

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2026-4**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NEW
CASTLE, COLORADO CREATING A BACKGROUND CHECK
PROCESS FOR PROSPECTIVE MASSAGE FACILITY OPERATORS,
OWNERS, AND EMPLOYEES**

WHEREAS, the Town of New Castle, Colorado (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Home Rule Charter of the Town of New Castle Adopted January 12, 1999, as amended (“Charter”); and

WHEREAS, by House Bill H.B. 24-1371 codified at C.R.S. § 30-15-401.4, the General Assembly has mandated that the Town adopt regulations requiring that massage facility operators, owners, and employees working within municipal boundaries submit to a background check performed in accordance with C.R.S. § 24-33.5-424.5; and

WHEREAS, the General Assembly has extended the start period for background checks to July 1, 2026, as set forth in C.R.S. § 30-15-401.4; and

WHEREAS, the Town Council desires to designate the Police Chief and Town Administrator as the licensing authority responsible for reviewing background check applications; and

WHEREAS, the Town Council desires to establish a formal process that will guide the licensing authority’s review of background check applications in accordance with state law; and

WHEREAS, the Town Council desires to fulfill its legal obligations under state law by enacting this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

Section 1. **Recitals.** The foregoing recitals are incorporated by reference herein as findings and determinations of the Town Council.

Section 2. **Addition.** A new Chapter 5.10 to the Town of New Castle Municipal Code is hereby adopted as follows:

CHAPTER 5.10 MASSAGE FACILITY BACKGROUND CHECKS

5.10.010 Licensing Authority

The Town Police Chief and Town Administrator are hereby designated as the licensing authority responsible for enforcing the provisions of Chapter 5.10. Either the Police Chief or

Town Administrator may review applications and issue decisions consistent with the requirements of this Chapter 5.10.

5.10.020 Definitions

The following words, terms, and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

A. “Operator” means an individual licensed to operate a massage facility, where applicable, or one who controls, makes executive decisions for, or is responsible for the operations of a massage facility; except that “operator” shall not include a state-licensed massage therapist.

B. “Owner” means an individual other than an operator who holds a legal ownership interest in a massage facility; except that “owner” does not include individuals who are 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 massage facilities.

C. “Employee” means an individual who is employed by a massage facility, employed to provide services that are part of the routine operations of the massage facility when the massage facility is part of a larger operation that offers various services and amenities, or an independent contractor hired by a massage facility to perform work that is part of the routine operation of the massage facility; except that “employee” does not include a state-licensed massage therapist or an independent contractor performing routine facilities maintenance services who has only incidental or no contact with massage facility clients.

D. “Covered persons” means those persons subject to the background check requirements of Section 5.10.030.

E. “Massage facility” means any place of business where massage therapy or full body massage is practiced or administered but excluding any place or activity listed in C.R.S. § 30-15-401.4(7). In the event that a business offers various services and amenities, “massage facility” shall be the portion of the business specifically practicing or administering massage therapy or full body massage and shall exclude portions of the business not offering such services.

5.10.030 Background Check Submission Requirements

A. Any individual acting as a massage facility operator, owner, or employee on the effective date of this ordinance who desires to continue in that role must submit a background check application to the licensing authority no later than 5:00 P.M. mountain time on July 1, 2026.

B. Any prospective operator or owner must submit a background check application to the licensing authority and receive approval before being granted a license to operate, assuming an operator position at, or assuming an ownership interest in a massage facility. Approval will not be granted until at least 30 days after the application has been submitted.

C. Any prospective employee must submit a background check application to the licensing authority at least thirty days before commencing employment with any massage facility and receive an approval from the licensing authority before commencing employment.

5.10.040 Background Check Process

All covered persons subject to the background check requirements of Section 5.10.030 shall comply with the following background check process:

1. All covered persons shall submit to a fingerprint-based state and federal criminal history record check. Fingerprints submitted under this section shall be submitted to the Colorado Bureau of Investigation (“CBI”) for the state criminal history check, and the CBI shall forward the prints to the Federal Bureau of Investigation (“FBI”) for the federal criminal history check. Results of the CBI and FBI criminal history checks will be returned to the licensing authority.
2. The licensing authority shall have discretion to decide whether fingerprints shall be submitted to the CBI through local law enforcement or through a third party. Submission of fingerprints to the CBI by electronic or hard copy means is permitted. If fingerprints are submitted through a third party, it shall be unlawful for that party to retain applicant information for more than thirty (30) days.
3. If a fingerprint-based criminal history record check cannot be completed or reveals a record of arrest without disposition, a criminal history check shall use the CBI’s Records and a name-based Judicial Record Check.
4. All covered persons shall submit a background check application to the licensing authority containing the following information:
 - i. The name and address of the applicant;
 - ii. Which position the applicant is applying for;
 - iii. Applicant fingerprints, which are considered submitted to the licensing authority when they are submitted to the entity designated by the licensing authority in accordance with Section 5.10.040(A)(2);
 - iv. The name and address of the massage parlor that the applicant intends to own, operate, or be employed at, if one has been determined;
 - v. Any additional information contextualizing any background check findings, to be stated on a form provided by the licensing authority; and
 - vi. An application fee as set by the Town’s annual fee schedule.

5.10.050 Background Check Decision Process

It shall be unlawful for any party to serve as a massage facility operator, owner, or employee without passing a background check.

A. In reviewing background check applications, the licensing authority shall consider any information provided by the applicant regarding their criminal history, including but not limited to evidence of mitigating factors, rehabilitation, character references, and educational achievement. The licensing authority shall pay special attention to mitigating factors between the applicant's last criminal conviction and the current application.

B. The licensing authority shall not permit any party to become an owner when the applicant has been convicted of or entered a plea of nolo contendere that was accepted by the court for a felony or misdemeanor for 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 C.R.S. § 18-3-504; money laundering, as described in C.R.S. § 18-5-309, or when the applicant has or is required by law to register as a sex offender.

C. The licensing authority shall provide applicants with a letter detailing "Pass" or "Fail" status within forty-five days of the application date.

5.10.060 Penalty

Owning, operating, or holding employment at a massage facility as a covered party without a background check approval in accordance with this Chapter shall be punishable in accordance with the general penalty set forth in Code Section 1.20.010 and is hereby declared a public nuisance that may be abated in accordance Chapter 8.08.

Section 3. Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause, or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 4. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to Section 4.3 of the Town Charter.

INTRODUCED, on first reading on May 5, 2026, at which time copies were available to the Town Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Town Council of the Town of New Castle, Colorado, on May 19, 2026, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO, A
HOME-RULE MUNICIPALITY

By: _____
Grady Hazelton, Mayor

ATTEST:

Mindy Andis, Town Clerk