

MIDVALE CITY

ORDINANCE NO. 2015-O-11

AN ORDINANCE AMENDING MIDVALE CITY CODE
CHAPTER 5.26 MASSAGE ESTABLISHMENTS.

WHEREAS, the City Council desires to amend Midvale Municipal Code Chapter 5.26
Massage Establishments; and

WHEREAS, there a statewide problem with unlicensed massage therapists using loopholes
to obtain business licenses,

WHEREAS, the City Council finds it in the City's best interest to prevent unlicensed
massage therapists from obtaining City business licenses,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as
follows:

Section 1. The City Council desires to amend Midvale Municipal Code Chapter 5.26
Massage Establishments as set forth in Exhibit A.

Section 2. This Ordinance shall be effective upon date of first publication.

PASSED AND APPROVED this 20th day of October, 2015.

By: JoAnn B. Seghini
Mayor JoAnn B. Seghini



VOTING:

Stephen Brown	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Paul Glover	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Quinn Sperry	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Paul Hunt	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Wayne Sharp	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

ATTEST:

Rori L. Andreason
Rori L. Andreason, MMC
City Recorder

Published this 25th day of Oct, 2015.

Chapter 5.26 MESSAGE ESTABLISHMENTS*

Sections:

- 5.26.010 Definitions.
- 5.26.020 Business license required.
- 5.26.030 Qualifications of the licensee.
- 5.26.040 Prohibited acts.
- 5.26.050 Sanitation of premises.
- 5.26.060 Display of licenses.
- 5.26.070 Violation.

* Prior ordinance history: Ords. 6-2-88A and 6-28-94B.

5.26.010 Definitions.

A. "Massage" means the practice whereby a person, either by the hands or with a mechanical or electrical apparatus, administers to another person effleurage (stroking), friction (rubbing), petrissage (kneading), tapotement (percussion) and vibration (shaking or trembling), or variations of these, and the use of rehabilitative procedures involving the muscles by noninvasive means and with spinal manipulation. The practice of massage may include the use of oil rubs, heat lamps, salt glows, hot and cold packs or tub, shower, steam or cabinet baths.

B. "Massage apprentice" means a person who is licensed as a massage apprentice by the state of Utah.

C. "Massage establishment" means any place where massages are given for hire.

D. "Massage technician" or "therapist" means a person who is licensed as a massage technician or therapist by the state of Utah. (Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97O (part), 1997)

5.26.020 Business license required.

It is unlawful for any person or entity to operate a massage establishment without meeting the requirements of this chapter and obtaining a business license as required by this title. (Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97O (part), 1997)

5.26.030 Qualifications of the licensee.

Each individual desiring a massage establishment license shall:

A. Be an individual at least twenty-one years of age;

B. Have no convictions of crimes involving moral turpitude within the past five years.

C. Submit copies of current Utah massage licenses for each massage technician, therapist, or apprentice employed at the massage establishment.

D. Meet with the Midvale Precinct Police Chief or his/her designee and sign a statement of understanding of the applicable laws and regulations.

E. Complete background checks for licensee and all employees. (Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97O (part), 1997)

5.26.040 Prohibited acts.

The following acts are prohibited:

A. It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the state of Utah as a massage technician or massage apprentice.

B. It is unlawful for any massage establishment to employ, for the purpose of performing massage, any individual who is not licensed by the state of Utah as a massage technician or massage apprentice.

C. It is unlawful to serve, store, allow to be served, or allow to be consumed any alcoholic beverage on the licensed premises of a massage establishment.

D. It is unlawful for a massage technician, massage therapist, massage apprentice, or any employee of a massage establishment to touch or offer to touch or massage the genitalia of customers.

E. It is unlawful for the massage technician, massage therapist, massage apprentice, or any customer or employee of the massage establishment to display to any other person any specified anatomical area or to engage in any specified sexual activity, as defined in Section 5.12.010, while on the premises of the massage establishment. (Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97O (part), 1997)

5.26.050 Sanitation of premises.

All applications for a massage establishment license shall be referred to the Salt Lake Valley board of health for investigation, and a license shall be granted only after findings by the valley board of health that the proposed premises are sanitary enough to conduct business therein without jeopardizing the public health.

Each establishment shall provide to all patrons clean, sanitary and opaque coverage capable of covering the patron's specified anatomical areas. No common use of such covering shall be permitted, and reuse is prohibited unless having been adequately cleaned. In addition, no owner, operator, managing employee, manager, employee or masseur should administer a massage unless the patron is covered by the covering provided by the establishment. (Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97O (part), 1997)

5.26.060 ~~Display of licenses.~~ Licenses.

A. Every massage establishment licensed under this chapter shall display its massage establishment license in a conspicuous place on the premises.

B. Every massage technician or massage apprentice, while on the premises of a licensed massage establishment, shall maintain in his or her possession or immediate presence his or her state massage technician, therapist, or apprentice license.

C. The massage establishment license holder is required to provide the City with current licenses for each massage technician, therapist, or apprentice employed at the massage establishment. (Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97O (part), 1997)

5.26.070 Violation.

Any violation will constitute a class B misdemeanor. (Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97O (part), 1997)