

Date:November 8, 2021 Item No.: 7.e

Department Approval City Manager Approval

Laws / Truggen

Item Description: Review and Consider an Ordinance Amending City Code Chapter 309: Massage

Therapy

BACKGROUND

Roseville currently has 25 licensed massage therapy establishments and 96 licensed massage therapists

in the city. With the amount of massage therapy establishments and licensed massage therapists

operating in the city, staff has found it extremely difficult to properly regulate and monitor massage

therapy establishment operations. In addition, criminal activity including willfully ignoring licensing

requirements, sexual assaults perpetrated by massage therapy establishment employees, and suspected

human trafficking have occurred at Roseville establishments in the past. As a result, staff has been

8 reviewing the current Massage Therapy Establishment ordinance and researching other communities,

specifically regarding the number of Massage Therapy Establishments allowed. Staff is proposing

changes that would limit the number of Massage Therapy Establishment Licenses in the City to ten

(10). Existing licenses would remain in effect until, through attrition, the number of licenses is ten.

Additionally, the proposed ordinance makes the owner of the establishment responsible to assure that

all therapists employed are licensed by the City of Roseville.

14 FINANCIAL IMPACTS

22

26

Limiting the amount of licenses to 10 will reduce the amount of revenue collected for granting licenses

for massage therapy establishments. The City currently collects approximately \$7,500 annually for

massage therapy establishment licenses.

18 STAFF RECOMMENDATION

Staff recommends that the City Council review the proposed amendments to Chapter 309 and provide

feedback. If the City Council finds the amendments acceptable, staff recommends that the amendment

be passed. The ordinance amendment has been posted to the City website for the required 10 days.

REQUESTED COUNCIL ACTION

The City Council should review the proposed amendments to Chapter 309 and provide staff feedback. If

the City Council finds the amendments acceptable, a motion to approve an ordinance amending City

25 Code Chapter 309: Massage Therapy as shown in Attachment B would be appropriate

Prepared by: Katie Bruno, Deputy City Clerk

Attachments: A: Marked Up Version of City Code Chapter 309: Massage Therapy

B: Draft Ordinance

C: Location of Current Massage Therapy Establishments in Roseville

D: Number of Establishments in Neighboring Cities

CHAPTER 309 MASSAGE THERAPY

SECTION:

309.01: Definitions

309.02: License for Massage Therapy Establishment309.03: Granting, Denying or Rescinding of Licenses

309.04: Practice of Massage Therapy Only by Licenses Persons

309.05: Revocation or Suspension of License

309.06: Restrictions and Regulations

309.07: Violations, Penalty

309.01: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

CHAIR MASSAGE: A massage provided to a fully-clothed individual, and limited to the neck, shoulders, arms, and back, where the massage is not provided in a massage therapy establishment; and provided the individual giving the massage meets the requirements specified in Section 309.04 (A). (Ord. 1329, 11-14-05)

MASSAGE THERAPIST: A person who practices massage therapy.

MASSAGE THERAPY: The rubbing, stroking, kneading, tapping or rolling of the body with the hands or other parts of the body for the exclusive purposes of relaxation, physical fitness or beautification and for no other purpose.

The practice of massage therapy is hereby declared to be distinct from the licensed practice of medicine, osteopathy, chiropractic, physical therapy, podiatry and nursing, as well as athletic coaches and trainers. Persons engaged in those professions are exempt from the provisions of this Chapter.

MASSAGE THERAPY ESTABLISHMENT: Any room, or premise wherein a person may receive a massage from a massage therapist for a fee; where massages are given on more than 14 calendar days in any given calendar year. (Ord. 1329, 11-14-05)

SANITARY: Free from the vegetative cells of pathogenic microorganisms. (Ord. 1142, 6-13-1994)

309.02: LICENSE FOR MASSAGE THERAPY ESTABLISHMENT:

- A. License Required: No person shall engage in the business of operating a massage therapy establishment within the City without first having obtained the required license.
- B. Application Fee: The initial application for a license shall be made by completing an application form provided by and containing such information as required by the City Manager and by paying a nonrefundable application fee, as established by the City Fee Schedule in Section 314.05. (Ord. 1329, 11-14-05)
- C. Separate License Required Fee: A separate license shall be obtained for each place of business, the fee for which shall be as established by the City Fee Schedule in Section 314.05. (Ord. 1329, 11-14-05)

309.03: GRANTING, DENYING OR REVOKING OF MASSAGE THERAPY ESTABLISHMENT LICENSES:

- A. Zoning Compliance: Massage Therapy Establishment licenses may be granted only to establishments associated with and operating within the confines of and incidental to a properly zoned beauty parlor (salon), health club, office, shopping mall, or similar areas open to the public. (Ord. 1329, 11-14-05)
- B. Building, Safety and Sanitation Regulations: Licenses may be denied, revoked, or not renewed if the premises of the massage therapy establishments do not meet the requirements of the City Council, and of the building, safety and sanitation regulations of the City and State.
- C. Fraud or Deception: Licenses may be denied, revoked, or not renewed if there is any fraud or deception involved in the license application.
- D. History of Violations Compliance with Laws: Licenses may be denied, revoked, or rescinded not renewed if the applicant, licensee, or employee, contractor, or agent of the same fails to comply with, or have a history of violations of the laws or ordinances federal, state, or local laws which apply to health, safety or moral turpitude. (Ord. , xx-xx-2021)
- E. Additional Conditions: The City Council may attach such reasonable conditions to the license as it, in its sole discretion, deems to be appropriate. (Ord. 1142, 6-13-1994) (Ord. 1283, 6-16-03)
- F. Unlicensed Operators: No Massage Therapy Establishments may permit any person to conduct massage therapy on the licensed premises who is not fully licensed under this Chapter as a Massage Therapist. (Ord., xx-xx-2021)
- G. Total Licenses: After November 9, 2021, no new Massage Therapy Establishment licenses shall be issued and no Massage Therapy Establishment licenses shall be reinstated following denial, revocation, or non-renewal unless fewer than ten (10) total Massage Therapy Establishment licenses exist in the City. Thereafter, the total Massage Therapy Establishment licenses in the City shall not exceed ten (10) at any one time. (Ord. , xx-xx-2021)

309.04: LICENSE FOR MASSAGE THERAPISTS:

- A. Application for License: Any person desiring to be licensed as a massage therapist shall file an application on forms provided by the City Manager. The application shall contain such information as the City Manager may require, including: (Ord. 1329, 11-14-05)
 - 1. The applicant's full name, address, social security number and written proof of age.
 - 2. The name and address of the licensed massage therapy establishment by which the applicant expects to be employed.
 - 3. A statement concerning whether the person has been convicted of or entered a plea of guilty to any crime or ordinance violation and, if so, information as to the time, place and nature of such crime or offense.
 - 4. Proof that the applicant meets the following educational requirements:
 - a. A diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association; or b. A diploma or certificate of graduation from a school which is either accredited by a recognized educational accrediting association or agency or is licensed by the State or local government agency having jurisdiction over the school.
 - c. Each applicant shall also furnish proof at the time of application of a minimum of 600 hours of successfully completed course work in the following areas:
 - (1) The theory and practice of massage, including, but not limited to, Swedish, Esalen, Shiatsu and/or foot reflexology techniques; and
 - (2) Anatomy, including, but not limited to, skeletal and muscular structure and organ placement; and
 - (3) Hygiene.

- B. Fee: The annual license fee for a massage therapist is as established by the City Fee Schedule in Section 314.05. Ord. 1329, 11-14-05)
- C. Review of Application: Notwithstanding Section 301.02 of City Code, License applications shall be reviewed and decided upon by the City Manager or designee and shall include a review by the Police Department.
- D. Denial of Application: The license application may be denied for any of the following reasons:
 - 1. Fraudulent Statements: The application contains false, fraudulent, or deceptive statements.
 - 2. Prior Conviction: The applicant has been convicted of or entered a plea of guilty within the previous three years to a violation of this Chapter or of any other law regulating the practice of massage, or of any law prohibiting criminal sexual conduct, prostitution, pandering, indecent conduct or keeping of a disorderly house.
 - 3. Noncompliance: The applicant has not complied with a provision of this Chapter.
 - 4. Underage: The applicant is less than eighteen (18) years of age. (Ord. 1142, 6-13-94)
 - 5. Prior Denial, Revocation, or Suspension: The applicant has had a massage therapist license denied, revoked, or suspended in another jurisdiction.

309.05: DENYING, OR REVOCATION OF MASSAGE THERAPIST LICENSES:

A massage therapist license may be denied or revoked for any of the following reasons:

- A. Application Fraud: Fraud, deception or misrepresentation in connection with the registration application.
- B. Violation of Chapter: A violation of any provision of this Chapter.
- C. Criminal Conviction: Conviction of a criminal sexual conduct, prostitution, pandering, indecent conduct or keeping a disorderly house.
- D. Conviction Arising out of Practice of Massage Therapy: Conviction of any crime or ordinance violation arising out of the practice of massage therapy.
- E. Lack of Skill: Exhibition of a demonstrable lack of skill in the practice of massage therapy. (Ord. 1142, 6-13-94)

309.06: RESTRICTIONS AND REGULATIONS:

- A. Display of License: Any person registered as a massage therapist hereunder shall display such license, or a true copy thereof, in a prominent place at such person's place of employment.
- B. Identification: Upon demand of any police officer at the place of employment, any person licensed hereunder shall produce correct identification, identifying himself/herself by his/her true legal name and correct address.
- C. Inspection: During business hours, all massage therapy establishments shall be open to inspection by City Building and License Inspectors, Health Officers and police officers.
- D. Therapist, Change of Location: Any person licensed hereunder shall practice massage only at such location or locations as are designated in the license. Any person registered hereunder shall inform the City Manager, in writing, of any change in location prior to its occurrence.
- E. Hours: No customers or patrons shall be allowed to enter or remain on the licensed premises after 9:00 P.M. or before 8:00 A.M. daily.
- F. Alcohol or Drugs Prohibited: No beer, liquor, narcotic drug or controlled substance, as such terms are defined by State statutes or the City Code shall be permitted on licensed premises.
- G. Violation of Building, Safety or Health Regulations: Violation of any law or regulation relating to building, safety or health shall be grounds for revocation or any license.
- H. Locks on Doors: There shall be no locks on doors of massage rooms.

- I. Appropriate Covering Required:
 - 1. Patron: Whenever a massage is given, it shall be required by the massage therapist that the person who is receiving the massage shall have her breasts and his/her buttocks and genitals covered with a nontransparent material. For purposes of receiving a chair massage, patrons must stay fully-clothed at all times. (Ord. 1329, 11-14-05)
 - 2. Therapist: Any massage therapists performing any massages shall at all times have her breasts and his/her buttocks and genitals covered with a nontransparent material. (Ord. 1142, 6-13-94)
- J. With the exception of chair massages, all other types of massages shall take place in a private room subject to the conditions and restrictions noted above. (Ord. 1329, 11-14-05) (Ord. 1529, 6/19/2017)

309.07: VIOLATIONS, PENALTY:

Every person who violates this Chapter is guilty of a misdemeanor. (Ord. 1142, 6-13-94)

ORDINANCE NO.	
---------------	--

AN ORDINANCE AMENDING TITLE 3, SECTION 309 MASSAGE THERAPY

The City Council of the City of Roseville does ordain:

SECTION 1: Title 3, Section 309.03 (D), (F) and (G), Granting, Denying or Revoking of Massage Therapy Establishment Licenses of the Roseville City Code is amended to read as follows:

- D. History of Violations Compliance with Laws: Licenses may be denied, revoked, or rescinded not renewed if the applicant, licensee, or employee, contractor, or agent of the same fails to comply with, or have a history of violations of the laws or ordinances federal, state, or local laws which apply to health, safety or moral turpitude.
- F. Unlicensed Operators: No Massage Therapy Establishments may permit any person to conduct massage therapy on the licensed premises who is not fully licensed under this Chapter as a Massage Therapist.
- G. Total Licenses: After November 9, 2021, no new Massage Therapy Establishment licenses shall be issued and no Massage Therapy Establishment licenses shall be reinstated following denial, revocation, or non-renewal unless fewer than ten (10) total Massage Therapy Establishment licenses exist in the City. Thereafter, the total Massage Therapy Establishment licenses in the City shall not exceed ten (10) at any one time.

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this 8th day of November 2021.

TY OF ROSEVILLE
: Daniel J. Roe, Mayor

Healing Shores Reiki and Massage 2151 Hamline Ave N #112

Juut Salon 1641 County Rd C

New Dragon Acupressure Massage 509 Rosedale Center Suite 698

Oriental Lake Spa 2216 County Rd D West Suite F Red Clover Clinic 2233 Hamline Ave N #433 Sunshine Spa 1315 Larpenteur Ave W

2353 Rice St #208 Steiner Naturopathy

Wellspring Massage Therapy 2585 Hamline Ave N Suite C

Zen Asian Spa 2334 Lexington Ave N

Terrassage Bodyworks, Inc 1721 County Rd B2 W #106

Massage Xcape 1767 Lexington Ave N Massage by Jennifer, LLC 2191 Snelling Ave N Anna's Healing Massage 1961 Rice St #101

Heartspark! Bodywork for the Mind & Spirit 2201 Lexington Ave N #101

Winway YH, LLC 696 County Road B W

Healing Wings Massage & Energy Work LLC 2489 Rice St #100

Grace Healed Me, LLC 2353 Rice St Elements Massage 2100 Snelling Ave N Suite 66B

2489 Rice St

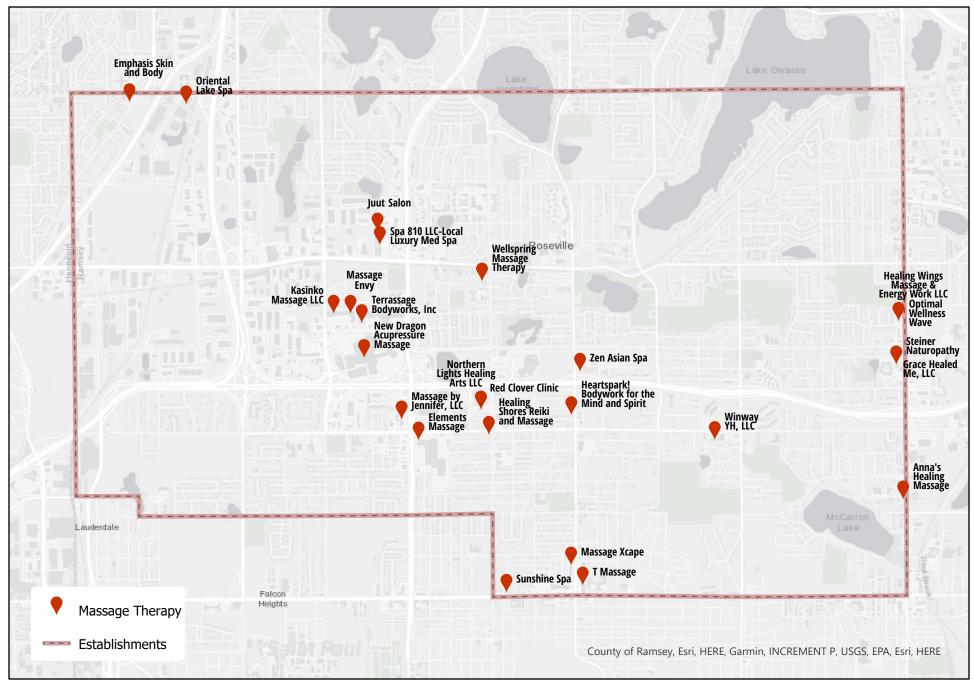
Optimal Wellness Wave Massage Envy 2480 Fairview Ave #120

T Massage 1734 Lexington Ave N Spa 810 LLC-Local Luxury Med Spa 1607 County Rd C West

Emphasis Skin and Body 3101 Old Highway 8

Northern Lights Healing Arts LLC 2233 Hamline Ave N. #207

2480 Fairview Ave N #121 Kasinko Massage LLC



Licenses Massage Therapy Establishments

City	Population	Number of Establishments	Limit?
Richfield	36,994	1	No
Golden Valley	21,566	3	Yes 6
Cottage Grove	38,839	5 (2 of which are home businesses)	No
Maplewood	42,088	7	No
Crystal	23,300	7	No
Fridley	29,590	7-9 Currently less than that due to COVID	No
Edina	53,494	8 (Require \$10,000 investment in business)	No
Maple Grove	70,253	8	No
Blaine	70,222	10	Yes 10
Inver Grove Heights	35,801	10	No
White Bear Lake	24,883	24	No
Roseville	36,254	25	No
St Louis Park	50,010	42	No
St Paul	311,500	67	No
Minneapolis	429,900	220	No