

St. Louis Park City Code of Ordinances - Chapter 8
Subdivision VI. Massage Therapy Establishments

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ARTICLE I. IN GENERAL

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sec. 8-1. Definitions.

Massage means the rubbing, stroking, kneading, tapping or rolling of the body of another with the hands or objects for the exclusive purpose of physical fitness, health care referral, relaxation, beautification and for no other purpose.

Massage therapist means a person who practices or administers massage therapy.

Massage therapy establishment means a place providing to the public at large massage services, other than a hospital, sanatorium, rest home, nursing home, boarding home, or other institution licensed under the provisions of M.S.A. §§ 144.50--144.69. The definition does not include the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry; and persons duly licensed in this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, licensed nurses and athletic directors and trainers.

Sec. 8-296. Massage Therapy Establishment License required.

No person shall operate a massage therapy establishment either exclusively or in connection with any other business enterprise without first obtaining a massage therapy establishment license from the city. (Ord. No. 2181-00, § 4(16-307A.), 11-6-2000; Ord. No. 2361-08, 1-1-2009; Ord. No. 2381-10, 7-1-2010)

Sec. 8-297. Massage Therapy Establishment Regulations adopted.

(a) Each licensed massage therapy establishment in the city shall be constructed and maintained in compliance with the health, safety and building regulations of the city, and all state laws, rules and regulations, including but not limited to the following:

- (1) Walls, floors and ceilings must be smooth, clean and in good repair. Low nap carpeting is permitted provided it is kept clean and without wear or tear.

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- (2) Massage rooms must be equipped with lighting capable of illuminating horizontal surfaces with a minimum intensity of 50 foot candles to facilitate room cleaning.
- (3) Massage rooms must be equipped with mechanical air ventilation or an exhaust fan.
- (4) A hot and cold water hand washing sink with soap and hand drying by mechanical or disposable towel is required in the therapeutic massage area. Use of a public bathroom or janitor's sink is not allowed. One sink may serve multiple massage therapy rooms in the same business area.
- (5) Any person performing massage therapy, including the licensee of a massage therapy establishment, must be licensed as a massage therapist pursuant to Section 8-302.

(b) No customer or patron of a massage therapy establishment shall be allowed to enter the licensed premises after 8:30 p.m. and before 8:00 a.m. daily. No customer or patron of a massage establishment therapy shall be allowed to remain upon the licensed premises after 9:15 p.m. and before 8:00 a.m. daily. Such restrictions on hours shall not apply where the massage therapy is provided within a health/sports establishment, and in such case, the hours for massage therapy must coincide with the health/sports establishment's hours of operation.

(c) During any hours in which any person is present on the licensed premises of a massage therapy establishment, such establishment shall be open to inspection by city. Upon demand by the city, all persons engaged in providing services in any massage therapy establishment shall identify themselves by name and address.

(d) The applicant for an annual license will be required to provide a copy of a current government issued identification and complete a license application addendum authorizing and authorization for a background check to be completed by the city.
(Ord. No. 2181-00, § 4(16-307B.), 11-6-2000; Ord. No. 2361-08, 1-1-2009; Ord. No. 2381-10, 7-1-2010)

Sec. 8-298. Massage Therapy Establishment License Application.

(a) Each application shall be made on a form supplied by the city and shall contain the following information:

- (1) Name of business.
- (2) Address of business.
- (3) Property owner name, address and phone number.
- (4) Applicant name, address and phone number.
- (5) Name of manager/proprietor.
- (6) Names of licensed massage therapist and city license numbers.
- (7) Whether the applicant is an individual, corporation, partnership, or other form of organization.

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- (8) If the applicant is an individual:
- a. The true name, place and date of birth, address and phone number of the applicant.
 - b. Whether the applicant has ever used or has been known by any other name and, if so, what was such name and information concerning dates and places where used.
 - c. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant; in such case, a certified copy of the certificate as required by Minn. Stat. ch. 333 shall be attached to the application.
 - d. The street address at which the applicant has lived during the preceding five (5) years.
 - e. The kind, name and location of every business or occupation the applicant has been engaged in during the preceding five (5) years.
 - f. The names and addresses of the applicant's employers and partners, if any, for the preceding five (5) years.
 - g. Whether the applicant has ever been convicted of any crime or violation of any ordinance other than traffic ordinances. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
 - h. The physical description of the applicant.
 - i. Whether the applicant is licensed in other communities to run similar businesses, and, if so, where.
 - j. Whether the applicant has previously been denied a massage license or had such a license or permit suspended or revoked, along with an explanation of any such denial, suspension or revocation.
- (9) If the applicant is a partnership, in addition to the information required by subsections (a)(1)-(7) of this section, the following shall be provided:
- a. The names, addresses and interest of all partners and all information concerning each partner that is required of an individual applicant in subsection (a)(8) of this section.
 - b. A copy of the partnership agreement, which shall be submitted with the application. If the partnership is required to file a certificate as to a trade name under the provisions of Minn. Stat. ch. 333, a certified copy of such certificate shall also be attached.
- (10) If the applicant is a corporation or other organization, in addition to the information required by subsections (a)(1)-(7) of this section, the following shall be provided:
- a. The name and, if incorporated, the state of incorporation.

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- b. A copy of the certificate of incorporation, articles of incorporation or association agreement, and bylaws, which shall be attached to the application. If a foreign corporation, a certificate of authority, as described in Minn. Stat. ch. 303 shall also be attached.
- c. A list of all persons who are officers or directors of the corporation or organization or who control or own an interest in such corporation or organization.
- d. All information required by subsection (a)(8) of this section for any manager or other individual directly involved in the operation of the massage therapy establishment.

(b) The applicant and licensee shall have a continuing duty to immediately disclose to the city any change in the information supplied in the application.

Sec. 8-299. Massage Therapy Establishment Application review and license issuance.

(a) Complete applications shall be reviewed by the city for verification and investigation of the facts set forth in the application, including a criminal background investigation of all individuals required to provide the information in section 8-298(a)(8) and each massage therapist. The city may order and conduct such additional investigation as deemed necessary.

(b) The city shall make the determination whether to approve or deny the license. Any denial shall be communicated to the applicant in writing, specifying the reasons for denial. The applicant may appeal the denial in accordance with the procedure specified in section 8-36.

(c) Complete applications for issuance of annual licenses shall be submitted to the city at least thirty (30) days prior to the expiration of the license.

Sec. 8-300. Massage Therapy Establishment License Refusal, suspension and revocation.

The city may refuse to grant a massage therapy establishment license or license renewal and may suspend or revoke a license for any reasonable cause including the following:

- (a) The application is incomplete.
- (b) The applicant is less than 18 years of age.
- (c) The applicant or any massage therapist working at the massage therapy establishment has been convicted of a sexually oriented crime, prostitution, or any other crime or violation involving moral turpitude within five (5) years of the date of application.
- (d) The applicant falsified information on the application.
- (e) The applicant or any massage therapist working at the massage therapy establishment has a history of violations of laws or ordinances that apply to health, safety, welfare, or moral turpitude.
- (f) For other good cause.

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Sec. 8-301. Massage Therapist License required.

(a) No person shall engage, or hold himself or herself out as being engaged, in the practice of massage therapy without first obtaining a license as herein provided.

(b) A massage therapist who provides massage therapy at either a licensed massage therapy establishment or at any other location in the city must comply with all the provisions of this section.

(c) *Exception.* A massage therapist license shall not be required for any student of massage therapy meeting the definition as set forth herein, provided:

- (1) The massage therapy is provided during and as part of a course or clinical component of the school's program or course work; and
- (2) The massage therapy student is supervised by an instructor while providing 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 the room in which the massage therapy is provided.

Sec. 8-302. Massage Therapist Regulations adopted.

(a) Commencing on January 1, 2011, only massage therapists having the following qualifications shall be allowed to perform massage therapy at any location in the city:

- (1) a diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association; or
- (2) 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; or
- (3) a certificate of National Certification for Therapeutic Massage and Body Work by the National Certification Board of Therapeutic Massage and Body Work, an affiliate of the American Massage Therapy Association.

(b) The licensee shall comply with applicable ordinances, regulations, and laws of the city, the state of Minnesota, and the United States.

Sec. 8-303. Massage Therapist License application.

(a) Every application for a massage therapist license shall be made on a form supplied by the city and shall contain the following information:

- (1) The name, place and date of birth, address and phone number of the applicant.
- (2) Whether the applicant has ever used or has been known by any other name and, if so, what was such name and information concerning dates and places where used.

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- (3) The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant; in such case, a certified copy of the certificate as required by Minn. Stat. ch. 333 shall be attached to the application.
- (4) The street address at which the applicant has lived during the preceding five (5) years.
- (5) The kind, name and location of every business or occupation the applicant has been engaged in during the preceding five (5) years.
- (6) The names and addresses of the applicant's employers and partners, if any, for the preceding five (5) years.
- (7) Whether the applicant has ever been convicted of any felony or other crime or violation of any ordinance other than petty misdemeanor traffic violations and the time, place and offense involved in any such convictions.
- (8) The physical description of the applicant.
- (9) The name of the manager or proprietor or other agent in charge of any business through which the massage therapy services will be provided or scheduled.
- (10) The name of any other municipalities in which the applicant works as a massage therapist.
- (11) Whether the applicant has previously been denied a massage license or had such a license or permit suspended or revoked, along with an explanation of any such denial, suspension or revocation.

(b) The applicant will be required to provide a copy of a current government issued identification and complete a license application addendum authorizing the city to conduct a criminal background investigation.

(c) The applicant and licensee shall have a continuing duty to immediately disclose to the city any change in the information supplied in the application.

Sec. 8-304. Massage Therapist Application review and license issuance.

(a) Complete applications shall be reviewed by the city for verification and investigation of the facts set forth in the application, including a criminal background investigation of the applicant. The city may order and conduct such additional investigation as deemed necessary.

(b) The city shall make the determination whether to approve or deny the license. Any denial shall be communicated to the applicant in writing, specifying the reasons for denial. The applicant may appeal the denial in accordance with the procedure specified in section 8-36.

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(c) Complete applications for issuance of annual licenses shall be submitted to the city at least thirty (30) days prior to the expiration of the license. The determination regarding approval or denial of the license renewal shall be communicated to the applicant in writing, specifying the reasons if the application is denied. The applicant may appeal the denial in accordance with the procedure specified in section 8-36.

Sec. 8-305. Refusal, suspension and revocation of massage therapist license.

The city may refuse to grant a massage therapist license and may suspend or revoke a license for any reasonable cause including the following:

- (a) the application is incomplete.
- (b) the applicant is less than 18 years of age.
- (c) the applicant has been convicted of a sexually oriented crime, prostitution, or any other crime or violation involving moral turpitude within five (5) years of the date of application.
- (d) the applicant falsified information on the application.
- (e) the applicant has a history of violations of laws or ordinances that apply to health, safety, welfare, or moral turpitude.
- (f) for other good cause.

(Ord. No. 2381-10, 07-01-2010)

Secs. 8-318--8-325. Reserved.