

CHAPTER 9

Massage Establishments and Massage Technicians

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SEC. 7-9-1 PURPOSE AND INTENT.

It is the purpose and intent of the Town of Caledonia under this Chapter that the operation of massage establishments and massage technicians, as defined herein, shall be regulated so as to further the public interest, safety and welfare by providing minimum building, sanitation and health standards for such establishments and providing minimum qualifications for massage technicians.

SEC. 7-9-2 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall mean or include:

- (a) **Massage.** Any method of rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating the superficial parts of the human body with the hands or with any instrument.
- (b) **Massage Establishments.** Any establishment wherein a principal function is such that massage is given, engaged in or carried on, or permitted to be given, engaged in or carried on.

- (c) **Massage Technician.** Any person who administers to another person, for any form of consideration, a bath massage, manipulation of the body, electric vibration, magnetic stimulation or similar procedure.
- (d) **Health Officer.** The Health Officer of the Town of Caledonia or his authorized representative.

SEC. 7-9-3 MASSAGE ESTABLISHMENT; PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises within the Town of Caledonia, as the owner or operator of a massage establishment as herein defined, without having procured a permit as provided in this Chapter, nor without complying with all statutes, ordinances and regulations applicable to such establishment and unless such permit is in effect at the time of such operation.

SEC. 7-9-4 PERMIT APPLICATION.

- (a) The application for a permit shall be upon a form provided by the Town Clerk of the Town of Caledonia and shall set forth the exact nature of the services to be provided, the proposed place of business and facilities therefor, and the name and address of each applicant.
- (b) If applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent (10%) of the stock of the corporation shall be set forth.
- (c) If applicant is a partnership, the names and residence addresses of each of the partners, including limited partners, shall be set forth.
- (d) In addition to the foregoing, any applicant for such a permit shall furnish the following information:
 - (1) The two (2) previous addresses (if any) three (3) years immediately prior to the present address of applicant.
 - (2) Written proof that the individual or partnership applicant is over the age of eighteen (18) years.
 - (3) Individual or partnership applicant's height, weight, color of eyes and hair, and sex.
 - (4) Two (2) portrait photographs at least two (2) inches by two (2) inches.
 - (5) Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of the application.
 - (6) The history of the applicant in operation of a massage establishment or similar business or occupation, including, but not limited to, whether or not such person, in previously operating in this or another city or state under permit, has had such permit revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action or suspension or revocation.
 - (7) All criminal convictions other than misdemeanor traffic violations and the reasons therefor.
 - (8) A current monthly report listing the name and address of each massage technician

- who is or will be employed in said establishment.
- (9) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.
 - (10) Nothing herein contained shall be construed to deny to the investigation official the right to take the fingerprints and additional photographs of the applicant.

SEC. 7-9-5 EXEMPTIONS.

The permits required by this Chapter shall not apply to hospitals, nursing homes, sanitariums, persons holding an unrevoked certificate to practice the healing arts under the laws of the State of Wisconsin, physical therapists or athletic trainers under term contracts.

SEC. 7-9-6 PERMIT INVESTIGATION AND FEE.

- (a) All applications for a massage establishment permit shall be accompanied by an investigation fee in the sum of Three Hundred Dollars (\$300.00), no part of which shall be refundable.
- (b) Upon receipt of said application, the Town Clerk shall refer the application to the Building Department, the Fire and Police Departments, the Town Planning Committee and the Board of Health, each of which within a period of thirty (30) days from the date of application shall review records or make an inspection of the premises proposed to be devoted as a massage establishment and shall make a written recommendation to the Town Board concerning compliance with the respective requirements.

SEC. 7-9-7 ISSUANCE OR DENIAL OF PERMIT.

The Town Board shall issue such permit if, upon investigation and the reports filed, it is found:

- (a) That the operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including but not limited to the Town's building, plumbing, electrical, zoning and health regulations and the provisions of this Chapter.
- (b) The applicant has not been convicted in a court of competent jurisdiction of:
 - (1) An offense involving lewd conduct, nor an offense involving the use of force and violence upon the person of another; or
 - (2) Any felony under the laws of the State of Wisconsin.
- (c) That the applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statement of facts in the permit application or any other document required by the Town in conjunction therewith. Otherwise, said permit shall be denied. In the event of denial, notification and reasons for denial shall be set forth in writing and sent to the applicant by means of registered or certified mail, or hand delivery, to the address given in the application.

SEC. 7-9-8 TERM OF PERMIT.

Any permit issued by the Town Board under this Chapter shall expire and become void on June 30th of each year.

SEC. 7-9-9 SANITATION REQUIREMENTS.

- (a) All premises used by permittees hereunder shall be subject to periodic inspection by the Town for safety of the structure and the propriety of plumbing, electrical wiring, ventilation, heating and sanitation. One (1) artificial white light of not less than one hundred (100) watts shall be provided in each room where a massage is being

administered. The walls shall be clean and painted with an approved washable mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Separate restrooms shall be provided for men and women. Towels, sheets and linens of all types and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, clothes and sheets shall not be used for more than one (1) person. Reuse of such linen is prohibited unless the same has first been laundered. Heavy white paper may be substituted for sheets provided that such paper is used once for each person and then discarded into a sanitary receptacle.

- (b) Every massage establishment shall have the following facilities for patrons:
- (1) Separate toilet rooms and shower facilities for men and women. Each massage room shall be provided with a hand wash basin with both hot and cold running water.
 - (2) Individual private dressing rooms for each patron.
 - (3) Locker facilities for patron's property.

SEC. 7-9-10 REQUIRED CLOTHING.

Massages shall not be given unless patrons are wearing clothing fully covering their genitals and female patrons are, in addition, wearing clothing fully covering their breasts. Massage technicians shall be fully clothed from the knee to the neck in clean, opaque, light-colored clothing.

SEC. 7-9-11 SEXUAL MESSAGES PROHIBITED.

It shall be unlawful for any massage technician to massage the genital area of any patron, including the breasts of any female patron, or for any operator or owner of a massage establishment to allow or permit such massage in such massage establishment.

SEC. 7-9-12 HOURS OF OPERATION.

Massage establishments shall commence operations no earlier than 8:00 a.m., and the hours of operation shall extend no later than 10:00 p.m. Massage technicians shall not practice or administer massages at massage establishments at any time outside the hours of operation. The entrances and exits of massage establishments, which are used by the patrons of such massage establishments, shall be locked during the hours which the massage establishments are closed.

SEC. 7-9-13 INSPECTION BY TOWN OFFICIALS.

The investigating officials of the Town, including, but not limited to, the Health Officer, Fire Chief, Police Chief and Town Chairman, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing or health regulations. In the event applicant for either a massage establishment permit or a massage technician's permit has a communicable or venereal disease, or if the applicant is in violation of any federal, state or local health law or regulation, the application may be denied. In the event a permit has been issued, it may be revoked or suspended in the manner hereinafter set forth in this Chapter.

SEC. 7-9-14 TRANSFER OF MASSAGE ESTABLISHMENT PERMIT.

No massage establishment permit shall be transferable, except with the written approval of the Town Board. An application for such a transfer shall be in writing and shall be accompanied by a filing and investigation fee of One Hundred Fifty Dollars (\$150.00), no part of which shall be refundable. The application for such transfer shall contain the same information as required herein for an initial application for such a permit. In the event of denial, notification and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail, or hand delivery.

SEC. 7-9-15 MASSAGE TECHNICIAN PERMIT REQUIRED.

It shall be unlawful for any person to practice massage as a principal, an employee, or otherwise, within the Town of Caledonia unless such person has been issued a massage technician permit by the Town Board and such permit remains in effect in conformity with the provisions of this Ordinance. The application shall be upon a form provided by said Town Clerk and shall set forth the following information:

- (a) The applicant's full name, residential address and residence telephone number.
- (b) The name and address of the massage establishment where the applicant is to be employed and the name of the owner of the same.
- (c) The names and addresses of any and all previous establishments where applicant has been employed as a massage technician.
- (d) The criminal record, if any, other than misdemeanor traffic violations, of the applicant.
- (e) Whether any permit to engage in the practice of massage as a massage technician or

otherwise has previously been denied applicant or revoked and, if so, the circumstances of such denial or revocation.

- (f) The furnishing of a portrait photograph at least two (2) inches by two (2) inches, together with a complete set of such person's fingerprints which shall be taken by the Chief of Police or his agent.
- (g) Written proof that applicant is over the age of eighteen (18) years.
- (h) A certification from a medical doctor stating that the applicant has, within thirty (30) days immediately prior to filing his application herein, been examined and found to be free from any contagious and communicable disease or venereal disease.
- (i) Applicant shall also furnish a diploma or certificate of graduation from a recognized school wherein the method, profession and work of massage techniques are taught.

SEC. 7-9-16 PERMIT INVESTIGATION AND FEE.

All applications for a massage technician permit shall be accompanied by an investigation fee in the sum of Twenty-five Dollars (\$25.00), no part of which shall be refundable. Upon receipt of said application, the Town Clerk shall refer the application to the Police Department and the Health Officer which, within a period of thirty (30) days from the date of application, shall make investigation and submit a written recommendation thereon to the Town Board concerning the compliance with the respective requirements.

SEC. 7-9-17 ISSUANCE OR DENIAL OF PERMIT.

- (a) The Town Board shall issue such permit if, upon investigation and the reports filed, it is found:
 - (1) The applicant has not been convicted in a court of competent jurisdiction of:
 - a. An offense involving lewd conduct, nor an offense involving use of force and violence upon the person of another;
 - b. Any felony under the laws of the State of Wisconsin.
 - (2) That the applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statement of facts in the permit application or in any other document required by the Town in conjunction therewith.
- (b) Otherwise said permit shall be denied. In the event of denial, notification and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or hand delivery.

SEC. 7-9-18 DISPLAY OF PERMIT.

The owner or operator shall display the massage establishment permit issued and the permit of each and every massage technician employed in the establishment in an open and conspicuous place on the premises.

SEC. 7-9-19 NOTIFICATION OF CHANGES.

Every massage establishment owner or operator shall report immediately to the Town Clerk any and all changes of address or ownership of the massage establishment and changes or transfers of massage technicians employed in the business or practice.

SEC. 7-9-20 SUSPENSION OR REVOCATION OF PERMITS.

Any massage establishment or massage technician's permit issued under this Chapter shall be subject to suspension or revocation by the Town Board for violation of any provision of this Chapter or for any grounds that would warrant the denial of the issuance of such permit in the first instance. Prior to the suspension or investigation of any permit issued under this Chapter, the permittee shall be entitled to a hearing held before the Town Board at which time evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked or whether the permit may be retained. In the event the permit is suspended or revoked, the notification and reasons for such suspension or revocation shall be set forth in writing and sent to the permittee by means of registered or certified mail or hand delivery to the address stated in such permit.

SEC. 7-9-21 INJUNCTIVE RELIEF

In addition to the legal remedies provided for in this Code of Ordinances, the operation of any massage establishment in violation of the terms of the Chapter shall be deemed a public nuisance and may be enjoined by the Town of Caledonia.