



**DOUGLAS COUNTY COMMISSIONERS
WORK SESSION
Tuesday, July 29, 2025**

A G E N D A

1:30 p.m.

**Liquor Licensing Authority and Massage
Facility Licensing Authority -
Member Appointment Process**

Regulating Large Day-Care Homes

Proposed Shoplifting Ordinance Discussion

Agenda Item

Date: July 29, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Shanna Austin, Public Outreach and Assistance Manager
Kati Carter, AICP, Assistant Director of Planning Resources
Zoe Laird, Sr. Assistant County Attorney
Subject: **Liquor Licensing Authority and Massage Facility Licensing Authority – Member Appointment Process**

SUMMARY

Currently, the Board of County Commissioners (Board) serves as both the Liquor Licensing Authority (LLA) and the Massage Facility Licensing Authority (MFLA). Authority for both was established via Resolution and Ordinance in 2009 and 2024, respectively. The Board has the authority and flexibility to appoint others to serve in this role.

BACKGROUND

Liquor Licensing Authority

State liquor code defines a LLA as the “governing body of a municipality or city and county, the board of county commissioners of a county, or any authority designated by municipal or county charter, municipal ordinance, or county resolution.”

In 2009, the Board established a process to delegate the LLA to appointed members. Attached are Resolutions 009-142 and 009-231 as reference for those actions. In 2017, Resolution 017-085, also attached, rescinded those actions and provided that the Board serve as the LLA.

Massage Facility Licensing Authority

Language from Ordinance O-024-005 defines the MFLA as “the governing body of the Board of County Commissioners of Douglas County, or any authority designated by County charter or County resolution, to receive, review, and approve or deny, applications for licensure of a massage facility and investigate and determine the eligibility of a person to be an owner or employee of a massage facility.”

Based on these governing documents, the Board can appoint members to sit as the LLA and MFLA.

NEXT STEPS

Staff is prepared to discuss this further with the Board.

ATTACHMENTS

Resolution R-009-142 – A Resolution Establishing a Liquor Licensing Authority for the Unincorporated Areas of Douglas County

Resolution R-009-231 – A Resolution Amending Resolution No. R-009-142

Resolution R-017-085 – Resolution Dissolving the Appointed Douglas County Local Liquor Licensing Authority

Ordinance O-024-005 – An Ordinance Establishing Business Licensure Requirements to Regulate Massage Facilities

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RESOLUTION NO. R-009-142

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION ESTABLISHING A LIQUOR LICENSING AUTHORITY
FOR THE UNINCORPORATED AREAS OF DOUGLAS COUNTY**

WHEREAS, the Board of County Commissioners of Douglas County desires to establish a local Liquor Licensing Authority ("the Authority") for the purpose of reviewing, issuing and regulating beer and liquor licenses in the unincorporated areas of Douglas County, pursuant to applicable state statutes.

UNOFFICIAL COPY
WHEREAS, the Board of County Commissioners desires that the Authority shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, conduct investigations as are required by law, and suspend or revoke such licenses for cause in the manner provided by law. Such Authority shall have all the powers of the local licensing authority, as set forth in Articles, 46, 47 and 48, of Title 12, C.R.S.; and

WHEREAS, the Board of County Commissioners desires to establish guidelines for the membership and conduct of the Authority; now, therefore,

BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, that a Liquor Licensing Authority is hereby established for Douglas County as follows:

1. Membership and Term

A. The Authority shall consist of three residents of unincorporated Douglas County; one from each commissioner district and three (3) alternates, one from each commissioner district, who shall be appointed by and shall serve at the pleasure of the Board of County Commissioners.

B. Members shall serve a four-year term and the terms will be staggered upon initial appointment of less than four-year terms.

C. For the first appointments to the newly created Authority; one member shall serve for a term of two+ years (ending January, 2012), one shall serve for a term of three+ years (ending January, 2013) and one shall serve for a term of four + years (ending January, 2014). Thereafter, appointments will be for a four-year term, and may be renewed. Members shall be individuals who are experienced with or have knowledge of the Colorado Liquor Code, or attend training provided by State Liquor Enforcement, and with the conduct of administrative hearings.

D. No person shall serve as a member of the Authority who shall have, within Douglas County, Colorado, any interest in the operation of a liquor establishment or in one serving fermented malt beverages or who has a member of his or her immediate family who has such an interest.

E. Member shall not be a member of a law enforcement agency.

F. Member must be a resident of unincorporated Douglas County.

G. Member shall have no record of DUI or DWAI.

H. The Board of County Commissioners will prescribe the rules and regulations that the Authority will follow.

I. Members may be removed by the Board of County Commissioners with or without cause prior the expiration of their term. Any vacancy occurring on the Authority shall be filled for the unexpired term by the Board of County Commissioners.

2. Authority

A. The Authority shall have such authority as is granted to local licensing authorities for matters related to new license applications, transfer of location, code violations, and renewals where non-compliance is alleged, and the conduct of hearings for same.

B. The members shall annually elect a chair who shall preside over all hearings and proceedings of the Authority. The Chair may designate a member of the Authority to assume his or her duties in the chair's absence.

C. The Chair of the Authority shall be authorized to execute all documents requiring approval of the Authority, including but not limited to applications and show cause orders and any Order drafted pursuant to a vote of the Authority imposing an authorized penalty for violation of the Liquor Code.

3. Meetings and Staff Support

A. The Authority shall hold its hearings monthly and/or as needed to conduct the business of the Authority on a date and at a time that will be established by the Authority once the initial appointments have been made.

B. Hearings shall be held in the Commissioners Hearing Room of the Douglas County Philip S. Miller Building, located at 100 Third Street, Castle Rock, Colorado.

C. Procedures set forth in Title 12, Chapters 46 and 47, C.R.S. and the regulations that may from time to time be adopted by the State Licensing Authority, shall be followed in all liquor license application or show cause hearings before the Authority.

D. Agendas for all hearings shall be posted at the Douglas County Philip S. Miller Building in accordance with public notice requirements under the Colorado Open Meetings Law.

E. The Liquor Licensing Clerk, or her designee, shall serve as staff to the Authority. The Clerk's office shall receive all applications for licenses, and shall issue all licenses granted by the Authority. The Clerk, or her designee, shall provide the necessary administrative and reporting services for the Authority which include preparation of signs, posting and publication of all public notices in the County's approved legal publication and shall attend the meetings of the Authority.

F. The County Attorney's Office shall serve as counsel for the Authority; i.e.; assist with interpretations of the liquor code as required, reach stipulations on violations and, in contested cases, hire outside counsel to prosecute the violation.

G. The Authority shall provide the Board of County Commissioners a quarterly report of actions taken and not less than once annually, the Authority shall meet with the Board of County Commissioners to review the activities of the Authority during the preceding year. Either the Board or the Authority may request intervening meetings to discuss any matter.

PASSED AND ADOPTED this 14th day of July, 2009, in Castle Rock, Douglas County, Colorado.

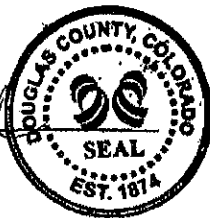
**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY: _____

JACK A. HILBERT
Chair

ATTEST:

MELISSA PELLETIER
Deputy Clerk



RESOLUTION NO. R-990- 053

DC9014133

1P
No/da
RESOLUTION APPROVING AND ADOPTING THE DOUGLAS COUNTY REGULATIONS
PROCEDURES FOR ALCOHOLIC AND FERMENTED MALT BEVERAGE LICENSES.

WHEREAS, the Board of County Commissioners is the Local
Licensing Authority as defined in §12-46-103(4), 5 C.R.S. (1985)
and §12-47-103(9), 5 C.R.S. (1985); and

WHEREAS, §12-46-106(10), 5 C.R.S. (1985) provides that
the licensing authorities shall have the power to make reasonable
rules and regulations with respect to fermented malt beverages; and

WHEREAS, the Board of County Commissioners desires to
clarify procedures pertaining to fermented malt beverage and
alcoholic beverage licenses, and special event permits; and

WHEREAS, said procedures are in accord with the
provisions of Title 12, Articles 46, 47, and 48, C.R.S.;

WHEREAS, all regulations, procedures, policies, or
regulations previously adopted by the Board of County Commissioners
regarding alcoholic and fermented malt beverage licenses are hereby
repealed.

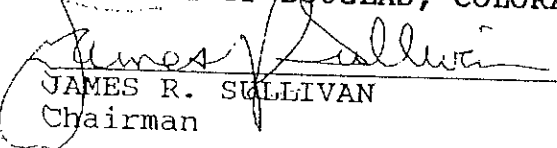
NOW, THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of the County of Douglas that the Douglas County
Regulations and Procedures for Alcoholic and Fermented Malt
Beverage Licenses, copies of which have been presented to and
reviewed by the Board, are hereby approved and adopted. Said
Regulations and Procedures shall become effective at the time of
their adoption on June 12, 1990.

FURTHER RESOLVED that all rules, regulations, procedures,
and policies previously adopted by the Board of County
Commissioners pertaining to alcoholic and fermented malt beverage
licenses are hereby repealed.

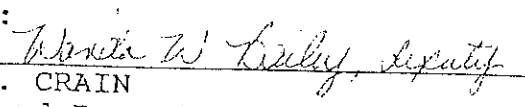
PASSED AND ADOPTED this 12th day of June, 1990, in Castle
Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

BY:


JAMES R. SULLIVAN
Chairman

ATTEST:


RETA A. CRAIN
Clerk and Recorder

IV. FEE SCHEDULE

The following Application and License Fee Schedule is hereby adopted.

APPLICATION AND LICENSE FEE SCHEDULE

| <u>Application Fee</u> | <u>County</u> | <u>State</u> |
|---|---------------|--------------|
| 1. New License Invest. Fee | \$450.00 | \$ 0.00 |
| 2. Renewal Investigation Fee | 50.00 | 0.00 |
| 3. Transfer of Location | 250.00 | 100.00 |
| 4. Transfer Ownership Invest. Fee | 250.00 | \$ 0.00 |
| 5. Manager Registration Fee | 75.00 | 75.00 |
| 6. Change of Trade Name | 0.00 | 25.00 |
| 7. Modification of Premises | 0.00 | 75.00 |
| 8. New License or Transfer of Ownership | 0.00 | 450.00 |
| 9. Change of Corporate Structure | ** | 0.00 |

** The County fee is \$50.00 per officer, director, or shareholder to be changed not to exceed \$250.00 total.

References

C.R.S., Section 12-47-135

C.R.S., Section 12-46-117(6)

C.R.S., Section 12-47-119(10)

C.R.S., Section 12-47-128

C.R.S., Section 12-47-139

C.R.S., Section 12-48-107

RESOLUTION NO. R-009-23

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION AMENDING RESOLUTION NO. R-009-142,
ENTITLED "A RESOLUTION ESTABLISHING A LIQUOR LICENSING
AUTHORITY FOR THE UNINCORPORATED AREAS OF DOUGLAS COUNTY"

WHEREAS, on July 14, 2009, the Board of County Commissioners of Douglas County ("Board") adopted Resolution No. R-009-142, a Resolution Establishing a Liquor Licensing Authority for the Unincorporated Areas of Douglas County ("Liquor Authority Resolution"); and

WHEREAS, the Board desires to amend paragraph 1.A. of the Liquor Authority Resolution" as follows:

1. Membership and Term

A. The Authority shall consist of three residents of ~~unincorporated~~ Douglas County; one from each commissioner district and three (3) alternates, one from each commissioner district, who shall be appointed by and shall serve at the pleasure of the Board of County Commissioners.

WHEREAS, the remaining provisions of the Liquor Authority Resolution shall remain unchanged; now, therefore,

BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, that Resolution No. R-009-142 is hereby amended to read as follows:

1. Membership and Term

A. The Authority shall consist of three residents of Douglas County; one from each commissioner district and three (3) alternates, one from each commissioner district, who shall be appointed by and shall serve at the pleasure of the Board of County Commissioners.

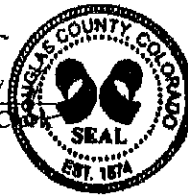
FURTHER RESOLVED, that the remaining provisions of Resolution No. R-009-142 shall remain unchanged.

PASSED AND ADOPTED this 22nd day of December, 2009, in Castle Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

BY: [Signature]
JACK A. HILBERT, Chair

ATTEST: [Signature]
MELISSA PELLETIER, Deputy Clerk



**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**RESOLUTION DISSOLVING THE APPOINTED DOUGLAS COUNTY LOCAL
LIQUOR LICENSING AUTHORITY.**

WHEREAS, on July 14, 2009, the Board of County Commissioners of Douglas County ("Board") adopted Resolution No. R-009-142, a Resolution Establishing a Liquor Licensing Authority ("the Authority") for Unincorporated Areas of Douglas County; and

WHEREAS, the Board desires to reestablish the Board as the acting local liquor licensing authority to review, issue, and regulate beer and liquor licenses in the unincorporated areas of Douglas County, pursuant to applicable state statutes; and

WHEREAS, the Board desires to be the acting authority to grant or refuse licenses for the retail sale of malt, vinous and/or spirituous liquors and fermented malt beverages, as provided by law; conduct investigations as are required by law; and suspend or revoke such licenses for cause in the manner provided by law; and

WHEREAS, the Board is appreciative of the appointed members' years of service; and

WHEREAS, the Board will no longer require the service of the appointed members as of January 1, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, THAT the appointed Douglas County Local Liquor Licensing Authority is officially dissolved, effective January 1, 2018, and the Board of County Commissioners will assume the responsibilities of the Authority on that date.

PASSED AND ADOPTED this 7th day of November 2017, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY: 
ROGER A. PARTRIDGE, Chair

ATTEST: 
EMILY WRENN, Deputy Clerk



ORDINANCE NO. O-024-005

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE ESTABLISHING BUSINESS LICENSURE REQUIREMENTS TO
REGULATE MASSAGE FACILITIES AND TO REGULATE AND PROHIBIT
UNLAWFUL ACTIVITIES FOR THE SOLE PURPOSE OF DETERRING ILLICIT
MASSAGE BUSINESS AND PREVENTING HUMAN TRAFFICKING, WITHIN
DOUGLAS COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of the County of Douglas, Colorado, ("Board") was authorized to enact this ordinance pursuant to C.R.S. § 30-15-401.4, in order to establish a licensing authority to regulate massage businesses and to deter and shut down illicit massage businesses; and

WHEREAS, the Board exercised its authority to enact this ordinance and establish a massage facility licensing authority in April of 2023; and

WHEREAS, House Bill 24-1371 imposes new regulations pertaining to massage facility licensure, which take effect in July of 2025, and which require amendment of the original ordinance; and

WHEREAS, C.R.S. § 12-235-101 et seq, known as "The Massage Therapy Practice Act" ("the Act"), regulates the profession of massage therapy to provide for consistent statewide certification and oversight of massage therapy professionals; and

WHEREAS, the Board finds that the purpose and intent of the Act, and of C.R.S. § 30-15-401.4, is to regulate and protect legitimate massage therapists and massage therapy businesses in order to also safeguard and promote the public health, safety, and welfare of the citizens, including those residing within Douglas County, while recognizing that massage is a legitimate health care professional activity that provides benefits to the residents of the County; and

WHEREAS, the reputation and success of legitimate massage therapy businesses is denigrated and undermined by individuals who mask their unlawful sexual activities and human trafficking by falsely posing as massage therapy businesses; and

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO, THAT:**

PART I: GENERAL

Section 1. Definitions: Except as otherwise indicated by context, the following words, terms, and phrases shall have the following meanings for purposes of this ordinance:

- (a) "Advertise" or "advertisement" means to publish, display, or disseminate information and includes, but is not limited to, the issuance of any card, sign, or direct mail, or causing or permitting any sign or marking to be placed on or in any building or structure or in any newspaper, magazine, or directory, or any announcement or display via any televised, computerized electronic or telephonic networks or media.
- (b) "Agent" means an individual designated by a massage facility to act on behalf of the massage facility under this ordinance.
- (c) "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.
- (d) "Background Check" means a fingerprint-based criminal history record check as described in section 5 of this ordinance, conducted in accordance with C.R.S. § 30-15-401.4(4)(c.5), as amended from time to time, and also includes, to the extent allowed or required, as applicable, 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. § 22-2-119.3(6)(d).
- (e) "Client" means an individual who enters into an agreement for massage therapy for a fee, income, or compensation of any kind within the County.
- (f) "Control" means the power to direct or cause the direction of the management and policies of an applicant, licensee, controlling person, manager, agent, or employee, in any way.
- (g) "Controlling Person" means a person directly or indirectly possessing control of an applicant or licensee.
- (h) "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; except that, for the purpose of determining who is required to submit to a background check under this ordinance, "employee" does not include a massage therapist.
- (i) "Erotic parlor" means a facility that entices clients through advertising or other business practices directed towards sexual desire, lust, or passion.
- (j) "Fully clothed" means fully opaque, nontransparent material that must not expose an employee's genitalia or substantially expose the employee's undergarments.
- (k) "Home business" means a business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot, and that does not adversely or perceptively affect the character of the lot or surrounding area. This use shall not include an animal hospital, day care, health clinic, hospital, kennel, tearoom, or hemp

fabrication, manufacturing, or processing.

- (l) "Illicit massage business" means a business that may provide massage but engages in human trafficking-related offenses, as described in C.R.S. §§ 18-3-503 and 18-3-504.
- (m) "Licensing authority" means the governing body of the Board of County Commissioners of Douglas County, or any authority designated by County charter or County resolution, to receive, review, and approve or deny, applications for licensure of a massage facility and investigate and determine the eligibility of a person to be an owner or employee of a massage facility.
- (n) "Manager" is an individual authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions required of a licensee or massage facility by this ordinance.
- (o) "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:
 - (1) Training rooms in public and nonpublic institutions of higher education, as defined in C.R.S. § 23-3.1-102(5).
 - (2) Training rooms of recognized professional or amateur athletic teams.
 - (3) 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.
 - (4) Medical facilities licensed by the state.
 - (5) 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.
 - (6) 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.
 - (7) A place of business where a person offers to perform or performs massage therapy:
 - (i) For 72 hours or less in any six-month period; and
 - (ii) As part of a public or charity event, the primary purpose of which is not to provide massage therapy.
 - (8) A place of business where a licensed massage therapist practices as a solo

practitioner, and:

- (i) Does not use a business name or assumed name; or
 - (ii) Uses a business name or assumed name and provides the massage therapist's full legal name or license number in each advertisement, and each time the business name or assumed name appears in writing; and
 - (iii) Does not maintain or operate a table shower.
- (9) The licensing authority may verify the exempt status of a business or facility in keeping with the intent of this ordinance.
- (10) The licensing authority may promulgate additional exemptions to the definition of "massage facility."
- (11) If there is a continued pattern of criminal behavior regarding sexual misconduct, or criminal intent that is related to human trafficking disguised as a legitimate exemption, the licensing authority may, at its discretion, determine that a practice is no longer exempt from the definition of "massage facility."
- (p) "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.
- (q) "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."
- (r) "Mobile Massage Unit" means a vehicle or other movable enclosure specifically equipped for a massage therapist to provide massage therapy inside the vehicle or enclosure.
- (s) "Operator" means a person that is licensed by a licensing authority to operate a massage facility or, before a license is required to legally operate a massage facility only, a person who is operating a massage facility without a license.
- (t) "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.

- (u) "Person" means a natural person, partnership, association, company, corporation, or organization or managing agent, servant, officer, partner, owner, operator, or employee of any of them.
- (v) "Sexual Act" means sexual contact, sexual intrusion, or sexual penetration as defined in C.R.S. § 18-3-401.
- (w) "Solo practitioner" means a licensed massage therapist, as defined in this ordinance, performing the practice of massage therapy independently.
- (x) "Table shower" means an apparatus for the bathing or massaging of a person on a table or in a tub.

PART II: MASSAGE FACILITY LICENSES AND BACKGROUND CHECKS

Section 2. Licenses and background checks generally; minimum requirements.

- (a) The licenses and background checks required by this ordinance are in addition to any other applicable licenses, permits, or background checks required by municipality, county, or state. Massage facilities licensed and persons authorized to be employed under this ordinance shall comply with all other applicable ordinances and laws, including zoning ordinances.

Section 3. Licenses and background checks required.

- (a) On or after May 11, 2023, each new massage facility in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement, must obtain a massage facility license prior to opening for business and operating as a massage facility; and
- (b) Each existing massage facility that operated in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement prior to May 11, 2023, and which continues to operate in Douglas County, thereafter, must submit a complete application for a massage facility license on or before December 31, 2023; and
- (c) No person shall be permitted to own or operate a massage facility in Douglas County without a valid massage facility license; and
- (d) On or after October 1, 2025, every prospective owner and prospective employee of a massage facility in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement shall submit to a background check as described in section 5 of this ordinance before, as applicable, being granted a license to operate a massage facility, assuming an ownership interest in a massage facility that would

make the prospective owner and owner, or commencing employment with a massage facility; and

- (e) In addition to any existing background check requirements, on or after October 1, 2025, no person shall become or remain an operator, owner, or employee of a massage facility in unincorporated Douglas County or where Douglas County is the licensing authority pursuant to a legal agreement without first submitting to a background check as described in section 5 of this ordinance.

Section 4. **Application.**

- (a) In addition to the requirements of any other applicable laws, codes, or regulations, each application for a massage facility license shall contain the following information:
 - (1) If the applicant is an individual; satisfactory proof that he or she is 18 years of age or older.
 - (2) If the applicant is a legal entity; satisfactory proof that each of the individual owners, operators, officers, directors, managers, partners, members, principal owners, employees, and/or anyone with a 10 percent or more financial interest of such entity are 18 years or older.
 - (3) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, have been convicted of, or entered a plea of "nolo contendere" that is accepted by the court, for a felony or misdemeanor, in any Federal, State, or Municipal court in any of the United States jurisdictions or possessions, for prostitution, solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes. Failure to disclose any such criminal conviction may result in denial of the license application.
 - (4) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103.
 - (5) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, has a pending criminal action that involves or is related to any offense described in subsections (a)(3) and (a)(4) of this section 4.
 - (6) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, has 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, or had a previous license under this or any other similar massage facility law or regulation

in another jurisdiction or possession of the United States, denied, suspended, or revoked, and if so, the name and location of the massage facility for which such license was surrendered, denied, suspended, or revoked, as well as the date of such surrender, denial, suspension, or revocation.

- (7) Whether the applicant, or any of the other individuals required to be listed in the application pursuant to subsection (a)(2) of this section 4, has been an owner, operator, officer, director, manager, partner, member, controlling person, employee, and/or principal owner of any legal entity which currently operates or previously operated a massage facility or business meeting the definition of massage facility in this ordinance and the name, dates of operation, and location of such business or businesses.
 - (8) 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, subsequent evidence of the right to possession of the premises.
- (b) In addition to the requirements of any other applicable laws, codes, or regulations, each application for an individual background check shall contain the following information:
- (1) Satisfactory proof that the applicant is 18 years of age or older.
 - (2) Whether the applicant has been convicted of or entered a plea of "nolo contendere" that is accepted by the court for a felony or misdemeanor, in any Federal, State, or Municipal court in any of the United States jurisdictions or possessions, for prostitution, solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes. Failure to disclose any such criminal conviction may result in denial of the application.
 - (3) Whether the applicant is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103.
 - (4) Whether the applicant has a pending criminal action that involves or is related to any offense described in subsections (b)(2) and (b)(3) of this section 4.
 - (6) Whether the applicant has 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, or had a previous license under this or any other similar massage facility law or regulation in another jurisdiction or possession of the United States, denied, suspended, or revoked, and if so, the name and location of the massage facility for which such license was surrendered, denied, suspended, or revoked, as well as the date of such surrender, denial, suspension, or revocation.
 - (7) Whether the applicant has been an owner, operator, officer, director, manager, partner, member, controlling person, employee, and/or principal owner of any legal

entity which currently operates or previously operated a massage facility or business meeting the definition of massage facility in this ordinance and the name, dates of operation, and location of such business or businesses.

- (c) The licensing authority shall receive, review, approve, or deny license and background check applications for applicants, owners and prospective owners, employees and prospective employees.
- (d) The licensing authority may require a reasonable administrative fee not to exceed one hundred and fifty dollars for issuing or renewing licensure and background check applications. Such fee shall not be based on the number of employees.

Section 5. Background Check and Sheriff's Office Review.

- (a) In investigating the fitness of any applicant, owner or prospective owner, employee or prospective employee, the licensing authority shall require the applicant, owner or prospective owner, or employee or prospective employee to submit to a fingerprint-based criminal history record check. The applicant, owner or prospective owner, employee or prospective employee shall have fingerprints taken by a local law enforcement agency or any third party approved by the Colorado Bureau of Investigation for the purpose of obtaining a fingerprint-based criminal history record check and shall pay the associated costs. The applicant, owner or prospective owner, employee or prospective employee shall authorize the entity taking the fingerprints to submit, and the entity shall submit, the complete set of fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a fingerprint-based criminal history check.
- (b) If an approved third party takes the applicant's, owner's or prospective owner's, employee's or prospective employee's fingerprints, the fingerprints may be electronically captured using Colorado Bureau of Investigation-approved livescan equipment. Third party vendors shall not keep the applicant's, owner's or prospective owner's, employee's or prospective employee's information for more than thirty days. The Colorado Bureau of Investigation shall use the applicant's, owner's or prospective owner's, or employee's or prospective employee's fingerprints to conduct a criminal history record check using the Bureau's records. The Colorado Bureau of Investigation shall also forward the fingerprints to the Federal Bureau of Investigation for the purpose of conducting a national fingerprint-based criminal history check. The Colorado Bureau of Investigation; the applicant, owner or prospective owner, or employee or prospective employee; the licensing authority; and the entity taking fingerprints shall comply with the Federal Bureau of Investigation's requirements to conduct a fingerprint-based criminal history check.
- (c) The Colorado Bureau of Investigation shall return the results of its criminal history record check to the licensing authority, and the licensing authority is authorized to receive the results of the Federal Bureau of Investigation's criminal history check.
- (d) When the results of a fingerprint-based criminal history record check reveal a record of

arrest without a disposition, the licensing authority shall require the applicant to submit to a name-based judicial record check, as defined in C.R.S. § 22-2-119.3(6)(d).

- (e) The corresponding application and background check information shall be referred to the Douglas County Sheriff's Office. The licensing authority, or the licensing authority's designee, shall utilize the criminal history records to determine whether the applicant, owner or prospective owner, employee or prospective employee is approved or denied a license or employment eligibility based on the criminal history information.
- (f) The Sheriff's Office shall not be authorized to approve or disapprove any license application.

Section 6. Issuance; denial.

- (a) If, after reviewing the application and conducting an investigation, the licensing authority finds that the individual applicant and each of the individuals required to be listed in the corresponding license or background check application satisfy the requirements in section 4 of this ordinance:
 - (1) Are 18 years of age or older; and
 - (2) Have not been convicted of, or pleaded nolo contendere to, an offense involving prostitution, solicitation of prostitution, any human trafficking related offense, fraud, theft, embezzlement, money laundering, or similar crimes; and
 - (3) Are not a registered sex offender or required by law to register as a sex offender; and
 - (4) Have not (a) 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; or (b) had a license to practice as a massage therapist, or to operate a massage facility or similar license, revoked or suspended by the State of Colorado or a political subdivision of Colorado, or a regulatory board in another United States jurisdiction or possession, for an act that occurred in that jurisdiction that would be a violation of this ordinance; and
 - (5) The proposed location of the applied-for massage facility, as applicable, has not had a similar license revoked, suspended, or surrendered for cause within the last 24 months; and
 - (6) The administrative fee has been paid.

Then it shall, following receipt of the complete license application and background check, approve the issuance of a massage facility license to the applicant for use at the location identified in the license application as the situs of the business, or determine that an applicant, owner or prospective owner, or employee or prospective employee is eligible to

be an owner or employee.

- (b) The licensing authority shall be empowered to place reasonable conditions and restrictions, on a case-by-case basis, upon any massage facility license that would otherwise be denied, revoked, or suspended. The licensee shall have the right to a hearing before the licensing authority to review any such conditions or restrictions.
- (c) If, after reviewing the application, the licensing authority finds, in addition to findings required by any other law, code, or regulation, that:
 - (1) The required administrative fee is not paid; or
 - (2) The County zoning or subdivision regulations do not allow for the operation of a massage facility at the proposed location; or
 - (3) The applicant or an owner, prospective owner, employee, or prospective employee has been convicted of, or has entered a plea of guilty or nolo contendere that is accepted by the court for a felony or misdemeanor for Prostitution, as described in C.R.S. § 18-7-201; Solicitation of a Prostitute, as described in C.R.S. § 18-7-202; a human trafficking-related offense, as described in C.R.S. § 18-3-503 or 18-3-504; Money Laundering, as described in C.R.S. § 18-5-309; or similar crimes; or
 - (4) The applicant or an owner, prospective owner, employee, or prospective employee is registered as a sex offender or is required by law to register as a sex offender, as described in C.R.S. § 16-22-103; or
 - (5) The applicant or an owner, prospective owner, employee, or prospective employee has a pending criminal action that involves or is related to the offenses described in subsection (c)(3) or (c)(4) of this section 6; or
 - (6) The applicant or an owner, prospective owner, employee, or prospective employee has one or more previous revocations or suspensions of a license to operate a massage facility.

Then it may, following receipt of the complete license application and background check, issue a denial of the application, or determine that an owner or prospective owner or employee or prospective employee is ineligible to be an owner or employee. In the event of a denial or ineligibility determination, the licensing authority shall explain in writing, with reasonable detail, the reason for the denial or determination.

- (d) The licensing authority or its designee shall have discretion to deny an application or determine that an owner or prospective owner, or employee or prospective employee, is ineligible to be an owner or employee after considering, in accordance with C.R.S. § 24-5-101, an applicant's, owner's, prospective owner's, employee's, or prospective employee's conviction of, or plea of guilty or nolo contendere that is accepted by the court for felony or misdemeanor Fraud, Theft, or Embezzlement, as described in C.R.S. § 18-4-401.

- (e) In the event that the licensing authority takes into consideration information concerning criminal history, the licensing authority shall also consider any information provided by the applicant, owner or prospective owner, or employee or prospective employee regarding the criminal history, including, but not limited to, evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially the mitigating factors pertaining to the period of time between the last criminal conviction and the consideration of the individual's application for a license or renewal, ownership or prospective ownership of a massage facility, or employment or prospective employment by a massage facility.

Section 7. Temporary license.

- (a) The licensing authority may issue a temporary massage facility license upon receipt of a complete massage facility license application involving the sale or change in ownership of a business. Such temporary license shall be valid for thirty days, and the licensing authority shall renew the temporary license every thirty days until approval or denial of the massage facility license.

PART III: REGULATION

Section 8. Limitations on operation – prohibited acts.

- (a) It shall be unlawful for any person in the business of owning or operating a massage facility, or any manager or employee thereof, to:
 - (1) Allow a person who does not hold a valid massage therapy license pursuant to C.R.S. § 12-235-107 to perform massage in a massage facility.
 - (2) Fail to submit to a background check as required by this ordinance.
 - (3) Employ a person who has not submitted to a background check as required by this ordinance.
 - (4) Advertise to a prospective client that services including prostitution, sexual acts, escort services, sexual services, or services related to human trafficking disguised as legitimate services, are available.
 - (5) Permit sexual acts or sexual services within or near a massage facility or in relation to massage therapy.
 - (6) Deny inspection of a massage facility by law enforcement, the licensing authority, or the licensing authority's designees.
 - (7) Refuse, interfere with, or elude immediate identification of employees of the

massage facility to law enforcement, the licensing authority, or the licensing authority's designees.

- (8) Fail to immediately report to the Douglas County Sheriff's Office any act of sexual misconduct occurring in a massage facility.
- (9) Allow an employee or contractor of a massage facility to provide massage therapy without being fully clothed.
- (10) Require client nudity as part of a massage without the client's prior consent.
- (11) Allow a massage facility to be open and practicing massage therapy without a licensed massage therapist on the premises.
- (12) Permit a person in a massage facility to make an agreement with an employee or contractor to engage in any prostitution-related offense in the massage facility or any other location.
- (13) Permit a massage facility to be used for housing, sheltering, or harboring any person, or as living or sleeping quarters for any person; except that an owner and the owner's family members who operate a massage facility as a home business are exempt from the prohibited activity in this subsection (a)(11).
- (14) Operate an erotic parlor on the premises of a massage facility.
- (15) Operate a massage facility without a valid massage facility license.

Section 9. Required Acts.

(a) Every licensed massage facility shall be required to:

- (1) Maintain a list of all employees on site including the start date of employment, full legal name, date of birth, home address, telephone number, and employment position of each employee.
- (2) Require that all licensees, operators, and employees have at least one of the following forms of valid government identification, and immediately present such identification to the licensing authority or the licensing authority's designees upon request:
 - (i) A United States military card or military dependent's identification card; or
 - (ii) A United States Coast Guard Merchant Mariner card; or
 - (iii) A Native American tribal document; or

- (iv) A valid Colorado driver's license or Colorado identification card issued pursuant to article 2 of title 42, unless the applicant holds a license or card issued pursuant to part 5 of article 2 of title 42; or
 - (v) A valid driver's license or identification card issued by another state, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States that is compliant with the federal "REAL ID Act," as amended; or
 - (vi) A valid United States passport; or
 - (vii) A valid United States permanent resident card; or
 - (viii) Any other valid type of identification that requires proof of lawful presence in the United States to obtain.
- (3) Require licensed massage therapists to maintain copies of valid massage therapy licensure, as required by C.R.S. § 12-235-107, and a form of identification containing the therapist's name, address, and social security number or individual taxpayer identification number, that must be immediately presented to the licensing authority, the licensing authority's designees, or law enforcement upon request.
 - (4) Maintain a complete set of records including a log of all massage therapy administered at the facility. The records shall include all accounts, invoices, payroll, and employment records of the massage facility. The log shall include the date, time, and type of each massage therapy administered, and the name of the massage therapist administering the massage therapy. The licensee shall retain the records and log book for a minimum of one year following any massage therapy. The records and log shall be subject to inspection upon request by the licensing authority, the licensing authority's designees, and law enforcement, during normal business hours, in compliance with applicable law.
 - (5) Operate under or conduct business under only the designation specified in the license.
 - (6) Ensure that all operators, employees and contractors remain fully clothed in professional attire while administering massage or otherwise visible to clients on business premises, including premises designated by the client through an outcall massage service or mobile massage unit.
 - (7) Maintain a valid massage facility license prior to and during all periods of operation.

Section 10. **Inspections.**

- (a) The licensing authority, or the licensing authority's designees, shall be responsible for

enforcement of this ordinance including inspection of massage facilities.

- (b) No owner, operator, manager, massage therapist, or employee shall fail to immediately grant full massage facility access any time such establishment is open for business, to the licensing authority, the licensing authority's designees, or any other person authorized or required by law to inspect the massage facility.
- (c) All rooms, cabinets, and storage areas shall be subject to inspection and any locked rooms, cabinets, or storage areas shall be promptly opened for inspection.
- (d) Each massage facility shall keep a complete book of records to include a log of all massage therapy administered at the facility, as required in section 9 (a)(4) of this ordinance, open to inspection without unreasonable delay.
- (e) Inspectors may request to review a State-issued massage therapist license for any massage therapist or other employee of the massage facility at any time during an inspection.
- (f) All owners, managers, massage therapists, employees, contractors, or persons occupying the facility other than clients shall present identification and shall not elude identification.

Section 11. Revocation or suspension of license; Penalties

- (a) The licensing authority, or the licensing authority's designees, may revoke or suspend a license for violating any prohibited act pursuant to section 8 of this ordinance.
- (b) The licensing authority, or the licensing authority's designees, may temporarily suspend a massage facility license with a hearing to be scheduled within 15 days when the licensing authority finds:
 - (1) The licensee willfully failed to disclose any information on the application as required; or
 - (2) The licensee knowingly permitted a person who does not hold a valid license pursuant to C.R.S. § 12-235-107 to perform massage therapy; or
 - (3) A pattern of activity that the massage facility is committing human trafficking-related offenses as described in 18-3-503 and 18-3-504; or
 - (4) The licensee failed to permit an inspection in accordance with section 10 of this ordinance any time the facility is open for business.
- (c) A law enforcement officer may follow the penalty assessment procedure described in C.R.S. § 16-2-201 for any violation of this ordinance.
- (d) The licensing authority or its designees may impose the following additional penalties when it is found that a licensee, owner, or employee has violated any of the prohibited

activities described in section 8 of this ordinance:

- (1) A fine of \$300.00 for a first violation.
 - (2) A fine of \$600.00 for a second violation by the same person or licensee.
 - (3) A fine of \$1,000.00 for a third or subsequent violation by the same person or licensee.
- (e) A massage facility that engages in two or more violations of this ordinance is a public nuisance, as described in C.R.S. § 16-13-303, unless the violation is already a public nuisance, as described in C.R.S. § 16-13-303. The County Attorney of Douglas County, or the District Attorney acting pursuant to C.R.S. § 16-13-302, may bring an action in the District Court of Douglas County for an injunction against any massage facility that violates this ordinance.
- (f) The licensee may appeal the revocation or suspension of a license in accordance with C.R.C.P. 106(a)(4).

Section 12. Fees.

- (a) The application and annual license fees shall be established by the licensing authority in accordance with the provisions of section 4(d) of this ordinance.

Section 13. Repeal.

- (a) All ordinances, or parts of ordinances, of the County of Douglas, Colorado, in conflict herewith are expressly repealed.

Section 14. Adoption.

- (a) Pursuant to C.R.S. §§ 30-15-405 and 406, County ordinances are typically adopted on First Reading at a Board of County Commissioner Business Meeting. Subsequently, after notice has been provided in the newspaper, the Board of County Commissioners will adopt an ordinance at Second and Final Reading, which is conducted at a public hearing. If adopted as an "emergency ordinance," the ordinance will take effect immediately. Otherwise, all ordinances go into effect 30 days after publication after Second and Final Reading.

PART IV: CERTIFICATION

The Douglas County Clerk shall certify to the passage of this ordinance and shall have on file copies of this ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ AND ADOPTED ON FIRST READING on November 4, 2024, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____

George Teal, Chair

ATTEST:

Deputy Clerk



ADOPTED ON SECOND AND FINAL READING on January 28, 2025, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____

Abe Laydon, Chair

ATTEST:

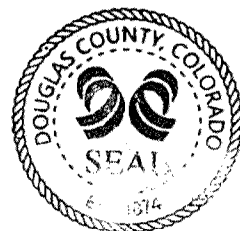
Deputy Clerk



CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-024-005 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissioners of the County of Douglas on, November 4, 2024, and the same was published in full in the DOUGLAS COUNTY NEWS-PRESS, a newspaper of general circulation published in Douglas County, on or before January 16, 2025, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on January 28, 2025. Said ordinance was published by reference to title only on or before February 6, 2025. Said ordinance shall become effective as of March 8, 2025.

Deputy Clerk

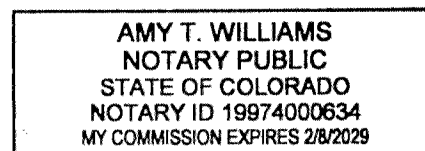


State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this 18th day of February, 2025, by
Hayley Hall, Deputy Clerk.

Amy T. Williams
Notary Public

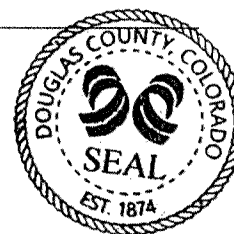
My commission expires: 2/8/29



CERTIFICATION

I, Hayley Hall, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. 5, entitled, **AN ORDINANCE ESTABLISHING BUSINESS LICENSURE REQUIREMENTS TO REGULATE MASSAGE FACILITIES AND TO REGULATE AND PROHIBIT UNLAWFUL ACTIVITIES FOR THE SOLE PURPOSE OF DETERRING ILLICIT MASSAGE BUSINESS AND PREVENTING HUMAN TRAFFICKING, WITHIN THE UNINCORPORATED PORTIONS OF DOUGLAS COUNTY, COLORADO**, is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Hayley Hall
Deputy Clerk



Agenda Item

Date: July 29, 2025

To: Douglas County Board of County Commissioners

Through: Douglas J. DeBord, County Manager

From: Terence T. Quinn, AICP, Director of Community Development *TQ*

CC: Lauren Pulver, Planning Supervisor
Jeanette Bare, AICP, Planning Manager
Kati Carter, AICP, Assistant Director of Planning Resources
Steven E. Koster, AICP, Assistant Director of Planning Services

Subject: **Regulating Large Day-Care Homes**

SUMMARY

State legislation passed in 2021 prohibited local governments from applying additional regulatory requirements to family child care homes. The County has complied with this change through Douglas County Zoning Resolution (DCZR) provisions requiring that state and federal regulations in conflict with County regulations supersede County regulations. This memo discusses options for amending the DCZR to be consistent with State statute and potentially addressing adult day-care homes in a similar manner.

BACKGROUND

House Bill 21-1222 signed in 2021 requires that all local governments treat small and large family child care homes as a residential use when applying all local zoning and building codes and cannot impose any additional regulations that do not also apply to other residential uses. Local governments have the ability to prohibit the operation in immediately adjacent residences of two or more large family child care homes on a case-by-case basis and to manage the flow of traffic and parking related to adjacent large family child care homes.

Under DCZR Section 21, Large Day-Care Homes providing care for seven to twelve children (which are considered large family child care homes by Statute) require a Use by Special Review (USR), whereas Small Day-Care Homes (which are considered small family child care homes by Statute) are an accessory use to a residence in all zone districts. DCZR Section 1 requires that any provision of the DCZR that is inconsistent with federal or state requirements defers to the Controlling Legal Requirement. The County has utilized this provision and the Director's authority to waive the USR requirement for Large Day-Care Homes so as to remain in compliance with HB21-1222.

DISCUSSION

The Director can continue to make administrative determinations to allow for Large Day-Care Homes without a USR. However, to reduce confusion in the DCZR and streamline the review

process for Large Day-Care Homes, the Board may want to consider amending the DCZR to formally identify them as a residential accessory use and remove the references to a USR requirement.

State law allows for the County to prohibit on a case-by-case basis a large family child care home from operating in a residence immediately adjacent to another large family child care home or to manage the flow of traffic and parking related to adjacent large family child care homes. Should the Board want to define this type of regulatory approach, staff can develop a DCZR amendment to enable the authority.

Adult Home Day-Care

The DCZR regulates home day-care for adults in the same fashion that it regulates home day-care for children, with small facilities (caring for up to six adults) being an accessory use and large facilities (caring for seven to twelve adults) being a USR. The impacts of home day care facilities for adults are similar to those of facilities for children. The Board may want to also amend the DCZR to allow Large Day-Care Homes for adults to be a residential accessory use and remove the USR requirement.

NEXT STEPS

Staff is prepared to discuss the current approach to compliance with state law and possible regulatory amendments in greater detail.

Agenda Item

Date: July 29, 2025
To: Douglas County Board of County Commissioners
Through: Doug DeBord, County Manager
From: Jeff Garcia, County Attorney

Subject: Proposed Shoplifting Ordinance Discussion

Discussion of potential ordinance to reduce retail theft and support law enforcement.