

CHAPTER 11

MASSAGE PARLORS, HEALTH SALONS, ETC.

As to licenses generally, see ch. 10 of this Code.

Article I. In General.

- § 11-1. “Masseur” and “masseuse” defined.
- § 11-2. Exemptions.
- § 11-3. Hours of operation.
- § 11-4. Treatment of persons of opposite sex.
- § 11-5. Massaging genitalia.
- § 11-6. Patronage of minors.
- § 11-7. Filing of names of employees.

Article II. Licenses.

- § 11-8. Required.
- § 11-9. Applications.
- § 11-10. Issuance; term.
- § 11-11. Refusal of applicants under eighteen.
- § 11-12. Revocation.

Article I. In General.

Sec. 11-1. “Masseur” and “masseuse” defined.

A male person who applies manual or mechanical massage or similar treatment to the human body trunk or limbs shall be deemed a “masseur”, and a female person so engaged, a “masseuse”. (3-13-75.)

Sec. 11-2. Exemptions.

The provisions of this chapter shall not apply to a regularly established and licensed hospital, sanitarium, nursing home or medical clinic, nor to the office or clinic operated by a duly qualified and licensed medical practitioner, osteopath, chiropractor, or licensed massage therapist (as defined below) in connection with his or her practice of medicine, chiropractic, osteopathy or massage therapy; provided, that such office or clinic is regularly used by such medical practitioner, chiropractor, osteopath or massage therapist as his or her principal location for his or her said practice. “Massage therapists” as defined herein shall mean any person at least eighteen (18) years of age and who satisfies at least one of the following requirements:

Such person must have graduated from an instruction or school of massage therapy that offers a curriculum of at least five hundred (500) hours of supervised classroom instruction, and is:

- (1) Licensed by the state community college system or the equivalent educational license authority in another state; or
- (2) Accredited by an accreditation commission which is recognized by the United States Department of Education; or
- (3) Designated as curriculum approved by the American Massage Therapy Association Commission on Massage Training Approval/Accreditation; or
- (4) The applicant is presently Nationally Certified in Therapeutic Massage and Bodywork, by the National Certification Board for Therapeutic Massage and Bodywork.

Sec. 11-3. Hours of operation.

No masseur or masseuse or any person or party engaging in any of the businesses licensed by this chapter shall engage in such business, trade, profession, occupation or calling except within and between the hours of 8:00 A. M. and 10:00 P.M.; nor shall any operator of a massage parlor or establishment or business, above enumerated and not specifically excepted hereunder, operate the same except within and between the aforesaid hours. (3-13-75.)

Sec. 11-4. Treatment of persons of opposite sex.

It shall be unlawful for any person holding a license under this chapter to treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police at any reasonable time. The requirements of this section shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor or in a regularly established and licensed hospital or sanitarium. (3-13-75.)

Sec. 11-5. Massaging genitalia.

It shall be unlawful for any person holding a license under this section to massage, treat or otherwise manipulate the genital area of another. (3-13-75.)

Sec. 11-6. Patronage of minors.

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

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. Violation of this section shall be grounds for the revocation of the license of the establishment. (3-13-75.)

Sec. 11-7. Filing of names of employees.

It shall be the duty of all persons holding a license hereunder to file with the city manager the names of all employees and 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 city manager within seven days from the date of any such change. (3-13-75.)

Article II. Licenses.Sec. 11-8. Required.

No person shall engage in the business, trade or profession of masseur or masseuse or the operation or carrying on of any of the businesses, trades, professions, occupations or callings commonly known as massage parlors, health salons, physical culture studios, clubs or establishments, or similar establishments by whatever name designated, wherein physical culture, massage, hydrotherapy or other physical treatment of the human body is carried on or practiced unless such person has first been licensed under the provisions of this article. (3-13-75.)

Sec. 11-9. Applications.

Every person desiring a license under the provisions of this article shall submit to the city manager a written application upon the approved form furnished by the city. Such application shall be addressed to the mayor and city council and shall include the following:

- (a) Name and address of applicant. Corporate applicants shall include the names and addresses of all officers of the corporation, together with a certified copy of the articles of incorporation. Partnerships shall include the names and addresses of all partners.

- (b) Names and addresses of at least two individuals who are familiar with the moral character of the applicant and who have provided written recommendations showing proof of good moral character, which recommendations shall be attached to the application and become a part thereof; and, in case the applicant is a corporation, such corporation must be created in or domesticated by the laws of this state, and each officer thereof shall provide the same proof of moral character as all other applicants.
- (c) A statement by the applicant that he is free from infectious diseases evidenced by a valid health certificate from a medical doctor which shall be attached to the application and become a part thereof.
- (d) The date of birth of the applicant, to be evidenced by a certified copy of applicant's birth certificate, which shall be attached to the application and become a part thereof. (3-13-75.)

Sec. 11-10. Issuance; term.

If an application is submitted in proper form and is approved by the city council, the city tax collector forthwith issue an appropriate license to such applicant, upon the payment of any applicable privilege license fee. Every license issued under the provisions of this chapter shall expire at 12:00 Midnight on June 30 following the date of issuance. (3-13-75.)

Sec. 11-11. Refusal of applicants under eighteen.

A license shall not be issued to an applicant under the age of eighteen years, and no license shall be issued to any corporate applicant if any of its officers shall be under the age of eighteen years. (3-13-75)

Sec. 11-12. Revocation.

- (a) 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.
- (b) Before any license required hereunder shall be revoked, the city council shall send, by registered mail, a written notice to the licensee stating the specific alleged grounds for revocation and setting forth the date, time and place of a hearing, which hearing shall take place ten days or more after the mailing of the notice. At such hearing, the licensee shall be given an opportunity to appear and be heard, either personally or through his attorney, to rebut any evidence against him and to present evidence and witnesses in his behalf. If

the licensee fails to show good cause why his license should not be revoked, the city council may revoke such license upon a finding by the council that good cause exists for revocation. (3-13-75.)