (30) days of the filing of the application and to determine compliance or noncompliance with applicable health and safety codes. Written reports of inspection shall be prepared by the inspectors and filed with the Administrator, and shall become part of the application for the permit.
- 2) Upon receipt of an application for an initial or renewal license as a masseuse or masseur, the Administrator shall refer the applicant to the Blendon Township Police Department to be fingerprinted, and shall notify the department to conduct an investigation into the background of the applicant. A written report of the results of the investigation shall be prepared and filed with the Administrator and shall become part of the application for a license.

**(F) Action on Application**

- 1) The Board of Trustees shall act on the application no later than thirty (30) days after receiving a complete filing that contains all information described in the above Section (D). If the Board finds that additional information, inspections, or investigations are reasonably necessary to evaluate the application properly, it may order the applicant to provide supplemental information or order supplemental inspections and investigations and postpone action on the application pending receipt of the supplemental information or reports.
- 2) The application will be denied if:

- a. The application is incomplete, contains any false information, or fails to comply with these regulations;
- b. The applicant is a limited partnership, corporation, or other entity that is not in good standing in the jurisdiction where organized or is not authorized to do business in Ohio;
- c. The operation of a massage establishment at the specified premises would violate existing zoning restrictions;
- d. The report of the applicable health and safety inspections conducted pursuant to Section (E) (1) reveal any unsanitary, unsafe, or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health or safety codes;
- e. The applicant for a permit or renewal permit to operate a massage establishment has failed to cooperate with any required health or safety inspection or background investigation;
- f. The applicant for a license or renewal license as a masseuse or masseur has failed to cooperate with any required background investigation;
- g. The applicant or any person named in the application for a permit or renewal permit to operate a massage establishment is under the age of eighteen (18);
- h. The applicant for a license or renewal license as a masseuse or masseur is under the age of twenty-one (21);
- i. The applicant or any person named in the application for an initial or renewal permit to operate a massage establishment or the applicant for a license or renewal license as a masseuse or masseur, within the past five years, has been convicted of or plead guilty to an offense under Chapter 2907 of the Ohio Revised Code or a substantially equivalent offense under a municipal ordinance in Ohio, or under the laws of another state or territory or of the United States, or under a municipal ordinance in any such jurisdiction;
- j. Any masseuse or masseur employed by the massage establishment for which a renewal permit is sought, or the applicant for a license or renewal license as a masseuse or masseur, has been convicted of or plead guilty to a violation of Section 503.42 of the Ohio Revised Code; or
- k. The applicant has violated these regulations, or aided and abetted any violation of these regulations.

- 3) If the application is denied, the Administrator shall promptly notify the applicant in writing of the order denying the application. If the Board of Trustees approves the application, the Administrator shall promptly issue a permit or license to the applicant.
- 4) A permit or renewal permit to operate a massage establishment shall contain the address of the permit premises, the name and address of the permit holder, and the date of issuance and date of expiration of the permit.
- 5) A license or renewal license as a masseuse or masseur shall contain the name, address, date of birth, physical description, a clear, color photograph of the licensee, and the date of issuance and date of expiration of the license.

**(G) Location of Massage Establishments**

No massage establishment shall be located within 500 feet of an Adults Only Entertainment Establishment, or any business primarily featuring Adult Material as defined in the Blendon Township Zoning Resolution.

**(H) Display of Permit or License**

The permit to operate a massage establishment shall be prominently displayed in an area of the premises open to the public. The license of a masseuse or masseur shall be prominently displayed in the area where the licensee provides massages.

**(I) Expiration of Permit or License**

A permit to operate a massage establishment or a license as a masseuse or masseur is valid for one year and expires on the anniversary of the date of issuance, unless sooner revoked as provided in these regulations.

**(J) Revocation or Denial of Permit or License**

The Board of Trustees may at any time revoke a permit or license issued pursuant to these regulations, on any of the grounds listed in these regulations for denial of the permit or license, including any reason arising or discovered after the issuance of a permit or license. The Administrator shall promptly notify the permit holder or license holder in writing of the order of revocation and the reason for the denial or revocation. The Board of Trustees may, but does not have to, hold a hearing in connection with an order denying or revoking a permit or license. Any person that has a permit or license revoked may request a hearing within thirty (30) days after the date on the notice of the violation. The Board of Trustees shall, upon receipt of hearing request, set a date, time, and location and notify the permittee or licensee in writing. At the hearing, the Board of Trustees may allow the permittee or licensee to present evidence regarding the alleged violation. After the hearing, the Board of Trustees may dismiss the allegations or sustain the allegations and revoke the permit or license. Any person adversely affected by a denial or revocation for a permit or license may appeal an order to the Franklin County Court of Common

Pleas, the place of business the permittee is located, or the court in which the person is a resident. The appeal shall be in accordance with Chapter 2506 of the Ohio Revised Code.

**(K) Transfer of Permit or License**

A permittee or licensee shall not transfer the permit or license to a location other than the premises designated in the application. A permittee or licensee shall not transfer the permit or license to any other person or entity.

**(L) Inspections and Investigation**

- 1) Health and safety inspections of permit premises may be conducted at three month intervals after the issuance or renewal of the permit to insure continued compliance with health and safety codes. The Board of Trustees may order health and safety inspections at any time there is reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises. The Administrator shall notify the appropriate authorities or agencies to make such inspections at designated times. Written reports of inspections shall be filed with the Administrator. The costs of the health and safety inspections shall be paid by the permittee.
- 2) Township personnel or agents may at all reasonable times inspect permit premises to insure continued compliance with the laws of Ohio and these regulations.
- 3) At any time there is reasonable cause to do so, the Board of Trustees may order a background investigation, including the criminal record, if any, of any permittee, person named in the application for a permit, employee of a permittee, or a licensee. Written reports of investigation shall be filed with the Administrator.
- 4) The Township may, from time to time, require a masseuse or masseur to undergo a physical examination performed by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife certifying that the masseuse or masseur continues to be free from communicable diseases.

**(M) Operation of Massage Establishments**

- 1) Massage establishments shall close no later than 8:00 p.m. and shall not open earlier than 7:00 a.m.
- 2) No massage establishment shall employ a masseuse or masseur who does not have a valid, current license issued pursuant to these regulations.
- 3) No person under age eighteen (18) shall be employed or contracted with, by or in the massage establishment in any capacity, whether full-time or part-time, and with or without compensation in any form.

- 4) The owner, operator, or person in charge of the establishment shall allow the Township, agents for the Board of Trustees, and Township, county, state or federal authorities, including law enforcement officers, access to any and all parts of the premises for the purpose of making any health or safety inspection pursuant to these regulations, and shall cooperate in any background investigation.
- 5) The permittee shall file a list of employees with the Administrator and shall file an amended list any time there is a change in personnel. The list shall state the name, address, date of birth, and position of each employee.
- 6) No person under age eighteen (18) shall be permitted entry during business hours without being accompanied by a parent or legal guardian.
- 7) The owner, operator, or person in charge of the massage establishment shall exercise adequate supervision to insure that the employees comply at all times with these regulations and the laws of Ohio.

**(N) Massage Establishment Employee Conduct**

- 1) A person under the age of eighteen (18) shall not accept or continue employment by or in a massage establishment in any capacity, whether full-time or part-time, and with or without compensation in any form.
- 2) No person shall accept or continue employment by any massage establishment that does not have a valid, current permit issued pursuant to these regulations
- 3) Any masseuse or masseur shall cooperate with any background investigation under these regulations.
- 4) No employee of a massage establishment, in the performance of his or her duties, shall do any of the following:
  - a. Knowingly touch or fondle, or offer or agree to touch or fondle the genitalia, pubic area, rectal area, or perineum of any person, or the breast of any female person, whether such touching or fondling is with part of the employee's body or with a mechanical or electrical apparatus or appliance;
  - b. Knowingly engage, or offer or agree to engage, in sexual conduct or sexual contact as defined in Section 2907.01 of the Ohio Revised Code, whether such sexual conduct or sexual contact is with part of the employee's body or with a mechanical or electrical apparatus or appliance;
  - c. When providing a massage, knowingly allow the pubic or genital area or buttocks of the client, or the breasts of a female client, to be uncovered; and

- d. Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the pubic or genital area or buttocks or, if the person is female, the breast.
- 5) All employees of a massage establishment shall, at all times, wear clean clothing, wash hands and bathe when reasonably necessary, and observe reasonable standards of personal cleanliness and hygiene.

**(O) Records**

The Administrator shall keep a complete record of all documents and proceedings under these regulations, including without limitation applications, reports, copies of permits and licenses issued, notices, correspondences, permittee employee lists, Board of Trustee proceedings, resolutions and orders, and petitions. All documents shall be endorsed by the Administrator with the date of filing.

**(P) Deposit and Use of Fees**

Fees collected by the Township for permits and licenses under these regulations shall be deposited in the Township General Fund and first applied to the cost of administering and enforcing these regulations.

**(Q) Penalties**

- 1) Whoever violates Section (C) of this Regulation is guilty of a misdemeanor of the first degree.
- 2) Whoever violates Section (M), sub-sections (1) through (4), both inclusive, and Section (N), sub-sections (2) and (4), is guilty of a misdemeanor of the third degree.