



TOWN COUNCIL STUDY SESSION AGENDA
January 20, 2026
4:00 PM

I. Study Session Items

1. DBA/BID Partnership - Tony Mango/Omar Castillo - 30 minutes
2. Legislative Update - William Mutch/Hogan - 30 minutes
3. Discussion Regarding Local Enforcement Related to Massage Facilities and Pawnbrokers - Vanderpool/Wynn/Jordan/Gramer - 30 minutes

II. Staff Updates

III. Town Council Updates/Items



MEMORANDUM

TO: Honorable Mayor and Members of Town Council
FROM: Emily Hogan, Deputy Town Manager
DATE: January 20, 2026
SUBJECT: Legislative Update

ISSUE:

Staff is presenting a legislative briefing on the 2026 legislative session of the Colorado General Assembly.

FISCAL/BUDGET IMPACT:

None.

BACKGROUND:

The Town has established a framework for legislative advocacy and takes positions on major policy issues under consideration at the federal, state and local levels that may impact the Town and its residents and businesses. The Town supports legislation that is consistent and furthers advancement of the priorities and objectives found in the Strategic Plan. Conversely, the Town opposes legislation that inhibits achievements of the Strategic Plan and its objectives. These positions are captured in the Town's Legislative Policy Agenda, which is adopted annually.

Advocacy positions to be taken by the Town include:

- **Support** – The Town supports the proposed bill as written. The bill directly relates to Town priorities and/or is considered crucial to Town operations.
- **Oppose** – The Town opposes the proposed bill as written. The bill direct conflicts with Town priorities, forces an unfunded mandate on the Town, interferes with local control and/or conflicts with crucial Town operations.
- **Amend** – The Town deems the bill to directly relate to Town priorities or be considered crucial to Town operations. However, the Town would like to see the bill amended before taking a support or oppose position. The Town will take advocate to amend the bill prior to passage.
- **Monitor** – The Town deems the bill of interest but no position is to be taken at this time. Staff will track progress of the bill and report back to the Council. The Council may take a support or oppose position on the bill at a later time based on changes to the legislation.
- **None** – The Town does not take a position on the legislation. The Town may take a support or oppose position of the bill at a later time.

The Council serves as the Town's legislative review body and is apprised of bills throughout the session and receives regular updates from staff and the Town's lobbyist. The lobbyist (Mutch

Government Relations) is contracted to provide legislative advocacy services to the Town. In addition to maintaining a daily presence at the State Capitol when in session, the lobbyist acts as a policy advisor, strategic consultant, coalition organizer and legislative advocate on behalf of the Town.

RECOMMENDATION:

Staff requests a consensus of the Town Council to identify any bills to track or take a position on.

REQUESTED DIRECTION:

Staff requests a consensus of the Town Council to identify any bills to track or take a position on.

ATTACHMENT:

1. 2026 Legislative Policy Agenda 110425
2. Legislative Briefing Memo 010226

2026 TOWN OF PARKER LEGISLATIVE POLICY AGENDA



PARKER
COLORADO

TOWN OF PARKER - 2026 LEGISLATIVE POLICY AGENDA

INTRODUCTION

The Town of Parker's 2026 Legislative Policy Agenda ("Agenda") establishes positions taken by the Town Council on major policy issues under consideration at the federal, state, and local levels that may impact the Town and its residents and businesses. The Agenda builds on the Town's existing values, priorities, and objectives identified in its Strategic Plan. With the Strategic Plan as its foundation, the Agenda is given the flexibility to represent the Town's interest in a wide range of policies, even if the policies in question are not explicitly addressed on the Agenda.

Mission and Vision

Mission

To enrich the lives of residents by providing exceptional services, engaging community resources and furthering an authentic hometown feel. We promote transparent governing, support sustainable development, and foster a strong, local economy.

Vision

Be the pre-eminent destination community of the Denver Metro area for innovative services with a hometown feel. We will be an area leader in economic and community development, and strive to be at the forefront for services, civic engagement, and quality of life.

Strategic Priorities

Support an Active Community

Parker will demonstrate our commitment to the health of our community, both indoors and out by providing access to outstanding parks, trails and recreation amenities and activities. We promote a healthy lifestyle and work to meet the needs of a diverse, multigenerational community.



Foster Community Creativity and Engagement

Parker will stimulate community creativity and engagement through high quality cultural and educational programs and amenities. These will include community events, accessible cultural venues, state-of-the-art facilities and innovative lifelong learning opportunities, all of which are vital to a creative community.



Enhance Economic Vitality

Parker will be an area leader for economic growth by supporting the development of thriving businesses and industry. We will play a critical role in shaping quality of life through exceptional residential, commercial, and open space development; and creating a sense of place that attracts new employees, residents, and visitors to ensure fiscal stability for the community.



Provide a Safe and Healthy Community

Parker will promote the wellbeing of our community by protecting our residents' welfare through prevention services and a safe transportation network. Parker fosters a feeling of personal safety and security through a visible, responsive public safety presence and a proactive focus on prevention, intervention and safety education.



Innovate with Collaborative Governance

Parker employs a high-quality dedicated workforce to support transparency, accountability, and fiscal sustainability by using innovative techniques to optimize performance. We engage in regional relationships, including our education, fire, water providers, and other governmental agencies and partnerships.



Develop a Visionary Community through Balanced Growth

Parker will demonstrate our commitment to balanced growth, well-planned development, and quality infrastructure using a visionary plan for a sustainable future. We support a healthy, future-focused community with exceptional services, while preserving our historical elements and hometown feel.



TOWN OF PARKER - 2026 LEGISLATIVE POLICY AGENDA

INTRODUCTION

Legislative Policy Agenda

The Town of Parker supports legislation that is consistent and furthers advancement of the priorities and objectives found in its Strategic Plan. Conversely, the Town opposes legislation that inhibits achievement of the Strategic Plan and its objectives.

Limitations on Legislative Involvement

The Town will not take a position on every policy likely to impact the Town or its residents, businesses or other stakeholders in the community. The Town's legislative advocacy function has finite resources and focuses on areas with potential to have the greatest impact to the Town. The Town Council exercises discretion in determining when the Town takes a position on a policy.

Revisions to the Legislative Policy Agenda

The Town Council will review and update this Agenda each year as it deems appropriate. The Council may also choose to revise the Agenda outside of the regular update cycle in limited circumstances. Such circumstances may include a need to quickly respond to a particularly impactful policy or provide further direction to staff where the Agenda is not sufficiently specific on a topic.

The Council approves the Agenda each year via resolution.

Support of Other Organizations

The Town of Parker may from time-to-time partner with other municipalities or agencies on items of mutual interest. The Town may take a position on legislation to support its partners even if there is no direct impact to the Town itself.

Legislative Review Process

The Council serves as the Town's legislative review body. The Council is apprised of legislation throughout the session by staff and receives regular updates during Council meetings.

Individual Advocacy and Free Speech

These procedures do not limit and are not intended to abridge the federal and state Constitutional rights of the Town Council and staff when they choose to express personal opinions on legislative matters. When expressing personal opinions, Councilmembers and staff are strongly encouraged to communicate that any personal opinions are not

issued in an official capacity or on behalf of the Town of Parker or the Town Council. Individuals must refrain from the use of the Town's copyrighted logo or other branded materials.

While individual Councilmembers may advocate for or against legislation in their personal capacity, no Councilmember may represent that they speak on behalf of the Town or Town Council when engaging in political advocacy unless the Town Council has taken a formal position for or against such legislation.

Advocacy for New Legislation

Formal approval of the Town Council is required for the Town to propose new legislation. Neither the Mayor nor individual Councilmembers may propose legislation on behalf of the Town without the consent of the full Town Council.

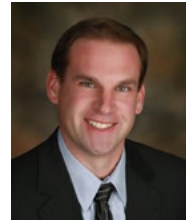
Town of Parker Officials



Joshua Rivero
Mayor



Anne Barrington
Councilmember



John Diak
Councilmember



Erik Frandsen
Councilmember



Laura Hefta
Councilmember



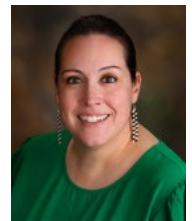
Todd Hendreks
Councilmember



Brandi Wilks
Councilmember



Michelle Kivela
Town Manager



Emily Hogan
Asst. Town Manager

For contact information, please see page 6.

TOWN OF PARKER - 2026 LEGISLATIVE POLICY AGENDA

2026 LEGISLATIVE PRIORITIES

Home Rule Authority and Local Control

Strategic Priority: All

- The Town supports local control and municipal government home rule authority.
- The Town supports collaboration with local municipalities and counties as certain issues require statewide and multi-jurisdictional response, which are best addressed through early and meaningful engagement.
- The Town supports retention of authority for all municipalities to set local tax rates, expand municipal taxing authority and equitably share new state revenue with municipal governments.
- The Town opposes state legislation that creates unfunded mandates on local municipalities without state funding or other sources of revenue.
- The Town supports property tax policies that do not reduce local government revenue and allow municipalities the flexibility to retain excess revenue and modify debt service mill levies, among other tools.
- The Town opposes federal legislation that negatively impacts municipalities' ability to issue tax exempt municipal bonds including private activity bonds assigned to partnering agencies.
- The Town of Parker opposes budget cuts at the state or federal level that result in reduced funding for local governments, such as transportation, public safety, etc.

Land Use and Building

Strategic Priority: Support an Active Community; Enhance Economic Vitality; Promote a Safe and Healthy Community; Innovate with Collaborative Governance; Develop a Visionary Community Through Balanced Growth

- The Town supports local control and determination of local land use issues.
- The Town supports municipal home rule authority to establish appropriate building, energy and fire codes to ensure safe, sound construction activity and opposes state mandates that supersede local control.
- The Town supports municipal discretion concerning the imposition of development fees and requirements.

- The Town supports municipal discretion to adopt, update and enforce local building codes, including those that meet or exceed state standards.
- The Town opposes delegation of municipal land use authority to state agencies or preemption of municipal land use controls.

Economic Development

Strategic Priority: Enhance Economic Vitality; Develop a Visionary Community Through Balanced Growth

- The Town supports the diversification and expansion of local economies, including support for existing businesses and the creation of new jobs.
- The Town supports regional economic development through partnerships and coordination with local, county, regional and statewide economic partners.
- The Town supports appropriate state tax policies and incentive programs that encourage business expansion, retention and attraction through job creation, investment in capital equipment and employer facility development.
- The Town supports workforce development, including higher education funding and vocational training.
- The Town opposes unreasonable restrictions on urban renewal authorities and downtown development authorities.
- The Town opposes limitations on municipalities' ability to utilize financing mechanisms such as tax increment financing (TIF).



TOWN OF PARKER - 2026 LEGISLATIVE POLICY AGENDA

2026 LEGISLATIVE PRIORITIES

Employment

Strategic Priority: Promote a Safe and Healthy Community

- The Town opposes initiatives that have the potential to compromise officer safety.
- The Town opposes efforts to undermine local control and create mandates for local governments related to personnel policies and benefits structures.
- The Town opposes the reduction and loss of qualified immunity for government officials.
- The Town supports limitations on the liability of municipalities and their officers and employees.

Energy and Environment

Strategic Priority: Develop a Visionary Community Through Balanced Growth

- The Town opposes preemption of municipalities in setting and implementing long-term renewable energy goals.
- The Town opposes unfunded federal and state mandates on energy sources that would create unnecessary economic burden on municipalities, local businesses or residents or would reduce energy supply in a significant manner.
- The Town supports reasonable and practical application of air and water pollution control laws by federal and state agencies and encourages restraint in modifying legislation and regulations that have a fiscal impact on municipalities.
- The Town supports practices to assure public health, safety and environmental protection and the protection of domestic water sources.
- The Town opposes state preemption of local government authority to adopt environmental ordinances.

Housing

Strategic Priority: Support an Active Community

- The Town opposes mandated affordable housing requirements that infringe upon local home rule authority or pose a safety issue.
- The Town supports incentives and voluntary measures to promote a full range of housing options including attainable and affordable housing based upon sound planning and policy.

- The Town opposes state preemption of local authority to adopt and enforce ordinances that regulate use of public spaces and rights-of-way.
- The Town supports increasing local governments' ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.
- The Town supports an adequate supply of diverse housing options and continued public and private sector support for such an effort.
- The Town supports the creation of an adequately financed statewide housing trust fund.
- The Town supports solutions at the state level to limit litigation on construction defects to encourage a variety of housing types, particularly for-sale multifamily housing.

Public Health and Safety

Strategic Priority: Support an Active Community; Promote a Safe and Healthy Community

- The Town supports legislation that clarifies that strangulation committed using a deadly weapon (including body parts) could be charged as a crime of violence with enhanced sentencing procedures.
- The Town supports legislation that expands resources for those with mental health needs.
- The Town supports the greatest amount of local control possible for regulating nutraceutical supplements.



TOWN OF PARKER - 2026 LEGISLATIVE POLICY AGENDA

2026 LEGISLATIVE PRIORITIES

Public Health and Safety (con't)

- The Town supports federal, state and county funds for those agencies that serve as a resource to municipal emergency services.
- The Town supports state and community-based intervention, prevention and rehabilitation programs and state initiatives that respect the key role of communities and local government officials.
- The Town supports ensuring that municipal governments retain flexibility in implementing federal and state criminal justice programs.

Transportation

Strategic Priority: Support an Active Community; Enhance Economic Vitality; Promote a Safe and Healthy Community

- The Town opposes state transit planning that results in mandates for local governments and infringes upon local home rule authority.
- The Town supports better geographic distribution in transit services provided to communities by RTD to ensure the Parker area has equitable access to multi-modal transit options that meet the needs of its residents.
- The Town supports greater transportation safety and increased funding for multi-modal transportation systems. The Town supports cooperation among Colorado Department of Transportation, transit agencies, counties, municipalities and interested stakeholders in improving Colorado's transportation system.
- The Town supports legislation and regulatory action that maintains or increases the level of funding provided by the state or passed through the state by the federal government to transportation activities at the local level.
- The Town opposes legislation to transfer maintenance responsibility of state-owned roads to municipalities without adequate short and long-term funding to meet these additional responsibilities.
- The Town supports incentives and voluntary programs to support a Complete Streets approach to transportation design and infrastructure improvements to improve safety, increase travel options and support the development of a multi-modal transportation system.



Water and Wastewater

Strategic Priority: Innovate with Collaborative Governance

- The Town supports land use and water policies that protect Colorado's water resources.
- The Town supports appropriate water conservation efforts and sustainable water resources management practices by all users.
- The Town supports participation in statewide discussions of water use and distribution.
- The Town supports stakeholder input and involvement in developing laws and regulations related to water and wastewater issues.



TOWN OF PARKER - 2026 LEGISLATIVE POLICY AGENDA

LEGISLATIVE DELEGATIONS

Town of Parker <i>(all Councilmembers serve at large)</i>		
Name	Email	Phone
Joshua Rivero, Mayor	jrivero@parkerco.gov	(303) 841-0353
John Diak, Mayor Pro Tem	jdiak@parkerco.gov	(303) 841-0353
Anne Barrington, Councilmember	abarrington@parkerco.gov	(303) 841-0353
Erik Frandsen, Councilmember	efrandsen@parkerco.gov	(303) 841-0353
Laura Hefta, Councilmember	lhefta@parkerco.gov	(303) 841-0353
Todd Hendreks, Councilmember	thendreks@parkerco.gov	(303) 841-0353
Brandi Wilks, Councilmember	bwilks@parkerco.gov	(303) 841-0353
Michelle Kivela, Town Manager	mkivela@parkerco.gov	(303) 841-0353
Emily Hogan, Asst. Town Manager	ehogan@parkerco.gov	(303) 841-0353
Michael Lawson, Asst. Town Manager	mlawson@parkerco.gov	(303) 841-0353
William Mutch, Town Lobbyist	william@mutchgr.com	(720) 308-3497

United States Congress		
Name	Email	Phone
Michael Bennet, Senator	scheduler@bennet.senate.gov	(202) 224-5852
John Hickenlooper, Senator	andres.carrera@hickenlooper.senate.gov	(202) 224-5941
Lauren Boebert, Rep. (CO 4)	boebert.scheduling@mail.house.gov	(202) 225-4761

State General Assembly		
Name	Email	Phone
Lisa Frizell, Senator (SD 2)	lisa.frizell.senate@coleg.gov	(303) 866-2949
Anthony Hartsook, Rep. (HD 44)	anthony.hartsook.house@coleg.gov	(303) 866-4869

Douglas County		
Name	Email	Phone
Abe Laydon, Commissioner (District 1)	bocc@douglas.co.us	(303) 660-7400
George Teal, Commissioner (District 2)	bocc@douglas.co.us	(303) 660-7400
Kevin Van Winkle, Commissioner (District 3)	bocc@douglas.co.us	(303) 660-7400



MEMORANDUM

TO: Mayor and City Council

FROM: Emily Hogan, Deputy Town Manager
William Mutch, Mutch Government Relations

DATE: January 20, 2026

SUBJECT: Legislative Briefing

Purpose

This memo provides a brief update on recent legislative activity that may impact the Town of Parker, including key bills, trends and next steps.

Overview

The Colorado General Assembly is currently in session with several measures under consideration that could affect municipalities.

Key Legislative Items

- 1. Bill number TBD: Housing Opportunities Made Easier (HOME)**
 - Summary: Similar proposal to last year's Yes in God's Backyard (YIGBY). Bill would preempt local zoning to allow schools, institutions and higher education, certain housing-related non-profits and public housing authorities to develop residential properties on land they own
 - Status: To be introduced.
 - Potential Impact: Would undermine local zoning authority, disrupts long-rand community planning.
 - Town Position: Oppose per 2026 Legislative Agenda.
 - CML Position: Going to CML Policy Committee on 1/16, CML staff recommends oppose.
- 2. Bill number TBD: Regulating Data-Sharing of License Plate Readers**
 - Summary: Aimed at creating guardrails on data-sharing of license plate reader technology (i.e. Flock) between law enforcement agencies and other states/federal law enforcement.
 - Status: To be introduced.
 - Potential Impact: Would significantly reduce the Police Department's ability to access location data as historical data (24 hours+) would require a warrant.
 - Town Position: Not addressed in 2026 Legislative Agenda.
 - CML Position: To be discussed at CML Policy Committee on 1/16.
- 3. Bill number TBD: Urban Renewal Authority and Tax Increment Financing Reform**
 - Summary: Would require taxing entity consent to use tax increment derived from mill levy; reduce period for TIF collection from 25 years to 15 years; establish performance requirements for TIF to continue, including requiring construction activity within 3-5 years of plan approval and require measurable progress; limit property to being included once in

urban renewal plan; potentially increase representation from taxing districts on URA boards; and require annual public reporting to state entity.

- Status: To be introduced.
- Potential Impact: The proposed legislation would significantly weaken Urban Renewal Authorities (URAs) and limit their ability to function as an effective economic development tool. The impacts on Counties, Business Improvement Districts (BIDs), and Downtown Development Authorities (DDAs) are uncertain, as the statutes governing these entities rely on and reference the URA statute.
- Town Position: Oppose per 2026 Legislative Agenda.
- CML Position: To be discussed at CML Policy Committee on 1/16.

Notable Trends & Observations

1. Major themes this session include land use preemption, unfunded mandates, state budget crisis, federal funding changes, and public safety reform.

Next Steps

1. Staff will continue to monitor relevant legislation and provide updates as bills advance.
2. Council direction may be requested if a formal position or advocacy action becomes necessary.
3. Additional briefings can be scheduled as the session progresses.



MEMORANDUM

TO: Honorable Mayor and Members of Town Council

FROM: Chris Vanderpool, Town Clerk
Jamie Wynn, Town Attorney
Lisa Gramer, Assistant Town Attorney
Lindsay Jordan, Deputy Town Attorney

DATE: January 20, 2026

SUBJECT: Discussion Regarding Local License Enforcement Related to
Massage Facilities and Pawnbrokers

ISSUE:

This item is to discuss massage facilities as they relate to HB24-1371 and SB25-146 which impose new requirements on municipalities to establish a local process for conducting background checks to ensure that all current and prospective operators, owners, and employees of massage facilities submit to a background check. SB25-146 provided an extension to have a process in place by July 1, 2026. There is an option for local municipalities to partner with the County to have the County handle the applications and enforcement. This is to receive Town Council direction on whether the Town should maintain the application and enforcement under local authority or request to partner with the County.

Additionally, staff would also like to discuss revising the Town's Pawnbroker ordinance. The Town annexed a pawnbroker business, and the ordinance requires updates to align it with changes to the State statutory requirements. Staff will discuss specific recommendations for updates that will satisfy the state requirements. In the alternative, staff will also discuss the pros and cons of turning over the regulations and enforcement of pawnbroker businesses to the State. Staff seeks direction from Town Council as to whether they desire to continue regulating pawnbroker licensing and enforcement or if Town Council prefers to turn the regulation and enforcement of such businesses to the State.

Staff seeks direction prior to expending additional resources on drafting ordinance updates.

FISCAL/BUDGET IMPACT:

None at this time. However, there will be a significant amount of staff time to process applications locally and for necessary enforcement efforts.

BACKGROUND:

Massage Facilities:

Due to the recent legislation (HB24-1371 and SB25-146), staff has been working to revise the processes and procedures as they relate to massage facilities, as well as preparing an ordinance to present to Town Council for consideration. HB24-1371 will require a tremendous amount of work processing new applications, issuing permits, and then processing renewals for each massage facility within the Town of Parker on a yearly basis. This will be impactful to the

Town Clerk's staff, as well as the Police Department. The administrative costs required to establish and enforce a program are significant, and the current fee limits noted in HB24-1371 do not generate sufficient revenue to sustain processing or enforcement. There are **approximately** 35 (thirty-five) potential businesses that would need to file applications for a massage facility.

Roles and Responsibilities as it relates to massage facilities under HB24-1371:

- Town Clerk's Office: Receives new applications, reviews, provides feedback to the applicant as it relates to any deficiencies in the application, ensures all fingerprints are received and accounted for as it relates to the applicant. Prepares and processes badges for each massage facility employee. Receives and reviews renewal applications. Reviews for completeness and provides feedback. Prepares and processes badges for any new employees of the applicant.
- Special Licensing Authority: Where derogatory information has been discovered in the initial review of the application, the Authority will be responsible for approving or denying each application. If no derogatory information is found, the application can be approved administratively.
- Police Department: Performs inspections, enforces violations, and investigates criminal or human trafficking-related activities.
- Town Attorney's Office: Provides legal review and guidance on enforcement or appeals.

Options:

Option 1: Allow Douglas County to administer the program through an intergovernmental agreement but require zoning approval from the Town by the applicant. The applicant would be required to have zoning approval from the Town for the location of their business at the time of filing an application with Douglas County. A copy of the County's ordinance and resolution, as well as an updated draft ordinance for massage facilities, are attached for your review.

Option 2: Maintain local control. Staff has been working to prepare the necessary forms and directions to provide to each applicant. This would be a similar process that staff uses for liquor licensing except that massage facility applications will be much more labor-intensive. The Town Attorney's Office and the Special Licensing Authority Attorney have been working on a draft ordinance.

Staff is also aware that amendments to the legislation may be coming during this year's legislative session as they relate to HB24-1371. Staff is unsure what changes may be made and the impact of those changes to the administrative efforts of Town Staff. Due to the possibility of the July 1, 2026, commencement of the updated regulations, staff needs Town Council direction regarding maintaining local authority and enforcement of massage parlor licensing or requesting an IGA with the County for these efforts.

Pawnbrokers:

Currently, the Town only has one Pawnbroker business. The existing ordinance needs revisions to align the Town's regulations with statutory requirements. The statute provides for local governments to create their own regulations to be at least as restrictive as the general provisions of the state statute, but be no more restrictive as to fixed time and fixed price. Local governments may decide to allow the State to handle the regulation and enforcement of these businesses. The concern with turning over this authority to the State is that the State is not in a position to enforce the Town's zoning. Either option will require Town resources to enforce the

ordinance, i.e. ensuring such businesses follow the Town's regulations, or ensuring such businesses are only located in appropriate locations.

Options:

Option One: The Town Attorney's Office extensively revises the current pawnbroker ordinance with language that aligns with the statutory requirements.

Option Two: The Town repeals its pawnbroker ordinance and relies on State regulations and enforcement. As for potential zoning issues, the Town relies on the Land Development Ordinance and commences enforcement actions when needed.

RECOMMENDATION:

For information purposes only at this time.

REQUESTED DIRECTION:

For informational purposes at this time.

ATTACHMENT:

1. Douglas County Ordinance O-024-005
2. Douglas County Resolution 2024-124
3. Final updated Massage Resolution 1.13.26
4. Final updated Massage Facility Ordinance for reading 2026

ORDINANCE NO. O-024-005

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE ESTABLISHING BUSINESS LICENSURE REQUIREMENTS TO
REGULATE MASSAGE FACILITIES AND TO REGULATE AND PROHIBIT
UNLAWFUL ACTIVITIES FOR THE SOLE PURPOSE OF DETERRING ILLICIT
MASSAGE BUSINESS AND PREVENTING HUMAN TRAFFICKING, WITHIN
DOUGLAS COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of the County of Douglas, Colorado, ("Board") was authorized to enact this ordinance pursuant to C.R.S. § 30-15-401.4, in order to establish a licensing authority to regulate massage businesses and to deter and shut down illicit massage businesses; and

WHEREAS, the Board exercised its authority to enact this ordinance and establish a massage facility licensing authority in April of 2023; and

WHEREAS, House Bill 24-1371 imposes new regulations pertaining to massage facility licensure, which take effect in July of 2025, and which require amendment of the original ordinance; and

WHEREAS, C.R.S. § 12-235-101 et seq, known as "The Massage Therapy Practice Act" ("the Act"), regulates the profession of massage therapy to provide for consistent statewide certification and oversight of massage therapy professionals; and

WHEREAS, the Board finds that the purpose and intent of the Act, and of C.R.S. § 30-15-401.4, is to regulate and protect legitimate massage therapists and massage therapy businesses in order to also safeguard and promote the public health, safety, and welfare of the citizens, including those residing within Douglas County, while recognizing that massage is a legitimate health care professional activity that provides benefits to the residents of the County; and

WHEREAS, the reputation and success of legitimate massage therapy businesses is denigrated and undermined by individuals who mask their unlawful sexual activities and human trafficking by falsely posing as massage therapy businesses; and

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO, THAT:**

PART I: GENERAL

Section 1. Definitions: Except as otherwise indicated by context, the following words, terms, and phrases shall have the following meanings for purposes of this ordinance:

- (a) "Advertise" or "advertisement" means to publish, display, or disseminate information and includes, but is not limited to, the issuance of any card, sign, or direct mail, or causing or permitting any sign or marking to be placed on or in any building or structure or in any newspaper, magazine, or directory, or any announcement or display via any televised, computerized electronic or telephonic networks or media.
- (b) "Agent" means an individual designated by a massage facility to act on behalf of the massage facility under this ordinance.
- (c) "Applicant" means a person who has submitted an application to the licensing authority for an initial license or renewal of a license to operate a massage facility.
- (d) "Background Check" means a fingerprint-based criminal history record check as described in section 5 of this ordinance, conducted in accordance with C.R.S. § 30-15-401.4(4)(c.5), as amended from time to time, and also includes, to the extent allowed or required, as applicable, when a fingerprint-based criminal history record check cannot be completed or reveals a record of arrest without disposition, a criminal history record check using the Colorado Bureau of Investigation's records and a name-based judicial record check, as defined in C.R.S. § 22-2-119.3(6)(d).
- (e) "Client" means an individual who enters into an agreement for massage therapy for a fee, income, or compensation of any kind within the County.
- (f) "Control" means the power to direct or cause the direction of the management and policies of an applicant, licensee, controlling person, manager, agent, or employee, in any way.
- (g) "Controlling Person" means a person directly or indirectly possessing control of an applicant or licensee.
- (h) "Employee" means an individual who is employed by a massage facility or an independent contractor who is hired by a massage facility to perform work that is part of the routine operations of the massage facility; except that, for the purpose of determining who is required to submit to a background check under this ordinance, "employee" does not include a massage therapist.
- (i) "Erotic parlor" means a facility that entices clients through advertising or other business practices directed towards sexual desire, lust, or passion.
- (j) "Fully clothed" means fully opaque, nontransparent material that must not expose an employee's genitalia or substantially expose the employee's undergarments.
- (k) "Home business" means a business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot, and that does not adversely or perceptively affect the character of the lot or surrounding area. This use shall not include an animal hospital, day care, health clinic, hospital, kennel, tearoom, or hemp

fabrication, manufacturing, or processing.

- (l) "Illicit massage business" means a business that may provide massage but engages in human trafficking-related offenses, as described in C.R.S. §§ 18-3-503 and 18-3-504.
- (m) "Licensing authority" means the governing body of the Board of County Commissioners of Douglas County, or any authority designated by County charter or County resolution, to receive, review, and approve or deny, applications for licensure of a massage facility and investigate and determine the eligibility of a person to be an owner or employee of a massage facility.
- (n) "Manager" is an individual authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions required of a licensee or massage facility by this ordinance.
- (o) "Massage facility" means any place of business where massage therapy or full-body-massage is practiced or administered. The term "massage facility" shall not include:
 - (1) Training rooms in public and nonpublic institutions of higher education, as defined in C.R.S. § 23-3.1-102(5).
 - (2) Training rooms of recognized professional or amateur athletic teams.
 - (3) Offices, clinics, and other facilities at which medical professionals licensed by the state of Colorado, or any other state, provide massage services to the public in the ordinary course of their medical profession.
 - (4) Medical facilities licensed by the state.
 - (5) Barber shops, beauty salons, and other facilities at which barbers and cosmetologists licensed by the state provide massage services to the public in the ordinary course of their professions.
 - (6) Bona fide athletic clubs not engaged in the practice of providing massage therapy to members or to the public for remuneration, or an athletic club that does not receive more than 10 percent of its gross income providing massages to the athletic club's members or to the public.
 - (7) A place of business where a person offers to perform or performs massage therapy:
 - (i) For 72 hours or less in any six-month period; and
 - (ii) As part of a public or charity event, the primary purpose of which is not to provide massage therapy.
 - (8) A place of business where a licensed massage therapist practices as a solo

practitioner, and:

- (i) Does not use a business name or assumed name; or
 - (ii) Uses a business name or assumed name and provides the massage therapist's full legal name or license number in each advertisement, and each time the business name or assumed name appears in writing; and
 - (iii) Does not maintain or operate a table shower.
- (9) The licensing authority may verify the exempt status of a business or facility in keeping with the intent of this ordinance.
- (10) The licensing authority may promulgate additional exemptions to the definition of "massage facility."
- (11) If there is a continued pattern of criminal behavior regarding sexual misconduct, or criminal intent that is related to human trafficking disguised as a legitimate exemption, the licensing authority may, at its discretion, determine that a practice is no longer exempt from the definition of "massage facility."
- (p) "Massage" or "massage therapy" means a system of structured touch, palpation, or movement of the soft tissue of another person's body in order to enhance or restore the general health and well-being of the recipient. Such system includes, but is not limited to, techniques such as effleurage, commonly called stroking or gliding; petrissage, commonly called kneading; tapotement or percussion; friction; vibration; compression; passive and active stretching within the normal anatomical range of movement; hydro massage; and thermal massage. Such techniques may be applied with or without the aid of lubricants, salt or herbal preparations, water, heat, or a massage device that mimics or enhances the actions of human hands.
- (q) "Massage therapist" means an individual that has fulfilled the requirements for state licensure under C.R.S. § 12-235-108 and has a valid massage therapist license issued by the state of Colorado to engage in the practice of massage therapy. The terms "masseuse" and "masseur" are synonymous with the term "massage therapist."
- (r) "Mobile Massage Unit" means a vehicle or other movable enclosure specifically equipped for a massage therapist to provide massage therapy inside the vehicle or enclosure.
- (s) "Operator" means a person that is licensed by a licensing authority to operate a massage facility or, before a license is required to legally operate a massage facility only, a person who is operating a massage facility without a license.
- (t) "Owner" means a person other than an operator that holds a legal ownership interest in a massage facility; except that a person that is not involved in the operation of a massage facility and whose ownership interest consists only of stock in a publicly traded company

that owns or operates a massage facility is not an owner.

- (u) "Person" means a natural person, partnership, association, company, corporation, or organization or managing agent, servant, officer, partner, owner, operator, or employee of any of them.
- (v) "Sexual Act" means sexual contact, sexual intrusion, or sexual penetration as defined in C.R.S. § 18-3-401.
- (w) "Solo practitioner" means a licensed massage therapist, as defined in this ordinance, performing the practice of massage therapy independently.
- (x) "Table shower" means an apparatus for the bathing or massaging of a person on a table or in a tub.

PART II: MASSAGE FACILITY LICENSES AND BACKGROUND CHECKS

Section 2. Licenses and background checks generally; minimum requirements.

- (a) The licenses and background checks required by this ordinance are in addition to any other applicable licenses, permits, or background checks required by municipality, county, or state. Massage facilities licensed and persons authorized to be employed under this ordinance shall comply with all other applicable ordinances and laws, including zoning ordinances.

Section 3. Licenses and background checks required.

- (a) On or after May 11, 2023, each new massage facility in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement, must obtain a massage facility license prior to opening for business and operating as a massage facility; and
- (b) Each existing massage facility that operated in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement prior to May 11, 2023, and which continues to operate in Douglas County, thereafter, must submit a complete application for a massage facility license on or before December 31, 2023; and
- (c) No person shall be permitted to own or operate a massage facility in Douglas County without a valid massage facility license; and
- (d) On or after October 1, 2025, every prospective owner and prospective employee of a massage facility in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement shall submit to a background check as described in section 5 of this ordinance before, as applicable, being granted a license to operate a massage facility, assuming an ownership interest in a massage facility that would

make the prospective owner and owner, or commencing employment with a massage facility; and

- (e) In addition to any existing background check requirements, on or after October 1, 2025, no person shall become or remain an operator, owner, or employee of a massage facility in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement without first submitting to a background check as described in section 5 of this ordinance.

Section 4. **Application.**

- (a) In addition to the requirements of any other applicable laws, codes, or regulations, each application for a massage facility license shall contain the following information:
 - (1) If the applicant is an individual; satisfactory proof that he or she is 18 years of age or older.
 - (2) If the applicant is a legal entity; satisfactory proof that each of the individual owners, operators, officers, directors, managers, partners, members, principal owners, employees, and/or anyone with a 10 percent or more financial interest of such entity are 18 years or older.
 - (3) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, have been convicted of, or entered a plea of "nolo contendere" that is accepted by the court, for a felony or misdemeanor, in any Federal, State, or Municipal court in any of the United States jurisdictions or possessions, for prostitution, solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes. Failure to disclose any such criminal conviction may result in denial of the license application.
 - (4) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103.
 - (5) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, has a pending criminal action that involves or is related to any offense described in subsections (a)(3) and (a)(4) of this section 4.
 - (6) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, has voluntarily surrendered any license to practice as a massage therapist or operate a massage facility as a result of, or while under, civil or criminal investigation, or had a previous license under this or any other similar massage facility law or regulation

in another jurisdiction or possession of the United States, denied, suspended, or revoked, and if so, the name and location of the massage facility for which such license was surrendered, denied, suspended, or revoked, as well as the date of such surrender, denial, suspension, or revocation.

- (7) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, has been an owner, operator, officer, director, manager, partner, member, controlling person, employee, and/or principal owner of any legal entity which currently operates or previously operated a massage facility or business meeting the definition of massage facility in this ordinance and the name, dates of operation, and location of such business or businesses.
 - (8) Satisfactory proof of the applicant's ownership or right to possession of the premises wherein the massage facility will be operated. The applicant shall have a continuing obligation to provide, where applicable, subsequent evidence of the right to possession of the premises.
- (b) In addition to the requirements of any other applicable laws, codes, or regulations, each application for an individual background check shall contain the following information:
- (1) Satisfactory proof that the applicant is 18 years of age or older.
 - (2) Whether the applicant has been convicted of or entered a plea of "nolo contendere" that is accepted by the court for a felony or misdemeanor, in any Federal, State, or Municipal court in any of the United States jurisdictions or possessions, for prostitution, solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes. Failure to disclose any such criminal conviction may result in denial of the application.
 - (3) Whether the applicant is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103.
 - (4) Whether the applicant has a pending criminal action that involves or is related to any offense described in subsections (b)(2) and (b)(3) of this section 4.
 - (6) Whether the applicant has voluntarily surrendered any license to practice as a massage therapist or operate a massage facility as a result of, or while under, civil or criminal investigation, or had a previous license under this or any other similar massage facility law or regulation in another jurisdiction or possession of the United States, denied, suspended, or revoked, and if so, the name and location of the massage facility for which such license was surrendered, denied, suspended, or revoked, as well as the date of such surrender, denial, suspension, or revocation.
 - (7) Whether the applicant has been an owner, operator, officer, director, manager, partner, member, controlling person, employee, and/or principal owner of any legal

entity which currently operates or previously operated a massage facility or business meeting the definition of massage facility in this ordinance and the name, dates of operation, and location of such business or businesses.

- (c) The licensing authority shall receive, review, approve, or deny license and background check applications for applicants, owners and prospective owners, employees and prospective employees.
- (d) The licensing authority may require a reasonable administrative fee not to exceed one hundred and fifty dollars for issuing or renewing licensure and background check applications. Such fee shall not be based on the number of employees.

Section 5. Background Check and Sheriff's Office Review.

- (a) In investigating the fitness of any applicant, owner or prospective owner, employee or prospective employee, the licensing authority shall require the applicant, owner or prospective owner, or employee or prospective employee to submit to a fingerprint-based criminal history record check. The applicant, owner or prospective owner, employee or prospective employee shall have fingerprints taken by a local law enforcement agency or any third party approved by the Colorado Bureau of Investigation for the purpose of obtaining a fingerprint-based criminal history record check and shall pay the associated costs. The applicant, owner or prospective owner, employee or prospective employee shall authorize the entity taking the fingerprints to submit, and the entity shall submit, the complete set of fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a fingerprint-based criminal history check.
- (b) If an approved third party takes the applicant's, owner's or prospective owner's, employee's or prospective employee's fingerprints, the fingerprints may be electronically captured using Colorado Bureau of Investigation-approved livescan equipment. Third party vendors shall not keep the applicant's, owner's or prospective owner's, employee's or prospective employee's information for more than thirty days. The Colorado Bureau of Investigation shall use the applicant's, owner's or prospective owner's, or employee's or prospective employee's fingerprints to conduct a criminal history record check using the Bureau's records. The Colorado Bureau of Investigation shall also forward the fingerprints to the Federal Bureau of Investigation for the purpose of conducting a national fingerprint-based criminal history check. The Colorado Bureau of Investigation; the applicant, owner or prospective owner, or employee or prospective employee; the licensing authority; and the entity taking fingerprints shall comply with the Federal Bureau of Investigation's requirements to conduct a fingerprint-based criminal history check.
- (c) The Colorado Bureau of Investigation shall return the results of its criminal history record check to the licensing authority, and the licensing authority is authorized to receive the results of the Federal Bureau of Investigation's criminal history check.
- (d) When the results of a fingerprint-based criminal history record check reveal a record of

arrest without a disposition, the licensing authority shall require the applicant to submit to a name-based judicial record check, as defined in C.R.S. § 22-2-119.3(6)(d).

- (e) The corresponding application and background check information shall be referred to the Douglas County Sheriff's Office. The licensing authority, or the licensing authority's designee, shall utilize the criminal history records to determine whether the applicant, owner or prospective owner, employee or prospective employee is approved or denied a license or employment eligibility based on the criminal history information.
- (f) The Sheriff's Office shall not be authorized to approve or disapprove any license application.

Section 6. Issuance; denial.

- (a) If, after reviewing the application and conducting an investigation, the licensing authority finds that the individual applicant and each of the individuals required to be listed in the corresponding license or background check application satisfy the requirements in section 4 of this ordinance:
 - (1) Are 18 years of age or older; and
 - (2) Have not been convicted of, or pleaded nolo contendere to, an offense involving prostitution, solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes; and
 - (3) Are not a registered sex offender or required by law to register as a sex offender; and
 - (4) Have not (a) voluntarily surrendered any license to practice as a massage therapist or operate a massage facility as a result of, or while under, civil or criminal investigation; or (b) had a license to practice as a massage therapist, or to operate a massage facility or similar license, revoked or suspended by the State of Colorado or a political subdivision of Colorado, or a regulatory board in another United States jurisdiction or possession, for an act that occurred in that jurisdiction that would be a violation of this ordinance; and
 - (5) The proposed location of the applied-for massage facility, as applicable, has not had a similar license revoked, suspended, or surrendered for cause within the last 24 months; and
 - (6) The administrative fee has been paid.

Then it shall, following receipt of the complete license application and background check, approve the issuance of a massage facility license to the applicant for use at the location identified in the license application as the situs of the business, or determine that an applicant, owner or prospective owner, or employee or prospective employee is eligible to

be an owner or employee.

- (b) The licensing authority shall be empowered to place reasonable conditions and restrictions, on a case-by-case basis, upon any massage facility license that would otherwise be denied, revoked, or suspended. The licensee shall have the right to a hearing before the licensing authority to review any such conditions or restrictions.
- (c) If, after reviewing the application, the licensing authority finds, in addition to findings required by any other law, code, or regulation, that:
 - (1) The required administrative fee is not paid; or
 - (2) The County zoning or subdivision regulations do not allow for the operation of a massage facility at the proposed location; or
 - (3) The applicant or an owner, prospective owner, employee, or prospective employee has been convicted of, or has entered a plea of guilty or nolo contendere that is accepted by the court for a felony or misdemeanor for Prostitution, as described in C.R.S. § 18-7-201; Solicitation of a Prostitute, as described in C.R.S. § 18-7-202; a human trafficking-related offense, as described in C.R.S. § 18-3-503 or 18-3-504; Money Laundering, as described in C.R.S. § 18-5-309; or similar crimes; or
 - (4) The applicant or an owner, prospective owner, employee, or prospective employee is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103; or
 - (5) The applicant or an owner, prospective owner, employee, or prospective employee has a pending criminal action that involves or is related to the offenses described in subsection (c)(3) or (c)(4) of this section 6; or
 - (6) The applicant or an owner, prospective owner, employee, or prospective employee has one or more previous revocations or suspensions of a license to operate a massage facility.

Then it may, following receipt of the complete license application and background check, issue a denial of the application, or determine that an owner or prospective owner or employee or prospective employee is ineligible to be an owner or employee. In the event of a denial or ineligibility determination, the licensing authority shall explain in writing, with reasonable detail, the reason for the denial or determination.

- (d) The licensing authority or its designee shall have discretion to deny an application or determine that an owner or prospective owner, or employee or prospective employee, is ineligible to be an owner or employee after considering, in accordance with C.R.S. § 24-5-101, an applicant's, owner's, prospective owner's, employee's, or prospective employee's conviction of, or plea of guilty or nolo contendere that is accepted by the court for felony or misdemeanor Fraud, Theft, or Embezzlement, as described in C.R.S. § 18-4-401.

- (e) In the event that the licensing authority takes into consideration information concerning criminal history, the licensing authority shall also consider any information provided by the applicant, owner or prospective owner, or employee or prospective employee regarding the criminal history, including, but not limited to, evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially the mitigating factors pertaining to the period of time between the last criminal conviction and the consideration of the individual's application for a license or renewal, ownership or prospective ownership of a massage facility, or employment or prospective employment by a massage facility.

Section 7. Temporary license.

- (a) The licensing authority may issue a temporary massage facility license upon receipt of a complete massage facility license application involving the sale or change in ownership of a business. Such temporary license shall be valid for thirty days, and the licensing authority shall renew the temporary license every thirty days until approval or denial of the massage facility license.

PART III: REGULATION

Section 8. Limitations on operation – prohibited acts.

- (a) It shall be unlawful for any person in the business of owning or operating a massage facility, or any manager or employee thereof, to:
 - (1) Allow a person who does not hold a valid massage therapy license pursuant to C.R.S. § 12-235-107 to perform massage in a massage facility.
 - (2) Fail to submit to a background check as required by this ordinance.
 - (3) Employ a person who has not submitted to a background check as required by this ordinance.
 - (4) Advertise to a prospective client that services including prostitution, sexual acts, escort services, sexual services, or services related to human trafficking disguised as legitimate services, are available.
 - (5) Permit sexual acts or sexual services within or near a massage facility or in relation to massage therapy.
 - (6) Deny inspection of a massage facility by law enforcement, the licensing authority, or the licensing authority's designees.
 - (7) Refuse, interfere with, or elude immediate identification of employees of the

massage facility to law enforcement, the licensing authority, or the licensing authority's designees.

- (8) Fail to immediately report to the Douglas County Sheriff's Office any act of sexual misconduct occurring in a massage facility.
- (9) Allow an employee or contractor of a massage facility to provide massage therapy without being fully clothed.
- (10) Require client nudity as part of a massage without the client's prior consent.
- (11) Allow a massage facility to be open and practicing massage therapy without a licensed massage therapist on the premises.
- (12) Permit a person in a massage facility to make an agreement with an employee or contractor to engage in any prostitution-related offense in the massage facility or any other location.
- (13) Permit a massage facility to be used for housing, sheltering, or harboring any person, or as living or sleeping quarters for any person; except that an owner and the owner's family members who operate a massage facility as a home business are exempt from the prohibited activity in this subsection (a)(11).
- (14) Operate an erotic parlor on the premises of a massage facility.
- (15) Operate a massage facility without a valid massage facility license.

Section 9. Required Acts.

(a) Every licensed massage facility shall be required to:

- (1) Maintain a list of all employees on site including the start date of employment, full legal name, date of birth, home address, telephone number, and employment position of each employee.
- (2) Require that all licensees, operators, and employees have at least one of the following forms of valid government identification, and immediately present such identification to the licensing authority or the licensing authority's designees upon request:
 - (i) A United States military card or military dependent's identification card; or
 - (ii) A United States Coast Guard Merchant Mariner card; or
 - (iii) A Native American tribal document; or

- (iv) A valid Colorado driver's license or Colorado identification card issued pursuant to article 2 of title 42, unless the applicant holds a license or card issued pursuant to part 5 of article 2 of title 42; or
 - (v) A valid driver's license or identification card issued by another state, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States that is compliant with the federal "REAL ID Act," as amended; or
 - (vi) A valid United States passport; or
 - (vii) A valid United States permanent resident card; or
 - (viii) Any other valid type of identification that requires proof of lawful presence in the United States to obtain.
- (3) Require licensed massage therapists to maintain copies of valid massage therapy licensure, as required by C.R.S. § 12-235-107, and a form of identification containing the therapist's name, address, and social security number or individual taxpayer identification number, that must be immediately presented to the licensing authority, the licensing authority's designees, or law enforcement upon request.
 - (4) Maintain a complete set of records including a log of all massage therapy administered at the facility. The records shall include all accounts, invoices, payroll, and employment records of the massage facility. The log shall include the date, time, and type of each massage therapy administered, and the name of the massage therapist administering the massage therapy. The licensee shall retain the records and log book for a minimum of one year following any massage therapy. The records and log shall be subject to inspection upon request by the licensing authority, the licensing authority's designees, and law enforcement, during normal business hours, in compliance with applicable law.
 - (5) Operate under or conduct business under only the designation specified in the license.
 - (6) Ensure that all operators, employees and contractors remain fully clothed in professional attire while administering massage or otherwise visible to clients on business premises, including premises designated by the client through an outcall massage service or mobile massage unit.
 - (7) Maintain a valid massage facility license prior to and during all periods of operation.

Section 10. **Inspections.**

- (a) The licensing authority, or the licensing authority's designees, shall be responsible for

enforcement of this ordinance including inspection of massage facilities.

- (b) No owner, operator, manager, massage therapist, or employee shall fail to immediately grant full massage facility access any time such establishment is open for business, to the licensing authority, the licensing authority's designees, or any other person authorized or required by law to inspect the massage facility.
- (c) All rooms, cabinets, and storage areas shall be subject to inspection and any locked rooms, cabinets, or storage areas shall be promptly opened for inspection.
- (d) Each massage facility shall keep a complete book of records to include a log of all massage therapy administered at the facility, as required in section 9 (a)(4) of this ordinance, open to inspection without unreasonable delay.
- (e) Inspectors may request to review a State-issued massage therapist license for any massage therapist or other employee of the massage facility at any time during an inspection.
- (f) All owners, managers, massage therapists, employees, contractors, or persons occupying the facility other than clients shall present identification and shall not elude identification.

Section 11. Revocation or suspension of license; Penalties

- (a) The licensing authority, or the licensing authority's designees, may revoke or suspend a license for violating any prohibited act pursuant to section 8 of this ordinance.
- (b) The licensing authority, or the licensing authority's designees, may temporarily suspend a massage facility license with a hearing to be scheduled within 15 days when the licensing authority finds:
 - (1) The licensee willfully failed to disclose any information on the application as required; or
 - (2) The licensee knowingly permitted a person who does not hold a valid license pursuant to C.R.S. § 12-235-107 to perform massage therapy; or
 - (3) A pattern of activity that the massage facility is committing human trafficking-related offenses as described in 18-3-503 and 18-3-504; or
 - (4) The licensee failed to permit an inspection in accordance with section 10 of this ordinance any time the facility is open for business.
- (c) A law enforcement officer may follow the penalty assessment procedure described in C.R.S. § 16-2-201 for any violation of this ordinance.
- (d) The licensing authority or its designees may impose the following additional penalties when it is found that a licensee, owner, or employee has violated any of the prohibited

activities described in section 8 of this ordinance:

- (1) A fine of \$300.00 for a first violation.
 - (2) A fine of \$600.00 for a second violation by the same person or licensee.
 - (3) A fine of \$1,000.00 for a third or subsequent violation by the same person or licensee.
- (e) A massage facility that engages in two or more violations of this ordinance is a public nuisance, as described in C.R.S. § 16-13-303, unless the violation is already a public nuisance, as described in C.R.S. § 16-13-303. The County Attorney of Douglas County, or the District Attorney acting pursuant to C.R.S. § 16-13-302, may bring an action in the District Court of Douglas County for an injunction against any massage facility that violates this ordinance.
- (f) The licensee may appeal the revocation or suspension of a license in accordance with C.R.C.P. 106(a)(4).

Section 12. Fees.

- (a) The application and annual license fees shall be established by the licensing authority in accordance with the provisions of section 4(d) of this ordinance.

Section 13. Repeal.

- (a) All ordinances, or parts of ordinances, of the County of Douglas, Colorado, in conflict herewith are expressly repealed.

Section 14. Adoption.

- (a) Pursuant to C.R.S. §§ 30-15-405 and 406, County ordinances are typically adopted on First Reading at a Board of County Commissioner Business Meeting. Subsequently, after notice has been provided in the newspaper, the Board of County Commissioners will adopt an ordinance at Second and Final Reading, which is conducted at a public hearing. If adopted as an "emergency ordinance," the ordinance will take effect immediately. Otherwise, all ordinances go into effect 30 days after publication after Second and Final Reading.

PART IV: CERTIFICATION

The Douglas County Clerk shall certify to the passage of this ordinance and shall have on file copies of this ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ AND ADOPTED ON FIRST READING on November 4, 2024, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____

George Teal, Chair

ATTEST:

Deputy Clerk



ADOPTED ON SECOND AND FINAL READING on January 28, 2025, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

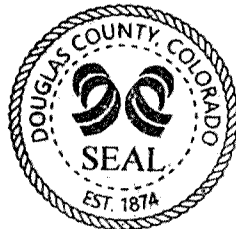
**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____

Abe Laydon, Chair

ATTEST:

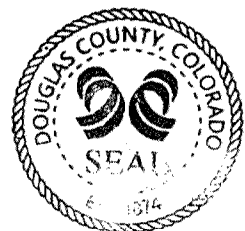
Deputy Clerk



CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-024-005 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissioners of the County of Douglas on, November 4, 2024, and the same was published in full in the DOUGLAS COUNTY NEWS-PRESS, a newspaper of general circulation published in Douglas County, on or before January 16, 2025, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on January 28, 2025. Said ordinance was published by reference to title only on or before February 6, 2025. Said ordinance shall become effective as of March 8, 2025.

Deputy Clerk

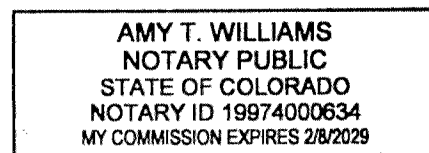


State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this 18th day of February, 2025, by
Hayley Hall, Deputy Clerk.

Amy Williams
Notary Public

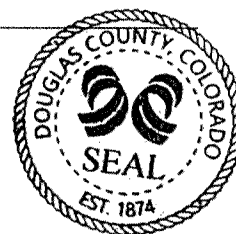
My commission expires: 2/8/29



CERTIFICATION

I, Hayley Hall, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. 5, entitled, **AN ORDINANCE ESTABLISHING BUSINESS LICENSURE REQUIREMENTS TO REGULATE MASSAGE FACILITIES AND TO REGULATE AND PROHIBIT UNLAWFUL ACTIVITIES FOR THE SOLE PURPOSE OF DETERRING ILLICIT MASSAGE BUSINESS AND PREVENTING HUMAN TRAFFICKING, WITHIN THE UNINCORPORATED PORTIONS OF DOUGLAS COUNTY, COLORADO**, is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Hayley Hall
Deputy Clerk



RESOLUTION NO. 2024 - 124

**THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF
DOUGLAS, COLORADO**

**A RESOLUTION ESTABLISHING A PROCEDURAL FRAMEWORK
FOR ADMINISTRATION OF MASSAGE FACILITY LICENSURE IN
DOUGLAS COUNTY**

WHEREAS, the Board of County Commissioners of the County of Douglas, Colorado, ("Board") is authorized to enact an Ordinance pursuant to C.R.S. § 30-15-401.4, in order to establish a licensing authority to regulate massage businesses and to deter and shut down illicit massage businesses; and

WHEREAS, C.R.S. §12-235-101 et seq, known as "The Massage Therapy Practice Act" ("the Act") regulates the profession of massage therapy to provide for consistent statewide certification and oversight of massage therapy professionals; and

WHEREAS, the Board finds that the purpose and intent of the Act, and of C.R.S. § 30-15-401.4, is to regulate and protect legitimate massage therapy businesses in order to also safeguard and promote the public health, safety, and welfare of the citizens, including those residing within Douglas County, while recognizing that massage is a legitimate health care professional activity that provides benefits to the residents of the County; and

WHEREAS, the reputation and success of legitimate massage therapy businesses is denigrated and undermined by individuals who mask their unlawful sexual activities and human trafficking by falsely posing as massage therapy businesses; and

WHEREAS, the Board has enacted Douglas County Ordinance O-024-004 to establish a licensing authority to regulate massage businesses and to deter and shut down illicit massage businesses; and

WHEREAS, a procedural framework is necessary to facilitate and administer Douglas County Ordinance O-024-004.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO, THAT:**

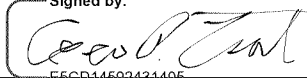
The process and procedural framework in the attached Exhibit A shall govern massage facility licensure in Douglas County.

PASSED AND ADOPTED this 4th day of November 2024, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:

Signed by:



E66D14692431405

GEORGE TEAL, Chair

Signed by:



ATTEST:

DocuSigned by:



166E3E33E00249B

HAYLEY HALL, Clerk to the Board

Douglas County Massage Facility Licensure and Background Check Procedures

Intent

To provide procedures for the review of Massage Facility licensure applications and background checks in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement, in accordance with Douglas County Ordinance O-024-004, and Section 30-15-401.4 of Colorado Revised Statutes.

General Requirements

In the event of a conflict between these procedures and Douglas County Ordinance O-024-004, the ordinance shall supersede.

Submittal Requirements For License And Background Check Applications -

A complete Douglas County Massage Facility Licensure application for the appropriate license type (new, transfer, or renewal), and/or a complete Douglas County Massage Facility Background Check application, as applicable, including all required documentation.

Application Fee –

New license: \$100

License Transfer: \$50

Biennial Renewal: \$25

There are no application fees for exemption requests or individual background checks that are not a part of a new or transfer license application.

Individual History Report –

A background check for all owners, officers, operators, directors, general partners, managing members, employees, and anyone with ownership of ten percent (10%) or more of the applicant entity, as required by Douglas County Ordinance O-024-004.

Fingerprints –

Those who are required to submit an Individual History Report are also required to be fingerprinted as described in Section 5 of Douglas County Ordinance O-024-004. The fingerprint results must be received by the County for the application to be deemed complete.

General Procedure - New License

The application will be reviewed for completeness by staff and the applicant, owner or prospective owner, employee or prospective employee, will be notified in writing of any incomplete information. An application will not be considered complete until the results of the Individual History Reports are received.

Within 30 days of receipt of a complete application, if staff determines that the approval standards of Section 6(a) of Douglas County Ordinance O-024-004 have been met, the application will be scheduled for a hearing before the Douglas County Massage Facility Licensing Authority.

Within 30 days of receipt of a complete application, if staff determines that the approval standards in Section 6(a) of Douglas County Ordinance O-024-004 have not been met, or that the denial standards in Section 6(d) of Douglas County Ordinance O-024-004 are met, staff shall issue a finding recommending denial of the application. The finding shall be provided to the applicant in writing and shall explain with reasonable detail the reason for the denial. The application will be scheduled for a hearing before the Douglas County Massage Facility Licensing Authority.

In accordance with Section 7 of Douglas County Ordinance O-024-004 the applicant may request a temporary license, valid for up to 30 days, until approval or denial of the massage facility license by the Licensing Authority.

The licensing authority may approve, approve with conditions, or deny the application.

General Procedure - License Transfer

Any entity wishing to obtain an existing massage facility license must complete a transfer of ownership.

The application will be reviewed for completeness by staff, and the applicant will be notified in writing of any incomplete information. An application will not be considered complete until the results of the Individual History Reports are received.

Within 30 days of receipt of a complete application, if staff determines that the approval standards of Section 6(a) of Douglas County Ordinance O-024-004 have been met, an approval shall be issued.

Within 30 days of receipt of a complete application, if staff determines that the approval standards in Section 6(a) of Douglas County Ordinance O-024-004 have not been met, or that the denial standards in Section 6(c) of Douglas County Ordinance O-024-004 are met, staff shall issue a finding recommending denial of the application. The finding shall be provided to the applicant in writing and shall explain with reasonable detail the reason for the denial. The

application will be scheduled for a hearing before the Douglas County Massage Facility Licensing Authority.

An applicant may request a temporary permit for the period during which the transfer is being reviewed in accordance with Section 7 of Douglas County Ordinance O-024-004.

The licensing authority may approve, approve with conditions, or deny the application.

General Procedure - Biennial License Renewal

The application will be reviewed for completeness and the applicant will be notified in writing of any incomplete information. New Individual History Reports and Fingerprints shall not be required for applicable individuals who have, within the previous five (5) years, submitted such materials as part of an accepted and approved application.

Within 30 days of receipt of a complete application, if staff determines that the approval standards of Section 6(a) of Douglas County Ordinance O-024-004 have been met, an approval letter shall be issued.

Within 30 days of receipt of a complete application, if staff determines that the approval standards in Section 6(a) of Douglas County Ordinance O-024-004 have not been met, or that the denial standards in Section 6(c) of Douglas County Ordinance O-024-004 are met, staff shall issue a finding recommending denial of the application. The finding shall be provided to the applicant in writing and shall explain with reasonable detail the reason for the denial. The application will be scheduled for a hearing before the Douglas County Massage Facility Licensing Authority.

The licensing authority may approve, approve with conditions, or deny the application.

General Procedure – Individual Background Check not part of a new or transfer license application

Within 18 days of receipt of an individual background check, if staff determines that the standards of Douglas County Ordinance O-024-004 have been met, an approval letter shall be issued.

General Procedure - Exemption

The exemption request will be reviewed for completeness and the applicant will be notified in writing of any incomplete information.

Within 30 days of receipt of a complete exemption request, if staff determines that the exemption standards of Section 1(h) or 1(o) of Douglas County Ordinance O-024-004 have been

met, an approval letter shall be issued.

Inspections, Suspension and Revocation

Inspections shall be conducted as enabled in Douglas County Ordinance O-024-004 and shall/may be conducted in conjunction with the Douglas County Sheriff's Office.

Suspension and Revocation actions shall occur as enabled in Douglas County Ordinance O-024-004.

RESOLUTION NO. 2026 - _____

**THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF
DOUGLAS, COLORADO**

**A RESOLUTION ESTABLISHING A PROCEDURAL FRAMEWORK
FOR ADMINISTRATION OF MASSAGE FACILITY LICENSURE IN
DOUGLAS COUNTY**

WHEREAS, the Board of County Commissioners of the County of Douglas, Colorado, ("Board") is authorized to enact an Ordinance pursuant to C.R.S. § 30-15-401.4, in order to establish a licensing authority to regulate massage businesses and to deter and shut down illicit massage businesses; and

WHEREAS, C.R.S. §12-235-101 et seq, known as "The Massage Therapy Practice Act" ("the Act") regulates the profession of massage therapy to provide for consistent statewide certification and oversight of massage therapy professionals; and

WHEREAS, the Board finds that the purpose and intent of the Act, and of C.R.S. § 30-15-401.4, is to regulate and protect legitimate massage therapy businesses in order to also safeguard and promote the public health, safety, and welfare of the citizens, including those residing within Douglas County, while recognizing that massage is a legitimate health care professional activity that provides benefits to the residents of the County; and

WHEREAS, the reputation and success of legitimate massage therapy businesses is denigrated and undermined by individuals who mask their unlawful sexual activities and human trafficking by falsely posing as massage therapy businesses; and

WHEREAS, the Board enacted Douglas County Ordinance O-024-004 to establish a licensing authority to regulate massage businesses and to deter and shut down illicit massage businesses;

WHEREAS, the Board has enacted amended Douglas County Ordinance No.O-026-_____ to maintain compliance with the most recent Colorado Legislative requirements as they relate to § C.R.S. 30-15-401.4,, § Colorado Senate Bill 25-146, and § C.R.S. 12-235-101 and

WHEREAS, a procedural framework is necessary to facilitate and administer Douglas County Ordinance O-026-_____.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO, THAT:**

The process and procedural framework in the attached Exhibit A shall govern massage facility licensure in Douglas County.

PASSED AND ADOPTED this ____ day of _____ 2026, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:

GEORGE TEAL, Chair

ATTEST:

HAYLEY HALL, Clerk to the Board

Douglas County Massage Facility Licensure and Background Check Procedures

Intent

To provide procedures for the review of Massage Facility licensure applications and background checks in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement, in accordance with Douglas County Ordinance O-026-XXX, and Section 30-15-401.4 of Colorado Revised Statutes.

General Requirements

In the event of a conflict between these procedures and Douglas County Ordinance O-026-XXX, the ordinance shall supersede.

Submittal Requirements For License And Background Check Applications -

A complete Douglas County Massage Facility Licensure application for the appropriate license type (new, transfer, or renewal), and/or a complete Douglas County Massage Facility Background Check application, as applicable, including all required documentation.

Application Fee –

New license: \$100

License Transfer: \$50

Biennial Renewal: \$25

There are no application fees for exemption requests or individual background checks that are not a part of a new or transfer license application.

Background Check and Fingerprinting–

A background check for all owners, prospective owners, operators, officers, directors, managers, partners, members, principal owners, employees, prospective employees, and anyone with ownership of ten percent (10%) or more financial interest, or other persons as required by Douglas County Ordinance O-026-XXX. The fingerprint results required for the background check must be received by the County for the application to be deemed complete.

General Procedure - New License

The application will be reviewed for completeness by staff and the applicant, owners, prospective owners, operators, officers, directors, managers, partners, members, principal owners, employees, prospective employees, and anyone with ownership of ten percent (10%) or more financial interest, or other persons as required by Douglas County Ordinance O-026-XXX, will be notified in writing of any incomplete information. An application will not be considered complete until the results of the background checks and finger printing are received.

Within 30 days of receipt of a complete application, if staff determines that the approval standards of Section 6(a) of Douglas County Ordinance O-026-XXX have been met, the application will be scheduled for a hearing before the Douglas County Massage Facility Licensing Authority.

Within 30 days of receipt of a complete application, if staff determines that the approval standards in Section 6(a) of Douglas County Ordinance O-026-XXX have not been met, or that the denial standards in Section 6(d) of Douglas County Ordinance O-026-XXX are met, staff shall issue a finding recommending denial of the application. The finding shall be provided to the applicant in writing and shall explain with reasonable detail the reason for the denial. The application will be scheduled for a hearing before the Douglas County Massage Facility Licensing Authority.

The licensing authority may approve, approve with conditions, or deny the application.

General Procedure - License Transfer

Any entity wishing to obtain an existing massage facility license must complete a transfer of ownership.

The application will be reviewed for completeness by staff, and the applicant will be notified in writing of any incomplete information. An application will not be considered complete until the results of the background check and fingerprinting are received.

Within 30 days of receipt of a complete application, if staff determines that the approval standards of Section 6(a) of Douglas County Ordinance O-026-XXX have been met, an approval shall be issued.

Within 30 days of receipt of a complete application, if staff determines that the approval standards in Section 6(a) of Douglas County Ordinance O-026-XXX have not been met, or that the denial standards in Section 6(d) of Douglas County Ordinance O-026-XXX are met, staff shall issue a finding recommending denial of the application. The finding shall be provided to the applicant in writing and shall explain with reasonable detail the reason for the denial. The application will be scheduled for a hearing before the Douglas County Massage Facility

Licensing Authority.

The licensing authority may approve, approve with conditions, or deny the application.

In accordance with Section 7 of Douglas County Ordinance O-026-XXX the authority may issue a temporary license, valid for up to 30 days, and the licensing authority shall renew the temporary license every thirty days until approval or denial of the massage facility license by the Licensing Authority.

General Procedure - Biennial License Renewal

The application will be reviewed for completeness and the applicant will be notified in writing of any incomplete information. New Individual background checks and Fingerprints shall not be required for applicable individuals who have, within the previous five (5) years, submitted such materials as part of an accepted and approved application.

Within 30 days of receipt of a complete application, if staff determines that the approval standards of Section 6(a) of Douglas County Ordinance O-026-XXX have been met, an approval letter shall be issued.

Within 30 days of receipt of a complete application, if staff determines that the approval standards in Section 6(a) of Douglas County Ordinance O-026-XXX have not been met, or that the denial standards in Section 6(d) of Douglas County Ordinance O-026-XXX are met, staff shall issue a finding recommending denial of the application. The finding shall be provided to the applicant in writing and shall explain with reasonable detail the reason for the denial. The application will be scheduled for a hearing before the Douglas County Massage Facility Licensing Authority.

The licensing authority may approve, approve with conditions, or deny the application.

General Procedure – Individual Background Check not part of a new or transfer license application

Within 18 days of receipt of an individual background check, if staff determines that the standards of Douglas County Ordinance O-026-XXX have been met, an approval letter shall be issued.

General Procedure - Exemption

The exemption request will be reviewed for completeness and the applicant will be notified in writing of any incomplete information.

Within 30 days of receipt of a complete exemption request, if staff determines that the

exemption standards of Section 1(i) or 1(q) of Douglas County Ordinance O-026-XXX have been met, an approval letter shall be issued.

Inspections, Suspension and Revocation

Inspections shall be conducted as enabled in Douglas County Ordinance O-026-XXX and shall/may be conducted in conjunction with the Douglas County Sheriff's Office.

Suspension and Revocation actions shall occur as enabled in Douglas County Ordinance O-026-XXX.

FIRST AMENDMENT TO ORDINANCE NO. O-024-004

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE ESTABLISHING BUSINESS LICENSURE REQUIREMENTS TO
REGULATE MASSAGE FACILITIES AND TO REGULATE AND PROHIBIT
UNLAWFUL ACTIVITIES FOR THE SOLE PURPOSE OF DETERRING ILLICIT
MASSAGE BUSINESS AND PREVENTING HUMAN TRAFFICKING, WITHIN
DOUGLAS COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of the County of Douglas, Colorado, (“Board”) was authorized to enact this ordinance pursuant to C.R.S. § 30-15-401.4, to establish a licensing authority that regulates massage businesses and to deter and shut down illicit massage businesses; and

WHEREAS, the Board exercised its authority to enact this ordinance and establish a massage facility licensing authority in April of 2023; and

WHEREAS, C.R.S. § 30-15-401.4 and Colorado Senate Bill 25-146 impose new regulations pertaining to massage facility licensure, which take effect in July of 2026, and which require amendment of the original ordinance; and

WHEREAS, C.R.S. § 12-235-101 et seq., known as “The Massage Therapy Practice Act” (“the Act”), regulates the profession of massage therapy to provide for consistent statewide certification and oversight of massage therapy professionals; and

WHEREAS, the Board finds that the purpose and intent of the Act and C.R.S. § 30-15-401.4 is to regulate and protect legitimate massage therapists and massage therapy businesses and safeguard and promote the public health, safety, and welfare of County residents, while recognizing that massage is a legitimate health care professional activity that provides benefits to County residents; and

WHEREAS, the reputation and success of legitimate massage therapy businesses is denigrated and undermined by persons who mask their unlawful sexual activities and human trafficking by falsely posing as massage therapy businesses; and

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO, THAT:**

PART I: GENERAL

Section 1. **Definitions:** Except as otherwise indicated by context, the following words, terms, and phrases shall have the following meanings for purposes of this ordinance:

- (a) “Advertise” or “advertisement” means to publish, display, or disseminate information and includes, but is not limited to, the issuance of any card, sign, or direct mail, or causing or permitting any sign or marking to be placed on or in any building or structure or in any newspaper, magazine, or directory, or any announcement or display via any televised, computerized electronic or telephonic networks or media.
- (b) “Agent” means a person designated by a massage facility to act on behalf of the massage facility under this ordinance.
- (c) “Applicant” means a person who has submitted an application to the licensing authority for an initial license or renewal of a license to operate a massage facility.
- (d) “Background Check” means a fingerprint-based criminal history record check as described in section 5 of this ordinance, conducted in accordance with C.R.S. §§ 24-33.5-424.5 and 30-15-401.4, as amended from time to time, and includes, to the extent allowed or required, as applicable, when a fingerprint-based criminal history record check cannot be completed or reveals a record of arrest without disposition, a criminal history record check using the Colorado Bureau of Investigation (“CBI”) records and a name-based judicial record check, as defined in C.R.S. § 22-2-119.3(6)(d).
- (e) “Client” means a person who enters into an agreement for massage therapy for a fee, income, or compensation of any kind within the County.
- (f) “Control” means the power to direct or cause the direction of the management and policies of an applicant, licensee, controlling person, manager, agent, or employee, in any way.
- (g) “Controlling Person” means a person directly or indirectly possessing control of an applicant or licensee.
- (h) “Director” means one who manages, guides, or orders, exercising control over other employees or officers.
- (i) “Employee” means a person who is employed by a massage facility or an independent contractor who is hired by a massage facility to perform work that is part of the routine operations of the massage facility; except that, for the purpose of determining who is required to submit to a background check under this ordinance, “employee” does not include a massage therapist, or an independent contractor who performs janitorial services or other routine facility maintenance services for a massage facility and has no contact with or only incidental contact with clients of the massage facility.
- (j) “Erotic parlor” means a facility that entices clients through advertising or other business practices directed towards sexual desire, lust, or passion.
- (k) “Fully clothed” means entirely opaque, nontransparent material that must not expose an employee’s genitalia or substantially expose an employee’s undergarments.

- (l) “Home business” means a business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot, and that does not adversely or perceptively affect the character of the lot or surrounding area. This use shall not include an animal hospital, day care, health clinic, hospital, kennel, tearoom, or hemp fabrication, manufacturing, or processing.
- (m) “Illicit massage business” means a business that may provide massage and engages in human trafficking-related offenses, as described in C.R.S. §§ 18-3-503, 18-3-504, and 18-3-502.
- (n) “Licensing authority” means the governing body of the Board or any other government employee or hearing officer appointed by the Board to act on their behalf to receive, review, and approve or deny, applications for licensure of a massage facility and investigate and determine the eligibility of a person to be an owner or employee of a massage facility.
- (o) “Designee” means any other government employee or government hearing officer appointed by the Board to act on their behalf.
- (p) “Manager” is a person authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions required of a licensee or massage facility by this ordinance.
- (q) “Massage facility” means any place of business where massage therapy or full-body-massage is practiced or administered. The term “massage facility” shall not include:
 - (1) Training rooms in public and nonpublic institutions of higher education, as defined in C.R.S. § 23-3.1-102(5).
 - (2) Training rooms of recognized professional or amateur athletic teams.
 - (3) Offices, clinics, and other facilities at which medical professionals licensed by the state of Colorado, or any other state, provide massage services to the public in the ordinary course of their medical profession.
 - (4) Medical facilities licensed by the state.
 - (5) Barber shops, beauty salons, and other facilities at which barbers and cosmetologists licensed by the state provide massage services to the public in the ordinary course of their professions.
 - (6) Bona fide athletic clubs not engaged in the practice of providing massage therapy to members or to the public for remuneration, or an athletic club that does not receive more than 10 percent of its gross income providing massages to the athletic club’s members or to the public.

- (7) A place of business where a person offers to perform or performs massage therapy:
- (i) For 72 hours or less in any six-month period; and
 - (ii) As part of a public or charity event, the primary purpose of which is not to provide massage therapy.
- (8) A place of business where a licensed massage therapist practices as a solo practitioner, and:
- (i) Does not use a business name or assumed name; or
 - (ii) Uses a business name or assumed name and provides the massage therapist's full legal name or license number in each advertisement, and each time the business name or assumed name appears in writing; and
 - (iii) Does not maintain or operate a table shower.
- (9) The licensing authority may verify the exempt status of a business or facility in keeping with the intent of this ordinance.
- (10) The licensing authority may promulgate additional exemptions to the definition of "massage facility."
- (11) If there is a pattern of criminal behavior regarding sexual misconduct, or criminal intent that is related to human trafficking disguised as a legitimate exemption, the licensing authority may, at its discretion, determine that a practice is no longer exempt from the definition of "massage facility."
- (r) "Massage" or "massage therapy" means a system of structured touch, palpation, or movement of the soft tissue of another person's body in order to enhance or restore the general health and well-being of the recipient. Such system includes, but is not limited to, techniques such as effleurage, commonly called stroking or gliding; petrissage, commonly called kneading; tapotement or percussion; friction; vibration; compression; passive and active stretching within the normal anatomical range of movement; hydro massage; and thermal massage. Such techniques may be applied with or without the aid of lubricants, salt or herbal preparations, water, heat, or a massage device that mimics or enhances the actions of human hands.
- (s) "Massage therapist" means a person that has fulfilled the requirements for state licensure under C.R.S. § 12-235-108 and has a valid massage therapist license issued by the state of Colorado to engage in the practice of massage therapy. The terms "masseuse" and "masseur" are synonymous with the term "massage therapist."
- (t) "Member" means one of the people composing a group.

- (u) “Mobile Massage Unit” means a vehicle or other movable enclosure specifically equipped for a massage therapist to provide massage therapy inside the vehicle or enclosure.
- (v) “Officer” means a person who holds an office of trust, authority, or command in relation to a massage facility.
- (w) “Operator” means a person that is licensed by a licensing authority to operate a massage facility or, before a license is required to legally operate a massage facility only, a person who is operating a massage facility without a license.
- (x) “Owner” means a person other than an operator that holds a legal ownership interest in a massage facility; except that a person that is not involved in the operation of a massage facility and whose ownership interest consists only of stock in a publicly traded company that owns or operates a massage facility is not an owner.
- (y) “Principal Owner” means an owner who stands first in rank, importance, or fundamental value with respect to legal ownership interest in a massage facility. The term “principal owner” shall not include a person that is not involved in the operation of a massage facility and whose ownership interest consists only of stock in a publicly traded company that owns or operations a massage facility.
- (z) “Partner” means a person who shares or takes part with another in a massage facility venture with shared benefits and shared risks.
- (aa) “Person” means a natural person, owner, principal owner, officer, director, manager, partner, member, controlling person, agent, operator or employee of any of them.
- (bb) “Sexual Act” means sexual contact, sexual intrusion, or sexual penetration as defined in C.R.S. § 18-3-401.
- (cc) “Solo practitioner” means a licensed massage therapist, as defined in this ordinance, independently performing the practice of massage therapy.
- (dd) “Table shower” means an apparatus for the bathing or massaging of a person on a table or in a tub.

PART II: MASSAGE FACILITY LICENSES AND BACKGROUND CHECKS

Section 2. Licenses and background checks generally; minimum requirements.

- (a) The licenses and background checks required by this ordinance are in addition to any other applicable licenses, permits, or background checks required by municipality, county, or state. Massage facilities licensed and persons authorized to be employed under this ordinance shall comply with all other applicable ordinances and laws, including zoning ordinances. Background checks required by this ordinance shall comply with the requirements laid forth in C.R.S. § 24-33.5-424.5.

Section 3. Licenses and background checks required.

- (a) As of May 11, 2023, each new massage facility in unincorporated Douglas County or where Douglas County was the licensing authority pursuant to a legal agreement, was required to obtain a massage facility license prior to opening for business and operating as a massage facility; and
- (b) As of May 11, 2023 each existing massage facility that operated in unincorporated Douglas County or where Douglas County was the licensing authority pursuant to a legal agreement prior to May 11, 2023, and which continued to operate in Douglas County, thereafter, was required to submit a complete application for a massage facility license on or before December 31, 2023; and
- (c) Now to maintain compliance with new regulations imposed by House Bill 24-1371, each existing massage facility without a current massage facility license that operated in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement prior to [the second reading of this original ordinance] must submit a complete application for a massage facility license on or before June 30, 2026.
- (d) No person shall be permitted to own or operate a massage facility in Douglas County without a valid massage facility license; and
- (e) On or after July 1, 2026, every prospective owner and prospective employee of a massage facility in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement shall submit to a background check as described in section 5 of this ordinance before being granted a license to operate a massage facility, assuming an ownership interest in a massage facility that would make the prospective owner an owner, or commencing employment with a massage facility; and
- (f) In addition to any existing background check requirements, on or after July 1, 2026, no person shall become or remain an owner, principal owner, officer, director, manager, partner, controlling person, employee, agent or operator of a massage facility in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement without first submitting to a background check as described in section 5 of this ordinance.

Section 4. Applications.

- (a) In addition to the requirements of any other applicable laws, codes, or regulations, each application for a massage facility license shall contain the following information:
 - (1) If the applicant is a person: satisfactory proof that he or she is 18 years of age or older.
 - (2) If the applicant is a legal entity: satisfactory proof that each of the applicants, owners, principal owners, officers, directors, managers, partners, members,

controlling persons, employees, agents, operators, and/or anyone with a 10 percent or more financial interest of such entity are 18 years or older.

- (3) Whether the applicant, or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, have been convicted of, or entered a plea of guilty or “nolo contendere” that is accepted by the court, for a felony or misdemeanor, in any Federal, State, or Municipal court in any of the United States jurisdictions or possessions, for solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes. Failure to disclose any such criminal conviction may result in denial of the license application.
- (4) Whether the applicant, or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103.
- (5) Whether the applicant, or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, has a pending criminal action that involves or is related to any offense described in subsections (a)(3) or that could subject them to the registration requirements in subsection (a)(4) of this section 4.
- (6) Whether the applicant, or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, has had a previous license under this or any other similar massage facility law or regulation in another jurisdiction or possession of the United States, denied, suspended, or revoked, and if so, the name and location of the massage facility for which such license was denied, suspended, or revoked, as well as the date of such denial, suspension, or revocation.
- (7) Whether the applicant, or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, has been an owner, principal owner, officer, director, manager, partner, member, controlling person, employee, agent, or operator of any legal entity which currently operates or previously operated a massage facility or business meeting the definition of massage facility in this ordinance and the name, dates of operation, and location of such business or businesses.
- (8) Satisfactory proof of the applicant’s ownership or right to possession of the premises wherein the massage facility will be operated. The applicant shall have a continuing obligation to provide, where applicable, subsequent evidence of the right to possession of the premises.
- (9) Satisfactory proof that local government zoning or subdivision regulations allows for the operation of a massage facility at the premises wherein the massage facility

will be operated.

(b) In addition to the requirements of any other applicable laws, codes, or regulations, each application for a person's background check shall contain the following information:

- (1) Satisfactory proof that the applicant is 18 years of age or older.
 - (2) Whether the applicant or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, has been convicted of or entered a plea of guilty, or "nolo contendere" that is accepted by the court for a felony or misdemeanor, in any Federal, State, or Municipal court in any of the United States jurisdictions or possessions, for prostitution, solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes. Failure to disclose any such criminal conviction may result in denial of the application.
 - (3) Whether the applicant or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103.
 - (4) Whether the applicant or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, has a pending criminal action that involves or is related to any offense described in subsections (b)(2) or that could subject them to the registration requirements in subsection (b)(3) of this section 4.
 - (6) Whether the applicant or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, has had a previous license under this or any other similar massage facility law or regulation in another jurisdiction or possession of the United States, denied, suspended, or revoked, and if so, the name and location of the massage facility for which such license was denied, suspended, or revoked, as well as the date of such denial, suspension, or revocation.
 - (7) Whether the applicant has been an owner, principal owner, officer, director, manager, partner, member, controlling person, employee, agent or operator of any legal entity which currently operates or previously operated a massage facility or business meeting the definition of massage facility in this ordinance and the name, dates of operation, and location of such business or businesses.
- (c) The licensing authority shall receive, review, approve, or deny license and background check applications for applicants, owners, principal owners, officers, directors, managers, partners, members, controlling persons, employees, agents and operators.
- (d) The licensing authority may require the applicant to issue a reasonable administrative fee

for issuing or renewing licensure as outlined pursuant to C.R.S. § 30-15-401.4.

Section 5. Fingerprinting check; Sheriff's Office review.

- (a) In investigating the fitness of any applicant, or any of the other people required to be listed in the application pursuant to subsection (a)(2) of this section 4, the licensing authority shall require the applicant, or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, to submit to a fingerprint-based criminal history record check. The applicant, or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, shall have fingerprints taken by a local law enforcement agency or any third party approved by the CBI for the purpose of obtaining a fingerprint-based criminal history record check and shall pay the associated costs. The applicant, or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, shall authorize the entity taking the fingerprints to submit, and the entity shall submit, the complete set of fingerprints to the CBI for the purpose of conducting a fingerprint-based criminal history check.
- (b) If an approved third party takes the applicant's fingerprints or the fingerprints of any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, the fingerprints may be electronically captured using CBI -approved livescan equipment. Third party vendors must be approved by the CBI for the purpose of obtaining a fingerprint-based criminal history record check. Third party vendors shall not keep the applicant's information or the information for or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, for more than 30 days. The CBI shall use the applicant's fingerprints or the fingerprints of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, to conduct a criminal history record check using the CBI's records. The CBI shall also forward the fingerprints to the Federal Bureau of Investigation ("FBI") for the purpose of conducting a national fingerprint-based criminal history check. The CBI, the applicant, any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, the licensing authority, and the entity taking fingerprints shall all comply with the FBI's requirements to conduct a fingerprint-based criminal history check.
- (c) The CBI shall return the results of its criminal history record check to the licensing authority, and the licensing authority is authorized to receive the results of the FBI's criminal history check.
- (d) When the results of a fingerprint-based criminal history record check reveal a record of arrest without a disposition, or when a finger-print based criminal history record check cannot be completed, the licensing authority shall require the applicant to submit to a name-based judicial record check, as defined in C.R.S. § 22-2-119.3(6)(d).
- (e) The corresponding application and background check information shall be referred to the Douglas County Sheriff's Office ("DSCO"). The licensing authority, or the licensing authority's designee, shall utilize the criminal history records to determine whether the applicant, or any of the other persons required to be listed in the application pursuant to

subsection (a)(2) of this section 4, are approved or denied a license or employment eligibility based on the criminal history information. This ordinance authorizes the use of the FBI records for the screening of applicants identified herein.

- (f) The DCSO shall not be authorized to approve or disapprove any license application.

Section 6. Issuance; denial.

- (a) If, after reviewing the application and conducting an investigation, the licensing authority finds that the applicant and each of the persons required to be listed in the corresponding license or background check application satisfy the requirements in section 4 of this ordinance:

- (1) Are 18 years of age or older; and
- (2) Have not been convicted of, or pleaded guilty or nolo contendere to, an offense involving prostitution, solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes; and
- (3) Are not a registered sex offender or required by law to register as a sex offender; and
- (4) Have not had (a) a license to operate a massage facility or similar license revoked or suspended by the State of Colorado, or a political subdivision of Colorado, or a regulatory board in another United States jurisdiction; or (b) has possession over a massage facility during an act that occurred in that jurisdiction that would be a violation of this ordinance; and
- (5) The proposed location of the applied-for massage facility, as applicable, has not had a similar license revoked for cause; and
- (6) Have paid the administrative fee.

Then the licensing authority shall, following receipt of the complete license application and background check, approve the issuance of a massage facility license to the applicant for use at the location identified in the license application as the situs of the business, or determine that an applicant, or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, are eligible to be an owner, principal owner, officer, director, manager, partner, controlling person, employee, agent, or operator.

- (b) The licensing authority shall be empowered to place reasonable conditions and restrictions, on a case-by-case basis, upon any massage facility license that would otherwise be denied, revoked, or suspended.
- (c) The licensee shall have the right to a hearing before the licensing authority to review any

such conditions or restrictions.

(d) If, after reviewing the application, the licensing authority finds, in addition to findings required by any other law, code, or regulation, that:

- (1) The applicant has not paid the required administrative fee; or
- (2) The County zoning or subdivision regulations do not allow for the operation of a massage facility at the proposed location; or
- (3) The applicant or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, has been convicted of, or has entered a plea of guilty or nolo contendere that is accepted by the court for a felony or misdemeanor for Solicitation of a Prostitute, as described in C.R.S. § 18-7-202; a human trafficking-related offense, as described in C.R.S. § 18-3-503 or 18-3-504; Money Laundering, as described in C.R.S. § 18-5-309; or similar crimes; or
- (4) The applicant, or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103; or
- (5) The applicant or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, has one or more previous revocations or suspensions of a license to operate a massage facility.

Then the licensing authority may, following receipt of the complete license application and background check, issue a denial of the application, or determine that an owner or prospective owner or employee or prospective employee or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, is ineligible to be an owner or employee. In the event of a denial or ineligibility determination, the licensing authority shall explain in writing, with reasonable detail, the reason for the denial or determination.

- (e) The licensing authority or its designee shall have discretion to deny an application or determine that an owner or prospective owner, or employee or prospective employee, or any of the other persons required to be listed in the application pursuant to subsection (a)(2) of this section 4, is ineligible to be an owner or employee after considering, in accordance with C.R.S. § 24-5-101, an person's conviction of, or plea of guilty or nolo contendere that is accepted by the court for felony or misdemeanor Fraud, Theft, or Embezzlement, as described in C.R.S. § 18-4-401.
- (f) In the event that the licensing authority takes into consideration information concerning criminal history, the licensing authority shall also consider any information provided by the applicant, owner or prospective owner, or employee or prospective employee regarding the criminal history, including, but not limited to, evidence of mitigating factors,

rehabilitation, character references, and educational achievements, especially the mitigating factors pertaining to the period of time between the last criminal conviction and the consideration of the person's application for a license or renewal, ownership or prospective ownership of a massage facility, or employment or prospective employment by a massage facility.

Section 7. Temporary license.

- (a) The licensing authority may issue a temporary massage facility license upon receipt of a complete massage facility license application involving the sale or change in ownership of a business. Such temporary license shall be valid for thirty days, and the licensing authority shall renew the temporary license every thirty days until approval or denial of the massage facility license.

PART III: REGULATION

Section 8. Limitations on operation – prohibited acts.

- (a) It shall be unlawful for any person in the business of owning or operating a massage facility, or any manager or employee thereof, to:
 - (1) Allow a person who does not hold a valid massage therapy license pursuant to C.R.S. § 12-235-107 to perform massage in a massage facility.
 - (2) Fail to submit to a background check as required by this ordinance.
 - (3) Employ a person who has not submitted to a background check as required by this ordinance.
 - (4) Advertise to a prospective client that services including prostitution, sexual acts, escort services, sexual services, or services related to human trafficking disguised as legitimate services, are available.
 - (5) Permit sexual acts or sexual services within or near a massage facility or in relation to massage therapy.
 - (6) Deny inspection of a massage facility by law enforcement, a licensing authority, or a licensing authority's designees.
 - (7) Refuse, interfere with, or elude immediate identification of employees of the massage facility to law enforcement, a licensing authority, or a licensing authority's designees.
 - (8) Fail to immediately report to the DCSO any act of sexual misconduct occurring in a massage facility.

- (9) Allow an employee of a massage facility to provide massage therapy without being fully clothed.
- (10) Require client nudity as part of a massage without the client's prior consent.
- (11) Allow a massage facility to be open and practice massage therapy without a licensed massage therapist on the premises.
- (12) Permit a person in a massage facility to make an agreement with an employee or independent contractor to engage in any prostitution-related offense in the massage facility or any other location.
- (13) Permit a massage facility to be used for housing, sheltering, or harboring any person, or as living or sleeping quarters for any person; except that an owner and the owner's family members who operate a massage facility as a home business are exempt from the prohibited activity in this subsection (a)(13).
- (14) Operate an erotic parlor on the premises of a massage facility.
- (15) Operate a massage facility without a valid massage facility license.

Section 9. Required Acts.

(a) Every licensed massage facility shall be required to:

- (1) Maintain a list of all employees on site including each employee's full legal name, date of birth, home address, telephone number, start date of employment, and employment position.
- (2) Require that all licensees, operators, and employees have at least one of the following forms of valid government identification, and immediately present such identification to the licensing authority or the licensing authority's designees upon request:
 - (i) A United States military card or military dependent's identification card; or
 - (ii) A United States Coast Guard Merchant Mariner card; or
 - (iii) A Native American tribal document; or
 - (iv) A valid Colorado driver's license or Colorado identification card issued pursuant to Article 2 of Title 42, C.R.S., unless the applicant holds a license or card issued pursuant to Part 5 of Article 2 of Title 42, C.R.S.; or
 - (v) A valid driver's license or identification card issued by another state, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any

territory or insular possession subject to the jurisdiction of the United States that is compliant with the federal “REAL ID Act” as amended; or

- (vi) A valid United States passport; or
 - (vii) A valid United States permanent resident card; or
 - (viii) Any other valid type of identification that is required to prove authorization to obtain employment in the United States.
- (3) Require licensed massage therapists to maintain copies of valid massage therapy licensure, as required by C.R.S. § 12-235-107, and a form of identification containing the therapist’s name, address, and social security number or person taxpayer identification number, that must be immediately presented to the licensing authority, the licensing authority’s designees, or law enforcement upon request.
- (4) Maintain a complete set of records including a log of all massage therapy administered at the facility. The records shall include all accounts, invoices, payroll, and employment records of the massage facility. The log shall include the date, time, and type of each massage therapy administered, and the name of the massage therapist administering the massage therapy. The licensee shall retain the records and log book for a minimum of one year following any massage therapy. The records and log book shall be subject to inspection upon request by the licensing authority, the licensing authority’s designees, and law enforcement, during normal business hours, in compliance with applicable law.
- (5) Operate or conduct business under only the designation specified in the license.
- (6) Ensure that all operators, employees, and independent contractors remain fully clothed in professional attire while administering massage or otherwise visible to clients on business premises, including premises designated by the client through an outcall massage service or mobile massage unit.
- (7) Maintain a valid massage facility license prior to and during all hours of operation.

Section 10. Inspections.

- (a) The licensing authority, or the licensing authority’s designees, shall be responsible for enforcement of this ordinance including inspection of massage facilities.
- (b) No owner, operator, manager, massage therapist, or employee shall fail to immediately grant full massage facility access any time such establishment is open for business, to the licensing authority, the licensing authority’s designees, or any other person authorized or required by law to inspect the massage facility.
- (c) All rooms, cabinets, and storage areas shall be subject to inspection and any locked rooms,

cabinets, or storage areas shall be promptly opened for inspection.

- (d) Each massage facility shall keep a complete book of records to include a log of all massage therapy administered at the facility, as required in section 9 (a)(4) of this ordinance, open to inspection without unreasonable delay.
- (e) Inspectors may request to review a State-issued massage therapist license for any massage therapist or employee of the massage facility at any time during an inspection. All owners, managers, massage therapists, employees, independent contractors, or persons occupying the facility other than clients shall present identification and shall not elude identification.

Section 11. Revocation or suspension of license; penalties.

- (a) The licensing authority, or the licensing authority's designees, may revoke or suspend a license for violating any prohibited act pursuant to section 8 of this ordinance.
- (b) The licensing authority, or the licensing authority's designees, may temporarily suspend a massage facility license with a hearing to be scheduled within 15 days when the licensing authority finds:
 - (1) The licensee willfully failed to disclose any information on the application as required; or
 - (2) The licensee knowingly permitted a person who does not hold a valid license pursuant to C.R.S. § 12-235-107 to perform massage therapy; or
 - (3) A pattern of activity that the massage facility is committing human trafficking-related offenses as described in C.R.S. §§ 18-3-503 and 18-3-504; or
 - (4) The licensee failed to permit an inspection in accordance with section 10 of this ordinance any time the facility is open for business.
- (c) A law enforcement officer may follow the penalty assessment procedure described in C.R.S. § 16-2-201 for any violation of this ordinance.
- (d) The licensing authority or its designees may impose the following additional penalties when it is found that a licensee, owner, or employee has violated any of the prohibited activities described in section 8 of this ordinance:
 - (1) A fine of \$300.00 for a first violation.
 - (2) A fine of \$600.00 for a second violation by the same person or licensee.
 - (3) A fine of \$1,000.00 for a third or subsequent violation by the same person or licensee.
- (e) A massage facility that engages in two or more violations of this ordinance is a public

nuisance, as described in C.R.S. § 16-13-303, unless the violation is already a public nuisance, as described in C.R.S. § 16-13-303. The County Attorney of Douglas County or the District Attorney acting pursuant to C.R.S. § 16-13-302 may bring an action in the District Court of Douglas County for an injunction against any massage facility that violates this ordinance.

- (f) The licensee may appeal the revocation or suspension of a license in accordance with C.R.C.P. 106(a)(4).

Section 12. Fees.

- (a) The application and annual license fees shall be established by the licensing authority in accordance with the provisions of section 4(d) of this ordinance.

Section 13. Repeal.

- (a) All ordinances or parts of ordinances of the County of Douglas, Colorado, in conflict herewith are expressly repealed.

Section 14. Adoption.

- (a) Pursuant to C.R.S. §§ 30-15-405 and 406, County ordinances are typically adopted on First Reading at a Board of County Commissioner Business Meeting. Subsequently, after notice has been provided in the newspaper, the Board will adopt an ordinance at Second and Final Reading, which is conducted at a public hearing. If adopted as an “emergency ordinance,” the ordinance will take effect immediately. Otherwise, all ordinances go into effect 30 days after publication after Second and Final Reading.

PART IV: CERTIFICATION

The Douglas County Clerk shall certify to the passage of this ordinance and shall have on file copies of this ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ AND ADOPTED ON FIRST READING on August 27, 2024, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
George Teal, Chair

ATTEST:

Deputy Clerk

ADOPTED ON SECOND AND FINAL READING on September 24, 2024, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
George Teal, Chair

ATTEST:

Deputy Clerk

CERTIFICATE

I hereby certify that the original version of the foregoing Ordinance No. O-024-003 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissioners of the County of Douglas on, August 27, 2024, and the same was published in full in the DOUGLAS COUNTY NEWS-PRESS, a newspaper of general circulation published in Douglas County, on or before September 12, 2024, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on September 24, 2024. Said ordinance was published by reference to title only on or before October 10, 2024. Said ordinance shall become effective as of October 25, 2024. The amended version of the foregoing Ordinance No. O-024-003 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissioners of the County of Douglas on, _____, and the same was published in full in the DOUGLAS COUNTY NEWS-PRESS, a newspaper of general circulation published in Douglas County, on or before _____, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on _____. Said amended ordinance was published by reference to title only on or before _____. Said amended ordinance shall become effective as of _____.

Deputy Clerk

State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this _____ day of _____, 2024, by
_____, Deputy Clerk.

Notary Public

My commission expires: _____

CERTIFICATION

I, _____, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. _____, entitled, **AN ORDINANCE ESTABLISHING BUSINESS LICENSURE REQUIREMENTS TO REGULATE MASSAGE FACILITIES AND TO REGULATE AND PROHIBIT UNLAWFUL ACTIVITIES FOR THE SOLE PURPOSE OF DETERRING ILLICIT MASSAGE BUSINESS AND PREVENTING HUMAN TRAFFICKING, WITHIN THE UNINCORPORATED PORTIONS OF DOUGLAS COUNTY, COLORADO**, is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Deputy Clerk