

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.state.ny.us/corps

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

JAN 05 2017

County City Town Village
(Select one.)

of Mount Pleasant

DEPARTMENT OF STATE

Local Law No. 10 of the year 2016

A local law Amend Town Code Section Section 218- Massage Parlors

(Insert Title)

and Spas

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Mount Pleasant as follows:

Massage Parlors and Spas
Article 1. General Provisions
218.3 Definitions

Massage Establishments

Massage/Massage Services etc.

SEE ATTACHED

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 10 of 2016 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on December 13 2016, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

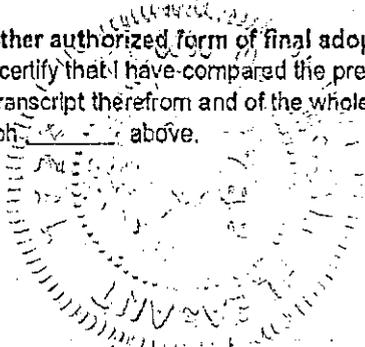
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Patricia June Scerra
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: December 27, 2016

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

County _____
City _____ of _____
Town _____
Village _____

Date: _____



PATRICIA JUNE SCOVA
Town Clerk

EXTRACT OF THE MINUTES
OF THE REGULAR MEETING
OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NY
HELD DECEMBER 13, 2016

LOCAL LAW NO. 10-2016 AMEND TOWN SECTION 218 MASSAGE
PARLORS AND SPAS - RESOLUTION 614-16

Upon motion of Mr. Rubeo, seconded by Mr. McCarthy and
unanimously carried, it was

RESOLVED: That authorization is granted to amend Town
Code Section 281, Massage Parlors and Spas as follows

Article I. General Provisions

§ 218-3. Definitions.

MASSAGE ESTABLISHMENT

A place of business where the principal and/or accessory use involves one or more individuals offering to patrons the practice of massage services for remuneration. All individual and/or entities that are exempt from the provision of Article 155 of the New York State Education Law shall also be exempt from the requirements of this subsection.

MASSAGE/MASSAGE SERVICES

Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the body, flesh or musculature with the hands or with the aid of any mechanical electrical apparatus or appliance, with or without such supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, lotions, ointments, or other similar preparations, for therapeutic, rehabilitative or relaxation purposes within a massage establishment.

MASSAGE PRACTITIONER

Any individual who offers to engage in the practice of massage services, except for those individuals who are exempt from the provision of article 155 of the new York state education law.

TOWN

The Town of Mount Pleasant.

11. A Local Law amending Chapter 218-63(B) Adult entertainment use businesses as follows:

B. Definitions. For the purpose of this section, the following phrases and words shall have the meanings assigned below, except in those instances when the context clearly indicates a different meaning:

ADULT ENTERTAINMENT USE Any activity defined herein as an adult bookstore, adult motion-picture theater, adult entertainment cabaret, and/or adult motel.

III. Creating chapter 218-63A providing as follows:

§ 218-63A. Massage Establishments.

A. Purpose.

1) The Town of Mount Pleasant finds it necessary to protect the public: i) from unlicensed establishments-practitioners that perform massages on unsuspecting persons; ii) from establishments operating under the guise of being a massage establishment, as defined herein, when actually engaging in illegal activities and subjecting the public to exposure to unclean, unhealthy and possibly contaminated conditions; and iii) from sex trafficking in persons and commercial sexual exploitation. These illegal activities have a deleterious effect on the public health, safety and welfare of the Town, its residents and the public at large. It is the intent of the Town to regulate the premises from which massage establishments are operated to promote and protect public health, safety and welfare.

B. No massage establishment may open, operate or exist in the Town without first obtaining a special use permit from the Zoning Board of Appeals following a public hearing. A property owner or landlord shall not permit a tenant or subtenant to open or operate a massage establishment within the Town unless a special permit has been obtained for the demised premises.

C. Application documents. In addition to the information required by & 218-23 all applications for a special permit pursuant to this subsection shall include the following:

- 1) Name, address, date of birth and social security number of the individual applicant(s). If the applicant is an entity, then the name, address, date of birth and social security number of each shareholder, member or partner (as applicable) having a 10% or greater ownership interest in such entity shall be provided.
- 2) For each individual who will provide massage services, a copy of his/her current registration certificate issued by the New York State Education Department listing the individual's name, address and dates of the registration period.
- 3) State the name of the massage establishment under which the applicant will operate and the address from which the business intends to offer massage services.
- 4) Describe the nature of the massage services to be provided.
- 5) State the maximum number of private rooms to be utilized by practitioners, and the number of entrances and exits to the message establishment.
- 6) State whether any part of the premises to be used as the massage establishment will be used for any purpose other than the providing of massage services.
- 7) The owner of the building from which the proposed massage establishment will operate shall be a co-applicant on the special permit application and any renewals thereof.
- 8) Affix to the application two copies of a scale drawing showing the dimensions of all rooms to be used for massage services and the locations therein of all massage tables.

D. Additional referrals. In addition to the referrals required pursuant to §§ 218-23 and 218-24 all applications for a special permit under this section also shall be referred to the Chief of Police and the Building Inspector to ensure compliance with the requirements of this chapter and all laws and regulations of the State of New York and the Town of Mount Pleasant. Within 45 days of the date(s) such referral is received by the Chief of Police and Building Inspector, each of them shall render a written report with their respective recommendations as to whether or not such application should be granted.

E. Operational requirements. The following operational requirements apply to all massage establishments:

- 1) The allowable hours of operation are between 7:00 a.m. to 9:00 p.m., unless otherwise determined by the Zoning Board of Appeals where good cause is shown by the applicant.
- 2) There shall be no outdoor activity associated with the massage establishment.
- 3) Price rates for all services shall be prominently posted or provided in brochures in the reception area or a location available to all prospective customers.
- 4) The genital area of the patrons and breast area of female patrons must be covered by sheets, cloths or undergarments when in the presence of a massage practitioner or other employee of a massage establishment.
- 5) Laundry and/or table covers shall be changed after each massage and/or client. Laundry shall be cleaned on a daily basis during the days the establishment is in operation.
- 6) All rooms, tables and equipment used in connection with massage services shall be sanitized daily.
- 7) All massage practitioners shall sanitize their hands prior to and after performing a massage
- 8) No massage establishment shall have an entrance or exit providing direct passageway to any other type of business, residence or dwelling.
- 9) No massage services may be performed in a room, area or cubicle which is fitted with a door capable of being locked.
- 10) There shall be no obstruction of the passage of light through any windows of a massage establishment by means of, including but not limited to, affixing plywood, paper, or taping other opaque materials over the windows. This restriction does not apply to permitted signage or to the standard use of curtains or blinds.
- 11) No massage services shall be provided to individuals under the age of 18 unless the parent or guardian of said minor is physically present when such services are provided or such parent or guardian has provided written, notarized authorization for such services.
- 12) All massage establishments and massage practitioners shall possess and

maintain valid licenses and certificates as required by all applicable state and local governmental authorities for the provision of massage services, including those required pursuant to Article 155 of the New York State Education Law & 7800 et seq.

- 13) All massage establishments shall display in a prominent location within the premises a copy of a current New York State registration certificate for each individual offering massage services at said establishment. Upon request by a representative of the Town, the original of such documents shall be produced for inspection.
- 14) The property owner, landlord or special permit holder shall provide Town representatives with access to the premises for inspection.
- 15) Alcoholic beverages shall not be sold or consumed on any premises where massage services are provided.
- 16) All massage establishments shall comply with any other special requirements deemed appropriate by the Board of Appeals in furtherance of the purpose and intent of this subsection.

F. Exemptions. All individuals and/or entities that are exempt from the provisions of Article 155 of the New York State Education Law shall also be exempt from the requirements of this subsection

G. Duration and renewal of special permits. Special permits issued pursuant to this subsection shall be effective for a period of three years from the date of filing with the Secretary of the Board of Appeals. Each application for a renewal of a special permit issued pursuant to this subsection shall include all of the information required under & 218-63A(C)(1) through (7) and identify any material changes relating to the operation or ownership of the massage establishment and/or its massage practitioners relative to any prior application(s). Special permits shall not be transferrable from one owner to another.

H. Existing massage establishments. The provisions of Article V of Chapter 218 of the Town Code concerning nonconforming uses in existence at the time of the adoption of this subsection shall not apply to massage establishments, and all massage establishments covered under this subsection and in existence at the time it is enacted shall be required to apply for the special permit required under this subsection within six (6) months of the date of enactment hereof.

IV. Amending the Chapter 218 Attachments Tables providing as follows:

Chapter 218 Attachment 15 Town of Mount Pleasant Schedule of Regulations Nonresidence Districts III, Column 4 under the C-NR Neighborhood Retail District to add Massage Establishments as a tenth Permitted Special Use Subject to Conformance to Additional Standards as provided in Article 111.

Chapter 218 Attachment 16 Town of Mount Pleasant Schedule of Regulations Nonresidence Districts IV, Column 4 under the C-RB Highway Commercial District to add Massage Establishments as a twelfth Permitted Special Use Subject to Conformance to Additional Standards as provided in Article 111.

Chapter 218 Attachment 16 Town of Mount Pleasant Schedule of Regulations Nonresidence Districts IV, Column 4 under the C-GC General Commercial District to make the following addition: "1. All special uses permitted in the C-NR, except that roomers or boarders in excess of 2 shall not be permitted and no massage establishments shall be permitted".

Chapter 218 Attachment 16 Town of Mount Pleasant Schedule of Regulations Nonresidence Districts IV, Column 4 under the M-1 Planned Light Industry District to make the following addition "1. Any nonresidential special uses permitted in any other district, except that roomers or boarders in excess of 2 shall not be permitted **and no Massage Establishments shall be permitted**".

This Local Law shall become effective immediately upon filing in the Office of the Secretary of State.

Patricia June Scova
PATRICIA JUNE SCOVA, RMC
TOWN CLERK
TOWN OF MOUNT PLEASANT

