

📖 CHAPTER 116: MASSAGE PARLORS

Section

[116.01](#) Purpose

[116.02](#) Definitions

[116.03](#) License required

[116.04](#) License applications

[116.05](#) Licensee eligibility

[116.06](#) Restrictions and regulations

[116.07](#) Revocation

[116.99](#) Penalty

📖 § 116.01 PURPOSE.

(A) The city recognizes and accepts therapeutic massage, as distinguished from other forms of massage, as a scientific health care, maintenance technique, and procedure for the human muscles, tendons, tissues, and the like. The city, however, equally recognizes the potential for illicit massage operations or establishments in the wake of legitimate professional therapeutic massage establishments.

(B) Accordingly, in order to prevent or protect against the existence of illicit massage establishments or operations in the city and to protect the public's health, safety, and welfare, including the protection of the city's legitimate massage therapists' profession and reputation, the city deems it necessary to regulate therapeutic massage establishments and massage therapists through the licensing process.

(2013 Code, § 6.45) (Ord. 860, passed 9-13-2012)

📖 § 116.02 DEFINITIONS.

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

ACCREDITED INSTITUTION. An educational institution holding accredited status from the North Central Association of Colleges and Schools ("NCA") or another regional accrediting agency approved by the U.S. Department of Education presently or at the time the applicant obtained his or her diploma or certificate of graduation.

ACCREDITED PROGRAM. A professional massage program that is presently, or at the time the applicant obtained his or her diploma or certificate of graduation, accredited by the Commission on Massage Therapy Accreditation ("COMTA"), or a comparable national or regional organization which is approved by the U.S. Department of Education for its accrediting program for compliance with quality and competency standards through a process of periodic review and self-study.

MASSAGE THERAPIST. A person who practices or provides therapeutic massage to another for a fee or other consideration paid either directly or indirectly. A person licensed as a medical doctor, chiropractor, osteopath, podiatrist, licensed nurse, physical therapist, athletic director or trainer, or beautician (cosmetologist) or barber who confines his or her treatment to the scalp, face, and neck or the lower leg and feet in the case of a pedicure shall not be deemed to be a **MASSAGE THERAPIST**.

MASSAGE THERAPY or THERAPEUTIC MASSAGE. Scientific health care or health maintenance techniques or procedures carried out by a massage therapist involving the rubbing, tapping, pounding, or kneading of a person's skin, muscles, and tissues or the stretching of body limbs (e.g., Thai massage) for the purpose of easing mental and physical tension, the breaking up of fatty tissues, relaxing muscles or alleviating muscle spasms, and the improvement of circulation through the body.

MASSAGE THERAPY BUSINESS.

(1) Any enterprise, establishment, or operation, whether under control of an individual or legal entity, providing or offering to provide massage therapy services within the city for a fee or other consideration paid either directly or indirectly, that:

(a) Has 1 or more massage therapists employed or contracted to provide massage therapy services for the massage therapy business; or

(b) Is located in a fixed location in a nonresidential zoning district within the city wherein massage therapy services are provided.

(2) Any health or medical facility, office, or clinic operated by state licensed medical professional(s) or any health or medical-related business operated by state licensed medical professional(s) duly licensed under the provisions of M.S. §§ 144.50 through 144.60, as they may be amended from time to time, which provides therapeutic massage to its patients, shall not be deemed to be a massage therapy business.

STUDENT OF MASSAGE THERAPY. A person who is enrolled in and attends classes at an accredited institution or accredited program as defined by this chapter. This includes students attending a post-graduate continuing education class, provided the class has been approved by the National Certification Board for Therapeutic Massage and Bodywork or other nationally recognized organization.

(2013 Code, § 6.45) (Ord. 860, passed 9-13-2012)

 § 116.03 LICENSE REQUIRED.

(A) *Massage therapist licence required.* It shall be unlawful for any person to practice massage therapy or provide or offer to provide massage therapy within the city without a massage therapist license issued by the city. This includes persons providing massage therapy at massage therapy businesses that have massage therapy business licenses.

(B) *Massage therapy business license required.* It shall be unlawful for any person or entity to operate a massage therapy business within the city without a massage therapy business license issued by the city.

(C) *Exceptions.* This chapter shall not apply to and no massage therapist or massage therapy business license shall be required for:

(1) A health care office, clinic, or facility:

- (a) Owned by a municipal corporation organized under the laws of the state;
- (b) Owned by the state or any of its agencies; or
- (c) Licensed by the state.

(2) Any business or entity owned and operated by state licensed medical professional(s) through whom massage therapy or therapeutic massage is provided to its patients as a secondary health care treatment provided by the business or entity.

(3) Accredited institutions which provide an accredited program of study or course work in massage therapy or therapeutic massage; provided, that:

(a) The massage therapy or therapeutic massage is provided during and as part of a course or clinical component of the institution's program or course work; and

(b) Students are supervised by an instructor while performing massage therapy or therapeutic massage.

(4) A massage therapist who is working for or an employee of a medical professional licensed under M.S. Chs. 147 or 148, as they may be amended from time to time, or is an employee of a health care office, clinic, or facility that is:

- (a) Owned by a municipal corporation organized under the laws of the state;
- (b) Owned by the state or any of its agencies; or
- (c) Licensed by the state.

(5) Students of massage therapy; provided, that:

(a) The massage is provided during and as part of an accredited program of study or course work in massage therapy; and

(b) The student is supervised by an instructor while providing or performing massage therapy services. A notice, which advises the public that the person who may provide massage therapy services is a student of massage therapy and is not licensed by the city, shall be posted in a conspicuous location in the room in which the massage therapy is provided.

(D) *Massage therapy business license period and renewal.* A massage therapy business license issued under this chapter shall be an annual license, expiring on November 1 of each year. A massage therapy business license may be annually renewed, provided the licensee completes and files a license renewal application with the city no later than October 15 of the year in which the license is to be renewed. The licensee must provide the city with any changes in ownership interest throughout the duration of the license period. If ownership interests have changed, an additional investigation may be necessary and an additional investigation fee may be required to be paid.

(E) *Massage therapist license.* All massage therapists practicing in the city must be licensed and must apply to the city for a massage therapist license. A massage therapist license does not expire and is not required to be renewed.

(F) *License and investigation fees.* The license and investigation fees for licenses required by this chapter shall be determined by the City Council in the city's fee schedule. If a license application is received in the middle of a license term, the license fee shall be pro-rated for the remaining term of the license. All required license fees shall be paid on a pro-rated quarterly basis.

(2013 Code, § 6.45) (Ord. 860, passed 9-13-2012) Penalty, see § [116.99](#)

§ 116.04 LICENSE APPLICATIONS.

(A) *Massage therapy business license.*

(1) An application for a massage therapy business license shall be filed, along with all required fees and information, including a background investigation fee with the City Clerk. The amount of the background investigation fee shall be equivalent to the city's cost of the background investigation of the massage therapy business and all persons or entities that have a 5% financial interest in the business. The Police Department shall conduct a background investigation on the applicant. An inspection of the business premises by the Building Inspector is also required. After the background investigation and building inspection are complete, all applications shall be considered by the City Clerk and granted or denied by the City Council.

(2) The application for a license under this chapter shall be made on a form supplied by the city and shall contain the following information:

(a) For all applicants:

1. Whether the applicant is an individual, corporation, partnership, or other form of organization;

2. Specify the full name, address, date, and place of birth, and telephone number of the natural person designated by the applicant as the massage therapy business's on-site manager or agent along with the notarized written consent of the person to:

a. Take full responsibility for the conduct of the licensed premises and operation; and

b. Serve as the business's agent for purposes of services of notices and other processes related to the license by the city.

3. Evidence that the massage therapy business's on-site manager or agent has legal work status in the United States;

4. A list of the massage therapy business's employees along with proof that all of the employees who are massage therapists are licensed by the city;

5. The legal description and address of the premises to be licensed together with a plan of the area showing dimensions, location of buildings, street access, and parking facilities;

6. If the applicant does not own the premises, a copy of the lease agreement allowing the applicant to occupy the premises;

7. The floor number, street number, and rooms where the massage services are to be conducted;

8. Whether all taxes and special assessments that are due and payable for the premises to be licensed have been paid, and if not, the years and amounts that are unpaid;

9. If the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by preliminary plans showing the design of the proposed premises; if the plans for design are on file with the Building Inspector, no plans need be submitted;

10. The name and street address of the business if it is to be conducted under a designation or name other than the name of the applicant, and a certified copy of the certificate required by M.S. §§ 333.01 and 333.02, as they may be amended from time to time;

11. Proof of general liability insurance coverage in effect as required by this chapter;

12. With respect to the owner, operator, or any person who has a 5% financial interest in the business and the appointed on-site manager or agent of the applicant, proof of workers' compensation insurance as required by state law;

13. If the owner, operator, or any person who has a 5% financial interest in the business and the appointed on-site manager or agent of the applicant has ever had a massage therapist or massage therapy business-related license in the city or another jurisdiction that was suspended or revoked within the past 10 years;

14. a. Proof of identification consisting of 1 of the following:

i. A valid driver's license or identification card issued by a state of the United States or a province of Canada that includes the photograph and date of birth of the applicant;

ii. A valid military identification card issued by the U.S. Department of Defense; or

iii. A valid passport issued by the United States or another country if the applicant is a foreign national.

b. For purposes of satisfying this requirement, the applicant is deemed to be the on-site manager or agent for the massage therapy business that is signing the application on behalf of the business.

15. Other information that the city may require.

(b) For applicants who are individuals:

1. The full name, address, date, and place of birth, and telephone number of the applicant;

2. If the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or means and information concerning the dates and places where used;

3. Residence addresses of the applicant during 5 years preceding the date of application;

4. The type, name, and location of every business or occupation the applicant has been engaged in during the preceding 5 years;

5. Names and addresses of the applicant's employers for the preceding 5 years;
6. If the applicant has ever been convicted of a crime other than a minor traffic offense; if so, the applicant must furnish information as to the time, place, and offense involved in the conviction; and
7. If the applicant has ever been engaged in the operation of massage services; if so, the applicant must furnish information as to the name, place, and length of time of involvement in such activity.

(c) 1. For applicants that are partnerships:

- a. The names and addresses of all general and limited partners and the information concerning each general partner described above in division (A)(2)(b) above;
 - b. The managing partners must be designated, and the interest of each general and limited partner in the business must be disclosed; and
 - c. A true copy of the partnership agreement must be submitted with the application, and if the partnership is required to file a certificate as to a trade name under M.S. § 333.02, as it may be amended from time to time, a certified copy of that certificate must be submitted.
2. The license if issued will be in the name of the partnership.

(d) 1. For applicants that are corporations:

- a. The name of the corporation or business, and if incorporated, the state of incorporation;
 - b. A true copy of the certificate of incorporation, and, if a foreign corporation, a certificate of authority as described in M.S. § 303.06, as it may be amended from time to time;
 - c. The names of any general managers, corporate officers, proprietors, and other persons in charge of the premises to be licensed, and the information about those persons described in division (A)(2)(b) above; and
 - d. A list of the persons who own or have a 5% or greater interest in the corporation or who are officers of the corporation or organization, together with their addresses and the information regarding such persons described in division (A)(2)(b) above.
2. The license if issued will be in the name of the corporation.

(B) *Massage therapist license applications.*

(1) An application for a massage therapist license shall be filed, along with all required fees, with the City Clerk. The Police Department shall conduct a background investigation on the applicant. After the background investigation is complete, all applications shall be considered by the City Clerk and granted or denied by the City Council.

(2) The application for a license under this chapter shall be made on a form supplied by the city and shall contain the following information:

- (a) The applicant's full name, address, date and place of birth, and telephone number;

- (b) The name, address, and telephone number of the applicant's current employer;
- (c) The applicant's employers for the previous 10 years, including the employer's name, address, and dates of employment;
- (d) The applicant's residence address for the previous 10 years;
- (e) The applicant's weight, height, color of eyes, and color of hair;
- (f) If the applicant has ever been convicted of a crime other than a minor traffic offense and, if so, the time, place, and offense involved in the conviction;
- (g) If the applicant has ever had a massage therapist or massage therapy business-related license in the city or another jurisdiction that was suspended or revoked within the past 10 years;
- (h) If the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used;
- (i) Evidence that the applicant has legal work status in the United States;
- (j) Evidence that the applicant has or will have general liability insurance coverage meeting the requirements of this chapter in effect at the time of issuance of the license;
- (k) Evidence that the applicant has 1 of the following:
 - 1. Has a diploma or certificate of graduation from an accredited institution for a comprehensive massage therapy program that includes subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice;
 - 2. Has completed at least 500 credit hours of certified therapeutic massage training/course work that includes subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited institution or program; or
 - 3. Has passed either:
 - a. The National Certification Exam offered by the National Certification Board for Therapeutic Massage and Bodywork; or
 - b. The Massage and Bodywork Licensing Examination offered through the Federation of State Massage Therapy Boards and has a minimum of 7 years of full-time work experience as a massage therapist in the United States.
- (l) Proof of identification consisting of 1 of the following:
 - 1. A valid driver's license or identification card issued by a state of the United States or a province of Canada that includes the photograph and date of birth of the applicant;
 - 2. A valid military identification card issued by the U.S. Department of Defense; or
 - 3. A valid passport issued by the United States or another country if the applicant is a foreign national.
- (m) Other information that the city requires.

(2013 Code, § 6.45) (Ord. 860, passed 9-13-2012)

 § 116.05 LICENSEE ELIGIBILITY.

(A) The City Council may deny issuance of a massage therapy business license in any of the following circumstances:

(1) The proposed premises in which the massage therapy business proposes to operate is located in a residential zoning district or is located in a commercial or industrial zoning district in which medical or health care facilities or uses are not permitted or conditional uses;

(2) The owner, operator, any person who has a 5% financial interest in the business or the appointed on-site manager or agent has a conviction for, or was charged with, but convicted of a lesser charge of, a crime involving a violation of any massage therapy-related regulation in any other jurisdiction, any prostitution-related offense, criminal sexual conduct, indecent exposure, surreptitious intrusion, disorderly house as defined by state statutes, theft, felony drug offense, any crime of violence as defined by state statutes, or any other similar crime or offense which conviction date is within 10 years of the date of application;

(3) The owner, operator, any person who has a 5% financial interest in the proposed licensed massage therapy business or the on-site manager or agent had a massage therapist or massage therapy business-related license in another jurisdiction that was either suspended or revoked within 10 years preceding the date of application;

(4) The information provided in the application does not meet the requirements of this chapter;

(5) The applicant provided false or misrepresented information in the application;

(6) The business is proposed to be operated on premises on which property taxes, assessments, or other financial claims by the state, county, or city are due, delinquent, or unpaid, provided the applicant or other entity in which the applicant has an interest has the legal duty to pay said taxes, assessments, or claims due and owing;

(7) The applicant does not have insurance coverage in effect as required by this chapter; or

(8) The applicant has been denied a license under this chapter within the preceding 12 months.

(B) The City Council may deny issuance of a massage therapist license in any of the following circumstances:

(1) The applicant has a conviction for or was charged with, but convicted of a lesser charge, a crime involving a violation of any massage therapy-related regulation in any other jurisdiction, any prostitution-related offense, criminal sexual conduct, indecent exposure, surreptitious intrusion, disorderly house as defined by state statutes, theft, felony drug offense, any crime of violence as defined by state statutes, or any other similar crime or offense within 10 years of the date of application;

(2) The applicant had a massage therapist or massage therapy business-related license in another jurisdiction that was suspended or revoked within 10 years preceding the date of application;

- (3) The applicant is not 18 years of age or older;
- (4) The information provided in the application does not meet the requirements of this chapter;
- (5) The applicant provided false or misrepresented information on the application;
- (6) The applicant does not have insurance coverage in effect as required by this chapter; or
- (7) The applicant has been denied a license under this chapter within the preceding 12 months.

(2013 Code, § 6.45) (Ord. 860, passed 9-13-2012)

§ 116.06 RESTRICTIONS AND REGULATIONS.

All massage therapy business licensees and massage therapist licensees must comply with the following restrictions and regulations.

(A) A massage therapy business must not provide massage therapy services at any location other than the premises identified on the license, except a licensed massage therapist employed or contracted by the massage therapy business licensee may provide massage therapy services in the following circumstances:

- (1) To a client at the client's residence or place of care if in a long- or short-term care facility, such as a hospital, nursing home, or convalescence facility;
- (2) In connection with a special event or function whereby the massage therapist provides massage services to attendees of the event or function; or
- (3) At the location of any business in the city that contracts with a licensed massage therapy business to perform massage therapist services at the site of the contracting business.

(B) The act of any employee of a massage therapy business licensee is deemed to be the act of the licensee. The licensee shall be responsible for all acts and conduct attributable to and in connection with massage therapy services provided by the licensee or occurring on the premises of the business.

(C) The person who is receiving a massage shall at all times have his or her anus, intergluteal cleft (buttocks crease), and genitals covered with clothing or properly draped with non-transparent material. The person who is receiving massage therapy of the breast or buttocks (gluteus) shall have the breast or buttock (gluteus muscle) that is not then immediately receiving massage therapy properly covered and draped with non-transparent material.

(D) The massage therapist and all others working on the premises shall at all times be fully clothed and shall not expose his or her breasts, buttocks, anus, or genitals.

(E) At no time shall the massage therapist touch or offer to touch or massage the penis, scrotum, mons veneris, vulva, or vaginal area of any customer or person inquiring of massage therapy services.

(F) No beer, liquor, narcotic drug, or controlled substances, as such terms are defined by state statutes or this code of ordinances, shall be used, ingested or present during any massage therapy session.

(G) No doors of massage rooms, when occupied by 1 or more persons, shall be locked. All locks, if any, shall be keyed only from the exterior of the massage rooms.

(H) Only massage therapists who are licensed by the city shall practice or provide massage therapy services for or within a licensed massage therapy business.

(I) The licensee shall comply with any and all provisions of this chapter, all provisions of this code of ordinances, federal, and state laws and regulations.

(J) No massage therapy services shall be provided and the massage therapy business shall not be open between the hours of 10:00 p.m. and 6:00 a.m. of any day.

(K) The licensed premises of a massage therapy business shall, during all operating hours, be open to inspection by any city building, zoning, code, or police officer to determine whether this chapter and all other laws are being observed. All persons, as a condition to being issued the license, consent to these inspections. It is unlawful for any licensee, agent, or employee of a licensee to hinder or prevent the city inspecting officer from making an inspection.

(L) If a licensed massage therapy business's on-site manager or agent ceases to be located at the licensed premises or ceases to act in such capacity for the licensee without appointment of a successor, the license issued pursuant to such appointment shall be subject to revocation or suspension.

(M) A massage therapist shall have the license issued by the city in his or her possession while providing massage services within the city. A massage therapy business shall conspicuously post the license issued by the city on its premises in a conspicuous location that is accessible to the public.

(N) No license issued under this chapter may be transferred. Massage therapy business licenses shall terminate upon any change in officers or ownership interests of the licensee, unless the change is approved by the City Council in which case the license shall only continue in force until the end of the license term.

(O) The licensee shall have in effect during the license period general liability insurance providing minimum coverage of \$300,000 combined single limit per occurrence. Employees of licensed massage therapy businesses are not required to carry individual general liability insurance; provided, that proof of required insurance coverage has been provided by the business to the city.

(P) The licensee shall comply with all laws of health and sanitation.

(Q) No massage therapy business shall be used or operated as or in conjunction with an adult establishment as defined in § [130.68](#).

(2013 Code, § 6.45) (Ord. 860, passed 9-13-2012; Ord. 895, passed 10-7-2014) Penalty, see § [116.99](#)

§ 116.07 REVOCATION.

Violation of any provision of this chapter, or any building, safety, or health regulation shall be grounds for suspension or revocation of a license, as determined by the City Council. Before revocation or suspension of any license, the city shall give notice to the licensee and grant the licensee the opportunity to be heard.

(2013 Code, § 6.45) (Ord. 860, passed 9-13-2012) Penalty, see § [116.99](#)

 § 116.99 PENALTY.

Every person violates a section, subdivision, paragraph, or provision of this chapter when the person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows.

(A) *Misdemeanor*. Where the specific section, subdivision, paragraph, or provision specifically makes violation a misdemeanor, the person shall be punished as for a misdemeanor.

(B) *Petty misdemeanor*. As to any violations not constituting a misdemeanor under the provisions of division (A) above, the person shall be punished as for a petty misdemeanor.

(2013 Code, § 6.99) (Ord. 1, passed 4-1-1978; Ord. 337, passed 7-23-1992; Ord. 352, passed 1-7-1993)