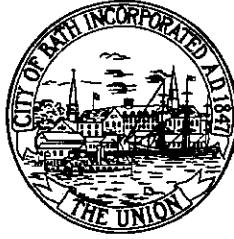


CITY OF BATH, MAINE

City Hall 55 Front Street
Bath, Me 04530
www.cityofbath.com



CODES ENFORCEMENT OFFICE

Phone (207) 443-8334
FAX (207) 443-8337
TDD (207) 443-8368

April 12, 2024

Mr. Richard Qiu
Xinye Spa
65 Centre Street
Bath, ME 04530

65 Centre Street
Map 27 Lot 89

Thank you, and Xiuqin Xie for meeting me yesterday to discuss the operations of your spa at the captioned location. As we discussed, employees of your spa, sometimes two at a time, rub oil on customers. None of your employees are licensed by the State to provide commercial massage services. You contend that this practice is not a massage, and your employees hence are not required to be licensed. Whether that is the case or not, the City has an Adult Business Ordinance (available in the Business Ordinances on the City Clerk's page of our website).

One of the definitions of an Adult Business is below.

"Adult relaxation spa" or "adult spa." An establishment or place primarily in the business of providing "rub-down" or other pseudo-massage services by a person or persons not licensed or exempt from licensing. This use shall not include any activities licensed by the State of Maine as massage or massage therapy."

Based on our conversation, I feel that your spa is an Adult Relaxation Spa, which makes it an Adult Business. As we discussed, Adult Businesses are not allowed in the Downtown Commercial Zoning District, in which your spa is located. They are also not allowed within specified distances of certain properties, detailed below, several of which your location violates. The ordinance also requires Adult Businesses to secure a license. One has not been issued for your spa, and cannot be, due its location. These violations are detailed below.

**NOTICE OF VIOLATIONS OF THE CITY OF BATH ADULT BUSINESS
ORDINANCE**

1. A. Applicable Code Provisions

City of Bath Adult Business Ordinance, section 5-96 E. License required.
No person shall operate an Adult Business Establishment, nor shall any property owner permit the use of his or her premises to be operated as an

Adult Business Establishment without a valid Adult Business License issued by the City. Each License shall be for a period of One (1) year from the date of its issuance. A License must be obtained prior to the opening of an establishment, prior to the expiration of any current annual License in effect, and, for any business establishment currently in operation, within Sixty (60) days of the date of adoption of this Ordinance.

From the definitions of Adult Business:

4. "Adult relaxation spa" or "adult spa." An establishment or place primarily in the business of providing "rub-down" or other pseudo-massage services by a person or persons not licensed or exempt from licensing. This use shall not include any activities licensed by the State of Maine as massage or massage therapy.

B Factual Basis For Violation

Unlicensed employees of the Spa rub oil on patrons, in a massage or pseudo massage fashion.

C. Specific Violation

The operation of the spa constitutes an Adult Business, for which no license has been issued, violating section 5-96 E of the ordinance.

2. A. Applicable Code Provisions

Section 5-96 O of the Adult Business Ordinance.

Prohibited sites.

1. No Adult Business Establishment may be located or commence operation: in land use district other than a CIV District;
2. No Adult Business Establishment may be sited within the distances of the uses specified below:
 - a. within 500 feet of a church, synagogue or other house of religious worship;
 - b. within 500 feet of a public or private elementary, middle or secondary school;
 - c. within 250 feet of a zoning district where residential use is allowed as a primary use;
 - d. within 250 feet of a lot where the primary use is residential;
 - e. within 500 feet of a public park or public or private recreational facility or site;

- f. within 500 feet of a lot on which another Adult Business Establishment is sited;
- g. within 500 feet of a lot on which a licensed daycare is sited.

The distances cited in this section shall be measured from the nearest customer entrance of the Adult Business Establishment to the nearest customer entrance of the structure or structures housing the specified uses, measured in a straight line without regard to intervening structures objects. If the use specified above does not involve a structure, then the measurement shall be to the closest point in the property line of the use, to the customer entrance of the adult business use.

B Factual Basis For Violation

The spa is 260' from a church (The Neighborhood/UCC Church)
The spa is in a zone (Downtown Commercial/C-1) that allows residential use as a primary use.
The spa is 210' from an apartment building that is the primary use of the property (the Washington House, 809 Washington Street).

C. Specific Violation

The spa is 260' from a church, in a zone that allows residential use as a primary use, and 210' from an apartment building that is the primary use of the property, in violation of sections 5-96 O 2, a, c, and d of the ordinance.


ORDER FOR CORRECTIVE ACTION

BASED ON THE VIOLATIONS DESCRIBED ABOVE, YOU ARE HEREBY ORDERED TO CEASE ALL SPA ACTIVITIES AT THE PREMISES IMMEDIATELY.

Failure to comply with this Order for Corrective Action will result in this case being turned over for enforcement through a court proceeding by the City. In addition to revocation or suspension of an Adult Business Establishment License as provided in Sec. L, the violation of any provision of this Section shall be punished by a fine not less than one thousand dollars (\$1000) nor more than two thousand five hundred dollars (\$2500) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the City may enjoin or abate any violation of this Section by appropriate action, including but not limited to revocation of the License. All fines and penalties, together with costs of prosecution of violations, which shall include the City's costs and attorney's fees, shall enure to the benefit of the City.

If you have any concerns or questions, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Davis". The signature is fluid and cursive, with the first name "Scott" being more prominent than the last name "Davis".

Scott Davis
Codes Enforcement Officer

Cc: City Manager Marc Meyers
Assistant City Manager Julie Millett
Chief of Police Andrew Booth
Bath City Council
City Attorney Philip Saucier
Yuan Realty, LLC (Building Owner)