

**CITY OF SHERIDAN, CO  
ORDINANCE NO. 5-2025**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SHERIDAN, COLORADO, AMENDING CHAPTER 22 OF THE  
SHERIDAN MUNICIPAL CODE BY ENACTING ARTICLE IV  
PERTAINING TO THE REGULATION OF MASSAGE FACILITIES**

WHEREAS, the City of Sheridan (“City”) seeks to exercise its home rule authority to address matters covered by the Colorado Constitution, Article XX, Section 6 and C.R.S. § 31-15-501 (1)(c) et seq., relating to the licensing and regulation of massage facilities within the City; and

WHEREAS, the Sheridan Police Department has documented several instances of businesses and individuals masking unlawful conduct involving human trafficking and other sexual acts by falsely posing as legitimate massage facility businesses; and

WHEREAS, the reputation and success of legitimate massage facilities has been undermined by those who have chosen to conceal unlawful activities through illicit massage businesses, and this will continue to be the case so long as illicit massage businesses can operate within the City; and

WHEREAS, the State addressed these concerns when through HB 22-1300 it authorized counties to adopt legislation to prevent the operation of illicit massage businesses that engage in human trafficking, prostitution, money laundering, and other criminal conduct; and

WHEREAS, the legislature enacted additional regulations upon massage facilities as set forth in HB 24-1371 which in part requires that all local governments comply with C.R.S. § 30-15-401.4 which imposes additional requirements upon owners, operators, and employees of massage facilities and also requires that all municipalities establish and conduct background checks for all massage owners, operators, and employees in accordance with procedures established by the state; and

WHEREAS, City Council finds and determines that regulating massage facilities by requiring licensure is a rational means to address the issue of illicit massage businesses and to deter such businesses which commonly serve as a front for human trafficking, money laundering, prostitution, and other illicit acts; and

WHEREAS, City Council finds and declares this ordinance promotes the public health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERIDAN, COLORADO, THAT:

Section 1. Chapter 22, Business Regulations, of the Sheridan Municipal Code is amended by enacting Article IV, titled “Massage Facility,” to read as follows:

**ARTICLE IV MASSAGE FACILITY**

**Sec. 22-111. Definitions.**

The following terms shall have the following meanings for purposes of this article:

*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.

*Client* means an individual who enters into an agreement for massage therapy for a fee, or compensation of any kind within the city.

*Control* means the power to direct or cause the direction of the massage facility's massage therapy operations, including the day-to-day management and policies of the massage facility.

*Employee* means any person who is employed by a massage facility or an independent contractor who is hired by the massage facility to perform work that is part of the routine operations of the massage facility. Employee does not include a message therapist or an independent contractor who performs janitorial services or other routine facility maintenance services for a message facility and has no contact or only incidental contact with clients of the massage facility.

*Erotic parlor* means a facility that entices clients through advertising or other business practices directed towards sexual desire, lust or passion.

*Illicit massage business* means a business that may provide massages but engages in human trafficking related offenses as described in C.R.S. § 18-3-503 and 18-3-504.

*Licensee* means the person or entity to whom a massage facility license is issued under this article.

*Licensing Authority* means the city clerk who is authorized to administer and enforce massage facility requirements, regulations and prohibitions as set forth in this article except that any suspension, revocation or denial of renewal of a license shall be the responsibility of the city manager.

*Massage or massage therapy* means a system of structured touch, palpation, or movement of the soft tissue of another person's body 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; hydromassage; 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 possible by human hands.

*Massage facility* means any place of business where massage therapy or full body massage is practiced or administered except that massage facility does not include;

- (a) Training rooms of public and nonpublic institutions of higher education as defined in C.R.S. § 23-3.1-102(5);

- (b) Training rooms in recognized professional or amateur athletic teams;
- (c) Offices, clinics, or other facilities in which licensed medical professionals provide massage services to the public in the ordinary course of their medical profession;
- (d) State licensed medical facilities;
- (e) Barber shops, hair or beauty salons, and other facilities in which state licensed barbers and cosmetologists provide massage services to the public in the ordinary course of their business;
- (f) Locally licensed athletic clubs that are not engaged in the practice of providing massage therapy to its members or the public for consideration or if an athletic club does not receive more than ten percent of its annual gross income for providing massage therapy to the club's members or the general public;
- (g) A place of business where a person offers or performs massage therapy;
  - a. For seventy-two hours or less in a six-month period; and
  - b. As part of a public charity event in which the primary purpose is not to provide massage therapy.
- (h) A place of business where a licensed massage therapist practices as a solo practitioner;
  - a. Does not use a business or assumed name; or
  - b. Uses a business or assumed name and provides the massage therapist's full legal name or license in every advertisement and the business name or assumed name appears in writing.
  - c. Does not maintain or operate a table shower.

*Massage therapist* means an individual that has fulfilled the requirements for state licensure under C.R.S. § 12-235-104(5), as amended, and has a valid massage therapist license issued by the State of Colorado to engage in the practice of massage therapy.

*Operator* means a person that is licensed by the licensing authority to operate a massage facility in accordance with the requirements of this article.

*Owner* means a person other than an operator that holds a legal ownership interest in a massage facility; except that a person who 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.

*Solo practitioner* means a licensed massage therapist as defined in C.R.S. § 12-235-104(5) performing the practice of massage therapy independently.

*Table shower* means an apparatus for the bathing or massaging of a person on a table or in a tub

**Sec. 22-112. Massage Facility license required.**

No person or entity shall be permitted to operate a massage facility in the city without a valid massage facility license issued by the city. Every license must be renewed annually and is not transferable to any location or person. A license must be displayed at all times in a conspicuous place within the licensed premises.

**Sec. 22-113. Massage Facility manager permit required.**

(a) Except as provided herein, each licensee holding a massage facility license shall have a manager on the licensed premises at all times the establishment is open to the public and such person must have a valid manager's permit issued by the city. Manager's permits must be renewed on an annual basis.

(b) A massage therapist operating a massage facility as a solo practitioner is not required to obtain a manager's permit.

**Sec. 22-114. Application; fee.**

(a) *Submission.* An applicant for a massage facility license or manager's permit shall file an application with the city clerk on forms provided by the clerk which shall include such information as is reasonably necessary for the license authority to act on such application.

(b) *Review.* The city clerk shall forward the application to all applicable departments of general government which shall review the application to determine whether the proposed facility is in compliance with all applicable ordinances, laws, codes, rules and regulations of the city and as to whether the applicant meets the requirements of this article.

(c) *Contents of license application.* In addition to the requirements of the Code, each application for a massage facility license shall contain the following information:

(1) If the applicant is an individual; satisfactory proof that such person is eighteen (18) years of age or older.

(2) If the applicant is a legal entity; satisfactory proof that each of the individual officers, directors, managers, partners, members, principal owners, and/or anyone with ten (10) percent or more financial interest of such entity are eighteen (18) years or older.

(3) Whether the applicant, or any of the other individuals required to be listed in the application, have been convicted of, or plead "nolo contendere" to, a felony or misdemeanor, in any federal, state or municipal court in any of the United States jurisdictions or territories, solicitation of prostitution as described in C.R.S. § 18-7-204, human trafficking as described in C.R.S. § 18-3-503 or 18-3-504, fraud, theft, embezzlement, or money laundering as described in C.R.S. § 18-5-309 or similar crimes. Failure to disclose any criminal conviction may result in denial of a license

application.

(4) Whether the applicant, or any of the other individuals required to be listed in the application, has had a previous license under this or any other similar massage facility ordinance from another jurisdiction or territory 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.

(5) Whether the applicant, or any of the other individuals required to be listed in the application, has been an officer, director, manager, partner, member, and/or principal owner of any legal entity which currently or previously operates or operated a massage facility or business meeting the definition of massage facility in this article and if so the name, dates of operation and location of such facility or business.

(6) 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, evidence of the right to possession of the premises.

(d) *Contents of permit application.* Each application for a massage facility or manager's permit shall contain the following information:

(1) Satisfactory proof that the individual is eighteen (18) years of age or older.

(2) The applicant's name, address, date of birth, and phone number. If the applicant is a licensed massage therapist, the current state massage therapy license number.

(3) Whether the applicant has been involved in or convicted of a criminal act as described in paragraph Sec. 22-114 (c)(3) above, the date and place of conviction, and the disposition.

(4) Any disciplinary actions taken by any state or local massage therapy board or criminal convictions for violations of a massage therapy practice act in any jurisdiction or territory of the United States, and the result of such disciplinary actions, whether the applicant is a licensed massage therapist or not.

(e) *Application fees.* An applicant for a license or a permit shall pay a fee set by resolution of the city council. The amount of such fee shall reasonably reflect the actual costs incurred by the city in administering and enforcing this article. These costs include, without limitation, the costs of processing of applications, each fingerprint analysis and background investigation undertaken to qualify owners, operators and employees pursuant to the requirements of this article, establishing the character, record, and reputation of each applicant, and any and all costs related to administering this article.

(f) *Background investigation.* Every owner, operator or employee of a massage facility shall as part of the application process have their fingerprints taken by the city's police department who shall submit such to the Colorado Bureau of Investigation for a criminal history record check.

**Sec. 22-115. Issuance of license; denial.**

(a) The city clerk shall issue a license upon finding that the individual applicant and each of the individuals required to be listed in the application:

- (1) Are eighteen (18) years of age or older;
- (2) Has not 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;
- (3) Has not had a license to practice as a massage therapist or operate a massage facility or similar license, denied or revoked by the State of Colorado or a political subdivision of Colorado, or a regulatory board in another United States jurisdiction or territory, for an act that occurred in that jurisdiction or territory that would be a violation under this article;
- (4) Is not a registered sex offender or required by law to register as a sex offender;
- (5) Has not been convicted for an offense involving sexual misconduct with a child, including sexual abuse, sexual assault, sexual conduct, sexual molestation and sexual exploitation;
- (6) Has not been convicted of or plead "nolo-contendere" to a felony or misdemeanor to an offense as set forth herein in Sec 22-114 (c)(3); except that in considering the conviction, the city clerk shall be governed by C.R.S. § 24-5-101 as amended;
- (7) Has completed all requirements of C.R.S. § 12-235-101 *et seq.*, as amended and holds a valid state massage therapist license, if the applicant will be performing massage therapy;
- (8) The location where the license is applied for has not had a similar license revoked or surrendered for cause within the last twenty-four (24) months; and
- (9) The character, record, or reputation of the applicant, their agent, or their principal does not indicate that potential violations of this article are likely to occur if a license is issued to the applicant. In determining such person's character, record, and reputation, the city clerk may have access to the required criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.

(b) *Timeframe for review.* Applications for a massage facility license shall generally be reviewed and approved by the city clerk within thirty (30) business days of the date on which the completed application is submitted. The licensing authority may issue a temporary license upon receipt of a completed application involving the sale or transfer of a facility. The temporary license may be renewed for 30-day periods until approval or denial of the license.

(c) *Denial.* In addition to the grounds set forth in this section, the city clerk may deny an application based on the failure of an applicant to meet all the requirements set forth in Sec. 22-37 of the Code.

(d) *Notice.* In the event of a denial, the city clerk shall within five (5) business days of the clerk's decision provide written notice to the applicant setting forth the grounds for denial and that such decision may be appealed to the city manager in accordance with Sec. 22-39 of the Code.

(e) *Appeals.* The city manager shall conduct a hearing upon an appeal of a denial in accordance with the procedures set forth in License Denial Sec. 22-39 of the Code.

(f) *Transferability.* Upon the sale or transfer of any interest in a massage facility, the license issued pursuant to this article shall be null and void, and a new application shall be required.

**Sec. 22-116. Issuance of manager's permit; denial.**

(a) The city clerk shall issue a permit upon finding that the individual:

(1) Is eighteen (18) years of age or older;

(2) Has not voluntarily surrendered any license to practice as a massage therapist as a result of, or while, under civil or criminal investigation;

(3) Has not had a license to practice as a massage therapist or manager's permit or any similar permit, denied or revoked by the State of Colorado or a political subdivision of Colorado, or a regulatory board in another United States jurisdiction or territory, for an act that occurred in that jurisdiction or possession that would be a violation under this article;

(4) Is not a registered sex offender or required by law to register as a sex offender;

(5) Has not been convicted for an offense involving sexual misconduct with a child, including sexual abuse, sexual assault, sexual conduct, sexual molestation and sexual exploitation; or

(6) Has not been convicted or plead "nolo contendere" to a felony or misdemeanor to an offense as set forth herein in Sec. 22-114(c)(3); except that in considering the conviction, the city clerk shall be governed by C.R.S. § 24-5-101 as amended;

(7) Has completed all requirements of C.R.S. § 12-235-101 *et seq.*, as amended and holds a valid state massage therapist license, if the applicant will be performing massage therapy; and

(8) The character, record, or reputation of the applicant does not indicate that potential violations of this article are likely to occur if a permit is issued to the applicant. In determining such person's character, record, and reputation, the city clerk may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.

(b) *Timeframe for review.* Applications for a massage facility license shall generally be reviewed and approved by the city clerk within thirty (30) business days of the date on which the application is submitted.

(c) *Denial.* In addition to the grounds set forth in this section, the city clerk may deny an application based on a failure to meet the applicable requirements set forth in Sec. 22-37 of the Code.

(d) *Notice.* In the event of a denial, the city clerk shall within five business (5) days of the clerk's decision provide written notice to the applicant setting forth the grounds for denial and that such decision may be appealed to the city manager in accordance with Sec. 22-39 of the Code.

(e) *Appeals.* The city manager shall conduct a hearing upon an appeal of a denial in accordance with the procedures set forth in Sec. 22-39 of the Code.

(f) *Change in manager.* When a person ceases to be a manager of a massage business, the permit issued pursuant to this article shall be null and void. If the licensee has but one manager, the licensee shall appoint a new manager who must obtain a new massage business manager's permit within thirty (30) calendar days of the separation of the prior manager.

#### **Sec. 22-117. Licensee requirements.**

Each licensee shall be required to:

(a) Maintain a list of all employees on site with the start date of employment, full legal name, date of birth, home address, phone number, and employment position.

(b) Ensure that all licensees and employees have a valid government identification including but not limited to a form of identification described in C.R.S. § 24-21-521 (4)(a) and for licensed massage therapists, a form of identification required for licensed massage therapists as described in C.R.S. § 24-34-107 (1) that must be immediately presented to city personnel upon request.

(c) Ensure that licensed massage therapist maintain copies of valid massage licensure as required by C.R.S. Article 235 of Title 12 that must be immediately presented to city personnel and law enforcement upon request.

(d) Maintain a complete set of records, which include accounts, invoices, payroll employment records and a logbook of all massage therapy administered at the facility. The logbook must include but not be limited to the date, time and type of massage therapy administered and the name of the massage therapist who administered the massage therapy. The licensee shall maintain the records in the logbook for a minimum of one year following the administration of the massage therapy. Law enforcement personnel and the licensing authority may inspect such records during business hours

**Sec. 22-118. Limits on operations.**

It is unlawful for any person:

(a) To operate a massage facility with a license that has been suspended, revoked, or expired.

(b) To act as a manager at a massage facility without holding a valid massage facility manager's permit.

(c) To employ any person to practice as a message therapist who is not licensed as a massage therapist in accordance with C.R.S. § 12-235-101 *et seq.* as amended.

(d) To encourage or permit a licensed massage facility to be used for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s), unless the business is a home-based business permitted under Chapter 56 of this Code.

(e) To massage any other person, or give or administer any bath or baths, including table showers or Vichy showers, in a manner intended to arouse, appeal to, or gratify the lust or passions, or sexual desires of such other person. In no case shall the employee intentionally touch either the male or female genitalia of the client.

(f) To encourage, permit or allow any employee to provide massage therapy or other massage services without being fully clothed. For purposes of this subsection, employee clothing shall be of a fully opaque, nontransparent material that shall not expose the employee's genitals, pubic region, buttocks, or breasts below a point one (1) inch above the top of the areola, or substantially expose the employee's undergarments.

(g) To require client nudity as part of any massage service without the client's prior consent.

(h) To use or possess adult-oriented merchandise, including sex toys, sexual aids, vaginal or anal lubricant, or any contraceptive item, in any part of a massage facility.

(i) To encourage or permit any individual, including a client, student, contractor, or employee, to engage in any sexual act in the massage facility.

(j) To fail to immediately report to the Sheridan Police Department any disorderly conduct, sexual acts, or other criminal activity occurring on or within the licensed facility premises.

(k) To make an agreement, or to permit any individual to make an agreement with an employee or contractor, to engage in sexual activity or prostitution services in the massage facility or any other location.

(l) Failure to permit an inspection and or access to a massage facility to law enforcement or city inspectors.

(m) To perform or permit anyone to perform massage therapy without holding a valid massage therapist license issued pursuant to C.R.S. § 12-235-101 *et seq.* as amended.

(n) To operate an “erotic parlor”.

(o) Advertising to a prospective client that services including prostitution, sexual acts, escort services, or services related to human trafficking disguised as legitimate services are available.

(p) Permitting sexual acts or sexual services within or near a massage facility or in relation to massage services.

(q) Refusing, interfering with, or eluding immediate identification of massage facility employees to law enforcement or city inspectors.

(r) Allowing a massage facility to be open and practicing massage therapy without a licensed massage therapist on the premises.

**Sec. 22-119. Suspension; revocation or non-renewal.**

(a) *Grounds.* In addition to any reason set forth in sections 22-38 or 22-38.5, of the Code and Sec. 22-118 of this article the city manager may suspend, revoke, or not-renew a license or permit issued under this article, if the city manager finds that:

(1) The licensee or manager has failed to maintain the required standards for the position or committed a violation of any section or requirement of this article; or

(2) Any employee required by this article to possess a valid massage therapist license obtained their license through fraud, deceit or misrepresentation, or the state has revoked said massage therapy license; or

(3) The licensee or manager willfully failed to disclose any information as required in Sec. 22-114; or

(4) The licensee or manager knowingly permitted a person to perform massage therapy when the licensee or manager should have reasonably known that such person was not licensed in accordance with C.R.S. § 12-235-101, *et seq.* as amended; or

(5) A pattern of credible facts emerges that the massage facility is attempting to operate a prostitution enterprise whether or not there is a violation of any other specific law, rule, or code; or

(6) The licensee or manager has had a license or permit revoked for cause anytime within the prior twenty-four (24) months for the same or a substantially similar business in another jurisdiction.

(b) *Process.* The city manager shall provide written notice to the licensee or manager in accordance with section 22-38 or 22-38.5, of the Code.

(c) *Hearing.* The city manager shall conduct a hearing on the suspension non-renewal or revocation in accordance with the procedures set forth in section 22-39 of the Code.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.


Section 4. The repeal or modification of any provision of the Sheridan Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

Section 6. Violations of this ordinance shall be punishable in accordance with the provisions of Section 1-14 of the Sheridan Municipal Code.

PASSED AND APPROVED on first reading the 24<sup>th</sup> day of February 2025, and ordered published.

PASSED AND APPROVED on second reading the 10<sup>th</sup> day of March 2025, and ordered published.

  
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Tara Beiter-Fluhr, Mayor

ATTEST:

  
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Jenna DiRubbo, MMC, City Clerk

APPROVED AS TO FORM:

*Mary Lynn Macsalka*

Hayashi & Macsalka, LLC, City Attorney



Published:

March 20th, 2025