

CHAPTER 113: MASSAGE PARLORS, HEALTH SALONS AND RELATED BUSINESSES

Section

General Provisions

113.01	Purpose
113.02	Definitions
113.03	Prohibited acts
113.04	Hours of operation
113.05	Patronage of massage parlors by minors prohibited

Licensing

113.15	Application for license
113.16	Qualifications of applicant for license
113.17	Issuance of license; fee required
113.18	Unlawful to conduct business without a license
113.19	Names of employees to be filed with the Chief of Police
113.20	Enforcement and revocation of license
113.21	Employer to use only licensed employees

GENERAL PROVISIONS

§113.01 PURPOSE

- (A) To protect health, safety, welfare, and morals, the following privilege license provisions and regulations are ordained for the privilege of carrying on the business, trade or profession of massagist and for the operation or carrying on of the businesses, trades or professions commonly known as massage parlors, bath parlors, health salons, physical culture studios, clubs or establishments, or similar establishments by whatever name designated wherein massage or physical manipulation, physical culture or hydrotherapy of the human body is carried on or practiced.
- (B) The provisions of this chapter shall not apply to a regularly established and licensed hospital, sanitarium, nursing home, nor to an office or clinic operated and regularly used by a duly qualified and licensed medical practitioner, osteopath or chiropractor in connection with the practice of medicine, chiropractic or osteopathy, provided however, that such office or clinic is regularly used by medical practitioners, chiropractors osteopaths as his or her principal location for his or her practice of medicine, chiropractic or osteopathy; nor will they apply to any treatment given in the residence of a patient if administered by a

licensed physician, osteopath or registered physical therapist or chiropractor.
(Ord. passed 8-6-79)

§113.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS or PROFESSION OF MASSAGE: Includes the massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.

MASSAGE: The manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping, by hand or mechanical device.

MASSAGE BUSINESS: Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios and massage parlors.

MASSAGIST: Any person engaged in the business or profession of massage.

PRIVATE PARTS: The penis, scrotum, mons veneris, vulva or vaginal area.

§113.03 PROHIBITED ACTS

- (A) It shall be unlawful for any massage business as herein defined to knowingly provide, allow or permit a massage or treatment to be given by a person to a person of the opposite sex.
- (B) It shall be unlawful for any massagist to massage or treat any person except on the premises of a licensed massage business.
- (C) It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire.
(Ord. passed 8-6-79) Penalty, see §10.99

§113.04 HOURS OF OPERATION

No masseur or masseuse or any person or party engaging in any of the business licensed by this chapter shall engage in such business, trade, profession, occupation or calling except within and between the hours of 8:00am and 10:00pm, nor shall any operator of a massage parlor or establishment or business above enumerated and not specifically accepted hereunder, operate the same

except within and between the aforesaid hours. Violations of this section shall be considered under this code as an offense and persons found guilty of such violations shall be guilty of a misdemeanor.

(Ord. passed 8-6-79) Penalty, see §10.99

§113.05 PATRONAGE OF MASSAGE PARLORS BY MINORS PROHIBITED

(A) It shall be unlawful for any person under the age of 18 to patronize any massage parlor or similar establishment licensed hereunder unless such person carries with him or her at the time of such patronage a written order directing the treatment to be given signed by a regularly licensed physician.

(B) It shall be the duty of the operator of such massage parlor or similar establishment licensed hereunder to determine and have verification of the age of the person patronizing such establishment, and violations of this section shall be grounds for the revocation of the license of the establishment.

(Ord. passed 8-6-79) Penalty, see §10.99

LICENSING

§113.15 APPLICATION FOR LICENSE

Any person desiring to engage in the business, trade or profession or masseur or masseuse or in the operation or carrying on of any of the businesses, trades, professions, occupations or callings set forth in §113.01 shall, before engaging in such business, trade, profession, occupation or calling, file an application for a license addressed to the City Manager and City Council. Such application shall be in writing and shall set forth the following:

(A) Name and address of the applicant. If such applicant be a corporation, the address or addresses of such corporation and its officers;

(B) Qualifications. These must be plainly stated and must be submitted together with required exhibits annexed to said application proving such qualifications.

(Ord. passed 8-6-79) Penalty, see §10.99

§113.16 QUALIFICATIONS OF APPLICANT FOR LICENSE

An applicant hereunder, prior to making application for a license, must have the following qualifications:

- (A) The applicant may be male or female and shall be required to provide written recommendations showing proof of good moral character; and, in case the applicant is a corporation, such corporation must be created in or domesticated by the laws of this state and the officers thereof shall provide written recommendations showing proof of good moral character.
- (B) Each applicant must furnish a health certificate from a medical doctor, which shall accompany such applications as an exhibit. Should the applicant be a corporation, it shall furnish such certificate to cover its officers; agents or employees who will be actually engaged in and working under said license. Each employee who begins work following the original issuance of a license under this article shall likewise obtain a health certificate. A copy of the application and all certificates shall be furnished to the City Manager.
(Ord. passed 8-6-79) Penalty, see §10.99

§113.17 ISSUANCE OF LICENSE; FEE REQUIRED

If such applications are submitted in proper form and are approved by the City Council, the City Tax Collector is authorized to issue a privilege license in the nature of a permit to such applicant. An annual fee of \$500 for a massage parlor license shall be collected by the City Tax Collector prior to the issuance of any such license to a person or person or a corporation or partnership operating a massage parlor, health salon or similar operation otherwise subject to the provisions of this section. The license shall be valid for no more than one year, shall be renewable annually and shall be effective from the date of approval of the application by the City Council until the next succeeding May 31.
(Ord. passed 8-6-79)

§113.18 UNLAWFUL TO CONDUCT BUSINESS WITHOUT A LICENSE

It is unlawful for any person, corporation or other business organization, with a license being in effect as required by this chapter, to engage in the business, trade or profession of masseur or masseuse or the operation of carrying on of any of the businesses, trades, professions, occupations or callings set forth in §113.01. Each day's continuing violation is a separate and distinct offense. Persons found guilty of any such violation shall be guilty of a misdemeanor.
(Ord. passed 8-6-79) Penalty, see §10.99

§113.19 NAMES OF EMPLOYEES TO BE FILED WITH THE CHIEF OF POLICE

It shall be the duty of all persons holding a license hereunder to file with the Chief of Police the names of all employees, their home addresses, home telephone numbers and places of employment. Changes in the list of employees

with the names of new employees must be filed with the Chief of Police within seven days from the date of any such change.
(Ord. passed 8-6-79) Penalty, see §10.99

§113.20 ENFORCEMENT AND REVOCATION OF LICENSE

- (A) It shall be the duty of the Chief of Police to inspect periodically the premises licensed under this chapter, to determine any violations of its provisions, and to otherwise enforce such chapter.
- (B) Whenever the Chief of Police shall have good cause to believe there exists grounds for revocation of any license acquired hereunder, he or she shall submit a written recommendation of revocation to the City Council, and by registered mail shall forward, at least ten days prior to hearing, a copy of his or her recommendations to the licensee. The recommendations shall state the specific grounds for the revocation of the license.
- (C) Cause for revocation of the license shall exist for the failure of the licensee to perform any duty required by this chapter, for violation of any provision of this chapter or for conviction of the licensee of any crime involving moral turpitude. Grounds shall also exist if, by reason of the nature or the manner or place in which the licensee conducts business, a nuisance and menace to good order, public health, safety or morals is created.
- (D) The City Council, whenever it has good cause to believe there exist grounds for revocation of any license acquired hereunder, may, upon its own motion, set a hearing as hereinabove provided, to show good cause why such license should not be revoked. Written notice stating the specific alleged grounds for revocations shall be forwarded by registered mail to the licensee at least ten days prior to such hearing, which shall be held in exactly the same manner as if initiated by the Chief of Police.
- (E) Prior to revocation of any license by the City Council, the licensee shall be given an opportunity to appear to be heard, either personally or through his or her attorney to rebut any evidence against him or her, and to present evidence and witnesses in his or her defense. If the licensee fails to show good cause why his or her license should not be revoked, the City Council may revoke the license, upon a finding by the Council of a cause for revocation.
(Ord. passed 8-6-79)

§113.21 EMPLOYER TO USE ONLY LICENSED EMPLOYEES

No person, corporations, partnership or association licensed hereunder shall permit any person to massage or treat any person upon the premises operated by the licensee unless the person giving such massage or treatment has been issued a license as herein required.
(Ord. passed 8-6-79) Penalty, see §10.99