

NOTICE

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**CHAPTER 711
MESSAGE ESTABLISHMENTS AND SERVICES**

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|--------|---|--------|--|
| 711.01 | Definitions | 711.11 | Operating Requirements for Message Establishments |
| 711.02 | Licensed Massage Therapists to Perform Massage | 711.12 | Message Establishment – Condition of Premises |
| 711.03 | Exemptions | 711.13 | Prohibited Acts |
| 711.04 | Message Establishment and Message Services License – Required | 711.14 | Denial, Suspension, or Revocation of License – Grounds |
| 711.05 | Message Establishment License – Application | 711.15 | Denial, Suspension, or Revocation – Notice – Hearing |
| 711.06 | Message Services License – Application | 711.16 | Appeals |
| 711.07 | Submittal of Documentation | 711.17 | Inspections |
| 711.08 | Application Fees | 711.18 | Enforcement and Penalty |
| 711.09 | License Expiration and Renewal | 711.19 | Immunity from Prosecution |
| 711.10 | Denial of Application | 711.20 | Continuing Violations – Alternative Remedies |

SECTION 711.01 DEFINITIONS.

For purposes of this Chapter, the words listed below, whether capitalized throughout this Chapter or not, shall have the following meanings unless the context clearly indicates an alternative meaning:

- a. Applicant: A Person who has applied for a Massage Services or Massage Establishment License within the City of Kettering, Ohio.
- b. Corporate Massage: Any Massage of the neck, arms, shoulders, and back area above the waist, where the client is fully clothed, and that is done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice of Massage.
- c. Customer or Client: Any individual, firm, association, partnership, corporation, joint venture, or combination of individuals who obtains or seeks to obtain Massage services.
- d. Director: the Director of the City of Kettering Planning and Development Department or the Director's designee.

- e. License: A Massage Establishment License or a Massage Services License as defined by this Chapter.
- f. Massage: Any method of pressure, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands, hot towels, or with any mechanical or electrical apparatus or other appliances or devices, with or without supplementary aids such as rubbing alcohol, liniments, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations, or by baths, including but not limited to vapor, electric tubs, mineral fomentation, or any other type of bath.
- g. Massage Establishment: Any establishment having a fixed place of business where any Person engages in, conducts, carries on, or permits for consideration, Massages; including but not limited to, any hot tub/sauna, relaxation, spas, or tanning establishments in which Massage services are made available to members of the public.
- h. Massage Establishment License: A License to operate a Massage Establishment in the City of Kettering as required by this Chapter.
- i. Massage Therapist: Any Person who has a license in good standing as a Massage Therapist from the State Medical Board of Ohio.
- j. Massage Practitioner: Any Person who performs Massage on a Customer or Client in exchange for payment.
- k. Massage Services License: A license to perform Massage services in the City of Kettering as required by this Chapter.
- l. Outcall Massage Service: Any business, the function of which is to engage in or carry on Massages at a location designated by the Customer or Client rather than at a Massage Establishment.
- m. Person: Any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

SECTION 711.02 LICENSED MASSAGE THERAPISTS TO PERFORM MASSAGE.

- a. Within 90 days of the effective date of this Chapter, all Persons who own or operate Massage Establishments in the City of Kettering shall obtain a Massage Establishment License from the Director.

- b. Within 90 days of the effective date of this Chapter, all Massage Practitioners who operate in the City of Kettering shall obtain a Massage Services License from the Director.
- c. It shall be unlawful for any Person to offer or perform Massage services for consideration in the City of Kettering unless that Person is a Massage Therapist with a Massage Services License.
- d. It shall be unlawful for any Person to operate a Massage Establishment in the City of Kettering unless all of the following apply:
 1. The owner or manager of the Massage Establishment is a Massage Therapist; and
 2. The owner of the Massage Establishment has a Massage Establishment License in good standing; and
 3. The Massage services provided in the Massage Establishment are performed exclusively by a Massage Therapist with a Massage Services License in good standing.
- e. It shall be unlawful to employ a Person to perform Massage in a Massage Establishment in the City of Kettering unless that Person is a Massage Therapist with a Massage Services License.

SECTION 711.03 EXEMPTIONS.

- a. The Persons listed below are not required to comply with Section 711.02 as long as these Persons administer Massage as part of the performance of their respective professions:
 1. Physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, and other professions that are duly licensed by the State Medical Board of Ohio or the State Chiropractic Board of Ohio;
 2. Nurses, whether registered or licensed vocational nurses, who are duly licensed by the State of Ohio Board of Nursing to practice nursing;
 3. Occupational therapists, physical therapists, and athletic trainers licensed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to practice these professions;
 4. Barbers licensed by the Barber Board of Ohio or cosmetologists licensed by the State Board of Cosmetology of Ohio, performing Massage within the scope of their license;

5. Schools, colleges, or institutions approved by and determined to be in good standing with the State Medical Board of Ohio that have the Massage therapy curriculum required for students to become Massage Therapists upon course completion and the students enrolled at such schools, colleges, or institutions.
- b. Massages that are clearly incidental to the operation of a personal fitness training center, gymnasium, or health club may be permitted without a Massage Establishment License through the use and approval for those operations as required in Chapter 1153 of the Kettering Zoning Code. Individuals providing Massage at personal fitness training centers, gymnasiums, or health clubs must obtain a Massage Services License before performing Massage at these locations.
- c. The requirements to obtain a Massage Establishment License do not apply to Massage Therapists administering Massage or health treatments involving a Massage to Persons participating in singular occurring recreational events, provided all of the following conditions are met:
 1. Massage services are made available equally to all participants in the event;
 2. The event is open to participation by the general public or a significant segment of the public, such as employees of the sponsoring or participating corporations;
 3. The Massage services are provided at the site of the event, either during, immediately preceding or immediately following the event;
 4. The sponsors of the event have been advised of and approve of the Massage services; and
 5. The Persons providing the Massage services are not the primary sponsors of the event.

SECTION 711.04 MESSAGE ESTABLISHMENT AND MESSAGE SERVICES LICENSE – REQUIRED.

- a. A Massage Establishment License or a Massage Services License may be issued to any Person who has complied with the requirements of this Chapter and all other applicable provisions of the Kettering Codified Ordinances.
- b. Applicant must obtain a separate Massage Establishment License for each Massage Establishment location within the City of Kettering.
- c. The possession of a Massage Establishment License does not authorize the Licensee to perform work for which a Massage Services License is required.

- d. It is unlawful to operate, establish, or maintain a Massage Establishment while the Massage Establishment License issued for such business has been suspended, revoked, or has expired.
- e. It is unlawful to practice Massage in the City of Kettering while an individual's Massage Services or Massage Establishment License has been suspended, revoked, or has expired.
- f. No additional applications for Massage Establishment Licenses or for Massage Services Licenses will be accepted from individuals who are in the appeals process described in section 711.16 of this Chapter until the existing Massage Establishment License or Massage Services License has expired, has been revoked, or has been surrendered by the Applicant.

SECTION 711.05 MASSAGE ESTABLISHMENT LICENSE –APPLICATION.

- a. Applications for Massage Establishment Licenses shall be filed with the Director. Within sixty (60) working days following receipt of the completed application, the Director shall either issue the License or mail a written statement of the reasons for denial. When necessary, the Director may extend the time beyond sixty (60) days in order to conduct a complete investigation.
- b. The application shall include the exact nature of the Massage, bath, or treatment to be administered, and the location of the proposed place of business and facilities where such services will take place. Applicants who cannot produce a license in good standing to practice Massage from the State Medical Board of Ohio are required to furnish fingerprints for the purpose of establishing identification and criminal record through FBI and BCI criminal background checks. In addition, each Applicant shall furnish all the following information:
 - 1. The full name, including any nicknames or other names used presently or in the past, and the present street address and phone number of the Applicant's residence;
 - 2. The previous address of the Applicant for a period of three years immediately prior to the date of the application and the dates the Applicant resided in each of these previous residences;
 - 3. Information necessary to perform a criminal background check, including the following: Applicant's date of birth, height, weight, eye and hair color, Applicant's Ohio Driver's License number and/or state identification number (if any), and Applicant's Social Security number;
 - 4. The names, street addresses, and phone numbers of any Massage Establishment or any other business involving Massage, relaxation, or

other related business by which the Applicant has been employed within the past ten years, and the dates of employment;

5. Any criminal conviction on the record of the Applicant for criminal offenses, other than traffic violations, within five years preceding the date of the application;
6. Whether the Applicant has ever had a license, certificate, permit, or other authorization to engage in the practice of Massage or related business;
7. Whether the Applicant currently owns or owned or was employed by a Massage Establishment or other business engaged in the practice of Massage that was suspended or revoked within the ten years preceding the date of the application, the dates and reasons for any such suspensions or revocations, and the name and location of the jurisdiction or agency that suspended or revoked such license, certificate, permit or other authorization;
8. Whether the Applicant, including Applicant as a member of a corporation, business, or partnership, has ever operated or been employed at any business that has been the subject of a nuisance abatement proceeding or any similar laws in other jurisdictions. If the Applicant has previously worked at such a business, the Applicant should provide the name and address of the business, the dates on which the Applicant was employed at such business, the name and location of the court in which the nuisance abatement action occurred, the applicable case number, and the outcome of the nuisance abatement action;
9. If the Applicant is a partnership, the application shall provide the names and street addresses of each general and limited partner;
10. If one or more partners is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation, and the full legal names and street addresses of each of its current officers and directors;
11. Whether the Applicant intends to personally provide Massage at the business, and if so, the Applicant must provide their license to practice Massage therapy from the State Medical Board of Ohio for photocopying;
12. If Applicant does not intend to personally provide Massage at the Massage Establishment, then Applicant must provide the names of all employees, known at the time of application, who will practice Massage therapy at the Massage Establishment along with a statement under penalty of perjury that each of these employees have license(s) to practice massage therapy from the State Medical Board of Ohio;

13. A written statement under penalty of perjury that the Applicant will not personally give Massages at the Massage Establishment unless the Applicant is a Massage Therapist;
14. Whether the Applicant has previously applied to the City for a Massage Establishment License and the date of the application and every name(s) under which the application was made;
15. The proposed name and street address of the Massage Establishment, together with the name and street address of any other Massage business operated or managed by the Applicant within the ten years preceding the date of the application;
16. A statement under penalty of perjury that the Applicant has not made any false, misleading, or fraudulent statements or omissions of fact in their application or any other documents required by the City to be submitted with the application;
17. The name and street address of the owner or landlord and the lease holder of the proposed premises where the Massage services shall take place;
18. Acknowledgment by the Applicant that any information contained within the application that may change during the License period will be provided to the City within five (5) days of the change to maintain current records, including the names of newly hired employees who will provide Massage at the Massage Establishment;
19. 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 into the background of the Applicant;
20. Such other information as may be deemed necessary by the Director.

SECTION 711.06 MASSAGE SERVICES LICENSE – APPLICATION.

- a. Applications for Massage Services Licenses shall be filed with the Director. Within sixty (60) working days following receipt of the completed application, the Director shall either issue the License or mail a written statement of the reasons for denial. When necessary, the Director may extend the time beyond sixty (60) days in order to conduct a complete investigation.
- b. The application shall include the Applicant's full, legal name, current residential address, a statement explaining the exact nature of the Massage, bath, or treatment to be administered, and the location of the proposed place of business and facilities where such services will take place. Applicants must also provide a

copy of the results of the Applicant's background check performed as part of Applicant's licensing process by the State Medical Board of Ohio. If the Applicant can produce a license in good standing to practice Massage from the State Medical Board of Ohio but cannot produce a copy of the results of the Applicant's background check as required in this Section, Applicant must submit to a background check as required in Section 711.05(b). In the case of individuals intending to perform Outcall Massage, a statement indicating the individual's intent to perform Outcall Massage.

SECTION 711.07 SUBMITTAL OF DOCUMENTATION.

Applicants shall submit all the following information at the time of their application in addition to the application:

a. *Massage Establishment License:*

1. A copy of an acceptable form of picture identification such as a driver's license or state identification card;
2. Two recent identical color photographs of the Applicant (similar to passport photographs);
3. For a renewal license, a statement that the Applicant has not violated any provision of this Chapter; and
4. Such other information as may be deemed necessary by the Director.

b. *Massage Services License:*

1. All documentation required to obtain a Massage Establishment License as listed in Section 711.07 (a) of this Chapter; and
2. A copy of the Applicant's license to practice Massage from the State Medical Board of Ohio.
3. A copy of the results of Applicant's background check performed as part of Applicant's licensing process by the State Medical Board of Ohio.

SECTION 711.08 APPLICATION FEES.

Any application for a Massage Establishment License or for a Massage Services License shall be accompanied by a nonrefundable fee, as established in the Schedule for Permits, Inspections, Certificates and Fees. The application fee shall be used to offset the cost of review and investigation, and is not made in lieu of any other fees required by the Kettering Codified Ordinances. The application fee shall be paid at the time the application is submitted.

SECTION 711.09 LICENSE EXPIRATION AND RENEWAL.

- a. Massage Establishment Licenses shall expire on December 31st of the year for which the License was issued and must be renewed annually.
- b. Massage Services Licenses shall expire on December 31st of the second year for which the License was issued and must be renewed every two years.
- c. A renewal fee will be assessed for each License being renewed. Applications for License renewal must be submitted to the Director no later than sixty (60) days prior to the expiration of such License. Renewal Licenses shall be granted upon a finding by the Director that no act, related to the Applicant or to the Massage Establishment that is the subject of the renewal application, has been committed during the previous License period that would be grounds to deny the initial License application. Once a License holder's License expires, the License holder shall be in violation of this Chapter until a new Massage Establishment License or new Massage Services License is obtained from the Director.

SECTION 711.10 DENIAL OF APPLICATION.

An application for a Massage Establishment or Massage Services License may be denied by the Director if any of the following are found:

- a. That the Applicant did not complete the necessary initial or renewal application for a License, that the Applicant made a material misstatement in said application, or that the Applicant failed to meet the applicable requirements of this Chapter;
- b. That the Applicant for a Massage Services or a Massage Establishment License or any officers, directors, or employees of the Applicant for a Massage Establishment License have been convicted of:
 1. Any sex offense under Ohio Law or any equivalent offenses under the laws of another jurisdiction, even if sealed;
 2. Any felony within the past five years;
 3. A prior offense that involves violation of federal, state or local laws involving illegal possession for sale, or sales of a controlled substance, or equivalent offenses in the past five years, even if sealed;
 4. Any offense involving the use of force or violence upon another Person in the past five years; or
 5. Any offense involving theft in the past five years.

- c. That the Massage services to be provided or the operation of a Massage Establishment as proposed by the Applicant, if permitted, would not comply with this Chapter, or any other applicable laws, including but not limited to, all City of Kettering ordinances and regulations.
- d. That the Applicant has previously violated any provision of this Chapter or any similar law, rule or regulation of another public agency that regulates Massage or the operation of Massage Establishments.

SECTION 711.11 OPERATING REQUIREMENTS FOR MASSAGE ESTABLISHMENTS.

All Massage Establishments shall comply with the following operating requirements:

- a. *Posting of Licenses.* A copy of each Massage Services License, Massage Establishment License, and Massage Therapists' license(s) from the State Medical Board of Ohio shall be posted in a conspicuous place in such a manner that it can easily be seen by Persons entering the establishment.
- b. *Posting of Services Available and Fees.* A list of all services available, the price thereof and the length of time each service shall be performed, shall be posted or available in a conspicuous place in such a manner that it can easily be seen by Persons entering the establishment. No other services, other than those posted, shall be provided.
- c. *Payment/Tips.* Payment for Massage services, and any tips, shall be paid for at the designated reception area of the business establishment.
- d. *Maintain Written Records.* Every Massage Establishment shall keep a written record of the date and hour of each service provided, the name and address of each patron and the service received, and the name of the Massage therapist administering the service. These records may not be used for any other purpose than as records of service provided, and may not be provided to other parties by the Massage Establishment unless otherwise required by law. Such records shall be retained on the premises of the Massage Establishment for a period of two years.
- e. *Standard of Dress for Massage Establishment Employees.* All Employees of the Massage Establishment shall remain fully clothed in clean outer garments while on the premises of the Massage Establishment.
- f. *Operating Hours.* No Massage Establishment shall be kept open for business, and no Massage Therapist shall administer Massages after the hour of ten p.m. or before the hour of seven a.m.
- g. *Lighting Required.* Massage Establishments will be lighted at all times during

business hours to clearly show the business is in operation. Rooms where Massage services are provided will be adequately lighted when occupied to meet all emergency exiting requirements.

SECTION 711.12 MASSAGE ESTABLISHMENT - CONDITIONS OF PREMISES.

- a. *Required Maintenance of Massage Establishment.* All premises and facilities of the Massage Establishment shall be maintained in a clean and sanitary condition at all times. The premises and facilities shall meet the applicable requirements of the City of Kettering Codified Ordinances, including but not limited to, those related to the safety of structures and building systems, property maintenance, zoning, and adequacy of the plumbing, heating, ventilation, and waterproofing of rooms in which showers, water, or steam baths are used and maintained.
- b. *Linens.* All Massage Establishments shall provide clean laundered sheets, towels, and other linens for use by clients. Such linens shall be laundered after each use and stored in a sanitary manner. Heavy white paper may be substituted for sheets on Massage tables, provided such paper is used only once for each client and is then discarded into a sanitary receptacle.
- c. *Privacy Standards for Massage Rooms and Dressing Rooms.* The Massage Establishment shall provide doors, curtains, accordion pleated enclosures or other similar privacy barriers for all dressing rooms and Massage rooms.

SECTION 711.13 PROHIBITED ACTS.

- a. *Touching of Sexual and Genital Parts of Client during Massage.* No holder of a Massage Establishment License, Massage Services License, or any other employee of a Massage Establishment shall place either their hand or hands upon, or touch with any part of their body, or with a mechanical device, a sexual or genital part of any other Person in the course of a Massage, or Massage a sexual or genital part of any other Person. Sexual and genital parts shall include the genitals, pubic area, anus, or perineum of any Person.
- b. *Uncovering and Exposure of Sexual and Genital Parts of Client Before, During, or After Massage.* No holder of a Massage Establishment License, Massage Services License, or any other employee of a Massage Establishment shall uncover and expose the sexual or genital parts of a client or themselves while engaged in the practice of Massage, or before or after a Massage.
- c. *Outcall Massage Services.* Massage Therapists providing Outcall Massage must carry their Massage Services License with them to each location where the Massage Therapist intends to perform Massage.
- d. *Transfer of Massage Establishment or Massage Services License.* No License

issued pursuant to this Chapter shall be transferred or assigned in any manner, whether by authorization of law or otherwise, from any location to another location or from Person to Person, except that a Person possessing a Massage Services License, issued by the City, may move from one employer to another without filing a new application or paying a new fee, so long as the Massage Services License holder notifies the Director, in writing, of the change in their employment within five business days of such change. Failure to make this notification within five business days shall be grounds for suspension, revocation, nonrenewal, or denial of the Massage Services License.

SECTION 711.14 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE – GROUNDS.

Any License issued under this Chapter may be suspended, revoked, or denied upon renewal by the Director designee for any reason that would have originally justified a refusal to issue the License, or for any of the following:

- a. Any violation of this Chapter;
- b. Any violation of the Kettering Codified Ordinances;
- c. Any material misrepresentation made on an initial or renewal application for a Massage Establishment License or a Massage Services License; or
- d. A refusal to permit the reasonable inspection of a Massage Establishment as required under this Chapter.

SECTION 711.15 DENIAL, SUSPENSION, OR REVOCATION – NOTICE – HEARING.

- a. An Applicant for a Massage Establishment or Massage Services License or the holder of a Massage Establishment or Massage Services License shall be promptly notified in writing of any order of suspension, revocation, or denial of said application or License.
- b. The order shall explain the reason(s) for suspension, revocation, or denial and shall inform the Applicant or License holder of their ability to appeal the order in accordance with this Chapter and to obtain a hearing in front of the City of Kettering Business License Review Board (“Board”).
 1. The Board shall consist of the following individuals or their designees: the City Manager, the Finance Director, and the Chief of Police and shall select one of its members as Chairperson.
 2. The City Manager shall designate a City of Kettering employee to serve as secretary to the Board. The secretary shall file a record of all proceedings in

the office of the City Manager.

- c. Notice shall be deemed to be properly served if a copy of the order is:
 1. Delivered personally to Applicant; or
 2. Transmitted via facsimile transmission to the last known fax number of the Applicant when the transmission verification report indicates that the transmission was successful. A copy of the transmission verification report may be used as proof of service; or
 3. Left at the usual place of business of the Applicant and with someone who is 18 years of age or older; or
 4. Sent by certified, pre-posted U.S. mail, return receipt requested, to the last known address of the Applicant; or
 5. If service is sent by certified, pre-posted U.S. mail and then returned showing that service was refused or unclaimed, or the return receipt is not returned within fourteen (14) days after the date of mailing, then notice may be sent by regular U.S. mail to the last known address of the Applicant; or
 6. Posted in a conspicuous location on or about the Massage Establishment or the last known address of the Applicant.
- d. Upon receipt of the order, the Applicant or License holder shall immediately cease any operation of a Massage Establishment and any practice of Massage within the City of Kettering.

SECTION 711.16 APPEALS.

- a. Unless otherwise prohibited by this Chapter, any denial of an application for a Massage Establishment or Massage Services License; or any order of suspension, revocation, or nonrenewal of a Massage Establishment or Massage Services License; or any notice of violation issued upon inspection of a Massage Establishment may be appealed to the Board.
- b. Appellant must file written notice of appeal with the Director within five (5) working days after the date the order was served. Appellant's written notice of appeal must be delivered in Person or sent certified mail to the Director, return receipt requested. Appellant's formal, written appeal must then be filed by the appellant with the Director within ten (10) working days after appellant's receipt of the order.
- c. For each timely filed appeal, the Board shall conduct a hearing within fifteen (15) business days after the date of the appellant's formal written appeal, unless the

appellant consents in writing to extend the date of the hearing. At such hearing, the appellant may appear in person or be represented by an attorney and present witnesses and evidence to the Board. The Director may appear and present witnesses and evidence to support the order or action.

- d. The Board, by a majority vote of those members present at the hearing, may affirm, amend or reverse the order, or take other action deemed appropriate. The Board shall issue a written decision within fifteen (15) business days of the conclusion of the hearing. The Board shall serve a copy of the final written decision on the appellant. If the Board finds in opposition of appellant, then appellant may appeal the decision to a court of competent jurisdiction pursuant to Ohio Revised Code Chapter 2506.
- e. In conducting the hearing, the Board shall not be limited by the technical rules of evidence. The procedure and conduct of the Board shall comply with the then current version of Robert's Rules of Order, unless otherwise provided for by written and adopted rules of procedure by the Board. Any Person requesting an appeal shall pay a nonrefundable fee set forth in the Kettering Schedule for Permits, Inspections, Certificates and Fees at the time of filing the appeal.

SECTION 711.17 INSPECTIONS.

All Persons shall permit the inspection of a Massage Establishment to determine compliance with this Chapter and other applicable state and local laws at any time the Massage Establishment is occupied or open for business.

SECTION 711.18 ENFORCEMENT AND PENALTY.

- a. Enforcement of any of the provisions of this Chapter may be by civil action and/or criminal prosecution. In addition to civil action and/or criminal prosecution, any unpaid administrative nuisance abatement fees may be certified for collection to the County Auditor pursuant to O.R.C. § 715.261.
- b. Any individual who advertises, offers, or provides Massage services in violation of this Chapter is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day a violation occurs or continues.
- c. Any individual who holds a License under this Chapter who violates any provision of this Chapter is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day a violation occurs or continues.
- d. Any individual who violates the provisions of Section 711.11(B) of this Chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day a violation occurs or continues.

e. Any or all of the following additional actions may be taken against an individual who violates any provision of this Chapter:

1. Additional fines may be assessed;
2. A Massage Establishment License may be suspended for up to 90 days;
3. A Massage Services License may be suspended for up to 90 days;
4. A Massage Establishment License may be revoked; and
5. A Massage Services License may be revoked.

SECTION 711.19 IMMUNITY FROM PROSECUTION

The City and its designee, the Kettering Police Department and all other departments and agencies, and all other City officers, agents, and employees, charged with enforcement of State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a Massage Establishment while acting within the scope of authority conferred by this Chapter.

SECTION 711.20 CONTINUING VIOLATIONS–ALTERNATIVE REMEDIES.

The City of Kettering Law Director may commence civil action to enjoin the continued violation of any provision of this Chapter or to abate a nuisance, as an alternative, or in conjunction with any other civil or criminal proceedings provided for herein.

Legislative History: Ord. 2670-75; passed 12-16-75. Ord. 4333-19; passed 12-17-19.