

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda JUNE 12, 2017 6:45 PM

1. Discussion Items
 - (a) Discussion of proposed ordinance establishing Chapter 864 of the City of Brunswick Codified Ordinances to regulate Massage Establishments
 - (b) Review handout for public meetings on June 14 and 20, 2017.
2. Motion Items
 - (a) Motion to approve a variance for Ronlen Industries, 1144 Forest Edge Parkway, as permitted by Section 1244.04(b)(1) of the Zoning Code, to allow a 1,288.08 sq. ft. (29' x 44'5') concrete pad to encroach 16' into the 25' west side yard setback required by Section 1266.05(d), resulting in the pad being located 9' from the west property line.
3. Review Legislation
 - (a) **ORD. NO. 50-17** - An emergency ordinance authorizing the Chief of Police to contribute unclaimed property in the possession of the Police Department - **1st Reading** (To be brought from Safety Committee, *Administration/Chief Ohlin*) Moved to Committee-of-the-Whole from Safety Committee.
4. General Discussion
5. Executive Session
 - (a) Motion to go into an Executive Session for the purpose to discuss the sale/purchase of property and the promotion, demotion and compensation of public employee(s).
6. Adjournment

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING CHAPTER 864 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES TO REGULATE MASSAGE
ESTABLISHMENTS.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Chapter 864 of the Codified Ordinances, titled "Massage Establishments", is hereby established to read as follows:

864.01 DEFINITIONS.

As used in this chapter:

- (a) "Employee" means any person over eighteen years of age, other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.
- (b) "Licensee" means the person to whom a license has been issued by the City who owns or operates a massage establishment, as defined herein.
- (c) "Massage" means any method of pressure or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electronic apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.
- (d) "Massage establishment" means any establishment having a source of income or compensation derived from the practice of massage, as defined in Subsection (c) above, and which has a fixed place of business where any person engages in or carries on any of the activities as defined in Subsection (c) above.
- (e) "Massagist," "masseur" or "masseuse" means any person who, for any consideration whatsoever, engages in the practice of massage, as defined in Subsection (c) above, which may include, without limitation:
 - (1) A Licensed Massage Therapist (LMT) who has at least 600 hours of classroom training in basic anatomy and physiology, advanced pathophysiology, massage theory and hands-on practice in a clinical setting, and is licensed by the State Medical Board of Ohio.

- (2) A Massage Technician (MT) or Ethical Massage (EMT) practitioner who is not licensed by the State, and cannot perform therapeutic massage as defined by the State Medical Board of Ohio.
- (f) "Outcall massage service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment, as defined in Subsection (d) above.
- (g) "Patron" means any person eighteen years of age or older or a minor with written parental or legal guardian consent, who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.
- (h) "Person" means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals in whatever form or character.
- (i) "Sexual or genital area" means the genitals, pubic hair, buttocks, anus or perineum of any person, including the vulva or breasts of a female.

864.02 LICENSES REQUIRED.

- (a) Business License. No person shall engage in or carry on the business of massage unless such person has a valid massage license issued by the City pursuant to this Chapter for each and every separate office or place of business conducted by such person in the City.
- (b) Licensed Massage Therapist. No person shall practice massage as a Licensed Massage Therapist unless such person has a valid and subsisting license issued by the State pursuant to the provisions of the Ohio Revised Code governing the limited practice of medicine.

864.03 EXEMPTIONS.

This Chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

- (a) Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective profession in the State;
- (b) Nurses who are registered under the laws of the State; and
- (c) Barbers and beauticians who are duly licensed under the laws of the State, except that this exemption shall solely apply to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

864.04 BUSINESS LICENSE APPLICATION; FEE; INVESTIGATION.

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the City, upon a form provided by the Chief Building Official, and pay a non-refundable annual license fee of One Hundred Dollars (\$100.00) per year or any part thereof. Once accepted, the application shall be investigated by the Police

Department, which investigation shall include criminal record checks of the applicant, any person with an interest in the massage establishment and any persons employed or to be employed as massagists. Copies of the application shall, within five days of receipt, be referred to the Division of Building and Division of Fire and Rescue, who shall, within thirty days, make written verification to the Chief Building Official concerning compliance of the massage establishment with applicable law.

864.05 BUSINESS LICENSE ISSUANCE.

The City shall issue a license for a massage establishment if all requirements for a massage establishment described in the Chapter have been met.

864.06 APPROVAL OR DENIAL OF BUSINESS LICENSE APPLICATION.

The City shall act to approve or deny an application for a license under this Chapter within a reasonable period of time and in no event shall the City act to approve or deny such license later than ninety days from the date the fully completed application was filed with the City. Every license issued pursuant to this Chapter shall terminate at the expiration of one year from the date of issuance unless sooner suspended or revoked.

864.07 MULTIPLE MESSAGE ESTABLISHMENTS.

Should any massage establishment have more than one location in the City where the business of massage is provided, then the issued license shall state the address of the principal place of business and each other location, which license shall issue upon compliance with the requirements of this Chapter, including payment of the One Hundred Dollar (\$100.00) annual fee. Licenses for all other locations shall terminate on the same date as that of the principal place of business, regardless of the date of issuance.

864.08 DISPLAY OF LICENSES.

- (a) Every massagist shall post any license issued by the State in his or her work area along with a front-faced portrait with a minimum size of two inches by two inches.
- (b) Every person to whom a license to engage in the business of massage is issued under this Chapter shall display such license in a prominent place in or on the licenses premises.

864.09 REGISTER OF EMPLOYEES.

Every massage establishment shall maintain a register of all persons employed at any time as massagists, masseurs or masseuses and their license numbers and/or certifications, if any. Such register shall be available at the massage establishment to representatives of the City during regular business hours and shall be maintained for a period not less than five years.

864.10 REVOCATION OF SUSPENSION OF BUSINESS LICENSE.

Any license issued for a massage establishment may be revoked or suspended by the City Manager, after notice and hearing, for good cause or in any case where any provision of this Chapter is violated or where any employee of the licensee, including a masseur or masseuse, is engaged in any conduct at the licensed premises which violates any applicable law and licensee has or should have, upon the exercise of reasonable care, knowledge thereof. Such license may also be revoked or suspended by the City Manager, after notice and hearing, upon the recommendations of the Chief Building Official, Police Chief or Fire Chief. Such revocation/suspension proceedings shall occur before the City Manager.

864.11 FACILITIES REQUIRED.

No massage establishment shall conduct business in the City unless an inspection by the City reveals that the massage establishment complies with each of the following minimum requirements:

- (a) Rooms used for toilets, tubs, steam baths and showers shall be made waterproof with waterproofed materials and shall be installed in accordance with all applicable Codes. Plumbing fixtures shall be installed in accordance with all applicable Codes.
- (b) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after each use.
- (c) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.
- (d) Toilet facilities shall be provided and maintained in compliance with all applicable Codes.
- (e) Lavatories or washbasins shall be provided with soap and a dispenser with sanitary towels.
- (f) All electrical equipment shall be installed in compliance with all applicable Codes.

864.12 OPERATING REQUIREMENTS.

- (a) Every portion of a massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) Price rates for all services shall be prominently posted in the reception area in a location observable to all prospective customers.
- (c) All employees, including masseurs and masseuses, shall be clean and wear clean, non-transient outer garments covering the sexual and genital areas, the use of which garments is restricted to the massage establishment. A separate dressing room for each sex must be available on the licenses

- premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and be self-closing.
- (d) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
 - (e) No massage establishment licensee under this Chapter shall place, publish or distribute, or cause to be placed, published or distributed, any advertisement, picture or statement which his known, or through the exercise of reasonable care should have known, to be false, deceptive or misleading in order to induce any person to purchase or utilize any massage service.

864.13 MINORS PROHIBITED ON PREMISES.

No person shall permit any person under the age of eighteen years to come or remain on the premises of any massage establishment as a massagist, masseur, masseuse or employee. No person shall permit any person under the age of eighteen years to remain on the premises of any massage establishment as a patron without the express written consent of the parent or legal guardian of the minor child.

864.14 ALCOHOLIC BEVERAGES PROHIBITED.

No person shall sell, give away, dispense, provide or keep, or caused to be sold, given away, dispensed, provided or kept, any alcoholic beverages on the premises of any massage establishment.

864.15 HOURS.

No massage establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m. of the following day.

864.16 EMPLOYMENT OF CERTAIN UNLICENSES MASSAGISTS.

No person shall employ as a massagist any person who is required to have a license issued pursuant to the requirements of the Ohio Revised Code and/or the State Medical Board of Ohio governing the limited practice of medicine, unless such person has first obtained and has in effect such license.

864.17 INSPECTION REQUIRED.

The Chief Building Official, or his or her designee, shall from time to time and during regular business hours make inspection of each massage establishment for the purpose of determining that such massage establishment is in full compliance with the provisions of this Chapter. No licensee shall fail to allow such inspection to occur, refuse access to the premises or otherwise hinder the inspection in any manner.

864.18 SEX OFFENSES; OUTCALL MESSAGE; DOORS AND CURTAINS.

- (a) No person in a massage establishment shall place his or her hand or hands upon, touch with any part of his or her body, fondle in any manner, or massage, a sexual or genital area of any other person.
- (b) No person in a massage establishment shall expose his or her sexual or genital are, or any portion thereof, to any other person. No person in a massage establishment shall expose the sexual or genital area, or any portion thereof, of any other person.
- (c) No person, while in the presence of any other person in a massage establishment, shall fail to conceal with a fully opaque covering the sexual or genital area of his or her body.
- (d) No person owning, operating or managing a massage establishment shall knowingly cause, allow or permit in or about such massage establishment, any agent, employee or other person under his or her control or supervision to perform acts prohibited by this Chapter or applicable law.
- (e) No licensee under this Chapter shall administer massage on an outcall basis as defined in this Chapter. Such licensee shall administer massage solely within an establishment licensed to carry on such business under this Chapter. The restriction on outcall massage shall not apply to a licensee who performs outcall massage upon a customer or client who, because of physical defects or incapacities or due to illness, is physically unable to travel to the massage establishment, including, but not limited to, residents of nursing homes, assisted living facilities and/or where specifically prescribed in writing by a licensed physician. If any outcall massage is performed under this exception, a record of the date and hour of each treatment and the name and address of the customer or client, as well as the nature of the physical defect, incapacity, exception or illness shall be kept by the licensee of the massage establishment. Such records shall be open for inspection by the City, which shall remain confidential and not subject to disclosure pursuant to applicable public record laws.
- (f) Nothing contained in this Chapter shall be construed to eliminate other requirements of applicable law concerning maintenance of the premises or otherwise preclude authorized inspection thereof.

864.19 NAME AND PLACE OF BUSINESS.

No licensee under this Chapter shall operate a massage establishment under a name not specified in its license or otherwise conduct business under any designation or location not specified in the license.

864.20 LICENSE TRANSFER.

No license issued under this Chapter shall be transferrable except upon the consent of the City Manager. An application for such transfer shall be in writing and shall be accompanied by

the fee prescribed herein.

864.21 VIOLATIONS.

No person who is not specifically exempted by this Chapter shall, whether acting as an individual owner, employee of the owner, operator or employee of the operator, gent or independent contractor of the owner, employee or operator, or as a participant or worker, give massages or operate a massage establishment or any of the services defined in this Chapter without first obtaining a license from the City for the massage establishment, including any other licenses required by applicable law, or otherwise violate or fail to comply with any of the provisions of this Chapter.

864.22 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____
2nd Reading _____
3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barbara J. Ortiz

MAYOR
RON FALCONI

CITY OF BRUNSWICK

COUNCIL
MICHAEL J. ABELLA, JR
ANTHONY P. CAPRETTA
NICHOLAS HANEK
PATRICIA HANEK
ALEX V. JOHNSON
BRIAN K. OUSLEY
JOSEPH SALZGEBER

CITY MANAGER
CARL S. DEFOREST

June, 2017 Residential Trash/Recycle Options

Brunswick is considering 3 options for residential trash/recycle collection in the future. We are hoping this open dialog with citizens will aid in determining our future direction with regard to waste and recycle in the City of Brunswick.

- **Option 1- Continue with the current practice of unlimited curbside waste collection and continue to provide roll off containers around the city that citizens can bring their recyclables to. Your current costs are \$49.23 per quarter.**
- **Option 2- Continue with the current practice of unlimited curbside waste collection and the City will provide a curbside recycle cart program. Your estimated cost is approximately \$61.00 per quarter.**
 - Recycling will be **voluntary**. If you do not want a cart, we will remove it. You will not be charged for the first cart.
 - If you wish to participate, any approved material you wish to recycle must be in the cart and will be collected each week along with your normal trash collection.
 - Recycle will be picked up by a different truck than the trash in order to keep the recyclables separate from the trash. Therefore, both will be picked up on the same day just not at the same time.
 - All carts remain the property of the City of Brunswick.
 - If you would like to lease additional recycle carts, you can do so for up to 2 additional carts at a one-time lease price of approximately \$58 per cart. Note this is in addition to the monthly collection/disposal fee.



4095 CENTER ROAD - BRUNSWICK, OHIO 44212

CITY HALL PHONE: (330) 225-9144 - FAX: (330) 273-8023 - POLICE & FIRE PHONE: (330) 225-9111 - FAX: (330) 225-6002
<http://www.brunswick.oh.us>

Residential Trash/Recycle Options



- **Option 3- The City will provide both a waste cart and recycle cart for a curbside program. Your estimated cost is approximately \$55.00 per quarter.**

Recycle

- Same as Option 2.

Trash

- All trash **must** be bagged and placed inside a City provided cart.
- Large items can be placed next to the cart on any pickup day. A large item is an item too large to fit into a cart such as a mattress, dresser, carpeting, sofa or chair.
- Each household will be allowed up to 3 free bulk volume pick-ups yearly as long as you call and notify the trash hauler at least 24 hours in advance of your normal collection day. This will allow for disposal of waste when you clean out your basement, you move in or out and if you have bagged leaves you wish to dispose of.
- An additional bulk volume pick up will be provided on top of the 3 listed above following the New Year's holiday.
- All carts remain the property of the City of Brunswick.
- You may lease up to 2 additional trash carts, you can do so for a one-time lease price of approximately \$58 per cart. Note this is in addition to the monthly collection/disposal fee.

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE AUTHORIZING THE CHIEF OF POLICE
TO CONTRIBUTE UNCLAIMED PROPERTY IN THE POSSESSION OF THE
POLICE DEPARTMENT.

WHEREAS: Ohio Revised Code Section 737.32 provides that property in the possession of the
Police Department that remains unclaimed for a period of ninety (90) days may be
contributed to a non-profit and/or tax exempt organization; and

WHEREAS: The Police Department is in possession of unclaimed bicycles.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Chief of Police is hereby authorized to contribute unclaimed bicycles in
the possession of the Police Department to a qualified non-profit and/or tax
exempt organization.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for
the immediate preservation of the public peace, property, health, safety or welfare,
and for the additional reason that immediate passage is necessary to allow the
immediate contribution of the unclaimed bicycles. Therefore the same shall be in
full force and effect from and after its passage by the required number of votes or
from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 50-17

BY: Mr. Hanek, Mr. Capretta and Mr. Johnson

AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO
CONTRIBUTE UNCLAIMED PROPERTY IN THE POSSESSION OF THE
POLICE DEPARTMENT.

WHEREAS: Ohio Revised Code Section 737.32 provides that property in the possession of the Police Department that remains unclaimed for a period of ninety (90) days may be contributed to a non-profit and/or tax exempt organization; and

WHEREAS: The Police Department is in possession of unclaimed bicycles.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Chief of Police is hereby authorized to contribute unclaimed bicycles in the possession of the Police Department to a qualified non-profit and/or tax exempt organization.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz