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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Glidden**

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**Amending Title 13, Chapter 286 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Massage and Bodywork Establishments.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 286 to read as follows:

**CHAPTER 286. MASSAGE AND BODYWORK ESTABLISHMENTS**

**286.10. Definitions.** (a) As used in this chapter, the following terms shall mean:

*Massage and bodywork* means, for the purposes of this ordinance, any method of applying pressure on, or friction against, or rubbing, stroking, kneading, tapping or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, appliance or device with or without such supplemental aids as rubbing (isopropyl) alcohol, liniment, antiseptic oil, powder, cream, lotion, ointment or other similar preparation. The practice of massage and bodywork shall not include and is distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry. This includes, but is not limited to many manual therapies, such as massage therapy, Asian bodywork therapies or movement therapies. While these are recognized as separate disciplines, all are subject to the massage and bodywork establishment license ordinance.

*Massage and bodywork establishment* means any privately owned place wherein massage and bodywork is offered or provided to members of the public.

*Massage and bodywork table* means any padded table designed specifically for massage and bodywork in a recumbent position, which may be adjustable and is not intended for sleeping.

**286.20. License required.** No person shall engage in the business of operating a massage and bodywork establishment without being licensed under this chapter.

**286.30. Exceptions.** Persons duly licensed or registered to practice medicine, surgery, osteopathy, chiropractic, dentistry, physical therapy or podiatry, registered nurses and nurses who work under the direction of such persons, are hereby expressly excluded from the requirements of this chapter, provided the massage and bodywork is administered in the regular course of a prescribed or authorized medical treatment and not provided as part of a separate and distinct massage and bodywork business, shall be exempt from obtaining a license under this chapter.

**286.40 Fee.** The annual license fee shall be as established in the license fee schedule.

**286.50. When licenses expire.** Licenses issued under this chapter shall expire on January first of each year.

**286.60. License requirements.** (a) *Application.* The application for a license shall be made only upon forms furnished by the licensing official and when completed by the applicant, shall be filed with the licensing official, and a record of the same made therein and shall contain the following information:

- (1) A description and location of the premises to be licensed. A scaled *diagram of the premises and furnishings shall be attached to the application.*
- (2) Names and addresses of the business owner, the manager or operator and, if a corporation, all the names and addresses of the officers of such corporation, and any other person or corporation which may have a financial interest in the premises to be licensed.
- (3) A description of any crime or other offense, including the time, place, date and disposition, for which any of the persons required to be named in subsection (a)(2) have been arrested and convicted.
- (4) A report detailing the costs required to open the business and the financial documentation supporting the costs and the availability of sufficient funds to meet such costs.
- (5) The applicant shall report any disciplinary action recorded by the Office of Unlicensed Complementary and Alternative Health Care Practice in the Minnesota Department of Health, Health Occupations Program and/or from other similar state agencies.
- (6) A detailed description of the services offered and detailed business operation plan.

- (7) The business, occupation and employment and residential history of each of the persons named in subsection (a)(2) for the ten (10) years immediately preceding the date of application.
- (8) The previous experience of the persons named in subsection (a)(2) in a massage and bodywork establishment or similar business.
- (9) A statement as to whether the persons named in subsection (a)(2) have had any license denied, revoked or suspended, the reason therefor, and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.

(b) *Submission of plans and specifications.* Health plan review required. No person shall begin to construct, extensively remodel, or alter a massage and bodywork establishment until the city has reviewed and approved the plans and specifications required by this subsection. This subsection shall not apply to massage and bodywork establishments in residential homes or to single operators.

- (1) The massage and bodywork establishment shall be constructed and finished in conformance with the approved plans. The city may inspect the massage and bodywork establishment as frequently as deemed necessary during construction to ensure that construction occurs in conformance with this chapter. The city shall conduct a final inspection prior to the start of operations and issuance of an approved license. If work has commenced prior to approval of plans when required, the city may issue orders to halt the construction, extensive remodeling, expansion, or alteration, or may issue orders, including demolition or removal, if reasonably necessary to determine compliance with the standards of this chapter.
- (2) All persons who hereafter construct, remodel or convert buildings or facilities for use as a massage and bodywork establishment shall conform and comply in their construction, erection or alteration with the requirements of this chapter. The plans will be reviewed and retained by the city. A building permit shall not be issued for any such construction, remodeling or alteration until such permit shall have the approval of the city.

(c) *Construction and maintenance requirements.* The following requirements shall apply to the construction and maintenance of all massage and bodywork establishments.

- (1) All massage and bodywork establishments shall have a restroom made available in compliance with the Minnesota State Building Code.

- (2) All massage and bodywork establishments and restrooms used in connection therewith shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth. The floor-to-wall and joints shall be constructed to provide a sanitary cove with a minimum radius of one (1) inch. Floor carpeting is allowed in rooms without showers, tubs or water-emitting devices, as long as it is maintained in satisfactory condition.
- (3) Floors, walls and equipment in massage and bodywork establishments and restrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six (6) inches off the floor. Sanitary towels, wash cloths, cleaning agents and toilet tissue must be made available for each customer. There shall be separate storage containers for dirty and clean linens.
- (4) All massage and bodywork rooms shall be clearly marked by signs.
- (5) Facilities for bathing, dressing, locker, toilet, massage and bodywork shall be provided in such a way as to ensure privacy for female and male patrons.
- (6) The premises shall have adequate equipment for disinfecting and sanitizing nondisposable instruments and materials used in administering massage and bodywork. Such nondisposable instruments and materials shall be disinfected after use on each patron.

(d) *Location restrictions.* No massage and bodywork establishment shall be located or operated in any location not authorized by this Code or within or as an adjunct to any adult entertainment establishment or center or any establishment licensed or required to be licensed for the sale of any form of beverage alcohol, unless the beverage alcohol establishment is located within a hotel.

(e) *Application review.* Such application shall be reviewed by such departments of the city as shall be deemed necessary by the licensing official. Plan review is not required by the health division for massage and bodywork establishments in residential homes, but the requirements must be met.

**286.70. Business hours.** No customer or patron shall be allowed to enter the licensed premises after 10:00 p.m. and before 6:00 a.m. daily. No customer or patron shall be allowed to remain upon the licensed premises after 10:30 p.m. and before 6:00 a.m. daily.

**286.80. Inspection by city officers and identification of employees.** (a) During any hours in which any person is present on the licensed premises, all massage and bodywork establishments shall be open to inspection by city health, fire, zoning,

building and license inspectors, police officers and any other appropriate city official. Upon demand by any city officer, any person engaged in providing services in any licensed premises shall identify himself/herself giving his/her true legal name and his/her correct address.

(b) Employment records, including copies of documents used to determine the employee, agent or contractor is eighteen (18) years of age or older, for each employee employed by a licensed massage and bodywork establishment shall be kept at the licensed premises and available for immediate review upon request of a city officer. Documents that are acceptable forms of identification can be found in Minnesota Rules Part 7410.0100.

**286.90. Violations, penalty.** Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of any act constituting a violation of this chapter, whether individually or in connection with one (1) or more other persons or as principal agent or accessory, may be penalized in accord with this section, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this chapter may likewise be penalized in accord with this section. Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:

- (a) Violations may be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.
- (b) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
- (c) Violations of this chapter or of any other applicable provision of this Code may constitute just cause for the imposition of adverse license action, including but not limited to license suspension or revocation.
- (d) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court or venue of competent jurisdiction.

**286.100. Unlawful acts.** It shall be unlawful for:

(a) Any person to engage in, conduct or carry on a massage and bodywork establishment without a valid license issued pursuant to this chapter.

(b) Any person in a massage and bodywork establishment to place his or her hands upon, or to touch with any part of his or her body, or to fondle in any manner, the genital area of any other person, or breasts of any female person, whether or not the area is clothed.

(c) Any person in a massage and bodywork establishment to expose her female breasts, his or her genital area or any portion thereof to any other person, or to expose the genital area or any portion thereof of any other person.

(d) Any person, while in the presence of any other person in a massage and bodywork establishment, to fail to conceal with a fully opaque covering the genital area of his or her body or her female breasts.

(e) Any person to employ or suffer to be employed any person under the age of eighteen (18) years of age to work in any massage and bodywork establishment as an employee, agent or independent contractor.

(f) Any person under the age of eighteen (18) to patronize any massage and bodywork establishment unless such person carries, at the time of such patronage, a written order directing the treatment to be given and signed by a regularly licensed physician, health care practitioner or such person's parent or guardian. If consent is given by a parent or guardian, such consent must be signed in the presence of the massage and bodywork establishment operator.

(g) Any person owning, operating or managing a massage and bodywork establishment knowingly to cause, allow, suffer or permit in or about such massage and bodywork establishment any agent, employee, independent contractor or any other person under his or her control or supervision to perform or allow such acts prohibited in subsections (2) through (6) of this section. Additionally, any person owning, operating or managing a massage and bodywork establishment shall comply with all business license management responsibilities pursuant to section 259.250 of this Code, including, but not limited to, subsection (3) of section 259.250 which provides that such a person or licensee is directly and vicariously responsible for any violations on the premises by any employees, independent contractors, other persons hired by the licensee, or otherwise under the supervision or management of the licensee.

**286.110. Adverse license action; grounds.** It shall be grounds for denial, revocation, nonrenewal, suspension or any other appropriate adverse license sanction if:

(a) The applicant or licensee is not complying with or has a history of violations of the laws and ordinances that apply to public health, safety and morals.

(b) The licensee is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premise, of any city ordinance or federal or state statute.

(c) The licensee is found to be in control or possession of any alcoholic beverages or narcotic drugs and controlled substances on the premises for which they are licensed to operate, possession of which is illegal as defined by applicable statute, rule or ordinance.

(d) The licensee has evidenced in the past willful disregard for health codes and regulations.

(e) The applicant fails to provide all the information and certificates required by this chapter.

(f) The licensee refuses to permit any authorized police officers or city official to inspect the premises or the operations.

(g) The licensee is found to be violating provisions of this chapter.

**286.120. Severability.** If any provision of this chapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.