

## CHAPTER 120: MASSAGE SERVICES

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### SECTION 120.01 PURPOSE AND INTENT.

The City Council deems it necessary to provide for the licensing and regulation of massage service enterprises in order to protect the public health, safety and welfare.

### SECTION 120.02 DEFINITIONS.

*Massage* means any process or procedure consisting of rubbing, stroking, kneading or tapping by any means upon the external body of a patron.

*Massage Establishment* means a place where massage is practiced.

*Patron* means any person who receives a massage under such circumstances that is reasonably expected that he or she shall pay money or give any consideration therefor.

*Recognized School* means any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage therapists, which school requires a resident course of study of not less than seventy (70) hours before the student shall be furnished a diploma or certificate of graduation from such school following successful completion of such course of study or learning. Such school must show current membership in good standing in the American Massage and Therapy Association or other recognized professional massage organization. Schools offering a correspondence course not requiring actual attendance of class shall not be deemed a recognized school.

### SECTION 120.03 EXCEPTIONS.

This article shall not apply to the following classes of individuals while engaged in the duties of their professions:

(A) Health Professionals. Physicians, surgeons, chiropractors, osteopaths or physical therapists licensed to practice their respective profession under the laws of the State of Minnesota, or nurses registered under the laws of the State of Minnesota when performed under the direction of a licensed physician, surgeon, chiropractor or osteopath.

(B) Barbers and Beauticians. Barbers and beauticians licensed under the laws of the State of Minnesota; provided that such massage is limited to the head and scalp.

(C) Coaches and Trainers. Coaches and trainers of educational institutions acting within the scope of their employment.

#### **SECTION 120.04 MASSAGE THERAPIST LICENSE REQUIRED.**

Massage therapists shall be licensed as provided in this Section.

(A) Application. Applications for License required by this section shall be in writing in the form required by the City Clerk.

(B) Form of Application. At a minimum, the application form for a license under this section shall require the following:

1. The application's full name, address, social security number, written proof that the age of the applicant is at least eighteen (18) years, and two (2) recent photographs not more than six (6) months old and at least two (2) inches by two (2) inches in size.

2. The applicant's two (2) previous addresses and dates of residences.

3. Occupation for three (3) years preceding date of application.

4. Diploma or certificate of graduation from a recognized school.

5. A statement that the applicant has not been convicted of any crime concerning dishonesty, fraud, deceit or immorality.

6. A verified statement signed by the applicant that all information contained in the statement is true and correct.

(C) Application Fee. Each application for a license under this division shall be accompanied by a fee to defray the cost of investigation and administration. The fee shall be established by the City Council.

(D) Investigation and Issuance of Application. After investigation by the police department, the City Council may issue to the applicant a massage therapist license; provided that a license may be denied to any applicant who has within the previous two (2) years been convicted of an action for which a license could be revoked or suspended as set forth in this Ordinance.

(E) Revocation or Suspension of License. The City Council may revoke or suspend a license issued under this division for any one of the following:

1. Violation of any provision of this article.

2. If the City Council has reasonable ground to believe that any licensee is infected with a contagious or communicable disease.

(F) Specific Regulations.

1. The therapist shall prominently and publicly display his/her license at all times during massages.

2. Massages shall not be given unless patrons are wearing clothing fully covering their genitals.

3. Massages shall not be given to patrons who have open sores or other visible signs of communicable diseases.

4. The therapist shall report any change of facts regarding any information which was required in his or her license application to the City Clerk, within ten (10) days after such change.

5. It shall be unlawful for a massage therapist to touch or massage with his or her hands or body a sexual or genital part of a patron or to allow to touch or massage with his or her hands or body a sexual or genital part of the therapist.

6. It shall be unlawful for a massage therapist or patron to expose his or her genital parts to any other person.

Penalty, see Section 10.99