

ORDINANCE NO. 26-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES
AMENDING CHAPTER 6 OF THE MUNICIPAL CODE TO ADD A NEW ARTICLE 9
CONCERNING MASSAGE FACILITIES**

WHEREAS, the City of Castle Pines (the “City”) is authorized pursuant to the Castle Pines Home Rule Charter and C.R.S. § 31-15-501(1)(c) to license, regulate, and tax any lawful occupation and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor; and

WHEREAS, the City currently requires all businesses operating within the City to obtain a business license pursuant to Chapter 6 of the Castle Pines Municipal Code; and

WHEREAS, pursuant to House Bill 24-1371 (the “Act”) enacted by the Colorado General Assembly, every current and prospective operator, owner, and employee of a massage facility operating within any local jurisdiction is required to submit to a background check and local governments are required to establish a local process that ensures that the background checks are conducted throughout the state in accordance with the Act; and

WHEREAS, the purpose of the Act is to prevent the operation of illicit massage facilities and the potential criminal activity of human trafficking that has been found to occur in certain illicit massage facilities that are not licensed; and

WHEREAS, the City Council desires to amend Chapter 6 of the Castle Pines Municipal Code to add a new Article 9, entitled *Massage Facilities*, to ensure the lawful operation of massage facilities in the City by requiring owners, managers, officers, and employees to submit to a background check as a requirement of the massage facility’s application for a new business license or renewal of a license; and

WHEREAS, the City Council finds the regulations codified in this Ordinance further the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:

Section 1. Amendment of Chapter 6. Chapter 6 of the Castle Pines Municipal Code, entitled “Business Licensing and Regulation,” is hereby amended to add a new Article 9 to read as follows:

CHAPTER 6 – BUSINESS LICENSING AND REGULATION

ARTICLE 9 – MASSAGE FACILITIES

Sec. 6-9-10. Purpose and intent.

The purpose and intent of this Article are to:

- (a) Prevent illicit massage facilities from operating in the City.
- (b) Ensure the lawful operation of massage facilities by requiring every operator, owner, and employee to submit to a fingerprint-based criminal history check.

Sec. 6-9-20. Definitions.

The following definitions shall apply throughout this Article:

Background check means a fingerprint-based criminal history record check conducted in accordance with C.R.S. Section 24-33.5-424.5. Background check also includes, to the extent allowed or required, as applicable, by C.R.S. Section 24-33.5-424.5(1)(g) when a fingerprint-based criminal history record check cannot be completed or reveals a record of arrest without disposition, a criminal history record check using the Colorado bureau of investigation's records and a name-based judicial record check, as defined in C.R.S. Section 22-2-119.3(6)(d), performed using state judicial department records.

Employee means an individual who is employed by a massage facility or an independent contractor who is hired by a massage facility to perform work that is part of the routine operations of the massage facility. Employee includes an operator of a massage facility. Employee does not include:

- (a) a state licensed massage therapist;
- (b) an independent contractor who performs janitorial services or other routine facility maintenance services for a massage facility and has no contact with or only incidental contact with clients of the massage facility.

Massage facility means any place of business where massage therapy or full-body-massage is practiced or administered. The term "massage facility" shall not include:

- (a) Training rooms in public and nonpublic institutions of higher education, as defined in C.R.S. § 23-3.1-102(5).
- (b) Training rooms of recognized professional or amateur athletic teams.
- (c) Offices, clinics, and other facilities at which medical professionals licensed by the state of Colorado, or any other state, provide massage services to the public in the ordinary course of their medical profession.
- (d) Medical facilities licensed by the state.
- (e) Barber shops, beauty salons, and other facilities at which barbers and cosmetologists licensed by the state provide massage services to the public in the ordinary course of their professions.

- (f) Bona fide athletic clubs not engaged in the practice of providing massage therapy to members or to the public for remuneration, or an athletic club that does not receive more than 10 percent of its gross income providing massages to the athletic club's members or to the public.
- (g) A place of business where a person offers to perform or performs massage therapy:
 - (1) For 72 hours or less in any six-month period; and
 - (2) As part of a public or charity event, the primary purpose of which is not to provide massage therapy.
- (h) A place of business where a licensed massage therapist practices as a solo practitioner.

Massage or massage therapy means a system of structured touch, palpation, or movement of the soft tissue of another person's body in order 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; hydro massage; 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 of human hands.

Massage therapist means an individual that has fulfilled the requirements for state licensure under C.R.S. § 12-235-108 and has a valid massage therapist license issued by the state of Colorado to engage in the practice of massage therapy. The terms "masseuse" and "masseur" are synonymous with the term "massage therapist."

Operator means a person that is licensed to operate a massage facility in accordance with this Article.

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

Sec. 6-9-30. Operational requirements; Prohibited acts.

(a) Operational Requirements.

- (1) Every massage facility that operates in the City must maintain a valid business license, obtained pursuant to Article 1 of this Chapter, during all periods of operation.

- (2) All owners, operators, managers, officers, and employees of a massage facility shall submit to a background check as a requirement of the massage facility's application for a new business license or renewal of a license. A prospective employee or prospective operator must submit to a background check prior to commencing employment with a massage facility.
 - (3) All owners, operators, and employees of a massage facility that operates in the City of Castle Pines as of January 1, 2026, must submit to a background check on or before August 1, 2026.
- (b) Prohibited Acts. It shall be unlawful for any person to:
- (1) Operate a massage facility in violation of this Article, Article 1 of this Chapter, or state law.
 - (2) Employ at a massage facility an employee who has not submitted to a required background check or has:
 - i. Been convicted of or entered an accepted plea of nolo contendere for a felony or misdemeanor of solicitation of a prostitute, a human trafficking offense, or money laundering; or
 - ii. Is registered as a sex offender or is required by law to register as a sex offender.
 - (3) Become a massage facility owner if the person has not submitted to a required background check or has:
 - i. Been convicted of or entered an accepted plea of nolo contendere for a felony or misdemeanor of solicitation of a prostitute, a human trafficking offense, or money laundering; or
 - ii. Is registered as a sex offender or is required by law to register as a sex offender.

Section 2. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the City Charter.

Section 3. Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

Section 4. No Existing Violation Affected. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. Safety Clause. The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

Section 6. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the City Charter. This Ordinance shall be effective thirty (30) days after final publication on the City's official website and posting at the City Clerk's office pursuant to Section 1-3-40 of the Castle Pines Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 13th DAY OF JANUARY, 2026.

READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 27th DAY OF JANUARY, 2026.




Tracy Engerman (Mar 11, 2026 10:56:02 MDT)

Tracy Engerman, Mayor

ATTEST:



Tobi Duffey, MMC, City Clerk

Approved as to form:


Linda Michow (Feb 26, 2026 12:33:08 MST)

Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on January 13, 2026; published by title only in the Douglas County News-Press, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on January 27, 2026”; and finally passed and adopted by the City Council on January 27, 2026, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on January 14, 2026.

ATTEST:



Tobi Duffey, MMC, City Clerk