

ORDINANCE NO. **BG2025 - 20**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15
(BUSINESS AND GENERAL REGULATIONS) TO
ADD SUBCHAPTER 15-10 (REGULATION OF
MASSAGE FACILITIES) AND FURTHER
AMENDING CHAPTER 24 (SEXUALLY EXPLICIT
BUSINESS LICENSING REGULATION) RELATED
TO SUBCHAPTER 24-2 (DEFINITIONS) OF THE
CITY OF BOWLING GREEN CODE OF
ORDINANCES

WHEREAS, the City of Bowling Green desires to amend Chapter 15 (Business and General Regulations) of the City of Bowling Green Code of Ordinances to add Subchapter 15-10 (Regulation of Massage Facilities); and,

WHEREAS, the addition of Subchapter 15-10 to regulate Massage Facilities necessitates removal of a definition in Chapter 24 (Sexually Explicit Business Licensing Regulation) of the City of Bowling Green Code of Ordinances; and,

WHEREAS, it is in the best interest of the City to approve these amendments.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 15 (Business and General Regulations) of the Code of Ordinances is hereby amended as follows:

15-10 REGULATION OF MASSAGE FACILITIES.

15-10.01 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Massage Facility” shall mean any business, establishment, building, room, place or

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operation, other than a regularly licensed hospital, medical clinic, nursing home, dispensary, or state licensed massage therapy school, or the offices of a physician, a surgeon, or an osteopath, or a chiropractor, where nonmedical, nonsurgical, nonosteopathic and nonchiropractic manipulative exercises, massages or procedures are practiced upon the human body, or any part thereof, by someone who is not a licensed Massage Therapist exempted by this Ordinance, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices (by anyone not a physician, surgeon, osteopath, chiropractor, or of a similarly registered status), and shall include any place where baths, exercises or similar services are offered, which are not otherwise regulated by Kentucky Revised Statute.

“Massage Facility Employee” shall mean any person who is not a state licensed Massage Therapist that is suffered or permitted to work in a Massage Facility, whether as an employee, a sole practitioner, or an independent contractor.

“Massage Therapist” shall have the same meaning as contained in KRS 309.350 to 309.364.

“Sexual Conduct” shall mean human masturbation, sexual intercourse, or any touching of the genitals or pubic areas of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex, for the purpose of sexual gratification.

15-10.02 License Requirements and Posting of License.

No person or business entity shall engage in, conduct, or permit to be engaged in or conducted a Massage Facility in or on any premises within the City of Bowling Green unless an annual license for the operation of a Massage Facility has been applied for and issued by the Department of Finance for the premises and the license remains in effect in conformity with the provisions of this subchapter. Any license issued pursuant to this subchapter shall be valid from the date of issuance until the next occurring renewal, unless the license has been suspended or revoked. State licensed Massage

Therapists shall not be required to obtain a Massage Facility License, and shall receive an exemption certificate, so long as they have filed with the Department of Finance, Licensing Division, a copy of their State license, which is in good standing, and an affidavit that only State licensed Massage Therapists in good standing will perform massages in the facility or facilities in which they work. Massage Facility licenses and exemption certificates shall be posted in a conspicuous place within all facilities.

The license to operate a Massage Facility shall be in addition to and require compliance with City of Bowling Green business registration requirements, and neither the licensee nor owners, officers, directors, members, and/or or other principals shall be delinquent on any fees or taxes owed to the City. Massage Facilities shall also comply with all other federal, state and local laws, rules and regulations.

15-10.03 Application for License; Investigation; Fee.

a. The application for the license shall be made on forms developed by the Department of Finance and shall include:

- (1) The name, address and identification of the applicant;
- (2) The names, addresses and identifications of the owners, officers, directors, members, and/or or other principals, if the applicant is a corporation or other business entity, and the designation and identification of an agent residing in Warren County who shall be its representative for the purposes of this subchapter;
- (3) The location for which the permit is desired and either a deed for the premises or, if the applicant is not the owner of the premises, a copy of the applicant's lease for the premises;
- (4) The names, addresses and identifications of all Massage Facility Employees known as of the date of application, which information shall be supplemented within 60 days of the

addition of Massage Facility Employees;

(5) The business, occupation, or employment of the applicant and its owners, officers, directors, members or other principals and the resident agent for the three years immediately preceding the date of application; and,

(6) All criminal convictions of the applicant and its owners, officers, directors, members or other principals and the resident agent other than misdemeanor traffic violations for the past ten (10) years, including a criminal background record for all states in which the individuals have transacted business over the last ten (10) years;

b. The application shall be accompanied by a nonrefundable fee of fifty (\$50) dollars.

c. Each license shall expire on December 31st of each year and may be renewed by filing a renewal application, along with payment of an annual fee of fifty (\$50) dollars. Each renewal application shall contain any changes or updates to the information required to be provided with the initial application, and shall be filed with the Department of Finance no later than thirty (30) days prior to the expiration date of the current license. Said renewal shall be subject to the inspection referenced in section e below.

d. The application shall be sent to and subject to sign off by the City County Planning Commission stating that the location of the proposed Massage Facility is a use permitted by the zoning district regulations.

e. An application for a license must be made for each separate Massage Facility. When an application is received by the Licensing Division of the City of Bowling Green, a copy of the application shall be sent to the Code Compliance Division of the Neighborhood and Community Services Department, which shall within fifteen (15) business days of receipt of the license application cause the facilities to be inspected to determine if the facilities meet the requirements of this chapter, and report such information to the Licensing Division.

f. A license to operate a Massage Facility shall be issued to the applicant by the Licensing Division within thirty (30) days after receipt of the inspection reports required by the application, if the application is fully and accurately completed and if the required inspections reveal that the Massage Facility meet the requirements of this chapter. However, no license shall be issued if the Licensing Division determines the applicant or any of its owners, officers, directors, members, other principals or resident agents has been convicted of a felony, an offense involving a violation of KRS Chapters 510 or 529 or an equivalent law of another jurisdiction within the five (5) years next preceding the date of application, or any violation of this subchapter.

g. In the event of denial, the Licensing Division shall notify the applicant in writing of the reasons for such denial. Said notice shall be mailed, certified mail, return receipt requested, within ten (10) business days after the Licensing Division receives the inspection reports required by subsection (e). The applicant may request an appeal in writing within twenty (20) days following the date of the denial, addressed to the City Manager. The City Manager shall review the record and the basis for the denial and may meet with the applicant. The decision of the City Manager shall be final.

h. In the event the inspection required by this section is not completed within the time frame set forth in subsection (e) hereof or if the Licensing Division fails to notify the applicant in writing of the reasons for denial of the application in the manner prescribed in subsection (g) hereof, then the application will be deemed to be granted and the Massage Facility authorized to operate until such time as all required inspections have been completed, the Licensing Division has received the required reports, and the applicant receives notice of the Licensing Division's decision on the application by certified mail, return receipt requested.

i. No Massage Facility license shall be transferable under any conditions. In the event of a new location or new owner, a new Massage Facility license must be obtained.

15-10.04 License Suspension/Revocation, Information Hearing and Appeal.

Any license issued herein by the Licensing Division may be revoked upon the violation of any section, requirement or provision of this chapter by the licensee or owner, officer, director, member, principal, resident agent, Massage Facility Employee or other agent, attendant or employee of the licensee, provided the licensee shall first be notified of the violation and be afforded a hearing before the City Attorney. Written notice of any violation herein and any hearing thereon before the City Attorney may be given to the licensee by hand delivery of the notice, or in the licensee's absence to any adult person employed by the licensee at the licensed premises, or mailed, postage prepaid with the United States Postal Service and addressed to the licensee at the licensed premises, not less than ten (10) days prior to such hearing before the City Attorney, and the licensee may present such evidence or witnesses as the licensee shall wish to the City Attorney. During the time between the notice of violation and the hearing before the City Attorney, all business operations shall be suspended. In the event of any revocation of a license for the operation of a Massage Facility in accordance with this section, the licensee shall not be entitled to the issuance of a subsequent license for the operation of a Massage Facility in the City of Bowling Green within twenty-four (24) months following the date of the revocation. Prohibition of the ability to obtain a license within twenty-four (24) months shall apply to any owner, officer, director, member, principal, or resident agent involved in violation of this subchapter provided said owner, officer, director, member, principal, or resident agent was provided notice as specified in this paragraph and an opportunity to request, attend, and participate in the license revocation hearing. The decision of the City Attorney may be appealed to the City Manager within thirty (30) days of the date of the final written decision. If no appeal is made to the City Manager, the decision of the City Attorney shall be final and non-appealable.

Suspension or revocation of exemption certificates shall follow the same procedure in the event the Massage Therapist is no longer licensed or in good standing, or permits someone other than a

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licensed Massage Therapist, in good standing, to perform massages, or otherwise violates any provision of 15-10.09(1)(a), (b), (d), (e), (f), or (g), or otherwise provides false information to the City in receiving or continuing use of its exemption certificate.

15-10.05 Use of Massage Facility as Place of Sleep.

No Massage Facility shall be used as and for a dormitory or rooming house or place of sleep for Massage Facility Employees, customers or patrons, nor shall any licensee in this chapter permit any Massage Facility to be so used.

15-10.06 Place, Manner and Times of Massages.

a. No massages shall be administered or applied by any licensee herein or any Massage Facility Employee, operator or attendant except in or upon the premises or regular place of business of the licensee where the license is regularly displayed and at the place and location designated for the operation of the Massage Facility in the license.

b. Premises for which a Massage Facility license has been granted shall be permitted to remain open during the hours of 7:00 a.m. to 11:00 p.m. each day.

c. No Massage Facility Employee shall apply or administer any massage or other treatment to any person behind a locked door that does not immediately open from the inside. All means of egress to individual massage rooms within a Massage Facility must be constructed and maintained in such a manner that any person could, at all times, readily and without obstruction, exit from the treatment room.

d. It shall be unlawful for any person to render any service to the public upon the premises of a Massage Facility except during the time that the business is open, during which time all portions of such business shall be open to the inspection of any Citation Officer, and to the Chief of Police and any officer of the Police Department.

15-10.07 Right of Entry to Inspect.

Any peace officer, fire department or fire official, and the appropriate investigating officials of the City of Bowling Green and Citation Officers shall have the right to enter any portion of a Massage Facility's premises where patrons and Massage Facility Employees are permitted during business hours of the Massage Facility for the purpose of making reasonable inspections and determining compliance with building, fire, electrical, plumbing, and health regulations, as well as all other provisions of law.

15-10.08 Advertising Prohibited Until License Acquired; Unlawful Advertising.

No sign, advertisement, or display structure shall be erected, constructed, or maintained on the structure where a Massage Facility is located which shall advertise so as to convey the impression that massages are given or that a business is a Massage Facility until the Massage Facility is licensed. No person or business shall advertise in any media whatsoever, written or pictorial, in such a manner so as to convey the impression the person or business provides massages at a particular location unless such location is properly licensed and in compliance with all provisions herein.

It shall be unlawful for any massage business to advertise specified sexual activities, prostitution, escort services, or other sexual services or to employ language in the text of any advertising or any images that would reasonably suggest to a prospective client that any specified sexual activities are available through the massage business or at the licensed premises.

15-10.09 Unlawful Acts; Violations.

No owners, officers, directors, members, principals, or resident agents shall authorize or tolerate in such Massage Facility any activity or behavior prohibited by the laws of the Commonwealth or the ordinances of the City, including such laws proscribing acts of Sexual Conduct or other obscene act or performance.

1. It shall be unlawful for any person to:

- a. For the purpose of sexual gratification, in any way touch the genital organs of

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another or one's self in connection with any massage or other service rendered by the business, or to advertise or offer any massage or physical touching of the genital organs of another or one's self in connection with such service.

b. For the purpose of sexual gratification, encourage, permit, or tolerate any Massage Facility Employee or client of the Massage Facility to in any way touch the genital organs of another or one's self in connection with any massage or other service rendered by the business, or to advertise or offer any massage or physical touching of the genital organs of another or one's self in connection with such service.

c. Directly or indirectly, personally or through an agent or employee, conduct any massage business, or use in connection with the massage business any premises, in whole or in part, without possessing a valid Massage Facility license for each premises at which the massage business operates.

d. Make a willful misrepresentation in applying for or obtaining a Massage Facility license or an exemption certificate.

e. Flee, attempt to flee, or prevent inspection pursuant to this part.

f. Fail to report immediately to law enforcement any specified sexual activities occurring in a Massage Facility between a Massage Facility Employee and a client.

g. Violate, or permit to be violated, any local, State, or Federal law based on acts of dishonesty, fraud, deceit, violence, weapons, substance abuse or narcotics, sexual misconduct, or prostitution related misconduct of any kind.

15-10.10 Penalties.

Any person who violates any provision of this Subchapter shall be guilty of a violation and upon conviction shall be punished by a penalty and fine not to exceed the maximum penalty and fine authorized by State law. Each day of such violation shall constitute a separate offense and no

additional notice other than notice of the original offense shall be required to convict a person for violations resulting from a continuation of such offense. Nothing provided herein shall limit the power of the Licensing Division to deny, revoke, or fail to renew the license of a Massage Facility. Nothing provided herein shall limit the power of the Bowling Green Police Department to enforce violations of Kentucky Revised Statutes. In addition to the penalties provided herein, the Department of Law is authorized to bring and prosecute civil actions for violations of this Subchapter as appropriate, including, without limitation, actions for injunctive relief and declarations of rights, in any court of competent jurisdiction.

...

2. Chapter 24 (Sexually Explicit Business Licensing Regulation) of the Code of Ordinances is hereby amended as follows:

...

24-2 DEFINITIONS.

...

As used in this Chapter, unless the context clearly indicates or requires a different meaning:

“Sexually explicit entertainment activity or activities,” “Sexually explicit entertainment establishment” or “Sexually oriented business” shall mean one or more of the following activities:

[k. ~~“Massage parlor.” An establishment for treating the human body by rubbing, stroking, kneading, tapping or similar treatment with the hand which promotes its services in a manner designed to appeal to the patron’s sexual interest.~~]

...

3. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

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4. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

5. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on September 2, 2025, and given final reading on September 16, 2025, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: September 16, 2025

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Dana Beasley-Brown, Commissioner