

**CITY OF SHAWNEE**

**ORDINANCE NO. 3260**

**AN ORDINANCE AMENDING TITLE 5 OF THE SHAWNEE MUNICIPAL CODE REPEALING CHAPTER 5.40 AND ADDING A NEW CHAPTER 5.40 PROVIDING FOR AND REGULATING MASSAGE ESTABLISHMENT AND MASSAGE THERAPIST BUSINESS LICENSES.**

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

**PARAGRAPH 1.** Title 5 of the Shawnee Municipal Code is hereby amended by adding a new Section 5.40 to read as follows:

**CHAPTER 5.40**

**MASSAGE ESTABLISHMENTS AND THERAPISTS**

**Sections**

**5.40.010 Definitions.**

**5.40.020 License--Required.**

**5.40.030 Massage Establishment -- License--Application--Fees.**

**5.40.040 Massage Establishment License -- Issuance.**

**5.40.050 Massage Establishment License--Suspension or revocation.**

**5.40.060 Massage Therapist License--Required.**

**5.40.070 Massage Therapist License--Application--Fees.**

**5.40.080 Massage Therapist License--Issuance.**

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**5.40.220 Exceptions.**

**5.40.230 Violation--Penalty.**

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#### **5.40.010 Definitions.**

Words and terms used in this chapter shall have meanings as follow unless the context otherwise requires:

- A. "Business Premises" Means those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence or premises used for joint residential and business purposes.
- B. "In-Office Massage" means any Massage Therapy performed on the business premises of a massage patron and is restricted to Massage Therapy applied only above the patron's waist.
- C. "Massage Establishment" means any establishment having a place of business located in the City where any person, firm, partnership, association, or corporation engages in or carries on or licenses to be engaged in or carried on any of the activities mentioned in subsection F of this section for compensation.
- D. "Massage Therapist" means any person whom, for any consideration whatsoever, engages in the practice of massage as defined in this chapter.
- E. "Massage Therapy" means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, reflexology, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniment, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.
- F. "Off-Premises Massage" means any Massage Therapy performed at a patron's private residence in the City and specifically does not include the guest rooms of hotels.
- G. "Off-Premises Massage Establishment" means any business, not located in the City, where any person, firm, partnership, association, or corporation engages in or carries on or licenses to be engaged in or carried on any of the activities mentioned in B. or G. of this section for compensation.
- H. "Patron" means any person over eighteen years of age who utilizes or receives the services of any establishment subject to the provisions of this chapter and under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor, provided a person under the age of 18 may utilize or receive Massage Therapy from a licensed Massage Therapist if accompanied by a parent or legal guardian and a parent or legal guardian has authorized such therapy in writing.
- I. "Recognized School" means any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of Massage Therapy, which school requires a resident course of study consistent with all the requirements put forth by the National Certification Examination for Therapeutic Massage and Bodywork before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

#### **5.40.020 License--Required.**

No person, firm, partnership, association or corporation shall perform Massage Therapy or operate a Massage Business, as defined in this chapter, without first having obtained a license from this City. Such license shall be valid only from January 1st to December 31st of each calendar year.

#### **5.40.030 Massage Establishment -- License--Application--Fees.**

- A. Every new applicant for a license to maintain or operate any Massage Establishment shall file an application with the City Clerk or designee on a form provided by the City Clerk or designee and shall pay a non-refundable application fee. The application fee shall be approved by the Governing Body and listed in the latest City of Shawnee Policy Statement Code.
- B. The application for a license to operate any Massage Establishment shall set forth the exact nature of the services to be provided, and facilities, and name, address, and telephone number of each applicant, including stockholders holding more than ten percent of the stock of the corporation, any partner, when a partnership is involved, and any manager.
- C. The applicant for a Massage Establishment must identify the proposed place of business, and the location where the applicant can be contacted.
- D. In addition to the foregoing, any applicant for a license shall furnish the following information:
  - 1. Written proof that the applicant is at least eighteen years old;
  - 2. Fingerprints;
  - 3. Business, occupation, or employment of the applicant for the three years immediately preceding the date of application;
  - 4. The Massage Establishment license history of the applicant; whether such person, in previously operating in this or another City or State under license, has had such license revoked or suspended, the place and the reasons, and the business activity or occupation subsequent to such action of suspension or revocation;
  - 5. Any criminal and/or felony convictions, except minor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances;
  - 6. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and qualifications of the applicants for the license.

#### **5.40.040 Massage Establishment License -- Issuance.**

- A. After the filing of an application in the proper form, the City Clerk or designee shall examine the application, and after such examination, shall issue a license for a Massage Establishment unless the City Clerk or designee finds that:
  - 1. The correct fee has not been tendered to the City, and, in the case of a check or bank draft, honored with payment upon presentation;
  - 2. For a Massage Establishment, the operation, as proposed by the applicant, if licensed, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and health regulations. A Massage Establishment as an accessory use may be licensed in the Planned Office Commercial, Professional Office, Commercial Neighborhood, and Planned Industrial zoning districts. This section does not apply to an Off-Premises Massage Establishment.
  - 3. The applicant, if an individual; or any of the stockholders holding more than ten percent of the stock of the corporation, any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited

partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, have been convicted of any crime that includes:

- a. A felony;
  - b. Any offense involving sexual misconduct with children;
  - c. Any offense under K.S.A. 21-3436 and amendments thereto that is defined as an inherently dangerous felony;
  - d. Any sex offense that falls under article K.S.A Chapter 21, Article 55 and amendments; and
  - e. Any offense under K.S.A. 59-29a02 and any amendments thereto that is identified as an act undertaken by a sexually violent predator.
4. The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the license application or in any document required by the City in conjunction with;
  5. The applicant has had a Massage Establishment license, as defined in this chapter, or other similar permit or license denied, revoked, or suspended for any of the above causes by the City or any other state or local agency within five years prior to the date of the application;
  6. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of eighteen years;
  7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a license under the provisions of this chapter.
- B. Any license issued under the provisions of this chapter to the applicant of a Massage Establishment, shall at all times be displayed by the licensee in an open and conspicuous place on the premises where the licensed business is conducted.
  - C. Any license issued under the provisions of this chapter to the applicant of an Off-Premises Massage Establishment, shall be openly displayed at all times while Massage Therapy services are being rendered to the patron.
  - D. The City Clerk or designee may establish an expedient renewal process for Massage Establishment licenses.

#### **5.40.050 Massage Establishment License--Suspension or revocation.**

Rules and regulations pertaining to revocation and suspension of Massage Establishment licenses shall be as follows:

- A. Any license issued for a Massage Establishment may be revoked or suspended by the City Clerk or designee where it is found that any of the provisions of this chapter are violated or where the licensee or any employee of the licensee, including a Massage Therapist, has been convicted of any offense found in Sections 5.40.040, Subsection A, 3 and the licensee has actual or constructive knowledge of the violation or conviction or in any case, where the licensee refuses to permit any duly authorized Law Enforcement Officer, Chief Building Official or designee, or Fire Marshal or designee of the City to inspect the premises or the operations therein.
- B. Persons who have a Massage Establishment license revoked or suspended by the City Clerk, or designee, may, within ten (10) days thereafter, file a written notice or

statement of appeal with the Municipal Court from said decision, ruling, action or finding for an administrative hearing thereon. An administrative filing fee may be established by the Municipal Judge. Such fee must be paid before the appeal. The hearing on the appeal shall be conducted by a Shawnee Municipal Judge who will sit as an administrative judge for the purposes of this Section. The sole issue for determination shall be whether decisions, rulings, actions, or other findings of the City Clerk or designee were within the scope of their authority, supported by substantial evidence, and not arbitrary nor capricious in nature. The Court shall make specific findings of fact and conclusions of law in each case.

**5.40.060 Massage Therapist License--Required.**

- A. No person shall be employed as a Massage Therapist or Student Massage Therapist subject to the provisions of this chapter unless he or she has a valid license issued by the City pursuant to the provisions of this chapter.
- B. A Massage Therapist or Student Massage Therapist must be employed by a Massage Establishment licensed in the City. A licensed Massage Therapist must immediately notify the City Clerk or designee in writing, within 30 days, of any change in information concerning the licensee's original application.

**5.40.070 Massage Therapist License--Application--Fees.**

- A. Any person employed to perform Massage Therapy in a Massage Establishment, as defined in this chapter, shall file a written application with the City Clerk or designee and pay a non-refundable application fee. The application fee shall be approved by the Governing Body and listed in the latest City of Shawnee Policy Statement Code.
- B. The application for a Massage Therapist license shall contain the following:
  - 1. Name, address and telephone number;
  - 2. Applicant's weight, height, color of hair and eyes, and fingerprints;
  - 3. Written evidence that the applicant is at least eighteen years old;
  - 4. Business, occupation, or employment of the applicant for the three years immediately preceding the date of application;
  - 5. Whether such person has ever been convicted of any criminal or felony offense except minor traffic violations; if any person mentioned in this subdivision has been so convicted, a statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction;
  - 6. The position or function the applicant is being hired to perform within such Massage Establishment;
  - 7. The licensed Massage Establishment where the therapist will be employed;
  - 8. Authorization for the City, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and qualifications of the applicant for the license.
- C. The City Clerk or designee may establish an expedient renewal process for Massage Therapists licenses.

**5.40.080 Massage Therapist License--Issuance.**

The City Clerk or designee shall issue a Massage Therapist license upon finding that:

- A. The applicant for the Massage Therapist license has not been convicted of:
  - 1. A felony;

3. Any offense under K.S.A. 21-3436 and amendments thereto that is defined as an inherently dangerous felony;
  4. Any sex offense that falls under K.S.A. Chapter 21, Article 55 and amendments thereto; and
  5. Any offense under K.S.A. 59-29a02 and any amendments thereto that is identified as an act undertaken by a sexually violent predator.
- B. The applicant has not knowingly made any false, misleading, or fraudulent statement of fact in the license application or in any document required by the City in conjunction therewith;
  - C. That the correct license fee has been tendered to the City, and in the case of a check or bank draft, honored with payment upon presentation;
  - D. The applicant has not successfully complied with the provisions of 5.40.140 or 5.40.145.

#### **5.40.090 Massage Therapist License--Revocation.**

Massage Therapist licenses may be revoked as follows:

- A. A Massage Therapist license issued by the City Clerk or designee shall be revoked or suspended where it appears that the Massage Therapist has violated or been convicted of any provisions of this Chapter.
- B. Persons who have a Massage Therapist license revoked or suspended by the City Clerk or designee, may, within ten (10) days thereafter, file a written notice or statement of appeal with the Municipal Court from said decision, ruling, action or finding for an administrative hearing thereon. An administrative filing fee may be established by the Municipal Judge. Such fee must be paid before the appeal. The hearing on the appeal shall be conducted by a Shawnee Municipal Judge who will sit as an administrative judge for the purposes of this Section. The sole issue for determination shall be whether decisions, rulings, actions, or other findings of the City Clerk or designee were within the scope of their authority, supported by substantial evidence, and not arbitrary nor capricious in nature. The Court shall make specific findings of fact and conclusions of law in each case.

#### **5.40.100 License--Transfer--Other licenses and fees.**

Rules and regulations pertaining to the transfer of licenses, other licenses and fees shall be as follows:

- A. No Massage Establishment or Massage Therapist licenses are transferable, separate or divisible, and such authority as a license confers shall be conferred only on the licensee named therein.
- B. Any applications made, fees paid and licenses obtained under the provisions of this chapter shall be in addition to and not in lieu of any other fees, licenses, or licenses required to be paid or obtained under any other ordinances of this City.

#### **5.40.120 Facilities necessary.**

- A. No license to conduct a Massage Establishment shall be issued unless an inspection by the Chief Building Official or designee reveals that the establishment complies with each of the following minimum requirements:
  1. The walls shall be clean and painted with washable, mold resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the business's operation shall be maintained in a clean and sanitary condition.

business's operation shall be maintained in a clean and sanitary condition. Towels, linen, and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets; provided, that such paper is changed for every patron. No service or practice shall be carried on within a cubicle, room, booth, or any area within any licensed establishment which is fitted with a door capable of being locked.

2. Toilet facilities shall be provided in convenient locations. When five or more Massage Therapists and patrons of different genders are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per gender shall be provided for each twenty or more employees or patrons of that gender on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the gender accommodated therein.
  3. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap in a dispenser and with sanitary towels.
- B. The Chief Building Official or designee shall certify that the proposed Massage Establishment complies with all of the requirements of this chapter and shall give or send such certification to the City Clerk or designee; provided, that nothing contained in this section shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof.

#### **5.40.130 Inspections--Immediate right of entry.**

- A. Any Law Enforcement Officer, Chief Building Official or designee, or Fire Marshall or designee may from time to time make an inspection of each licensed Massage Establishment in this City for the purpose of determining that the provisions of this chapter are complied with.
- B. Such inspections shall be made at reasonable times and in a reasonable manner.
- C. It is unlawful for any licensee to fail to allow such inspection officer immediate access to the premises or to hinder such officer in any manner; provided, that any failure on the part of any licensee or employee to grant immediate access to such inspector shall be grounds for the revocation or suspension of any Massage Establishment or Massage Therapist license.

#### **5.40.140 Massage Therapist.**

- A. Any person, including an applicant for a Massage Establishment license, who engages or intends to engage in the practice of Massage Therapy as defined in this chapter, shall upon making application for a new license, submit acceptable proof that the applicant has successfully passed the 1992 or later National Certification Examination for Therapeutic Massage and Bodywork (NCBTMB), or the 2007 or later Massage & Bodywork Licensing Examination (MBLEx). The applicant must also supply the name and address of the Recognized School attended, the date attended, and a copy of the diploma, certificate of graduation, or certified transcripts showing that the applicant has successfully completed a minimum of five hundred (500) hours of instruction in Massage Therapy. The

educational and training requirements required by this Chapter may be received from more than one Recognized School. Training hours from a school that has had its NCBTMB or MBLE<sup>x</sup> Assigned School Code denied, suspended or revoked will not be accepted.

- B. Every applicant for a license or a renewal of any said business wishing to practice Massage Therapy described in this chapter must have successfully completed certification in American Red Cross first aid and American Heart Association CPR.

#### **5.40.145 Student Massage Therapy.**

Any person actively enrolled in and currently attending classes in a course of instruction, consisting of no fewer than 300 hours, in the theory, method or practice of massage, may conduct Massage Therapy as a practicum component of the training program, provided the following conditions are met:

- A. The student must first obtain a Student Massage Therapist license from the City. Upon making application for a license, the student must supply the name and address of the recognized school attended, dates attended and anticipated graduation date, and an official transcript showing that the applicant has successfully completed a minimum of three hundred (300) hours of instruction in the theory, method or practice of massage.
- B. The Massage Therapy is conducted under the supervision of a Massage Therapist licensed by the City of Shawnee. For the purposes of this section, supervision shall mean the supervising therapist is available on the premises and is personally aware the student is performing Massage Therapy on a client. In addition, the supervising therapist must personally observe the student's massage techniques at least once during the Massage Therapy session. For Off-Premises Massage, a licensed Massage Therapist must be present and on the premises at all times when a Student Massage Therapist is performing Massage Therapy.
- C. All advertisements for Massage Therapy that will be performed by a student will clearly inform the customer that a student under the supervision of a licensed Massage Therapist will perform the Massage Therapy.
- D. Prior to conducting any Massage Therapy, the Student Massage Therapist will require the customer to sign and acknowledge he/she has been informed the Massage Therapy will be conducted by a student under the supervision of a licensed Massage Therapist. These acknowledgement documents will be maintained by the supervising Massage Therapist for a period of one year and will be produced at the request of any law enforcement officer or City official.
- E. Concurrent with these special restrictions, the student must comply with all parts of Chapter 5.40 regarding the behavior, activities, licensing, and restrictions of Massage Therapy employees.

#### **5.40.150 Identification cards.**

- A. All or any employees issued a license by the City Clerk or designee under the provisions of this chapter shall, at all times when providing Massage Therapy subject to the provisions of this chapter, have in the possession a valid identification card issued by the City bearing the Massage Therapist's license number, the Massage Therapist's physical description, and a photograph of such person.
- B. Such identification cards shall be laminated to prevent alteration; provided, that all persons granted licenses under this chapter shall at all times keep their licenses



available for inspection upon request of any person who by law may inspect the same.

**5.40.160 Massage Establishment - Regulations.**

- A. The operation of any Massage Establishment shall be subject to the following regulations:
1. Hours. Such business shall be closed and operations shall cease between the hours of twelve midnight and six a.m. each day.
  2. Danger to Safety and Health. No service shall be given which is clearly dangerous or harmful in the opinion of the Director of the County Department of Health and Environment to the safety or health of any person, and after such notice in writing to the licensee from such director;
  3. Alcoholic Beverages. No alcoholic beverages or cereal malt beverages, nor the consumption thereof, shall be allowed or permitted, to be done in or upon any premises licensed under the provisions of this chapter. Provided this restriction shall not apply to businesses where the licensed Massage Therapy is accessory to the predominant business purpose of the establishment, provided further, no alcohol is permitted on that portion of such premises where Massage Therapy occurs;
  4. Conduct of Premises. All businesses licensed under the provisions of this chapter shall at all times be responsible for the conduct of business on their licensed premises and for any act or conduct of any Massage Therapist which constitutes a violation of the provisions of this chapter; any violation of the City, state, or federal laws committed on the licensed premises by any such licensee or employee affecting the eligibility or suitability of such person to hold a license may be grounds for suspension or revocation of the Massage Therapist or Massage Establishment License;
  5. Every portion of a licensed establishment, including appliances, and personnel shall be kept clean and operated in a sanitary condition;
  6. All employees shall be clean and wear clean outer garments which use is restricted to the licensed establishment; provisions for a separate dressing room for each gender must be available on the premises with individual lockers for each employee; doors to such dressing rooms shall open inward and shall be self-closing;
  7. All employees and Massage Therapists must be modestly attired; diaphanous, flimsy, transparent, form fitting, or tight clothing is prohibited; clothing must cover the employees', Massage Therapists' chests at all times; hemlines of skirts, dresses, or other such attire may be no higher than the top of the knee;
  8. The private parts of patrons must be covered by towels, cloths, or undergarments when in the presence of a Massage Therapist; any contact with a patron's genital area is strictly prohibited;
  9. All licensed establishments, when applicable, shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in approved, sanitary manner;
  10. Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation; bathtubs shall be thoroughly cleaned after each use.

- B. The City Clerk or designee may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this chapter.

**5.40.162 Off-Premises Massage - Regulations.**

- A. The operation of any Off-Premise Massage Establishment shall be subject to the following regulations:
1. Hours. Massage Therapy performed at a patron's residence is limited to the hours between 6:00 am and 10:00 pm.
  2. Danger to Safety and Health. No service shall be given which is clearly dangerous or harmful in the opinion of the Director of the County Department of Health and Environment to the safety or health of any person, after such notice in writing to the licensee from such director;
  3. Conduct of Premises. All businesses licensed under the provisions of this chapter shall at all times be responsible for the conduct of any Massage Therapist and any act which constitutes a violation of the provisions of this chapter; any violation of the City, state, or federal laws committed by any such licensee or Massage Therapist affecting the eligibility or suitability of such person to hold a license may be grounds for suspension or revocation of the Massage Therapist license or Massage Establishment license;
  4. All Massage Therapists shall be clean and wear clean outer garments which use is restricted to the licensed Massage Establishment.
  5. All Massage Therapists must be modestly attired; diaphanous, flimsy, transparent, form fitting, or tight clothing is prohibited; clothing must cover the Massage Therapists' chests at all times; hemlines of skirts, dresses, or other such attire may be no higher than the top of the knee;
  6. The private parts of patrons must be covered by towels, cloths, or undergarments when in the presence of a Massage Therapist; any contact with a patron's genital area is strictly prohibited;
  7. All licensed establishments, when applicable, shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in approved, sanitary manner;
- B. The City Clerk or designee may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this chapter.

**5.40.165 Limitations on In-Office Massage.**

The authority granted a licensee for In-Office massage is limited to the authority to conduct Massage Therapy on the business premises of the licensee's patrons. In-Office Massage Therapy is limited to the area above the patron's waist.

**5.40.180 Massage Establishment - Supervision.**

A licensee shall have the premises supervised at all times when open for business. The licensee shall personally supervise the business, and shall not violate or permit others to violate, any applicable provisions of this chapter. The violation of any such provisions by any agent or employee of the licensee shall constitute a violation by the licensee.

**5.40.190 Massage Therapist and patron registers.**

Current and daily registers shall be kept of Massage Therapist and patrons as follows:

- A. Under the provisions of this chapter, all licensees shall keep and maintain on their premises a current register of all Massage Therapists names, addresses and license numbers. Such register shall be open to inspection at all reasonable times by any Law Enforcement Officer, Chief Building Official or designee, or Fire Marshall or designee.
- B. Every person who engages in or conducts a licensed Massage Establishment shall keep a daily register, and hours of arrival and, if applicable, the rooms or cubicles assigned or for services performed in a patron's home, the name of the patron and the address of the location where such services are performed. The daily register shall be subject to inspection by any Law Enforcement Officer, Chief Building Official or designee, or Fire Marshall or designee and shall be kept on file for one year.

#### **5.40.220 Exceptions.**

The provisions of this chapter shall not apply to the following:

- A. Medical doctors, chiropractors, osteopaths, physical therapists, nurses, barbers, and cosmetologists as to massage of the scalp, who are licensed to practice their respective professions in Kansas or who are licensed to practice temporarily under the auspices of an associate or establishment duly licensed in Kansas, while in the course of their licensed business or profession. Further, those Massage Therapists working under the direct control of a licensed physician or chiropractor are exempt from the provisions of this chapter.
  - 1. For the provisions of this Section, the exemptions apply if Massage Therapy is performed only on patients of the licensed physician or chiropractor.
- B. Services provided in a hospital, nursing home, or sanitarium.

#### **5.40.230 Violation--Penalty.**

A violation of any provision of this chapter shall constitute a Class C offense.

**PARAGRAPH 2.** The previously existing Title 5, Chapter 5.40 of the Shawnee Municipal Code is hereby repealed.

**PARAGRAPH 3.** Severability. If any one or more sections, subsections or other part of this Ordinance shall be declared invalid by a court of competent jurisdiction, it is the intent of the City that the remaining portions of the Ordinance shall remain effective. The City states that it would have enacted such remaining portions irrespective of the fact that one or more sections, subsections, or other part of the Ordinance have been held invalid.

**PARAGRAPH 4.** This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

**PASSED** by the Governing Body this 25th day of February, 2019.

**APPROVED AND SIGNED** by the Mayor this 25th day of February, 2019.

**CITY OF SHAWNEE, KANSAS**



By: \_\_\_\_\_

Michelle Distler, Mayor

ATTEST:

By: \_\_\_\_\_

Stephanie Zaldivar, Interim City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_

M. Ellis Rainey, II, City Attorney

OFFICE OF THE CITY CLERK  
PUBLICATION CERTIFICATE

I hereby certify that the foregoing is the original Ordinance. 3260; that was passed on the 25 day of February, 20 19; that the record of the final vote on its passage is found in Journal No. 18, Volume No. 4-2019, and Page No. 33; and that the Ordinance was published in The Legal Record, the official City newspaper on the 5 day of March, 20 19.

Stephanie Zaldivar  
Stephanie Zaldivar, Interim City Clerk



# The Legal Record

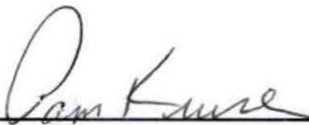
P.O. Box 273  
Olathe, KS 66051-0273  
(913) 780-5790

CITY OF SHAWNEE - CITY CLERK  
11110 JOHNSON DR  
SHAWNEE KS 66203-2750

## Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;  
Pam Kruse, of lawful age, being first duly sworn,  
deposes and says that she is Legal Notices Billing  
Clerk for The Legal Record which is a newspaper  
printed in the State of Kansas, published in and of  
general paid circulation on a weekly, monthly or  
yearly basis in Johnson County, Kansas, is not a  
trade, religious or fraternal publication, is published  
at least weekly fifty (50) times a year, has been so  
published continuously and uninterrupted in said  
County and State for a period of more than one  
year prior to the first publication of the notice  
attached, and has been entered at the post office  
as Periodicals Class mail matter. That a notice was  
published in all editions of the regular and entire  
issue for the following subject matter (also identified  
by the following case number, if any) for 1  
consecutive week(s), as follows:

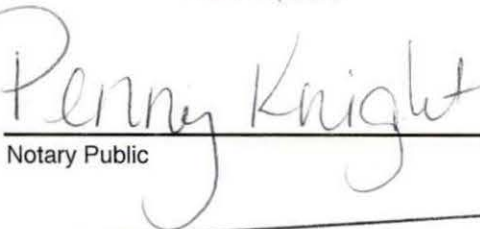
SUMMARY OF ORDINANCE #3260  
3/5/19



Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

March 5, 2019



Notary Public

PENNY KNIGHT  
Notary Public-State of Kansas  
My Appt. Expires Dec. 31, 2021

ORDINANCE NO. 3260  
First published in The Legal Record, Tuesday, March 5, 2019  
CITY OF SHAWNEE  
Summary of Ordinance No. 3260

On 25 day of February, 2019, the Governing Body of the City of Shawnee, Kansas passed Ordinance No. 3260, amended Title 5 of the Shawnee Municipal Code repealing Chapter 5.40 and adding a new chapter 5.40 providing for and regulating Massage Establishment and Massage Therapist Business Licenses.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at [www.cityofshawnee.org](http://www.cityofshawnee.org).

The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. 3260 is legally accurate and sufficient.

Dated: February 25, 2019

/s/ M. Ellis Rainey, II, City Attorney  
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