

CHAPTER 126

MESSAGE ESTABLISHMENTS AND MESSAGE TECHNICIANS

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126.01 DEFINITIONS. For the purpose of this chapter the following words and phrases are defined:

1. "Applicant" means any person defined in Section 126.04 applying for a permit to operate or conduct a massage business and in addition thereto includes all partners in a partnership and all stockholders of a corporation where the controlling interest of the corporation is held by five (5) or less persons or legal entities.
2. "Massage" or "massage service" means any method of treating the external parts of the body, consisting of rubbing, stroking, kneading, tapping, or vibrating; such treatments being performed by the hand or any other body parts, or by any mechanical or electrical instrument.
3. "Massage establishment" means any place of business wherein any of the treatments, techniques, or methods of treatment referred to in subsection 2 of this section are administered, practiced, used, given or applied.
4. "Massage patron" means any person who receives, or pays to receive, a massage or massage services from a massage technician for value.
5. "Massage technician" means any person who engages in the business of performing massage services on or for other persons by use of any or all of the treatments, techniques or methods of treatment referred to in subsection 2 of this section.
6. "Person of good moral character" means any person who meets all of the following requirements:

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A. Previous Permit. Has not held a permit under this chapter which has been revoked during the year last preceding the date of application.

B. Non-felon. Has not been convicted of a felony involving moral turpitude. However, if this conviction of a felony occurred more than five (5) years before the date of the application for a permit, and if rights of citizenship have been restored by the Governor, the Council may determine that the person is of good moral character notwithstanding the conviction.

126.02 COMPLIANCE REQUIRED. No person shall operate, own, conduct, carry on or permit to be operated, owned, conducted or carried on any massage establishment of any type or kind including, but not limited to, massage parlor, massage service business or any massage business or service offered in conjunction with or as part of any health club, health spa, resort or health resort, gymnasium, athletic club, or other business, without compliance with the provisions of this chapter.

126.03 EXEMPTIONS. The following persons and institutions are excluded from the operation of this chapter:

1. Persons Licensed. Persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 148C, 149, 150, 150A, 151, 152, 152B, 152C, 157 or 158 of the Code of Iowa, when performing massage therapy or massage services as a part of the profession or trade for which licensed.
2. Supervision. Persons performing massage therapy or massage services under the direct supervision of a person licensed as described in subsection 1 above.
3. Massage As Prescribed by a Physician. Persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician.
4. Institutional Care. Nurses' aides, technicians, and attendants at any

hospital or health care facility licensed pursuant to Chapter 135B, 135C or 145A of the Code of Iowa, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in subsection 1 above.

5. An Athletic Coach or Trainer. An athletic coach or trainer in the course of employment as such coach or trainer as follows:

A. Educational Institutions. In any accredited public or private secondary school, junior college, college or university, or

B. Professional Athletic Teams. Employed by a professional or semi-professional athletic team or organization.

126.04 PERMITS FOR MESSAGE BUSINESS. The following provisions shall apply to permits for message businesses:

1. Premises Standards. No person shall operate, own, conduct, carry on or permit to be owned, operated, conducted or carried on any message business in the City unless the premises at which such business is located meet the minimum standards set forth in Section 126.09 of this chapter and unless a permit to operate a message establishment is obtained from the City in compliance with the provisions of this chapter.

2. Application Procedures. Any person seeking a permit to operate a message establishment shall make application to the City Clerk. The Clerk shall cause an investigation of such application to be made by the County Sheriff to determine if the applicant is of good moral character. The Clerk shall also cause an investigation to be made by the Fire Department, Health Department and Building Department to determine that all requirements of this chapter have been satisfied and that the applicant has fully complied with all applicable ordinances and regulations relating to buildings, zoning, fire and health.

3. Application Contents. The application shall contain the following:

A. Personal. The full name, address and social security number of

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the applicant.

B. Business Information. The full name of the business and the address of the premises for which the application is being made.

C. Criminal Record. The criminal record of the applicant, if any.

D. Statement of Truth. A statement that the contents of the application are true.

E. Age. Proof that applicant is an adult.

F. Type of Business. The type of business entity such as sole proprietorship, partnership or corporation and, in the case of a corporation, the names and addresses of all officers and directors of the corporation.

G. Background of Management. All information required herein of any applicant shall also be provided for every person who, directly or indirectly, has any right to participate in the management or control of the business to be conducted at the premises of the proposed massage establishment.

H. Owner of Building. The name and address of the owner of the building where such massage business will be located.

I. Copies of Lease or Rental Agreements. Certified copies of any lease or rental agreements governing the applicant's rights in said building.

J. Signatures. The signature of the applicant or applicants or, if the application is in the name of a corporation, the signature of each officer of the corporation.

4. Issuance of Permit. The Building, Fire and Health Departments and the County Sheriff shall make written reports of their investigations and shall submit such reports to the Clerk within forty-five (45) days of the

date of the application. The Clerk shall place the matter before the Council. If the Council finds that the applicant has fully complied with all requirements of this chapter and all applicable ordinances and codes regulating fire, buildings, health and zoning, and that the applicant is of good moral character, the Council shall authorize the issuance of a permit to conduct a massage business at the location designated in the application. Said permit shall expire one year from the date of issuance.

5. Separate Permit For Each Place of Business. Each massage business shall have a separate permit for each place of business, which shall be valid only for the business conducted at that location.

6. Permit To Be Displayed. Each massage business shall display its permit conspicuously in the lobby or waiting room area where such permit may be readily observed by all persons entering such premises.

7. Sale of Transfer. No massage establishment permit issued under this chapter shall be sold or transferred. The purchasers of any massage business or of the majority of the stock of any corporation operating a massage business shall obtain a new permit before operating such business at the location for which the permit has been issued.

126.05 SUSPENSION OR REVOCATION OF PERMIT. The massage establishment permit of any such permittee may be suspended or revoked for violation of the provisions of this chapter, or for failure to comply with applicable fire regulations, building regulations, or health ordinances, or for permitting massage technicians, who are either employed by the permittee or who are allowed by the permittee to perform the services or work of a massage technician upon the premises of the permittee, to violate the provisions of this chapter. In the event that the Clerk is apprised of information indicating that grounds for suspension or revocation of a massage establishment permit exists, the Clerk shall cause an investigation of such grounds to be made by the appropriate City department or departments and shall advise the Council in writing of the results of the investigation. If the Council determines that the report reveals the probable existence of grounds for suspension or revocation, it shall direct written notice by ordinary mail to the permittee named on the application at the massage establishment address informing such person of its intention to hold a public

hearing on the question of whether such permit should be suspended or revoked and the grounds therefor stating the date and time of said hearing. Upon said hearing, if the Council determines that such cause does exist, the Council may suspend the permit for up to one month, and thereupon such permittee shall cease massage business at that location or at any other location for the period of suspension. If the determination is the second such for that permittee, the Council may revoke the permit at that location, and no massage establishment permit shall be issued, nor shall such business be conducted at that location, for a period of one year, nor shall the permittee be permitted to conduct such business in the City for that period.

126.06 MESSAGE TECHNICIAN PERMIT. The following provisions shall apply to obtaining a permit by and for a massage technician:

1. Permit Required. No person shall perform the services or work of a massage technician at a massage establishment without first securing a massage technician permit from the Clerk.
2. Application Procedures. Any person seeking a massage technician permit shall make application to the Clerk. The Clerk shall cause an investigation of such applicant by the County Sheriff to determine if such person is of good moral character.
3. Application Contents. The application shall contain the following information:
 - A. Personal. The full name, address, age and social security number of the applicant.
 - B. Record. The criminal record of the applicant, if any.
 - C. Age. Proof that the applicant is an adult.
 - D. Educational Background. A list of all training or degrees in massage that the applicant has received.
 - E. Statement of Truth. A statement that the contents of the

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application are true.

F. Physician's Statement. A certificate issued by a licensed physician stating that the applicant is free from communicable diseases and venereal disease such as Acquired Immune Deficiency Syndrome (AIDS), syphilis and gonorrhea, executed within one week preceding the date of the application.

4. Issuance of the Permit. The County Sheriff shall make a written report of its investigation to the Clerk within thirty (30) days of the date of the application. The Clerk may, upon presentation of the certificate described in subsection 3 above, issue a temporary massage technician permit to the applicant if the application is otherwise proper and pending receipt of the written Sheriff's report. If the Council finds that the applicant has fully complied with all requirements of this chapter and that the applicant is of good moral character, the Council shall authorize the issuance of a permanent massage technician permit to the applicant. The permit shall expire one year from the date of issuance.

5. Permit To Be Kept At Place of Employment. All massage technicians having permits issued pursuant to this chapter shall keep said permits at their place of employment as massage technicians.

126.07 SUSPENSION OR REVOCATION OF MASSAGE TECHNICIAN PERMITS.

The following shall apply to the suspension or revocation of massage technician permits:

1. Grounds For Suspension. The massage technician permit of each massage technician may be suspended or revoked for any violation of this chapter, other City ordinance or any other code.

2. Suspension Procedures. The Clerk may, upon receipt of information alleging that grounds exist to suspend or revoke the massage technician permit of any permit holder under this chapter, report the circumstances to the Council, which shall in such case cause a notice to be sent by ordinary mail to the permittee which notice shall state that a suspension or revocation hearing has been set before the Council, the grounds for the

proposed suspension or revocation, the date and time of the hearing and the place where the hearing will be conducted. Upon such hearing, if the Council shall determine that such grounds do exist, it may suspend or revoke the permit. In the event such permit is revoked, no massage technician permit shall be issued to that permittee for a period of one year.

126.08 HOME MASSAGE TREATMENTS. No massage technician shall administer any massage services at a location that does not conform to or comply with the standards set forth in Section 126.09 of this chapter, except that massages may be administered in the patron's home by any massage technician having a permit issued in accordance with this chapter, provided massages are prescribed in writing by a physician duly licensed to practice medicine in the State of Iowa, and such physician certified that the patron is unable for medical reasons to obtain such at a massage establishment.

126.09 HEALTH STANDARDS. No massage establishment shall be established, maintained or operated in the City that does not conform to or comply with the following standards:

1. Lighting. Each room or enclosure where massage services are performed on patrons shall be provided with a minimum of four foot candles as measured four (4) feet above the floor.
2. Sterilizing Equipment. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massage services. Such materials and instruments shall be cleaned after each use.
3. Water. Hot and cold running water shall be provided at all times.
4. Storage. Closed cabinets shall be provided and used for the storage of all equipment, supplies and clean linens. All used disposable materials and soiled linens and towels shall be kept in covered containers or cabinets, which containers or cabinets shall be kept separate from clean storage cabinets.

5. Linen For Patrons. Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.
6. Surfaces. All massage tables, bathtubs, shower stalls, sauna baths, steam or bath areas and all floors shall have surfaces which may be readily cleaned.
7. Storage of Preparations. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean containers or cabinets.
8. Facilities Provided. Adequate bathing, dressing, locker and toilet facilities shall be provided for all patrons served at any given time. All patron lockers shall be lockable. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker, toilet and massage room facilities shall be provided.
9. Building Condition and Cleanliness. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use.
10. Technician Cleanliness. Each massage technician shall wash his or her hands in hot running water using soap or disinfectant before and after administering a massage to each patron.
11. Service Sink and Janitor Room. The premises shall be equipped with a service sink for custodial services which sink shall be located in a janitorial room or custodial room separate from massage service rooms.
12. Food or Beverage. No person shall consume food or beverages in massage work areas.
13. Animals. Animals, except for seeing-eye dogs, shall not be permitted

in massage establishments.

14. Building Regulations. All massage establishments shall continuously comply with all applicable building, fire or health ordinances and regulations.

126.10 LIMITATIONS ON MASSAGE. No massage technician shall administer a massage:

1. Health of Technician. If said massage technician believes, knows or should know that he or she is not free of any contagious or communicable disease or infection.
2. Patron's Skin Condition. To any massage patron exhibiting any skin fungus, skin inflammation or skin eruption; provided, however, that a physician duly licensed to practice in the State may certify that such person may be safely massaged prescribing the condition therefor.
3. Health of Customer. To any person who is not free of communicable disease or infection or whom the massage technician believes or has reason to believe is not free of communicable disease or infection.

126.11 UNLAWFUL ACTS. The following acts shall be unlawful:

1. Patron's Sexual Actions. No massage patron receiving a massage shall caress or fondle the massage technician administering the massage.
2. Technician's Sexual Actions. No massage technician shall masturbate or fondle the genital area of a massage patron.
3. Technician's Clothing. No massage technician shall administer a massage to a massage patron unless such technician's sexual and genital body parts are completely covered by opaque clothing.
4. Different Sexes In Same Room. No massages shall be administered to persons of different sexes in the same room or enclosure at the same time.

5. Outcalls Disallowed. No massage technician shall administer any massage services, and no massage patron shall receive a massage from a massage technician, at any place other than a massage establishment covered by a permit issued in accordance with this chapter, except in accordance with Section 126.08 of this chapter. No massage establishment permit holder shall allow or knowingly permit massage technicians in his or her employ to administer massage services to a massage patron at any location other than a massage establishment covered by a permit issued in accordance with this chapter, except in accordance with Section 126.08.

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