

ORDINANCE #17-06

**AN ORDINANCE CREATING CHAPTER 27,
MESSAGE THERAPY AND BODY WORK THERAPY,
OF THE VILLAGE OF JACKSON MUNICIPAL CODE**

THE VILLAGE BOARD OF THE VILLAGE OF JACKSON, WASHINGTON COUNTY, WISCONSIN, does ordain as follows:

SECTION 1. State Law Adopted. Chapter 27 is hereby created in regards to Massage Therapy and Bodywork Therapy.

- a. The provisions of Wis. Stats. ch. 460, relating to the Massage Therapy and Bodywork Therapy, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth herein.
- b. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of Massage Therapy and Bodywork Therapy.

SECTION 2. MESSAGE ESTABLISHMENT LICENSE REQUIRED.

1. LICENSE REQUIRED. No person shall carry on the business of operating a massage establishment within the Village without a valid license issued pursuant to the provisions of this Section for each and every such place of business shall be reviewed annually.
2. APPLICATION FEE. Any person desiring to obtain a license to operate a massage establishment shall apply in writing upon a form prescribed by and filed with the Village Clerk. An application fee as established by resolution shall accompany the application to defray the costs of the investigation. A copy of their Wisconsin Seller's Permit shall also accompany the application.
3. CONDITIONAL USE PERMIT. Applicants for a license under this Section shall be required to obtain a Conditional Use Permit pursuant to the Village's Zoning Ordinance prior to granting of the license.
4. INVESTIGATION. Applications for licenses under this Section shall be referred to the Chief of Police, Fire Inspectors, and Building Inspector, all of whom shall cause an investigation to be made and report their findings to the Village Board.

5. GRANT OR DENIAL OF LICENSE. Within thirty (30) days of receipt of an application, the Village Board shall either grant or deny a massage license. The Board shall grant a massage license if it finds:
- a. The required fees have been paid.
 - b. The application conforms in all respects to the provisions of this Section.
 - c. The applicant has not knowingly made a material misstatement in the application for the license.
 - d. The massage establishment as proposed by the applicant would comply with this Code, including, but not limited to, the Village's building, fire, zoning and health regulations.
 - e. The applicant, if an individual, or any of the stockholders, any officers or directors of the corporation, or if the applicant is a partnership, the partners have not been convicted of any crime involving dishonesty, fraud, deceit or immorality as outlined in Chapter 944 of Wis. Stats. within five (5) years prior to the date of the applications.
 - f. The applicant has not had a massage establishment license or a massage technician permit or other similar license or permit denied or revoked for cause by this Village or any other municipality located in or out of this state within five (5) years prior to the date of application.
 - g. The applicant, if an individual, or any of the officers and directors if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, is 18 years of age.
 - h. The applicant, if a corporation, is licensed to do business and is in good standing in the state and provides a copy of the Wisconsin Seller's Permit.

SECTION 3. LICENSE OF MASSAGE THERAPISTS AND BODYWORK THERAPIST REQUIRED.

1. License of Massage Therapists and Bodywork Therapist Required. No person shall practice or administer massages without a valid license issued pursuant to the provisions of Wis. Stats. ch. 460.

SECTION 4. PERMIT REQUIRED.

1. PERMIT REQUIRED. No person shall practice or administer massages in the Village without a valid permit as issued by the Village of Jackson.

2. APPLICATION FEE. Any person desiring a massage technician permit shall file a written application with the Village Clerk on a form to be provided by the Clerk. The application shall be accompanied by the following:
 - a. An application fee as established by resolution to defray the cost of investigation.
 - b. State issued license pursuant to the provisions of Wis. Stats. ch. 460.
3. EMPLOYMENT OF TECHNICIANS WITHOUT PERMITS. It shall be unlawful for any person who operates a massage establishment to allow or permit persons to act therein as massage technicians without first having a permit as required by sub (1) above.
4. MASSAGES ON UNLICENSED PREMISES PROHIBITED. It shall be unlawful for any person to act as a massage technician within a massage establishment, which does not have a license as required.
5. PROHIBITED CONDUCT OF TECHNICIANS, OPERATORS AND PATRONS. It shall be unlawful for any massage technician to massage the sexual and genital parts of any patron, for any operator of a massage establishment to allow or permit such massage or offer to massage in such massage establishment, for any patron to permit such massage upon his body.
6. EFFECTIVE DATE. The license requirements of this Chapter shall be effective upon adoption of the ordinance. Licenses shall be effective for one year commencing January 1 of each year unless sooner suspended, canceled or revoked.
7. EXEMPTIONS. The provisions of this Section shall not apply to the following:
 - a. Hospitals, nursing homes, sanitariums or other health care facilities licensed under the State, and physicians, surgeons, chiropractors, osteopaths or physical therapists licensed or registered to practice their respective professions under the laws of the State, or nurses registered under the laws of the State acting under their direction and control.
 - b. Barbershops and beauty parlors, barbers and beauticians licensed under the laws of the State provided that such massage as is practiced are limited to the head and scalp.
 - c. Accredited high schools and colleges and coaches and trainers therein while acting within the scope of their employment.

d. Trainers of any amateur, semi-professional or professional athlete or athletic team.

SECTION 5. This Ordinance shall take effect from and after its passage and posting.

Introduced by: Pres. Schwab

Seconded by: Tr. Lippold

Passed and Approved: May 9, 2017

Vote: 7 Aye: 0 Nay

Michael E. Schwab
Michael E. Schwab, Village President

Deanna L. Boldrey
Attest: Deanna L. Boldrey, Village Clerk

Proof of Posting:

I, the undersigned, certify that I posted copies of this Ordinance on bulletin boards at the Village Hall, Post Office and one other location in the Village.

Dated: May 9, 2017 Village Official: Deanna L. Boldrey