

ORDINANCE C-68-98

AN ORDINANCE TO AMEND PART 7 OF THE CODIFIED ORDINANCES OF GROVE CITY, OHIO, TO INCLUDE A NEW CHAPTER TITLED MASSAGE ESTABLISHMENTS AND TECHNICIANS

WHEREAS, do to the increase in the number of businesses connected with the practice of massage, it is believed that regulations are needed to promote the health, safety and welfare of the citizens of the City of Grove City.

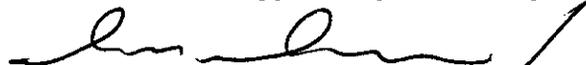
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Chapter 731 titled Massage Establishments and Technicians is hereby added to Part 7 as attached hereto and made a part hereof.

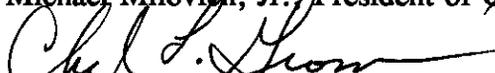
SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Passed: 9-21-98
Effective: 10-21-98

Attest:



Michael Milovich, Jr. President of Council



Cheryl L. Grossman, Mayor



Tami K. Kelly CMC/AAE, Clerk of Council

I Certify that this ordinance is correct as to form.



Thomas R. Clark, Director of Law

CHAPTER 731
Massage Establishments and Technicians

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731.01 DEFINITIONS

For the purposes of enforcing this chapter, the following words are defined and shall have the meaning ascribed to them as hereafter set forth:

- (a) "Massage" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice for a purpose other than the treatment of disorders of the human body.
- (b) "Massage establishment" means any establishment having a fixed place of business where any person, firm, association or corporation engages in, carries on or permits to be engaged in or carried on any of the activities mentioned in subsection (a) hereof for any consideration whatsoever.
- (c) "Out call massage service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment.
- (d) "Massage technician" means any person who, for any consideration whatsoever, engages in the practice of massage as defined in subsection (a) hereof.
- (e) "Employee" means any and all persons other than the massage technician, who render any service to the operator, who receive compensation directly from the operator, and who have no physical contact with customer and clients.
- (f) "Person" means any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- (g) "Operator" means the permit operator of a massage establishment.
- (h) "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

731.02 LICENSE REQUIRED

- (a) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a massage establishment as herein defined, without first having obtained a permit from the Director of Public Safety.

(b) No person shall engage in the business of or be employed as a massage technician in the City unless he has obtained a license from the Director of Public Safety.

731.03 EXEMPTIONS

(a) The provisions of Section 731.02(a) shall not apply to the following:

- (1) Hospitals, nursing homes and public health centers;
- (2) The offices of a person who is licensed or registered by the State of Ohio Medical Board which are used while performing the licensed or registered profession;
- (3) A licensed barber shop, beauty salon, school of cosmetology, or barber school;
- (4) The offices of a licensed chiropractor while used to perform the licensed profession.

(b) The provisions of Section 731.02(b) shall not apply to the following:

- (1) A person licensed or registered by the State of Ohio Medical Board while performing the licensed or registered profession;
- (2) Licensed cosmetologist, registered barber, registered barber apprentice, licensed chiropractor, licensed practical nurse, registered nurse while performing such profession;
- (3) A person working under the direction or supervision of individuals mentioned in this subsection (b) while performing the profession.

731.04 APPLICATION FOR MASSAGE ESTABLISHMENT PERMIT

(a) Application for a license to operate a massage establishment including a renewal license required by Section 731.02(a) shall be made pursuant to this Chapter at the office of the Director of Public Safety on a form provided. Each application shall include a filing fee of one hundred dollars (\$100.00) which shall not be refundable.

(b) The application for a license to operate a massage establishment shall set forth the exact nature of the massage to be administered, and the proposed place of business and facilities therefor.

(c) In addition to the foregoing, the applicant for a license, including any partner or limited partner of a partnership, and any officer or director of a corporate applicant and any stockholder holding more than ten percent (10%) of the stock of a corporate applicant, shall furnish the following information:

- (1) Name, address and social security number;
- (2) A certified copy of the applicant's birth certificate which evidences that the applicant is at least eighteen years of age;
- (3) All residential addresses for the past three years;
- (4) The business, occupation or employment of the applicant for the three years immediately preceding the date of application;
- (5) Criminal history information, including date, time and place of convictions for all violations except traffic offenses;
- (6) A set of fingerprints obtained by the Division of Police and a recent two inch by two inch color photograph of the applicant;
- (7) If the applicant is a corporation, or a partner of a partnership which is incorporated, the name of the corporation shall be set forth exactly as shown on its articles of incorporation.

731.05 ISSUANCE OF PERMIT FOR MASSAGE ESTABLISHMENT

(a) The Director of Public Safety, pursuant to the terms of this chapter, shall issue the license to maintain, operate or conduct a massage establishment to a designated person for a specific location upon receipt of an application, unless the Director of Public Safety finds:

- (1) That the operation, as proposed by the applicant, if permitted, would not be in compliance with applicable laws including, but not limited to, the building, health, planning, housing, zoning and fire codes of the City, as well as the provisions of this chapter;
- (2) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted within the past five (5) years of a felony or any sex-related offense;
- (3) That the application does not contain all the required information or the application contains a material misrepresentation.

(b) A massage establishment license issued pursuant to this chapter shall terminate at the expiration of one (1) year from the date of its issuance unless subject to suspension or revocation.

731.06 REVOCATION OR SUSPENSION OF ESTABLISHMENT PERMIT

(a) The Director of Public Safety shall refuse to issue or renew a massage establishment license or may revoke or suspend such license where it finds:

- (1) A section of this chapter was violated upon the establishment premises;
- (2) A violation of the Ohio Revised Code or the Codified Ordinances was committed upon the establishment premises;
- (3) A material misrepresentation was made upon the application for a massage establishment permit;
- (4) A law enforcement officer or health inspector was refused permission to inspect the premises or operation of the massage establishment during the hours of operation;
- (5) A person who is not a licensed massage technician has administered a massage at the premises of the massage establishment.

(b) The issuance, renewal, suspension or revocation of a massage establishment license shall be made pursuant to the provisions of this chapter.

731.07 APPLICATION FOR MASSAGE TECHNICIAN LICENSE

(a) Application for the license required by Section 731.02(b) including a renewal license shall be made pursuant to the terms of this chapter at the Office of the Director of Public Safety on a form provided. Each application shall include a filing fee of fifty dollars (\$50.00) which shall not be refundable.

(b) The application for a permit to operate as a massage technician shall contain the following information:

- (1) Name, residence address and social security number;
- (2) A recent two inch by two inch color photograph of the applicant and a set of fingerprints obtained by the Division of Police;
- (3) A certified copy of the applicant's birth certificate which evidences that the applicant is at least eighteen years of age;
- (4) The business, occupation and employment of the applicant for three (3) years period preceding the date of application;
- (5) Criminal history information including the date, time and place of all convictions for all violations except traffic offenses;
- (6) Certification that the applicant has satisfactorily completed 160 hours of course instruction in anatomy, physiology and massage at a school of massage approved by the Ohio State Medical Board.

731.08 ISSUANCE OF PERMIT FOR A MASSAGE TECHNICIAN

(a) The Director of Public Safety pursuant to this chapter shall issue the license to engage in the business of or be employed as a massage technician in the City upon receipt of an application, unless the Director finds:

- (1) That the applicant has been convicted within the past five (5) years of a felony or any sex-related offense;
- (2) That the application does not contain all the required information or the application contains material misrepresentations.

(b) A massage technician license issued pursuant to this chapter shall terminate at the expiration of one (1) year from the date of its issuance unless subject to suspension or revocation.

731.09 REVOCATION OR SUSPENSION OF MASSAGE TECHNICIAN LICENSE

(a) The director of Pubic Safety shall refuse to issue or renew a massage technician license or may revoke or suspend such license where it finds any of the following:

- (1) The massage technician violated a sex-related offense or any felony offense;
- (2) The massage technician violated any of the provisions of this chapter.

(b) The issuance, renewal, suspension or revocation of a massage technical license shall be pursuant to the provisions of this Chapter.

731.10 REQUIRED FACILITIES

No license to conduct a massage establishment shall be issued, renewed or continued unless an inspection discloses that the establishment complies with each of the following minimum requirements:

- (a) A readable sign shall be displayed at the main entrance identifying the establishment as a massage establishment, provided also that all such signs shall be in compliance with the City Sign Code;
- (b) Adequate equipment for disinfecting and sterilizing any instruments used for massage is provided;
- (c) Hot and cold running water is provided;
- (d) Closed cabinets are utilized for the storage of clean linen;
- (e) A set of dressing and toilet facilities are provided patrons of each sex;
- (f) All walls, ceilings, floors, steam or vapor rooms and all other physical facilities for the establishment are kept in good repair and maintained in a clean and sanitary condition;
- (g) Clean and sanitary towels and linen are provided for patrons receiving massage services. No common use of towels or linen shall be permitted.

731.11 OPERATING REQUIREMENTS

(a) No license to conduct a massage establishment or to engage as a massage technician shall be issued, renewed or continued unless each of the following provisions are complied with by the massage establishment and/or massage technician:

- (1) No massage technician shall administer a massage unless completely clothed in nontransparent garments at all times. The term "completely clothed" shall mean having on the upper portion of the body undergarments and either a blouse or shirt which covers all the upper body except the arms and on the lower body undergarments plus either pants or a skirt which shall cover the area from the waist to a point at least two inches above the knee.
- (2) The massage patron's private parts shall be covered by a towel, cloth or

undergarments when in the presence of a massage technician or massage establishment employee.

- (3) A massage technician and massage establishment shall display their license in a conspicuous place where the massage is being administered.
- (4) No massage technician shall engage in such business or profession except within the hours of 8:30 a.n. and 9:30 p.m.; nor shall any operator of a massage establishment or business operate the same except and within and between the aforesaid hours.
- (5) The massage establishment facilities shall be subject to inspection by law enforcement officers or health inspectors during working or operating hours to assure compliance with the provisions of this chapter.
- (6) A massage technician shall not fondle, touch or massage the sexual or genital area of any patron.
- (7) A massage establishment operator shall provide the names of all employees and massage technicians working for the establishment to the Director of Public Safety within two (2) days of the date the individual is employed.

(b) No massage technician or massage establishment operator shall knowingly violate any provision of this section.

731.12 OUT-CALL MESSAGE SERVICE

No massage technician or massage establishment shall provide "out-call massage services" which are not in compliance with the provisions of this chapter.

731.13 TRANSFER OF LICENSES

(a) No license issued under this chapter shall be transferable to another person or location without the express written authorization of the Director of Public Safety.

(b) The change of location of a massage establishment shall require the submission of a new application and the issuance of a new license.

731.14 RULES AND REGULATIONS

The Director of Public Safety may make and enforce reasonable rules and regulations to carry out the intent of this chapter.

731.15 APPLICATION TO CURRENT PRACTICES

Any person who is actually engaged as a massage technician or any operator of a massage establishment upon the effective date of this chapter shall have sixty days from that date to comply with the provisions of this chapter.

731.99 PENALTY

Whoever violates Section 731.02 or 731.12 is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense.