TOWN OF Herndon VIRGINIA

Town Council Regular Meeting
Agenda Item 6.a.

Agenda Item: **Ordinance 26-O-03 to amend Chapter 14 (BUSINESSES), Article IV (Massage Therapy), Sec. 14-70 (Massage regulation) and to amend Chapter 30 (FINANCE AND TAXATION), Article VII (Business, Professional, Occupational License), Division 1 (Generally), Sec. 30-211 (Definitions) to update code references to Fairfax County's Massage Establishments Code (rescheduled from January 27, 2026)**

Meeting Date: February 3, 2026

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney

Description:
This amendment updates the Town Code to align with Fairfax County's newly adopted Massage Establishment regulations by correcting code references that became effective as of January 1, 2026.

Background/Timing Impact:
The Fairfax County Board of Supervisors recently adopted a new Massage Establishment Code. The former Massage Establishment section, 28.1 was repealed and a new section, 28.2 was adopted.

Key provisions of the new Fairfax County code include:

- Transfer of full regulatory authority of Massage Establishments from the Department of Cable and Consumer Services to the Fairfax County Health Department.
- Elimination of local permitting for individual massage therapists, acknowledging state licensure.
- Plan review requirement for new facilities to ensure compliance with Fairfax County Zoning Ordinance and relevant Fairfax County Building Codes.
- Prohibitions on:
    - Controlled entry;
    - Sleeping quarters within or adjacent to massage establishments;
    - Employee use of alcohol, possession or use of other controlled substances; and
    - Sexually suggestive advertising.
- Provision to require training as mandated by the Health Department based on

trends and demonstrated need.

- Updated fee schedule:
    - County Massage Establishment Application $200.
    - County Plan Review: New Submission, Renovation, Change of Ownership $200.
    - County Reinspection $100.
    - County Permit Reinstatement $200.

Timing Impact:
It is important that these two housekeeping amendments be made immediately because the amendments to the Fairfax County Code took full effect on January 1, 2026. Amendments to the Herndon Town Code will take effect upon adoption (February 3, 2026).

Strategic Focus Area:
Good Governance

Fiscal Impact:
There is no fiscal impact for this town code amendment.

Legal Impact:
Pursuant to the Code of Virginia, Town Council approval is required to amend the Town Code.

Staff Recommendation/Next Steps:
Staff recommends adoption of the Ordinance as proposed.

Attachments:
1. Ordinance (Proposed)