

CHAPTER 6 (repealed 8/10/23)

Massage Establishments

7-6-1	Definitions
7-6-2	License Required
7-6-3	Application and Fee
7-6-4	Application for License for Massage Establishment
7-6-5	License
7-6-6	Construction and Maintenance Requirements for Massage Establishments
7-6-7	Permit for Masseur or Masseuse
7-6-8	Application for Masseur or Masseuse
7-6-9	Issuance of Permit for Masseur or Masseuse
7-6-10	Hours of Operation
7-6-11	Enforcement and Penalties
7-6-12	Persons Exempted from This Chapter
7-6-13	Premises Exemptions

SEC. 7-6-1 DEFINITIONS.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) **Massage.** Any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating or stimulating of external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, crèmes, lotions, soaps, ointments or other similar preparations commonly used in this practice.
- (b) **Massage Establishment.** Any establishment having its place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged or carried on, any of the activities mentioned in Subsection (a) hereof.
- (c) **Massage Services.** The providing of a massage or massages by any person, firm, association or corporation.
- (d) **Masseur or Masseuse.** Any person who, for any consideration whatever, engages in the practice of massage as above defined.
- (e) **Employee.** Any and all persons other than masseurs or masseuses who render any service for the licensee and who receive compensation directly from the licensee but have no physical contact with customers or clients.
- (f) **Persons.** Any individual, co-partnership, firm, association, joint stock company, corporation or any combination of individuals of whatever form or character
- (g) **Licensee.** The operator of a massage establishment.

SEC. 7-6-2 LICENSE 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, upon any premises in the City of Galesville, the operation of a massage establishment as herein defined without first having obtained a license from the City Clerk-Treasurer which shall be issued upon written application and which shall be subject to cancellation as hereinafter provided.

SEC. 7-6-3 APPLICATION AND FEE.

- (a) Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application in triplicate, under oath, with the City Clerk-Treasurer upon a form provided by the City and pay a fee of Two Hundred Dollars (\$200.00) to the City who shall issue a receipt which shall be attached to the application filed with the Clerk-Treasurer and the Chief of Police. The City Clerk-Treasurer shall forthwith refer copies of such application and all additional information to the Building Inspector and Fire Inspector. These officials shall, within thirty (30) days, inspect the premises proposed to be operated as massage establishment and make recommendations to the Common Council concerning compliance with City Ordinances. After review by the Common Council pursuant to Sec. 7-6-5, the Clerk-Treasurer shall notify the applicant as to whether his application has been granted, denied or held for further investigation or corrective action. The period held for corrective action or additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. At the conclusion of such period or such longer period if agreed to, the Clerk-Treasurer shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the Clerk-Treasurer shall advise the applicant in writing of the reason for such denial.
- (b) The failure or refusal of the applicant to give any information relevant to the investigation of the application within a reasonable time, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of the applicant to submit to or cooperate with any inspection required by this Section shall be grounds for denial of the application.

SEC. 7-6-4 APPLICATION FOR LICENSE FOR MASSAGE ESTABLISHMENT.

The application for a license to operate a massage establishment shall set forth the services to be administered and the proposed place and facilities thereof. In addition thereto, any applicant for a license, which shall be the sole proprietor, if a sole proprietor applicant, a partner, if a partnership applicant, and the designated agent, if a corporate applicant, shall furnish the following information:

- (a) Written proof that each individual is at least eighteen (18) years of age.
- (b) Current residential addresses.
- (c) Whether the individual has had any license denied, revoked or suspended elsewhere for a massage establishment, the reason therefore, and the business activity of occupation of the individual subsequent to each suspension, revocation or denial.

- (d) Satisfactory proof that the applicant has been a resident of the State of Wisconsin for at least one (1) year and of the county for at least ninety (90) days.

SEC. 7-6-5 LICENSE.

- (a) Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information provided therein, the Common Council may issue, after receipt of the recommendations of the respective City departments and public hearing, a license to maintain, operate or conduct a massage establishment, unless the Council finds:
 - (1) That the operation of massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Wisconsin and the City, including but not limited to the building, health, planning, housing, fire prevention and zoning codes of the City.
 - (2) That the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of a felony.
 - (3) That the operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this Chapter.
- (b) The license provided herein shall be for a period of one (1) year from date of application, unless sooner suspended or revoked. Such license must be renewed annually.

SEC. 7-6-6 CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR MASSAGE ESTABLISHMENTS.

Any massage establishment as defined herein shall construct its facilities and maintain same in accordance with the following regulations:

- (a) All massage parlors and all restrooms used in connection therewith shall be constructed of materials and maintained so that they are impervious to moisture, bacterial, mold or fungus growth.
- (b) Shower rooms must be finished in tile or equal material with proper floor drains.
- (c) Each massage establishment shall have a janitor's closet which shall be provided for the storage of cleaning supplies.
- (d) Floors, walls and equipment in massage parlors, restrooms and in bathrooms 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, washcloths, cleaning agents and toilet tissue must be available for each customer.
- (e) Individual lockers shall be made available for use by each customer. Such lockers shall have a separate key for locking.
- (f) Doors on massage rooms shall not be locked, but shall contain an adequate door latch for privacy. All massage rooms shall be clearly identified by door plates or signs.
- (g) Each massage establishment shall have approved fire extinguishers and fire exits designed by fire exit signs.
- (h) If any provision of this Section is inconsistent with a comparable and applicable provision of the building code, the provision of the building code shall govern to the extent of such inconsistency.

- (i) The establishment shall permit inspection of the premises at any time during business hours by Building Inspectors, Fire Inspectors, Health Inspectors and law enforcement officers.
- (j) Entrance doors during business hours shall be open to the public the same as any other business.

SEC. 7-6-7 PERMIT FOR MASSEUR OR MASSEUSE.

Any person who engages in the practice of massage as herein defined shall file an application for a permit as a masseur or masseuse, which application shall be filed with the City Clerk-Treasurer upon the form provided by the City and shall pay a nonrefundable filing fee of Twenty-five Dollars (\$25.00) for the original application and Twenty-five Dollars (\$25.00) for each renewal application to the City.

SEC. 7-6-8 APPLICATION FOR MASSEUR OR MASSEUSE.

The application for a permit for a masseur or a masseuse shall contain the following:

- (a) Name and residence.
- (b) Social Security number.
- (c) Written evidence that the applicant is at least eighteen (18) years of age.
- (d) The applicant shall further undergo a physical examination and present the written results thereof for contagious and communicable diseases which shall include a test or tests which will demonstrate freedom from tuberculosis, and each test shall have been made by a licensed physician and all laboratory tests shall be in licensed laboratories. The applicant shall then present a certificate with the results of each such examination signed by a licensed physician, stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others. Each applicant shall undergo the physical examination provided herein and present to the City Clerk-Treasurer the certificate required herein prior to the commencement of employment and least once each twelve (12) months thereafter.

SEC. 7-6-9 ISSUANCE OF PERMIT FOR MASSEUR OR MASSEUSE.

- (a) The City Clerk-Treasurer shall direct the issuance of a permit for a masseur or masseuse upon receipt of completed application and upon receipt of certificate of examination stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others.
- (b) Said permit is subject to cancellation if the applicant has failed to provide all of the information required by this Chapter or has provided fraudulent information.
- (c) Each permit for a masseuse, pursuant to this Chapter, and any renewal shall be for a one (1) year term and shall be displayed by the permit holder while engaged in his or her employment.

SEC. 7-6-10 HOURS OF OPERATION.

No massage establishment in the City shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. except during that period of the year for which the standard of time is advanced under the Wisconsin Statutes when the premises shall be closed between 2:00 a.m. and 8:00 a.m.

SEC. 7-6-11 ENFORCEMENT AND PENALTIES.

- (a) **Interference.** No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties as City officials or employees.
- (b) **Penalties.** Any person violating any provision of this Chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one (1) or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this Chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.
 - (1) Any license or permit issued pursuant to this Chapter may be suspended by the Police Chief without hearing for not more than thirty (30) days.
 - (2) Any license or permit issued pursuant to this Chapter may be suspended more than thirty (30) days or revoked by the Council after allowing the licensee or permittee a hearing on notice.
 - (3) Any license or permit issued pursuant to this Chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
 - (4) Any person who shall violate any provisions of this Chapter shall be subject to the general penalty provisions of this Code of Ordinances as provided in Section 1-1-7.

SEC. 7-6-12 PERSONS EXEMPTED FROM THIS CHAPTER.

The following persons shall be exempt from this Chapter:

- (a) A person who holds a current license issued by this state or any other state to perform massage therapy.
- (b) A person who meets the following criteria:
 - (1) Is at least eighteen (18) years of age.
 - (2) Has a high school diploma or its educational equivalent.
 - (3) Is a graduate of an accredited school of massage therapy. An “accredited school of massage therapy” means any school accredited by the relevant state accreditation board of any state.

SEC. 7-6-13 PREMISES EXEMPTIONS.

The premises upon which massage therapy is conducted are exempt from this Chapter if the following conditions are met:

- (a) All massage therapy is conducted with both parties fully clothed.
- (b) The premises do not offer shower facilities, baths, spas, whirlpools, or other similar or analogous devices, excepting only normal lavatory and toilet facilities and except any of the foregoing on premises but in areas not pertaining to this use.
- (c) In all residential districts, only one (1) massage therapist per residential unit shall be permitted.

This ordinance was repealed in entirety on August 10, 2023.

Supp. 2-98