

FRIDLEY CITY CODE
CHAPTER 125. SAUNAS AND MASSAGE PARLORS
(Ref. 745, 757, 967, 969)

125.01. STATEMENT OF POLICY

1 The City Council of the City of Fridley deems it necessary to provide for the special and express regulation of businesses or commercial enterprises which operate as massage parlors, saunas and similar adult orientated services, operating under different names, in order to protect the public health, safety and welfare and to guard against the inception and transmission of disease. The City Council further finds that commercial enterprises such as the type described above, and all other similar establishments whose services include sessions offered to adults, conducted in private by members of the same or the opposite sex, and employing personnel with no specialized training, are susceptible to operation in a manner contravening, subverting or endangering the morals of the community by being the site of acts of prostitution, illicit sex and occasions of violent crimes, thus requiring close inspection, licensing and regulation.

2. The City Council also finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the Police Department, Public Health Sanitation and other departments of the City. As a consequence, the concentrated use of City services in such control detracts from and reduces the level of service available to the rest of the community and thereby diminishes the ability of the City to promote the general health, welfare, morals and safety of the community. In consideration for the necessity on the part of the City to provide numerous services to all segments of the community, without a concentration of public services in one area working to the detriment of the members of the general public, the number of sauna and massage parlor licenses for commercial businesses which may be in force at any one time shall be two (2). (Ref. 745, 757)

125.02. DEFINITIONS

As used in this Chapter the terms defined shall have the following meanings ascribed to them.

1. Sauna.

A steam bath or heat bathing room used for the purpose of bathing, relaxing or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent.

2. Massage.

The rubbing, stroking, kneading, tapping or rolling of the body of another with the hands for the exclusive purpose of physical fitness, relaxation, beautification and for no other purpose.

3. Masseur.

A male person who practices or administers massage.

4. Masseur.

A female person who practices or administers massage.

5. Certificate.

A certificate issued by the City authorizing the holder thereof to practice or administer massage in the City of Fridley.

6. Massage Parlor.

Any premises at or in which massage is performed for a fee or other consideration paid either directly or indirectly. (Ref. 969)

125.03. EXCEPTIONS

A license is not required under this chapter as follows:

1. The practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry and persons duly licensed in this State to practice said services.
2. Hospitals, sanatoriums, rest homes, nursing homes or other approved institutions established for the hospitalization or care of human beings which are duly licensed under the provisions of Minnesota Statutes, Chapter 144.
3. Bona fide health/sport establishments which allow persons of all ages on the premises and meet the following criteria:
 - A. The primary purpose of the establishment is health and fitness; massage or sauna service is subsidiary.
 - B. No more than twenty (20) percent of the establishment revenue is derived from massage or sauna.
 - C. Sauna or massage facilities shall not occupy more than 10% of the establishment.
4. Athletic directors and trainers who perform massages in the course of any athletic program or event which is sponsored by a local unit of government or bona fide educational institution complying with State or local regulations.
5. Beauty culturist and barbers licensed in this State to provide said services, who do not give, or hold themselves out to give, massage treatments, as defined in this chapter, other than those customarily given in such shops or place of business in conjunction with their licensed services.

6. Hotels, motels, and apartment buildings which allow persons of all ages on the premises, in which saunas or massage are provided incidental to the rental of rooms, and the use of which is limited to tenants of the respective facilities. A tenant is defined as a person using a hotel, motel or apartment building as overnight lodging.
7. Nonprofit corporation or association provided that such corporation or association is duly organized under the laws of the State of Minnesota for civic, fraternal, social or business purposes, which meet the following criteria:
 - A. Persons of all ages are allowed on the premises.
 - B. Duly organized for at least two (2) years.
 - C. Shall have at least twenty-five (25) members for the last year and maintain at least twenty-five (25) members.
 - D. Has an ongoing membership which list is available to City officials for inspection at any reasonable time.
8. Bona fide massage therapist who can demonstrate to the City the following criteria:
 - A. A minimum of 150 (one hundred-fifty) hours of certified therapeutic massage training from a massage therapy school accepted by a bona fide state or national therapeutic massage organization of which the massage therapist is a member in good standing.
 - B. A current membership, in good standing, in a bona fide national or State therapeutic massage organization with a written and enforceable code of ethics, and approved by the City.
 - C. Insurance coverage of one million (\$1,000,000) dollars for personal liability in the practice of therapeutic massage. (Ref. 969)

125.04. LICENSE AND CERTIFICATE REQUIRED

1. No person shall engage in the business of operating a sauna or massage parlor massage parlor either exclusively or in connection with any other business enterprise without being licensed as provided in this Section.
2. No person shall hold out any establishment as providing sauna or massage services unless such establishment is licensed as provided in this Section. Whenever any establishment ceases to be licensed as a sauna whether through the suspension, cancellation, revocation, non-renewal or lapse of its license, its owners shall immediately remove from public view any sign or display which identifies the establishment as being a sauna or massage parlor or as offering sauna or massage services.

125.05. CONTENTS OF APPLICATION FOR LICENSE

Application for license shall be made only on the forms provided by the City Manager. Four (4) complete copies of the application shall be furnished to the office of the City Clerk containing the address and legal description of the property to be used; the names, addresses and phone numbers of the owner, lessee, if any, and the operator or manager; the name, address and telephone number of two persons, who shall be residents of Anoka County and who may be called upon to attest to the applicant's, manager's or operator's character; whether the applicant, manager or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place and nature of such crime or offense including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating or furnishing or acquiring the premises, personal effects, equipment or anything incident to the establishment, maintenance and operation of a massage parlor or massage establishment. If the application is made on behalf of a corporation, joint business venture, partnership or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names and addresses of all individuals having an interest in the business, including partners, officers, owners and creditors furnishing credit for the establishment, acquisition, maintenance and furnishing of said business and, in the case of a corporation, the names and addresses of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation. All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise offering a massage. The application shall also contain blueprints, diagrams, plans, layouts and the like showing the construction, revision, remodeling, alteration or additions of or to the premises and specifically showing the layout, design and arrangement of the bathing and restroom facilities and the size and type of equipment and facilities to be used.

125.06. CONTENTS OF APPLICATION FOR CERTIFICATE

Application for a massage certificate shall be made only on forms provided by the City. The application shall contain The following information together with any other information the City may require:

1. Evidence of the applicant's education qualifications, including originals or certified copies of degrees, diplomas or certificates, if any.
2. Evidence of applicant's practical qualifications to practice massage.

3. The names and addresses of two persons, residents of Anoka County, who may be referred to as to the applicant's character.
4. Whether the applicant has ever been convicted of a crime or offense other than a traffic offense, and if so, information as to the time, place and nature of such crime or offense.
5. Evidence in the form of a current certificate from a licensed physician practicing in Minnesota indicating (a) that within the past 30 days the physician has examined the applicant, and (b) that such examination was for the purpose of determining whether the applicant had any communicable disease and (c) that as a result of such examination the physician believes that the applicant is not suffering from any communicable disease which would disqualify the applicant from engaging in the practice of massage.

125.07. LICENSE FEE, LICENSE INVESTIGATION FEE AND LICENSE YEAR

The investigation fee, annual license fee and license year shall be set forth in Chapter 11 of the City Code. The license fee and fee for the investigation of the license shall be paid when the application is filed. In the event that the application is denied or the license, once, issued, is revoked, cancelled or surrendered, no part of the annual license fee and investigation fee for the issuance of a license shall be returned to the applicant unless by express action of the City Council. A separate license shall be obtained each year for each place of business. The licensee shall display the license in a prominent place in the licensed premises at all times. A license, unless revoked, is for the calendar year or a part thereof for which it has been issued. The fee for the investigation for issuance of a license must be tendered with each new application for a license and must also be paid at any time when there is a proposed change of ownership or reapplication for a license wherein additional or different parties other than the original licensee and interested parties are proposing to be licensed. A license for the operation of a massage parlor is nontransferable.

125.08. CERTIFICATE FEE, CERTIFICATE INVESTIGATION FEE AND CERTIFICATE

The investigation fee, annual certificate fee and certificate year be as set forth in Chapter 11 of the City Code. The certificate fee and fee for investigation for the certificate shall be paid when the application is filed. In the event that the application is denied or that the certificate, once issued, is revoked, cancelled or surrendered, no part of the annual certificate fee and investigation fee for the issuance of a certificate shall be returned to the applicant unless by express action of the City Council. A separate certificate shall be obtained each year for each place of business. The certificate holder shall display the certificate in a prominent place in the licensed premises at all times. A certificate, unless revoked, is for the calendar year or a part thereof for which it has been issued. The fee for the investigation for issuance of a certificate must be tendered with each new application for a certificate and must also be paid at any time when there is a proposed change of ownership or reapplication for a certificate wherein additional or different parties other than the original certificate holder are proposing certification. A certificate permitting the holder thereof to practice massage is nontransferable.

125.09. GRANTING OR DENIAL OF LICENSES AND CERTIFICATES

License applications shall be reviewed by the Police Department, Planning Department, Health Officer and such other departments as the City Manager shall deem necessary. The review shall include any inspection of the premises covered by the application by the Health Officer, Inspection Division and Fire Department to determine whether the premises conforms to all applicable code requirements. Recommendations shall be made in writing to the City Manager. Thereafter, licenses shall be granted or denied by the City Manager subject to the provisions of this Section. The applicant may appeal to the City Council from the Manager's decision.

125.10. CONDITIONS GOVERNING ISSUANCE OF LICENSE

1. No license shall be issued if the applicant or any of its owners, lessee managers, employees or agents is a person of bad repute.
2. Licenses shall be issued only if the applicant and all of its owners, lessee managers, employees and agents are free (If convictions for offenses which involve moral turpitude or which relate directly to such person's ability, capacity, or fitness to perform the duties and discharge the responsibilities of the licensed activity.
3. Licenses shall be issued only to applicants who have not, within one year prior to the date of application, been denied licensure; or who have not within such period had his or her, license revoked.
4. Licenses shall be issued only to applicants who have answered fully all of the information requested in the application, have paid the full license fee and have cooperated with the City in review of the application.
5. A license shall be granted only if an applicant is 18 years of age or older.
6. Licenses may be granted only for locations defined in the Fridley City Code, Chapter 127, entitled "Sexually Oriented Businesses", under Section 127.05 "Locations." (Ref. 967)
7. Licenses may be granted only to establishments which can meet the safety, sanitary and building code requirements of the City.
8. A license shall not be granted if granting the license (a) would be inconsistent with the comprehensive development plans of the City, or (b) would otherwise have a detrimental effect upon other property or properties in the vicinity.

125.11. CONDITIONS GOVERNING ISSUANCE OF CERTIFICATE

1. Certificates shall be issued only to persons of good repute and persons who are in good health and free from any communicable diseases which would disqualify the applicant from engaging in the practice of massage.

2. Certificates shall be issued only to persons free of convictions for offenses which involve moral turpitude or which relate directly to such person's ability, capacity, or fitness to perform the duties and discharge the responsibilities of the occupation.
3. Certificates shall not be issued to persons who have, within one (1) year prior to the date of application, been denied certification; or who have had his or her certificate revoked or surrendered in or by any political subdivision, municipality or by the State of Minnesota.
4. Certificates shall be issued only to applicants who have fully and truthfully answered all of the information requested in the application, have paid the full certificate fee and certification investigation fee.
5. Certificates shall be issued only to persons 18 years of age or older.

125.12. RESTRICTIONS AND REGULATIONS

1. No licensee shall employ any person as a masseur or masseuse without first insuring that said employee possesses a valid certificate for the administration or practice of massage.
2. The licensed premises shall not be open or in operation between the hours of 11:00 p.m. and 8:00 a.m. on the succeeding day nor shall any person engaged in the practice of massage be on said premises or perform any massage or administer any such services between the hours of 11:00 p.m. and 8:00 a.m. on the succeeding day.
3. The licensee, masseuse, or masseur and any persons in their employ or agents or officers thereof and any and all persons with an interest in said business shall comply with all applicable ordinances, regulations and laws of the City of Fridley, the State of Minnesota and the United States Government.
4. If the licensee is a partnership or corporation, the applicant shall designate a person to be manager and in responsible charge of the business. Such person shall remain responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the police department in writing of any such change indicating the name, address and telephone number of the new manager and the effective date of such change.
5. Every licensee shall permit and allow an examination and inspection of every part of the premises by a police, fire or health authority of the City during normal business hours six times each year. Refusal to allow such inspection or to answer the request of City police, fire or health authority to be admitted to a licensed premises shall be grounds for suspension or revocation of all licenses. (Ref. 757)
6. The licensed premises must be kept and maintained in a sanitary condition defined as being free from the vegetative cells of pathogenic microorganisms and all equipment, personal property, tables, beds, towels, clothing and the like used in or for the purpose of massage shall also be maintained in a sanitary condition as defined herein.

7. Any person acting as a masseur or masseuse shall have his or her certificate displayed in a prominent place at his or her place of employment and upon demand by any police officer or other authorized officer or agent of the City of Fridley, any person engaged in practicing massage shall identify himself or herself giving his or her true legal name, correct address and phone number.
8. No person under 18 years of age shall be permitted upon or allowed to be employed or to serve in any establishment licensed under the provisions of this Chapter.
9. Any person practicing massage within the City of Fridley shall initially advise the City of his or her address and telephone number and shall further advise the City of any changes in address or telephone number within thirty (30) days of such change.
10. Any person practicing massage within the City may do so only at premises which are licensed for the conduct of such business as herein provided and further any person practicing massage shall inform the City of any changes in employment or the location of his or her employment within the City within seven (7) days after such change.
11. It is unlawful for a masseur to practice massage upon any person except a male and for a masseuse to practice massage on any person except a female.
12. Any masseur or masseuse practicing massage shall have the upper and lower parts of his or her body covered and completely clothed by a non-transparent uniform at all times.
13. Every person to whom a certificate is issued shall appear personally at the Police Department to receive delivery of the certificate and upon such appearance shall be photographed and fingerprinted for identification purposes. One copy of the photographs shall be permanently affixed to the certificate and a second copy thereof shall be kept in the files of the Police Department.
14. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

125.13. CONSTRUCTION AND MAINTENANCE REQUIREMENTS

1. Each licensed premises shall have a separate restroom, locker room and shower for members of each sex.
2. All massage rooms, restrooms and bathrooms used in connection therewith shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus and shall be maintained in a sanitary condition defined as being completely free from the vegetative cells of pathogenic microorganisms. The floor-to-wall and wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch. All equipment, personal property, beds, towels, clothing and the like used in the massage parlor shall be of a sanitary design and kept in a sanitary condition.

3. All restrooms shall be provided with mechanical ventilation with two (2) cfm per square foot of floor area, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
4. Each licensed premises shall have a janitor's closet which shall provide for the storage of cleaning supplies. Such closet shall have mechanical ventilation of two (2) cfm per square foot of floor area. Such closet shall include a mop sink.
5. All rooms in the licensed premises including, but not limited to, sauna rooms, massage rooms, restrooms, bathrooms, janitor's closet, hallways and reception area shall be illuminated with not less than thirty (30) foot candles of illumination.
6. Floors, walls and equipment in massage rooms, restrooms and bathrooms must be kept in a state of good repair and sanitary at all times. Linen and other materials shall be stored at least twelve (12) inches off the floor. Clean towels, wash cloths and linens must be available for each customer.
7. Individual lockers shall be made available for use by patrons, with each locker having separate keys for locking.
8. Such licensed premises shall provide adequate refuse receptacles which shall be emptied as often as required.
9. The doors to the individual massage rooms shall not be equipped with any locking device nor shall they be blocked or obstructed from either side of the door.
10. Main entrance doors to the premises and all inner doors to rooms that contain customers shall be unlocked at all times during business hours.

125.14. HEALTH AND DISEASE CONTROL

No person while afflicted with any disease in a communicable form or while a carrier of such disease or wounds, sores or any acute respiratory infection shall work in or use the services of any public massage room and no person known or suspected of being afflicted with any such disease or condition shall be employed or permitted in such area or capacity.

125.15. REVOCATION, SUSPENSION OR NONRENEWAL OF LICENSE

The license may be revoked, suspended or not renewed by the City Council upon recommendation of the City Manager by showing that the licensee, its owners, managers, employees, agents or any other interested parties, as enumerated in Section 125.04 with the exception of creditors, have engaged in any of the following conduct:

1. Fraud, deception or misrepresentation in connection with the securing of the license.

2. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs, defined in Minnesota Statutes, Section 253A.02 Subd. 20, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants or tranquilizers.
3. Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers or employees in engaging in conduct involving moral turpitude.
4. Failure to fully comply with any requirements of the Chapters of the City Code of Fridley regarding sanitary and safety conditions, zoning requirements, building code requirements or ordinances, the violation of which involves moral turpitude, or failure to comply fully with any requirements of this Chapter.
5. Conviction of an offense involving moral turpitude by any court of competent jurisdiction.
6. Engaging in any conduct which would constitute grounds for refusal to issue a license therein. (Ref. 757)

125.16. APPEALS

The licensee may appeal such suspension, revocation or non-renewal to the City Council. The Council shall consider the appeal at the next regularly scheduled Council meeting on or after ten (10) days from service of the notice of appeal to the City Manager. At the conclusion of the hearing, the Council may order:

1. That the revocation, suspension or non-renewal be affirmed.
2. That the revocation, suspension or non-renewal be lifted and that the certificate be returned to the certificate holder.
3. The City Council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which they may, in their sole discretion, impose.

125.17. PROHIBITED ACTS

No employer shall employ a person to practice or administer massage nor permit, suffer or allow a person to practice or administer massage unless that person has been granted a valid certificate pursuant to this Chapter and every employer shall require that the certifications be prominently and openly displayed on the premises in plain view.

125.18. LIABILITY FOR CRIMES OF ANOTHER

Every person who commits or attempts to commit, conspires to commit or aids and abets in the commission of any act constituting a violation of this Chapter or any act, which constitutes an omission and, therefore, a violation of this Chapter, whether individually or in connection with one or more persons or as a principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this Chapter is likewise guilty of such offense.

125.19. PENALTIES

Whoever does any act forbidden by this Chapter or omits or fails to do any act required by this Chapter shall be guilty of a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code.

125.20. SEVERABILITY

Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision or part thereof.