

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DiTULLIO
Council Bill No. 21
Ordinance No. 1583
Series of 2015

TITLE: AN ORDINANCE AMENDING SECTIONS 16-224, 16-225 AND 16-226 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING MASSAGE PARLORS, TO DELETE REFERENCES TO OBSOLETE STATE STATUTES AND CLARIFY STATUTORY AUTHORITY

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority, C.R.S. §§ 31-15-401, 31-15-501 and 12-48.5-118, the City, acting through its City Council (the "Council"), previously adopted regulations concerning the licensure and operation of massage parlors within the City, codified as Article X of Chapter 16 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, said Article X contains three (3) references to the Colorado Massage Parlor Code, codified as Article 48.5 of Title 12, C.R.S.; and

WHEREAS, through the state legislature's adoption of Senate Bill 15-122 and the Governor's subsequent signature of the same, the Colorado Massage Parlor Code was repealed in its entirety, effective August 5, 2015; and

WHEREAS, the City retains its authority to license and regulate massage parlors pursuant to its home rule authority and C.R.S. §§ 31-15-401 and 31-15-501, and the Council finds that it serves the public health, safety and welfare to continue to do so; and

WHEREAS, in the interests of avoiding confusion and clarifying the state of the law, the Council wishes to amend the City's massage parlor regulations to eliminate references to the now-obsolete Colorado Massage Parlor Code and to add a reference to its authority under C.R.S. § 31-15-501.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 16-224 of the Wheat Ridge Code of Laws, concerning the authority under which the City's massage parlor regulations are adopted, is hereby amended as follows:

Sec. 16-224. Authority.

This article is adopted under the authority conferred by C.R.S. § 31-15-401(1)(b) to make all regulations necessary or expedient for the promotion of health or suppression of disease AND BY C.R.S. § 31-15-501(1)(C) TO LICENSE AND REGULATE BUSINESSES and by ~~C.R.S. § 12-48.5-118, which authorizes local government regulation of massage parlors.~~

Section 2. Section 16-225 of the Wheat Ridge Code of Laws, referencing the applicability of the Colorado Massage Parlor Code, is hereby repealed and designated as "Reserved."

Section 3. Section 16-226 of the Wheat Ridge Code of Laws, establishing definitions for the City's massage parlor regulations, is hereby amended by the amendment of the definition of "Local licensing authority" as follows:

Local licensing authority. The sales tax division of the administrative services department is the designated local licensing authority pursuant to C.R.S. § 12-48.5-103(3).

Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 1 on this 14th day of September, 2015, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for September 28, 2015, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 28th day of September, 2015.

SIGNED by the Mayor on this 28th day of September, 2015.



ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk

Joyce Jay
Joyce Jay, Mayor

Approved As To Form
Gerald E. Dahl
Gerald E. Dahl, City Attorney

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