

**ORDINANCE NO. 254
(AS AMENDED BY ORDINANCES NO. 255, 256, and 272)**

**AN ORDINANCE TO REGULATE AND LICENSE
MESSAGE PARLORS AND MASSAGISTS FOR THE
BENEFIT OF THE PUBLIC HEALTH AND SAFETY AND
TO PROVIDE PENALTIES FOR THE VIOLATION
THEREOF**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Definitions.

For the purposes of this Ordinance, the following words and phrases shall be defined as follows:

A Building Inspector shall mean the Building Inspector of the Grand Rapids Charter Township.

A County Sheriff shall mean the Kent County Sheriff.

A Fire Chief shall mean the Fire Chief of Grand Rapids Charter Township.

A Massage shall mean a method of treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

A Massage Parlor shall mean any turkish bath parlor, steam bath, sauna bath, whirlpool, magnetic healing institute, or any room, place, establishment, institution, or premises, other than a regularly licensed hospital or dispensary, in which massage is regularly practiced on the human body with or without the use of nonpowered mechanical devices or bathing devices. A Massage parlor shall also include a school having a course of study and training in the practice of massage.

A Massagist shall mean an individual, male or female, who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the body or other similar procedure.

APerson@ shall mean an individual, firm, corporation, partnership, association, other form of business organization or group or any other entity.

ARecognized School@ shall mean any school or educational institution which: teaches the theory, method, profession, or, work of massage, and; requires five hundred (500) hours before the student receives a diploma or certificate of graduation for having completed the course, and; is either licensed to teach massage and to do business as a school or educational institution in the State of Michigan, or is approved by the American Massage Therapy Association (AMTA).

ATownship@ shall mean the Grand Rapids Charter Township.

ATownship Board@ shall mean the Township Board of the Grand Rapids Charter Township.

ATownship Clerk@ shall mean the Township Clerk of the Grand Rapids Charter Township.

ATownship Supervisor@ shall mean the Township Supervisor of the Grand Rapids Charter Township, or his or her designee.

ATownship Ordinances@ shall mean the Township Ordinances of the Grand Rapids Charter Township.

AZoning Ordinance@ shall mean the Grand Rapids Charter Township Zoning Ordinance.

Section 2. Licenses required. No person shall practice, engage in, carry on or operate the business of a massage parlor within the Township without first having applied for and obtained the license required by this Ordinance, and complying with all regulations and requirements as contained in this Ordinance. No person shall practice massage for compensation within the Township without obtaining and maintaining in effect a license as a massagist as required by this Ordinance and complying with the requirements of this Ordinance.

Section 3. Responsibility of massage parlor; massagist license. It shall be the responsibility of an owner, operator, manager or licensee hereunder in charge of or in control of a massage parlor to ensure that each person employed or engaged in said business as a massagist shall have first obtained a valid massagist license pursuant to this Ordinance. Any

owner, operator, manager or licensee in charge of or in control of a massage parlor who employs or allows a person to perform, operate, or practice as a massagist who is not in possession of a valid massagist license shall be in violation of this Ordinance.

Section 4. License application; massage parlor. Any person desiring to obtain a license to operate a massage parlor shall file an application with the township clerk and a nonrefundable application fee in the amount established by resolution of the township board. The application shall be signed and sworn to by applicant and shall contain the following information:

- (a) The full name and present address of the applicant(s).
- (b) The two (2) previous addresses immediately prior to the present address of the applicant(s) and the dates of residence.
- (c) A description of service to be provided.
- (d) The location and mailing address of the massage parlor.
- (e) The names and correct addresses of all present or prospective employees (including but not limited to managers, supervisors, and massagists) in the massage parlor.
- (f) If the applicant is a corporation, the names and current addresses of:
 - 1. Each of the officers and directors of said corporation;
 - 2. Each stockholder owning more than ten (10) percent of the corporation;and
 - 3. The individual(s) responsible in whole or in part for the management and operation of the massage parlor.
- (g) If the applicant is a partnership or other business entity, the names and current addresses of:
 - 1. Each of the partners (including limited partners) or each of the principals in the business; and
 - 2. The individual(s) responsible for the management and operation of the massage parlor.

(h) If the applicant is an individual or a group of individuals, the following shall be required with respect to each individual applicant:

1. Height, weight, sex, color of eyes, and hair;
2. Business, occupation, or employment for the three (3) years immediately preceding the application;
3. All criminal convictions other than minor traffic violations and the reasons therefor;
4. Written proof (birth certificate or sworn affidavits) that the individual is at least eighteen (18) years of age.

(i) If the applicant is a corporation, partnership, or other business entity, the following shall be required with respect to each individual responsible in whole or in part for the management and operation of the massage parlor:

1. Height, weight, sex, color of eyes, and hair;
2. Business, occupation, or employment for the three (3) years immediately preceding the application;
3. All criminal convictions other than minor traffic violations and the reasons therefor;
4. Written proof (birth certificate or sworn affidavits) that the individual is at least eighteen (18) years of age.

(j) One (1) portrait photograph of at least two (2) inches by two (2) inches which shall be taken by the county sheriff or his agent, and the results of a criminal history records investigation of the applicant completed within thirty days (30) days immediately prior to the date of the filing of the application which shall include all criminal history information on file at the Michigan State Police Central Records Division pertaining to the applicant. (The applicant shall provide his or her fingerprints to the county sheriff for the purpose of obtaining such criminal history information.) In the event that the applicant is a corporation, partnership, or other business entity, the applicant shall submit the required photograph and results of

criminal history records investigation of the individual(s) responsible for the management and operation of the massage parlor.

(k) A certificate from a licensed medical or osteopathic doctor stating that the applicant and all present and prospective employees (including but not limited to managers, supervisors, massagists, and any individual responsible in whole or in part for the management and operation of the massage parlor) have, within thirty (30) days immediately prior to the date of the filing of the application, been examined and found to be free of any contagious or communicable disease, including but not limited to, sexually transmitted diseases. Such certificate shall specifically name each individual examined by the medical or osteopathic doctor.

(l) The history of the applicant in the operation of the massage parlor or similar business or occupation, including, but not limited to, whether or not such applicant, in previously operating in the township or in another jurisdiction, has had a massage parlor license revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action or suspension.

(m) Such other identification and information bearing on the application as the township may reasonably require.

(n) The name and address of the recognized school attended, dates attended, and a copy of the diploma or certificate or other proof of graduation from the recognized school showing that the applicant has completed not less than five hundred (500) hours of instruction. However, if the applicant will not personally engage in the practice of massage, the application need not contain this item.

Section 5. Massage parlor license; procedures.

(a) Any applicant for a massage parlor license shall present to the Township Clerk the application containing all the information, materials, and documentation described in Section 4. Applications which are not completely filled out, not correctly filled out, or not accompanied by the appropriate information, materials, documentation, and application fee shall be rejected as incomplete by the Township Supervisor and shall be returned to the applicant. All complete applications shall be reviewed in accordance with the following procedure:

(1) The complete application shall be referred to the Township Supervisor who shall review the application to determine whether the applicant, any individual in the management of the corporation, partnership, or other business entity operating the

massage parlor, or any employee or massagist of the massage parlor has been convicted of any criminal offenses other than minor traffic offenses, has violated any provision of this Ordinance, or has had a massage license, massagist license or similar license denied or revoked by the Township or by another governmental body and the reasons therefor.

(2) The Fire Chief shall review the application to determine if the premises and the proposed massage parlor comply with all fire codes.

(3) The Building Inspector shall review the application to determine if the premises and the proposed massage parlor comply with this Ordinance, the Zoning Ordinance, and all applicable electrical, mechanical, building and plumbing codes.

(4) The Township Supervisor, or his or her designee, after conducting the review outlined in Section 5 (a) (1) of this Ordinance, after receiving the reports of the Fire Chief and the Building Inspector, and after reviewing the complete massage parlor application, shall approve or deny a license to the massage parlor. The determination of the Township Supervisor shall be made within fifteen (15) days after receipt of the complete application by the Township Clerk. If approved, the Township Clerk shall issue the massage parlor license upon payment of a license fee in an amount established by resolution of the Township Board. The license shall be approved unless the Township Supervisor finds any of the following:

a. Failure of the applicant, the premises, or the massage parlor to comply with this Ordinance, the Zoning Ordinance for the Township, Applicable fire, mechanical, electrical, and building codes, or any other provision of the Township ordinances.

b. Prior criminal convictions, other than minor traffic offenses, of the applicant, any individual in the management of any corporation, partnership, or other business entity operating the massage parlor, or of any employee or massagist of the massage parlor, or prior denial or revocation of a massage parlor license or similar license by the Township or other governmental body, when such criminal conviction or license denial or revocation bears on the ability of the massage parlor to operate in an honest, healthful, and lawful manner.

c. Misrepresentation of any material fact in the application for the license.

d. Where it appears that the massage parlor will be harmful or detrimental to the operation of any adjoining or nearby business, harmful or disruptive to the functioning of any public or private school, harmful to the quiet enjoyment of any residence, church, school or other adjoining or nearby structure, or result in an extraordinary demand for police, fire, or other municipal services.

e. Violations of this Ordinance by the applicant, any individual in the management of the corporation, partnership, or other business entity operating the massage parlor, any manager or supervisor of the massage parlor, or any employee or massagist of the massage parlor.

(b) In the event that a massage parlor license is denied, the Township Supervisor shall make written findings of fact in support of the denial based on the standards described above and shall notify the applicant of the denial. The applicant may appeal such denial to the Township Board by filing a written request for an appeal with the Township Supervisor within five (5) business days following receipt of notification of the denial. In the event of an appeal, the Township Board shall hold a public hearing on said denial and shall have the power to reverse, affirm, or modify the decision of the Township Supervisor. The Township Board shall in its determination make findings of fact supporting its decision and said reasons shall be based upon the standards described above. The determination of the Township Board shall be final.

Section 6. Massagist license. Each applicant for a massagist license shall submit to the Township Clerk a separate application and a nonrefundable application fee in the amount established by resolution of the Township Board. The application shall contain the following information:

- (a) The full name and present address of the applicant.
- (b) The full name and address of the massage parlor where massage will be performed by the applicant.
- (c) The two (2) previous addresses immediately prior to the present address of the applicant and the dates of residence.
- (d) Written proof (birth certificate or sworn affidavits) that the applicant is at least eighteen (18) years of age.
- (e) The applicant's height, weight, sex, eye color and hair color.

(f) One (1) portrait photograph of at least two (2) inches by two (2) inches which shall be taken by the county sheriff or his agent, and the results of a criminal history records investigation of the applicant completed within thirty (30) days immediately prior to the date of the filing of the application which shall include all criminal history information on file at the Michigan State Police Central Records Division pertaining to the applicant. (The applicant shall provide his or her fingerprints to the county sheriff for the purpose of obtaining such criminal history information.)

(g) Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of the application.

(h) A certificate from a medical or osteopathic doctor stating that the applicant has, within thirty (30) days immediately prior to the date of the filing of the application, been examined and found free of any contagious or communicable disease including but not limited to sexually transmitted diseases.

(i) All criminal convictions of the applicant other than minor traffic offenses.

(j) The history of the applicant in the occupation of a massagist, including but not limited to whether or not such applicant has had a massagist license or similar license revoked or suspended by the Township or another governmental body.

(k) Such other identification and information as the Township may reasonably require.

(l) The name and address of the recognized school attended, dates attended, and a copy of the diploma or certificate or other proof of graduation from the recognized school showing that the applicant has completed not less than five hundred (500) hours of instruction.

Section 7. Massagist license; procedures.

(a) An applicant for a massagist license shall present to the Township Clerk the application containing all the information, materials, and documentation described in Section 6. Applications which are not completely filled out, not correctly filled out, or not accompanied by the appropriate information, materials, documentation and application fee shall be rejected as incomplete by the Township Supervisor and shall be returned to the applicant. All complete applications shall be reviewed in accordance with the following procedure. The Township Supervisor shall review the complete application for a massagist

license to determine if the applicant has been convicted of any criminal offense other than minor traffic offenses and if the applicant has had a massagist license or similar license revoked by the Township or another governmental body and the reasons therefor. The Township Supervisor shall then review the complete massagist application and shall deny or approve the massagist license. The determination of the Township Supervisor shall be made within fifteen (15) days after receipt of the complete application by the Township Clerk. If approved, the massagist license shall be issued by the Township Clerk after payment of a fee in an amount established by resolution of the Township Board. The license shall be approved unless the Township Supervisor finds any of the following:

- (1) Violation of any provisions of this Ordinance.
- (2) Misrepresentation of any material fact in the application for a massagist license.
- (3) Prior criminal convictions other than minor traffic offenses or prior denial or revocation of a massagist license or similar license by the Township or another governmental body when such criminal conviction or license denial or revocation bears on the ability of the applicant to engage in the business of a massagist in an honest, healthful, and lawful manner.
- (4) Failure to comply with this Ordinance.
- (5) Failure of the massage parlor where massage will be performed by the applicant to have in effect a valid massage parlor license issued by the Township.

(b) In the event that the massagist license is denied, the Township Supervisor shall make written findings of fact in support of the denial based on the standards described above and shall notify the applicant of the denial. The applicant may appeal such denial to the Township Board by filing a written request for an appeal with the Township Supervisor within five (5) business days following receipt of notification of denial. In the event of an appeal, the Township Board shall hold a public hearing on said denial and shall have the power to reverse, affirm or modify the decision of the Township Supervisor. The Township Board shall, in its determination, make written findings of fact supporting its decision and said reasons shall be based upon the standards described above. The determination of the Township Board shall be final.

Section 8. Annual licenses. Massage parlor licenses and massagist licenses shall be annual licenses and shall be valid only from the date of issuance to the following December 31 (unless earlier revoked). In the event that a licensee wishes to obtain a license for an

ensuing year, such licensee shall file its complete application in accordance with Section 4 or Section 6, as the case may be, at least fifteen (15) days before expiration of the current license. If the applicant fails to comply with this requirement, the township supervisor shall not be required to grant or deny the license before expiration of the current license.

Section 9. Inspection. The premises of each massage parlor may be inspected by law enforcement personnel or by the Township Building Inspector during business hours and at other reasonable times to ensure compliance with this Ordinance. The refusal to permit such an inspection shall be a sufficient reason for revocation of a massage parlor license. Notwithstanding Section 26, the refusal to permit such an inspection shall not be subject to criminal prosecution.

Section 10. Semi-annual medical certificate. All persons described in Section 4 (11) shall, not less than five (5) months and not more than six (6) months following the issuance of a massage parlor license, file with the Township Clerk a statement from a licensed medical doctor or osteopath certifying or recertifying that such person has been examined within the thirty (30) days immediately prior thereto and has been found to be free from all communicable or contagious diseases, including but not limited to, sexually transmitted diseases. Failure to comply with this requirement shall be a violation of this Ordinance and shall constitute grounds for revocation of a massage parlor license and/or a massagist license.

Section 11. Licenses; minors. No person shall be issued a massage parlor license or massagist license unless such person is at least eighteen (18) years of age.

Section 12. Display of License; Employee Register.

(a) Every person, association, firm or corporation to whom or for which a license for a massage parlor has been granted shall;

(1) Display the license in a conspicuous place so that it may be readily seen by persons entering the massage parlor, and

(2) Maintain at the massage parlor a register including the names and employment dates of all persons employed as massagists currently and within the last twelve (12) months.

(b) The massage parlor shall make its license and its employee register available to law enforcement personnel or to the township building inspector during normal business hours.

Section 13. Change or expansion of location. A license for a massage parlor shall not be transferable to a new location. A massage parlor shall not change its location or expand its floor area without first obtaining a license for such new location or expanded floor area in accordance with the procedures in Section 4 and Section 5 of this Ordinance.

Section 14. Communicable diseases. All individuals engaged or involved in the business of a massage parlor or a massagist, including but not limited to, individuals responsible for the management and operation of the massage parlor, massagist, and other employees, shall be free of all contagious diseases or communicable diseases, including but not limited to, sexually transmitted diseases.

Section 15. Massages of opposite sex prohibited. No massagist shall massage a person of the opposite sex for compensation. No owner, operator, manager, supervisor, licensee, or other person in charge or control of a massage parlor shall permit a massagist to massage a person of the opposite sex for compensation on the premises of the massage parlor.

Section 16. Prohibited sexual activities. It shall be unlawful for a massage parlor, massagist or employee of a massage parlor, or any other person associated with a massage parlor, on the premises of a massage parlor, to offer or to engage in sexual activity or massage including, but not limited to: adomitism, anilingus, cunnilingus, coprophilia, fellatio, flagellation, masturbation, sexual intercourse, sodomy, and urolagnia.

Section 17. Sanitary standards. Each massage parlor and massagist shall comply with the following standards:

(1) No patron shall be serviced who is infected with any fungus or other skin infection; nor shall any service be performed on a patron exhibiting skin inflammation or eruptions.

(2) All massagists shall wash his or her hands in hot water with soap before giving any service or treatment to each separate patron.

(3) All towels, tissues, sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.

(4) Nondisposable tools of the trade shall be disinfected after use upon each patron.

(5) In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate

room, or the operators of the massage parlor may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.

(6) No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage parlor which is fitted with a door capable of being locked.

(7) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one (1) tub or shower, one (1) dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one (1) toilet and (1) wash basin, shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.

(8) All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.

Section 18. Wearing apparel. Non-transparent uniforms or garments covering the torso shall be worn by massagists at all times while attending patrons. Such uniforms or garments shall be of a washable material and shall be kept in a clean condition.

Section 19. Patronage of massage business by minors. No massage parlor and no massagist shall massage or treat any person under the age of seventeen (17) except when such person is accompanied by a parent or legal guardian or under written order by a licensed physician, osteopath or registered physical therapist, such order being dated in the possession of the massagist giving the massage or treatment.

Section 20. Name of business. No massage parlor licensed pursuant to this Ordinance shall operate under any name or conduct its business under any designation not specific in the license.

Section 21. Advertising. No massage parlor or massagist granted a license under the provisions of this Ordinance shall place, publish or distribute, or cause to be placed, published or distributed, any advertisement, picture or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

Section 22. Revocation of license.

(a) Any massage parlor license granted pursuant to this Ordinance may be revoked by the Township Supervisor for any of the reasons for denial of such license in Section 5 and for refusal to permit an inspection authorized by Section 9. Any massagist license may be revoked by the Township Supervisor for any of the reasons for denial of such license in Section 7. The Township Supervisor shall make written findings of fact in support of any license revocation.

(b) A person shall have the right to a hearing before the Township Board on any license revocation by the Township Supervisor provided that a written request therefore is filed with the Township Supervisor, within five (5) business days after receipt of notice of such revocation. In the event that such written request is filed with the Township Supervisor, the Township shall hold a public hearing on such revocation and shall have the power to reverse, affirm or modify the decision of the Township Supervisor. In addition, in the event that such written request is filed with the Township Supervisor, the license revocation shall be stayed until the determination of the Township Board. The Township Board shall, in its determination, make written findings of fact supporting its decision based on the same reasons required to be applied by the Township Supervisor. The determination of the Township Board shall be final.

Section 23. Sale or transfer; license void. Upon the sale or transfer of any interest in a massage parlor, the license therefor shall be null and void. A new application shall be made by any person desiring to own or operate the massage parlor in accordance with Section 4 and Section 5 of this ordinance.

Section 24. Application of regulations to existing businesses. Except as otherwise provided in this Section, all provisions of this Ordinance shall apply to all massage parlors currently operating within the Township on the effective date of this Ordinance. Any massage parlor or massagists operating on the effective date of this Ordinance shall file an application for a license in accordance with Section 4 or Section 6, as the case may be, on or before February 15, 1988. Failure to file such application shall constitute a violation of this Ordinance. No massage parlor or massagist operating within the Township on the effective date of this Ordinance shall continue to operate after March 1, 1988, without having first obtained the license required by this Ordinance.

Section 25. Exemptions. This Ordinance shall not apply to:

(a) Physicians, surgeons, chiropractics, osteopaths, psychiatrists, psychologists, physical therapists, physical therapist assistants, clinical social workers, family counselors who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or establishment duly licensed in the State of Michigan;

(b) Nurses who are registered under the laws of this State and who administer a massage in the normal course of nursing duties;

(c) A trainer of any duly constituted athletic team who administers a massage in the normal course of training duties;

(d) Barbers and beauticians who are duly licensed under the laws of this State and who administer a massage in the normal course of their duties;

(e) Any duly licensed establishment in which the above described persons practice their respective professions.

(f) Persons who currently hold a certificate of professional membership in, and are currently members in good standing of, the American Massage Therapy Association; provided that evidence of such certificate and membership in good standing is maintained on file with the Township Clerk.

Section 26. Penalties. Any person violating, or neglecting or refusing to comply with any of the provisions of this ordinance, shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment within the discretion of the court. Each day that a violation continues shall constitute a separate offense.

Section 27. Separability. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent portion of this Ordinance, and that holding shall not affect the validity of the remaining portions of this Ordinance.

Section 28. Additional remedies. In addition to the remedies and penalties otherwise provided in this Ordinance, the township shall be entitled to seek and obtain temporary and permanent equitable relief to abate and enjoin violations of this Ordinance and shall have all other remedies provided by law.

Section 29. Conflict with other provisions. In the event of any conflict between any provisions of this Ordinance and any other provisions of the Township ordinances, the more stringent provision shall control.

Section 30. Effective date. This Ordinance shall take effect immediately upon publication.

Section 31. Alcoholic Beverages Prohibited. No person shall sell, give, or provide, or cause to be sold, given, or provided, any alcoholic beverage on the premises of any massage parlor unless licensed to do so by the Michigan Liquor Control Commission.

Section 32. Nuisance Per Se. Any building, facility, fixture, or other property used as a massage parlor in violation of this Ordinance is hereby declared to be a nuisance per se.

