

1 **BOARD BILL NO. 311 INTRODUCED BY ALDERWOMAN KATHLEEN**
2 **HANRAHAN**

3 An ordinance pertaining to bathhouses, amending Ordinance 56859, approved
4 November 26, 1974, codified as Chapter 8.24 of the Revised Code, by repealing Section
5 8.24.010 pertaining to the definitions and enacting in lieu thereof a new section
6 pertaining to the same subject matter; also repealing Section 8.24.020 pertaining to the
7 required establishment license of this provision and enacting in lieu thereof a new section
8 on the same subject matter; ; also repealing Section 8.24.030 pertaining to the required
9 establishment license application filing fee of this provision and enacting in lieu thereof a
10 new section on the same subject matter; also repealing Section 8.24.040 pertaining to the
11 neighborhood consent petition of the establishment license of this provision and enacting
12 in lieu thereof a new section on the same subject matter; also repealing Section 8.24.050
13 pertaining to the filing fee of this provision; also repealing Section 8.24.060 pertaining to
14 the application for license of this provision; also repealing Section 8.24.070 pertaining to
15 the notice of hearing of this provision and enacting in lieu thereof a new section on the
16 same subject matter; also repealing Section 8.24.080 pertaining to the conditions for
17 issuance of establishment license of this provision and enacting in lieu thereof a new
18 section on the same subject matter; also repealing Section 8.24.090 pertaining to
19 conditions for issuance of massage therapist license requirements of this provision; also
20 repealing Section 8.24.110 pertaining to requirements of the license revocation of this
21 provision and enacting in lieu thereof a new section on the same subject matter; also
22 repealing Section 8.24.120 pertaining to facilities of this provision and enacting in lieu
23 thereof a new section on the same subject matter; also repealing Section 8.24.130

1 pertaining to operating regulations of this provision and enacting in lieu thereof a new
2 section on the same subject matter; also repealing Section 8.24.140 pertaining to
3 inspection of this provision and enacting in lieu thereof a new section on the same subject
4 matter; also repealing Section 8.24.150 pertaining to transfer of licenses of this provision
5 and enacting in lieu thereof a new section on the same subject matter; also repealing
6 Section 8.24.160 pertaining substitution for schooling of this provision; also repealing
7 Section 8.24.170 pertaining to time limit for existing businesses of this provision and
8 enacting in lieu thereof a new section on the same subject matter; also repealing Section
9 8.24.190 pertaining to penalty for violation of this provision and enacting in lieu thereof a
10 new section on the same subject matter; and containing a severability clause and
11 emergency clause.

12 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

13 **SECTION ONE.** Section 649.010 of Ordinance 56859, codified as section 8.24.010 of
14 the Revised Code, is hereby repealed and enacted in lieu thereof is the following:

15 8.24.010 Definitions. For the purpose of this chapter, the following words and phrases
16 shall have the meanings respectively ascribed to them by this section:

17 A. "Employee" means any and all persons, who render any service to the licensee, who
18 receive compensation directly from the licensee, and who have no physical contact with
19 customers and clients.

20 B. "Persons" means any individual, copartnership, firm, association, joint stock company,
21 corporation or combination of individuals of whatever form or character.

22 C. "Public bath establishment" means any place that provides baths, showers or public
23 washing facilities.

1 **SECTION TWO.** Section 649.020 of Ordinance 56859, codified as section 8.24.020 of
2 the Revised Code, is hereby repealed and enacted in lieu thereof is the following:

3 It shall be unlawful for any person to engage in, conduct or carry on or to permit to be
4 engaged in, conducted or carried on, in or upon any premises in the city, the operation of
5 a public bath establishment as defined in Section 8.24.010, without first having obtained
6 a license from the license collector of the city after approval of the board of public
7 service.

8 **SECTION THREE.** Section 649.030 of Ordinance 56859, codified as section 8.24.030
9 of the Revised Code, is hereby repealed and enacted in lieu thereof is the following:

10 Every applicant for a license to maintain, operate or conduct a massage or public bath
11 establishment shall file an application with the board of public service and pay a filing
12 fee of ten dollars which shall not be refundable.

13 **SECTION FOUR.** Section 649.040 of Ordinance 56859, codified as section 8.24.040 of
14 the Revised Code, is hereby repealed and enacted in lieu thereof is the following:

15 8.24.040 Establishment license--Application--Contents--Neighborhood consent petition.

16 The application for a license to operate a public bath establishment shall set forth the
17 exact nature of the services to be administered, the proposed place of business and
18 facilities therefore, and the name and address of each applicant.

19 In addition to the foregoing, any applicant for a license shall furnish the following
20 information:

21 A. Written proof that the applicant is at least eighteen years of age;

22 B. Two portrait photographs at least two inches by two inches, and fingerprints.

1 C. Business, occupation, or employment of the applicant for the three years immediately
2 preceding the date of application;

3 D. The public bathhouse or similar business license history of the applicant; whether such
4 person, in previously operating in this or any other city or state under license, has had
5 such license revoked or suspended, the reason therefore, and the business activity or
6 occupation subsequent to the action of suspension or revocation;

7 E. Any criminal convictions, except minor traffic violations;

8 F. In addition to the application, the applicant for a public bath establishment shall also
9 file in the Board of Public Service a written petition in favor of the issuance of the
10 license, signed by a majority of the persons, if any, occupying premises or conducting
11 any business on the main or surface floor within the prescribed petition circled drawn by
12 a radius of three hundred feet plus one-half the width of the front of the premises from
13 the center of the premises projected to the streets. A neighborhood consent petition shall
14 not be required for successive yearly renewal licenses for the same licensee on the same
15 premises.

16 **SECTION FIVE.** Section 649.050 of Ordinance 56859, codified as section 8.24.050 of
17 the Revised Code, is hereby repealed.

18 **SECTION SIX.** Section 649.060 of Ordinance 56859, codified as section 8.24.060 of
19 the Revised Code, is hereby repealed.

20 **SECTION SEVEN.** Section 649.070 of Ordinance 56859, codified as section 8.24.070
21 of the Revised Code, is hereby repealed and enacted in lieu thereof is the following:

22 8.24.070 Notice of hearing.

23 When an application is filed for a public bath establishment license under this chapter,

1 the Board of Public Service shall fix a time and a place for a public hearing where
2 applicant may present evidence upon the question of his application. Not less than ten
3 days before the date of such hearing, the Board of Public Service shall cause to be posted
4 a notice of the hearing in a conspicuous place on the property in which or on which the
5 proposed public bath establishment is to be operated. The applicant shall maintain the
6 notice as posted for the required number of days.

7 **SECTION EIGHT.** Section 649.080 of Ordinance 56859, codified as section 8.24.080
8 of the Revised Code, is hereby repealed and enacted in lieu thereof is the following:

9 8.24.080 Conditions for issuance--Establishment license.

10 The Board of Public Service may approve issuance of a license within fourteen days
11 following a hearing if all requirements for a public bath establishment described in this
12 chapter are met and may authorize the license collector to issue a license unless they find:

13 A. The operation as proposed by the applicant if permitted would not have complied with
14 all applicable laws including, but not limited to, the building, health, city planning,
15 housing, zoning, and fire codes of the City of St. Louis. In making the investigation, the
16 health commissioner is authorized to require satisfactory proof that the applicant and the
17 employees thereof are free from communicable diseases, and may, from time to time,
18 require the applicant and attendants to submit to physical examinations and satisfactory
19 laboratory examinations by the health commissioner during the period of the license;

20 B. That the applicant and any other person who will be directly engaged in the
21 management and operation of a public bath establishment has been convicted of:

22 1. A felony not involving sexual misconduct with children, obscenity, keeping or residing
23 in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering,

- 1 2. An offense involving sexual misconduct with children,
2 3. Obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful
3 act, prostitution, or pandering.

4 The Board of Public Service in its discretion may authorize issuance of a license to any
5 person convicted of any of the crimes in subsection B.1., if it finds that the conviction
6 occurred at least three years prior to the date of the application and the applicant has had
7 no subsequent convictions.

8 **SECTION NINE.** Section 649.090 of Ordinance 56859, codified as section 8.24.090 of
9 the Revised Code, is hereby repealed.

10 **SECTION TEN.** Section 649.110 of Ordinance 56859, codified as section 8.24.110 of
11 the Revised Code, is hereby repealed and enacted in lieu thereof is the following:

12 8.24.110 Licenses--Revocation.

13 Any license issued for a public bath establishment may be revoked or suspended by the
14 Board of Public Service, after a public hearing before the Board of Public Service, where
15 it is found that any of the provisions of this chapter are violated or where the licensee or
16 any employee of the licensee, has been convicted of any offense found in Section
17 8.24.090, or where the establishment is proven to be in violation of any statute of the
18 state or of any provision of this Code, relating to the Health Department or health
19 regulations.

20 **SECTION ELEVEN.** Section 649.120 of Ordinance 56859, codified as section
21 8.24.120 of the Revised Code, is hereby repealed and enacted in lieu thereof is the
22 following:

23 8.24.120 Facilities.

1 No license to conduct public bath establishment shall be issued unless an inspection by
2 the Health Commissioner of the City or his authorized representative reveals that the
3 establishment complies with each of the following minimum requirements:

4 A. Construction of rooms used for toilets, tubs, steam baths, and showers shall be
5 waterproof with approved waterproof materials.

6 B. Toilet facilities shall be provided in convenient locations. When five or more
7 employees and patrons of different sexes are on the premises at the same time, separate
8 toilet facilities shall be provided. A single water closet per sex shall be provided for each
9 twenty or more employees or patrons of that sex on the premises at any one time. Urinals
10 may be substituted for water closets after one water closet has been provided. Toilets
11 shall be designated as to the sex accommodated therein.

12 C. Lavatories or wash basins provided with both hot and cold running water shall be
13 installed in either the toilet room or a vestibule. Lavatories or wash basins shall be
14 provided with soap in a dispenser and with sanitary towels.

15 The Health Commissioner shall certify that the proposed public bath establishment
16 complies with all the requirements of this section and shall give or send the certification
17 to the License Collector

18 **SECTION TWELVE.** Section 649.130 of Ordinance 56859, codified as section
19 8.24.130 of the Revised Code, is hereby repealed and enacted in lieu thereof is the
20 following:

21 8.24.130 Operating regulations.

22 Every portion of a public bath establishment, including appliances, apparatus, and
23 personnel shall be kept clean and operated in a sanitary condition.

1 The private parts of patrons must be covered by towels, cloths, or undergarments when in
2 the presence of an employee, masseur, or masseuse. Any contact with a patron's genital
3 area is strictly prohibited.

4 All public bath establishments shall be provided with clean, laundered sheets and towels
5 in sufficient quantity and shall be laundered after each use thereof and stored in
6 approved, sanitary manner.

7 Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly
8 cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after
9 each use.

10 No proprietor, lessee or manager of any public bath establishment obtaining a license
11 under this chapter shall permit any disorderly or indecent conduct, or permit any indecent
12 act, or permit such house to become a place for thieves, prostitutes, male or female
13 procurers, vagrants, or any other disorderly person's resort. No male or female procurers,
14 vagrants, thieves or persons of known bad character shall be attendants or employees of
15 massage or public bath establishments.

16 No public bath establishment granted a permit under provisions of this chapter shall
17 place, publish, or distribute or cause to be placed, published, or distributed any
18 advertising matter that depicts any portion of the human body that would reasonably
19 suggest to prospective patrons that any service is available other than those services as
20 described in Section 8.24.010.

21 **SECTION THIRTEEN.** Section 649.140 of Ordinance 56859, codified as section
22 8.24.140 of the Revised Code, is hereby repealed and enacted in lieu thereof is the
23 following:

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Sponsor: Alderwoman Kathleen Hanrahan

1 8.24.140 Inspection.

2 The Police Department and the Health Department shall from time to time and at least
3 twice a year, make an inspection of each public bath establishment in the City for the
4 purposes of determining that the provisions of this chapter are complied with. The
5 inspections shall be made at reasonable times and in a reasonable manner. It shall be
6 unlawful for any licensee to fail to allow the inspection officer access to the premises or
7 to hinder the officer in any manner.

8 **SECTION FOURTEEN.** Section 649.150 of Ordinance 56859, codified as section
9 8.24.150 of the Revised Code, is hereby repealed and enacted in lieu thereof is the
10 following:

11 8.24.150 Transfer of licenses.

12 No license shall be transferable. except with the written consent of the Board of Public
13 Service; provided, however, that upon the death or incapacity of the licensee the public
14 bath establishment may continue in business for a reasonable period of time to allow for
15 an orderly transfer of license.

16 **SECTION FIFTEEN.** Section 649.160 of Ordinance 56859, codified as section
17 8.24.160 of the Revised Code, is hereby repealed.

18 **SECTION SIXTEEN.** Section 649.170 of Ordinance 56859, codified as section
19 8.24.170 of the Revised Code, is hereby repealed and enacted in lieu thereof is the
20 following:

21 8.24.170 Existing businesses--Time limit

22 All persons who possess any outstanding license heretofore issued as either the operator

1 of a public bath establishment must file for a license within six months of November 26,
2 1974.

3 **SECTION SEVENTEEN.** Section 649.190 of Ordinance 56859, codified as section
4 8.24.190 of the Revised Code, is hereby repealed and enacted in lieu thereof is the
5 following:

6 Every person, except those persons who are specifically exempted by this chapter,
7 whether acting as an individual, owner, employee of the owner, operator or employee of
8 the operator, or whether acting as a mere helper for the owner, employee or operator, or
9 acting as a participant or worker in any way, who conducts a bathhouse establishment
10 without first obtaining a permit and paying a license fee to do so from the City or shall
11 violate any of the provisions of this chapter shall, upon conviction, be punished by a fine
12 not to exceed five hundred dollars or by imprisonment for a period not to exceed ninety
13 days or by both fine and imprisonment.

14 **SECTION EIGHTEEN.** If any provision, clause, sentence, paragraph or word of this
15 ordinance or the application thereof to any person, entity or circumstances shall be held
16 invalid, such invalidity shall not affect the other provisions of this ordinance which can
17 be given effect without the invalid provisions or application, and to this end the
18 provisions of this ordinance are declared severable.

19 **SECTION NINETEEN.** This Ordinance, being deemed necessary for the immediate
20 preservation of public health, safety and welfare, is hereby declared to be an emergency
21 measure and shall become effective immediately upon its approval by the Mayor.