



**ORDINANCE NO. 4184-26**

**An ORDINANCE Relating to massage and reflexology services and adding Chapter 8.72 to the Everett Municipal Code (EMC) and amending Ordinance 3710-19 Section 1(EMC 3.19.240) and prescribing penalties.**

**WHEREAS,**

- A.** The Washington State legislature has determined that the practice of massage and reflexology affects the public's health, safety, and welfare, and has mandated licensing and certification under chapters 18.108 and 18.103 Revised Code of Washington (RCW) to ensure minimum standards of professional competence;
- B.** Chapter 18.108 RCW, Chapter 18.103 RCW, and Chapter 246-830 Washington Administrative Code (WAC) provide a comprehensive framework for the professional discipline and regulation of massage and reflexology practitioners, yet local government plays a critical role in the oversight of business operations and infrastructure;
- C.** The State legislature criminalized the unlicensed practice of massage therapy and reflexology in 2015 to protect public health and safety. State law provides for reasonable inspections and regulation as may be necessary to support compliance with licensing and operation requirements of massage therapy businesses;
- D.** Information obtained by city officials and law enforcement indicates that certain establishments in the city, while advertising legitimate massage or reflexology services, may be operating in violation of state and local law and facilitating conduct that endangers the public and the individuals employed within those establishments;
- E.** Updating the Everett Municipal Code to align with state standards and establish clear local enforcement mechanisms is necessary to prevent the unlicensed practice of massage and reflexology, and to promote the health, safety, and welfare of the public and the local business community;
- F.** City Council intends by this ordinance to regulate and enforce the lawful operation of massage businesses as businesses, not to regulate the clinical practice of massage therapy and reflexology;
- G.** City Council intends that this ordinance be administered in a content-neutral and nondiscriminatory manner, with inspections limited to lawful purposes and conducted only as authorized by law.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1. A new Chapter of Title 8 is added to the Everett Municipal Code as follows:**

## Chapter 8.72 Massage and Reflexology

### 8.72.010: Definitions

- A. The definitions in RCW 18.108.010, as currently enacted or later amended, are adopted by reference as if set forth in full herein.
- B. **City Official** means any person designated by the mayor to administer this chapter, or such person's designee, and shall include the finance director or the finance director's designee, the police chief or the police chief's designee, the fire chief or the fire chief's designee, the fire marshal or the fire marshal's designee, and the code compliance director or the code compliance director's designee.
- C. **Employee** means any person, whether paid as an employee or retained as an independent contractor or licensee, who works at, in, or for a massage business.
- D. **Home Occupation Solo Practitioner** means a state-licensed massage therapist or certified reflexologist that provides massage or reflexology services to clients at their primary residence and who does not employ, contract, or license any other massage therapy or reflexology practitioners to provide such services at their primary residence.
- E. **Landlord** means the owner, lessor, or sublessor of residential or commercial property, and in addition means any person designated as representative of the owner, lessor, or sublessor, including but not limited to, and agent, a resident manager, or a designated property manager.
- F. **Operator** means any owner, manager, member, partner, officer, director, or other person exercising control over a massage business or reflexology business.
- G. **Owner** means one or more persons, jointly or severally, in whom is vested:
  - a. All or any part of the legal title to property, or
  - b. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.
- H. **Premises** means the building, suite, rooms, offices, reception area, hallways, restrooms, storage areas, employee areas, and other space under the control of a massage business or reflexology business.
- I. **Rental Agreement** means all agreements, including oral agreements, which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of commercial or residential property.
- J. **State license** means a current, valid credential issued by the Washington State Department of Health authorizing an individual to practice massage therapy or reflexology.

### 8.72.020: Operating in Violation of Business License Requirements – penalties

- A. A massage business or reflexology business operator who is required to obtain or maintain a business license pursuant to Chapter 3.19 EMC shall post a valid and current business license in a conspicuous place at the place of business for which it is issued.
  - 1. Failure to obtain or maintain a business license in a manner as required by Chapter

3.19.030 is a gross misdemeanor punishable according to EMC 3.19.230.

- B. As a condition of holding a city business license under chapter 3.19 EMC, a massage business or reflexology business premises is subject to reasonable inspections by a city official as provided in EMC 8.72.080.
  - 1. If consent to a lawful inspection is refused by any operator or employee of the massage business or reflexology business, the city may treat the refusal, together with the surrounding facts, as grounds for business license suspension, revocation, or other civil enforcement to the extent permitted by law.
  - 2. This condition does not apply to a massage business or reflexology business operator who is a home occupation solo practitioner.

#### **8.72.030: Licensure or certification required**

RCW 18.108.030, as currently enacted or later amended, is adopted by reference as if set forth in full herein.

#### **8.72.040: Unlicensed practice - Penalties**

The following penalties must be imposed upon an operator of a massage business or reflexology business where the unlicensed practice of massage therapy or reflexology has been committed:

- A. Any person who with knowledge or criminal negligence allows or permits the unlicensed practice of massage therapy or reflexology to be committed within the operator's massage business or reflexology business by another is guilty of a misdemeanor for a single violation.
- B. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a gross misdemeanor punishable according to chapter 10.04 EMC.
- C. Violation of this section by any operator or employee of a massage business or reflexology business is grounds for suspension or revocation of the massage business's or reflexology business's city business license pursuant to EMC 3.19.240, or other civil enforcement to the extent permitted by law.

#### **8.72.050: Advertising—Use of title.**

- A. RCW 18.108.040, as currently enacted or later amended, is adopted by reference as if set forth in full herein.
- B. Violation of this section by any operator or employee of a massage business or reflexology business is grounds for suspension or revocation of the massage business's or reflexology business's city business license pursuant to EMC 3.19.240, or other civil enforcement to the extent permitted by law.
- C. A person who violates this section is guilty of a civil infraction and shall be penalized in accordance with the penalty schedule for class one civil infractions under Chapter 7.80

RCW.

1. Any person who, after receiving a statement of the options provided in Chapter 7.80 RCW for responding to the notice of civil infraction and the procedures necessary to exercise these options, fails to exercise one of the options in a timely manner is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A notice of civil infraction may be complied with by an appearance by counsel.
2. A person who willfully fails to pay a monetary penalty or to perform community restitution as required by a court under this chapter may be found in contempt of court as provided in Chapter 7.21 RCW.

**8.72.060: Display of license or certification—Availability of photo identification.**

- A. RCW 18.108.045, as currently enacted or later amended, is adopted by reference as if set forth in full herein.
- B. Violation of this section by any operator or employee of a massage business or reflexology business is grounds for suspension or revocation of the massage business's or reflexology business's city business license pursuant to EMC 3.19.240, or other civil enforcement to the extent permitted by law.
- C. A person who violates this section is guilty of a civil infraction and shall be penalized in accordance with the penalty schedule for class one civil infractions under Chapter 7.80 RCW.
  1. Any person who, after receiving a statement of the options provided in Chapter 7.80 RCW for responding to the notice of civil infraction and the procedures necessary to exercise these options, fails to exercise one of the options in a timely manner is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A notice of civil infraction may be complied with by an appearance by counsel.
  2. A person who willfully fails to pay a monetary penalty or to perform community restitution as required by a court under this chapter may be found in contempt of court as provided in Chapter 7.21 RCW.

**8.72.070: Hours of operation**

- A. It shall be unlawful for any operator or employee of a massage business or reflexology business to operate, or to be open to the public or by appointment, between the hours of 10:00 p.m. and 6:00 a.m.
- B. Violation of this section by any operator or employee of a massage business or reflexology business is grounds for suspension or revocation of the massage business's or reflexology business's city business license pursuant to EMC 3.19.240, or other civil enforcement to the extent permitted by law.
- C. A person who violates this section is guilty of a civil infraction for each hour the massage business or reflexology business is unlawfully operated or open and shall be penalized in accordance with the penalty schedule for class one civil infractions under Chapter 7.80



RCW.

1. Any person who, after receiving a statement of the options provided in Chapter 7.80 RCW for responding to the notice of civil infraction and the procedures necessary to exercise these options, fails to exercise one of the options as provided in RCW 7.80.080 is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A notice of civil infraction may be complied with by an appearance by counsel.
  2. A person who willfully fails to pay a monetary penalty or to perform community restitution as required by a court under this chapter may be found in contempt of court as provided in Chapter 7.21 RCW.
- D. This section does not apply to:
1. A massage business or reflexology business operator who is a home occupation solo practitioner, or
  2. An employee of a massage business or reflexology business who was induced, coerced, directed, mandated, or instructed by an operator or supervisor to violate this section.

**8.72.080: Inspection of premises by city officials.**

- A. For the purposes of ascertaining violations of this chapter, a city official has the authority to inspect, within reasonable limits and in a reasonable manner, the premises of any massage or reflexology business establishment during hours such business is open, except the premise of a Home Occupation Solo Practitioner. If the city official is denied access to any premises or establishment the city official may apply to any court of competent jurisdiction for a warrant authorizing access to such premises or establishment for such purposes. The court may, upon such application, issue a warrant for the purpose requested.
- B. Inspections authorized in this section shall be subject to the following conditions:
  1. Inspections do not require advance notice of an inspection.
  2. Inspections may only occur during hours such business is open to the public.
  3. Inspections may last only as long as is reasonably necessary to determine compliance with the provisions of this Chapter and/or document suspected violations thereof.
  4. Documentation of alleged violations includes, but is not limited to, photographs, copies or relevant documents, statements by employees, patrons, managers, owners, licensees or other relevant witnesses, and audio or video recordings.
  5. Nothing in this section authorizes forcible or nonconsensual entry into private areas of the premises or inspection of areas or materials protected by law without consent, an administrative warrant, a criminal search warrant, or other lawful authority.

### **8.72.090: Prohibited Acts**

- A. It shall be unlawful for any operator or employee of a massage business or reflexology business to commit, aid, abet, attempt, solicit, or conspire to commit prostitution, promoting prostitution, permitting prostitution, trafficking, or any other criminal act on the premises.
- B. It shall be unlawful for any operator or employee of a massage business or reflexology business to engage in sexual misconduct as described in [WAC 246-16-100](#).
- C. Violation of this section by any operator or employee of a massage business or reflexology business is grounds for suspension or revocation of the massage business's or reflexology business's city business license pursuant to EMC 3.19.240, or other civil enforcement to the extent permitted by law.
- D. Violation of this section is a misdemeanor, except that a person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, or directs another to violate a provision of this section is guilty of a gross misdemeanor.

### **8.72.100 Facilitating prostitution.**

- A. It is unlawful for any owner or landlord of a residential or commercial property to knowingly lease, rent, or continue to lease or rent a premises to the operator of a massage business or reflexology business when the owner or landlord knows, or reasonably should know, that violations of this chapter are repeatedly occurring on the premises, and thereafter fails to take reasonable steps within the owner's or landlord's legal authority to abate the unlawful activity.
- B. Reasonable steps may include, but are not limited to:
  - 1. Initiating eviction proceedings consistent with the rental agreement and applicable law;
  - 2. Providing notice to the tenant or operator of the alleged violations along with an advisement that continued violations will result in termination of the rental agreement;
  - 3. Engaging with city officials or relevant regulatory officials to abate the unlawful activity;
  - 4. Taking any other lawful action reasonably calculated to abate the unlawful activity.
- C. An owner or landlord shall not be liable under this section solely because unlawful activity occurred on the premises, absent proof of actual knowledge or facts sufficient to establish that the owner or landlord reasonably should have known of the repeated violations.
- D. If a premise subject to this section is owned, managed, or leased by more than one person or entity, each owner, landlord, or property manager with authority to exercise control over the premises shall be jointly and severally liable for violations of this section.
- E. Any violations of this section will be enforced through the assessment of civil penalty in the amount of one thousand dollars per violation against violators.
- F. Any violation of this section shall be subject to the enforcement procedures established in Chapter [1.20](#) EMC.

- G. The penalty and enforcement provisions provided in this title shall not be exclusive, and the city may pursue any remedy or relief it deems appropriate, including criminal remedies available under Chapter 10.24 EMC..

### **8.72.110: Exemptions**

RCW 18.108.050, as currently enacted or later amended, is adopted by reference as if set forth in full herein.

## **Section 2. EMC 3.19.240 is amended as follows:**

### **3.19.240 Suspension of revocation of business license – Appeal.**

- A. The director, or designee, shall have the power and authority to suspend or revoke any license issued under the provisions of this chapter. The director, or designee, shall notify such licensee in writing by certified mail of the suspension or revocation of his or her license and the grounds therefor. Any license issued under this chapter may be suspended or revoked based on one or more of the following grounds:
1. The license was procured by fraud or false representation of fact.
  2. The licensee has failed to comply with any provisions of Chapters 3.19, 3.20, 3.24, 3.28 and 3.36.
  3. The licensee has defaulted on any payment of any license fee or tax under Chapters 3.19, 3.20, 3.24, 3.28 and 3.36.
  4. The licensee, or an employee thereof, has been convicted of a crime involving the business subject to tax under Chapters 3.20, 3.24, 3.28 and 3.36.
  5. The licensee, or an employee thereof, has violated EMC 8.72.020, 8.72.040, 8.72.050, 8.72.060, 8.72.070, or 8.72.090.
- B. Any licensee may, within ten days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal setting forth the grounds therefor with the director.
1. Such appeal will be heard before a hearing examiner appointed by the director.
  2. The hearing examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing.
  3. The hearing examiner may establish procedures for hearing such appeal and may, by subpoena, require the attendance of any person, and may also require him/her to produce any pertinent books and records. Any person served with such subpoena shall appear at the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the hearing examiner as to any matter required of him/her which is pertinent to the appeal, and it is unlawful for him/her to refuse to do so.

4. The director's decision shall be prima facie correct and the taxpayer shall have the burden of proving by a preponderance of the evidence that the director's determination was erroneous. The hearing examiner shall, after appropriate findings of fact and conclusions of law, affirm, modify, or overrule the suspension or revocation. If the hearing examiner modifies or overrules the suspension or revocation, the hearing examiner may reinstate the license and has discretion to impose additional conditions upon continuance of the license. The decision of the hearing examiner shall be final.
  5. No suspension or revocation of a license issued pursuant to the provisions of this chapter shall take effect until three days after the mailing of the notice thereof by the director, and if appeal is taken as herein prescribed the suspension or revocation shall be stayed pending final action by the hearing examiner. All licenses which are suspended or revoked shall be surrendered to the city on the effective date of such suspension or revocation.
  6. The licensee and/or the city may seek review of the decision by the Snohomish County superior court within twenty days from the date of the decision. If review is sought as herein prescribed, the suspension or revocation shall be stayed pending final action by the superior court.
- C. Upon suspension or revocation of any license as provided in this section, no portion of the license fee shall be returned to the licensee.
  - D. Suspension or revocation under this section shall in no event relieve a taxpayer or the obligation to pay taxes owing under Chapter 3.20, 3.24, 3.28, or 3.36.

**Section 3** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

**Section 4** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 5** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 6** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any

term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.



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Cassie Franklin, Mayor

ATTEST:



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Marista Jorve, City Clerk

PASSED: 6/3/2026

VALID: 06/07/2026

PUBLISHED: 6/6/2026

EFFECTIVE DATE: 6/22/2026





# Ordinance No. 4184-26

Final Audit Report

2026-06-08

Created:	2026-06-04
By:	Marista Jorve (mjorve@everettwa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAP20636PEINnOSFm_8Ti5l8jX2Fhixvw

## "Ordinance No. 4184-26" History

-  Document created by Marista Jorve (mjorve@everettwa.gov)  
2026-06-04 - 6:25:54 PM GMT
-  Document emailed to Cassie Franklin (cfranklin@everettwa.gov) for signature  
2026-06-04 - 6:27:45 PM GMT
-  Email viewed by Cassie Franklin (cfranklin@everettwa.gov)  
2026-06-08 - 0:28:48 AM GMT
-  Document e-signed by Cassie Franklin (cfranklin@everettwa.gov)  
Signature Date: 2026-06-08 - 0:29:04 AM GMT - Time Source: server - Signature Appearance Selected: MOBILE\_DRAW
-  Document signing automatically delegated to Marisa Manibusan (mmanibusan@everettwa.gov) by Marista Jorve (mjorve@everettwa.gov)  
2026-06-08 - 0:29:05 AM GMT
-  Document emailed to Marista Jorve (mjorve@everettwa.gov) for signature  
2026-06-08 - 0:29:05 AM GMT
-  Document emailed to Marisa Manibusan (mmanibusan@everettwa.gov) for signature  
2026-06-08 - 0:29:05 AM GMT
-  Document e-signed by Marista Jorve (mjorve@everettwa.gov)  
Signature Date: 2026-06-08 - 4:01:39 PM GMT - Time Source: server - Signature Appearance Selected: IMAGE
-  Agreement completed.  
2026-06-08 - 4:01:39 PM GMT