

CITY CODE

CHAPTER 2 - ARTICLE B: MASSAGE THERAPY

3-2B-1: PURPOSE:

The purpose of this article is to protect the public health, safety and welfare. The city council deems it necessary to provide for the regulation and licensing of persons who administer massages. (Ord. XVI.52, 11-3-2003)

3-2B-2: DEFINITIONS:

As used in this article, the terms defined in this section shall have the following meanings ascribed to them:

MASSAGE: The rubbing, stroking, kneading, tapping or rolling of the body of another with the hands or objects.

MASSAGE PRACTITIONER: A person who practices or administers a massage. (Ord. XVI.52, 11-3-2003)

3-2B-3: LICENSE PROVISIONS AND FEES:

A. License Required: No person shall engage in or hold himself or herself out as being engaged in the practice of massage nor shall any person administer or practice massage commercially or for hire, or for the exchange of any valuable consideration without first having obtained a license as herein provided.

B. Contents Of The Application:

1. Forms: Application shall be made on forms provided by the city clerk.
2. Application: The application shall contain the following information together with any other information that the city administrator or designee may require:
 - a. Evidence of the applicant's certification by the national certification board for therapeutic massage and bodywork or comparable national or regional organization or evidence of applicant's practical qualifications to practice massage.
 - b. Evidence that the applicant is of good moral character.
 - c. The names and addresses of two (2) persons not related to the applicant who are residents of Dakota County and who can attest to the applicant's character.
 - d. Statement disclosing whether the applicant has ever been convicted of a crime or offense and, if so, information as to the time, place and nature of such crime or offense.
 - e. Evidence that the applicant is at least eighteen (18) years of age.
 - f. The street address at which massages will be performed.

C. License And Investigation Fees: The license and investigation fees shall be established by resolution of the city council. (Ord. XVI.52, 11-3-2003)

3-2B-4: LICENSEE RESPONSIBILITY, CONDITIONS OF LICENSE:

A. The license shall be displayed in the licensee's place of business. If massages are authorized off premises, the licensee shall carry the license and display it upon the request of a police officer, code enforcement official or other city official authorized to enforce this article.

B. Persons administering massage shall remain fully clothed while administering massage.

C. Massage therapists shall not touch or massage the genitals of a client or the breasts of a female client or so massage the

client as to cause sexual arousal.

D. The licensee shall maintain the licensed premises in compliance with the applicable health, safety and building regulations of the city.

E. No licensee shall perform or offer to perform massage services within the city while the massage license is under suspension or revocation by the city council. (Ord. XVI.52, 11-3-2003)

3-2B-5: GRANTING OR DENIAL OF LICENSES AND CERTIFICATES:

A. Application Review: License applications shall be reviewed by the police department and such other departments as the city administrator shall deem necessary. At the time of the application, the applicant shall, in writing, authorize the police department to investigate the facts set out in the application and conduct a criminal history check on the applicant. Licenses shall be issued by the city administrator or designee. If the city administrator refuses to issue a license, the decision may be appealed to the city council.

B. Term Of License: A license permitting the holder thereof to practice or administer massage commercially is nonrenewable and nontransferable and application must be made each year for a license permitting and allowing the holder thereof to administer or practice massage therapy for the succeeding year. All licenses shall be issued for a term expiring on December 31 following its issuance. (Ord. XVI.52, 11-3-2003)

3-2B-6: CONDITIONS GOVERNING ISSUANCE OF A LICENSE:

A. Applicant: Licenses shall be issued only to persons of good moral character and repute.

B. Training And Certification: Licenses may be issued only to persons who have a diploma or certificate demonstrating that they have completed at least five hundred (500) hours of training from either a school approved by the American Massage Therapy Association or similar reputable massage association, or from a school that is either accredited by a recognized education accrediting association or agency, or is licensed by the state or government agency having jurisdiction over the school, or a certificate from the national certification board for therapeutic massage and bodywork.

C. Prior Offenses: Licenses may be issued only to persons who are free from convictions or offenses that involve moral turpitude or that relate directly to the person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the occupation, or who otherwise have shown evidence of rehabilitation in accordance with Minnesota statutes, chapter 363.

D. Prior Revocation: Licenses may not be issued to persons who, within one year prior to the date of application, have been denied licensing or who have had their license revoked or suspended by any community, political entity or by the state of Minnesota.

E. Cooperation Of Applicant: Licenses may be issued only to persons who have fully and truthfully answered all of the information requested in the application and have paid the full license fee and investigation fee.

F. Age: Licenses may be issued only to persons eighteen (18) years of age or older. (Ord. XVI.52, 11-3-2003)

3-2B-7: REVOCATION, SUSPENSION OR NONRENEWAL OF LICENSE:

The license may be revoked, suspended or not renewed by the city Administrator if the licensee has engaged in any of the following conduct:

A. Fraud, deception or misrepresentation in connection with the securing of the license.

B. Habitual drunkenness or intemperance in the use of drugs, including, but not limited to, the use of drugs defined in either 26 USC section 4731 or Minnesota statutes, section 152.02, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine, or other sedatives, depressants, stimulants or tranquilizers.

C. Conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers or employees from engaging in conduct involving moral turpitude.

D. Conviction of an offense involving moral turpitude by any court of competent jurisdiction.

E. Conduct that would constitute grounds for refusal to issue a license herein.

F. Violating any provision of this article. (Ord. XVI.52, 11-3-2003)

3-2B-8: EXCEPTIONS:

This article does not apply to:

- A. A person practicing massage at a hospital, nursing home or other institution for the hospitalization or care of human beings licensed under the provisions of Minnesota statutes, sections 144.50 through 144.69.
- B. A licensed nurse, licensed medical doctor, licensed podiatrist, licensed chiropractor or other healthcare professional licensed by the state, or someone employed by such an individual and working under his or her supervision.
- C. A person who administers massage when the person is in training under the guidance of an instructor and the instructor is licensed.
- D. Barbers and cosmetologists who do not give, or hold themselves out to give, massages as defined herein, other than is customarily given in the course of their duties for the purpose of beautification. (Ord. XVI.52, 11-3-2003)

3-2B-9: LOCATION OF MASSAGE:

It is unlawful for a licensed massage practitioner to perform a massage except at the location(s) in the city stated on the license application. A massage practitioner licensed to perform massage at a location or locations in the city is entitled to perform on site massage at any business, office, public gathering, or private residence on an outcall basis in addition to the business location(s) listed on the license application. (Ord. XVI.52, 11-3-2003)
