

CITY OF FRANKLIN, OHIO  
ORDINANCE 2023-02

**AMENDING PART SEVEN, TITLE 1 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO AND CREATING  
CHAPTER 730 (MASSAGE SERVICES ESTABLISHMENTS)**

WHEREAS, the City of Franklin City Council is responsible for enacting laws to preserve the public health, safety and welfare of the citizens of the City of Franklin, Ohio;

WHEREAS, with the input of City Department heads and staff, Council has determined it is desirable and necessary to regulate establishments offering massage services within the City, to ensure massage services are only performed by qualified individuals, licensed to perform such services under Ohio law;

WHEREAS, Council desires to amend Chapter 730 (Massage Services Establishments), of the City's Codified Ordinances to update the permitting process for massage services establishments operating within the City to include an Affidavit of the record owner of the property where the Massage Services Establishment shall operate, if the property is not owned by the applicant, stating that the owner is aware of and consents to the operation of the Massage Services Establishment on the property and provide that the record owner of real property on which a violation of this Chapter exists or is committed by a lessee, tenant or other party on the property may be held jointly and severally liable for such violation.;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The City's Codified Ordinances, Chapter 730, are amended as set forth in Exhibit A, attached hereto.

Section 2. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

INTRODUCED: February 6, 2023

ADOPTED: March 6, 2023

ATTEST: Khristi Dunn  
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2023-02 passed by that body on March 6, 2023.

Khristi Dunn  
Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Ben Yoder, Law Director

**SECTION 1:****AMENDMENT** “730.02 Permit Application Procedure” of the City of Franklin Municipal Code is hereby *amended* as follows:

AMENDMENT

730.02 Permit Application Procedure

- (a) The City of Franklin Chief of Police, or the Chief’s designee, shall be responsible for reviewing applications for Massage Services Establishment permits. No permit shall be issued unless the Chief of Police has determined the Massage Services Establishment is in full compliance with this chapter.
- (b) Applications shall be submitted to the Chief of Police on a form approved by the City of Franklin, and shall contain or attach the following information:
  - (1) The full legal name of the Massage Services Establishment;
  - (2) The full legal name, current residential address, and phone number of the Applicant;
  - (3) The address of the property on which the Massage Services Establishment shall operate;
  - (4) An Affidavit of the record owner of the property where the Massage Services Establishment shall operate, if the property is not owned by the applicant, stating that the owner is aware of and consents to the operation of the Massage Services Establishment on the property
  - (5) A copy of the Zoning Certificate issued by the City of Franklin, confirming a Massage Services Establishment is a permitted use on the subject property;
  - (6) The full legal names of all individuals who will perform Massage Services for the Massage Services Establishment;
  - (7) Copies of the license(s) issued by the State Medical Board of Ohio for each individual who will perform Massage Services for the Massage Services Establishment, certifying each individual is a Licensed Massage Therapist;
  - (8) A list of all Massage Services which will be offered at the Massage Services Establishment;
  - (9) Information regarding any prior felony or misdemeanor convictions of the Applicant and any member or officer of the Massage Services Establishment (if applicable); and
  - (10) Any other information requested at the time of the application.
- (c) The Chief of Police shall issue a written decision to the Applicant granting the permit, denying the permit, or requesting additional information within thirty (30) days following the application submission date.
- (d) All Massage Services Establishments shall display the permit required under this chapter in a conspicuous place in the Massage Service Establishment.
- (e) A permit lawfully issued in accordance with this chapter shall be valid until December 31st of the year immediately following the year of original permit issuance or renewal.

- (f) Massage Services Establishments in operation prior to the effective date of this chapter shall apply for a permit within sixty (60) days after the effective date.

**SECTION 2:** AMENDMENT “730.05 Prohibitions” of the City of Franklin Municipal Code is hereby *amended* as follows:

AMENDMENT

730.05 Prohibitions

It shall be unlawful for:

- (a) Any business or establishment to offer or perform Massage Services, unless such Massage Services are performed by a Licensed Massage Therapist.
- (b) Any business or establishment to employ any individual to perform Massage Services, unless such individual is a Licensed Massage Therapist.
- (c) Any individual to perform Massage Services for a Massage Services Establishment, unless such individual is a Licensed Massage Therapist.
- (d) A Massage Services Establishment to operate without having in full force and effect a valid permit issued by the City of Franklin Chief of Police.
- (e) Any individual or entity to violate any provision of this Chapter.

The record owner of real property on which a violation of this Chapter exists or is committed by a lessee, tenant or other party on the property may be held jointly and severally liable for such violation.

**SECTION 3:** AMENDMENT “730.09 Penalty” of the City of Franklin Municipal Code is hereby *amended* as follows:

AMENDMENT

730.09 Penalty

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor of a third degree and fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The record owner of real property on which a violation of this Chapter exists or is committed by a lessee, tenant or other party on the property may be held jointly and severally liable for such violation; in which case, the owner shall be subject to the penalties and fines set forth in this section.