

City of Stillwater
Washington County, Minnesota

ORDINANCE NO. 1188

**AN ORDINANCE ENACTING CHAPTER 41, SECTION 41-9, MASSAGE THERAPY
LICENSE OF THE CITY CODE OF THE CITY OF STILLWATER**

The City Council of the City of Stillwater does ordain:

SECTION 1 ENACT. Chapter 41 of the City Code, Section 41-9, Massage Therapy License, is hereby enacted as follows:

Sec. 41-9 – MASSAGE THERAPY LICENSE

Subd. 1. *Definitions*: For the purposes of this chapter, the following words and phrases shall have these meanings:

- (1) *Applicant* means an individual, partnership, corporation or other organization or entity that is applying for licensure.
- (2) *Massage Therapist* means an individual who practices therapeutic massage.
- (3) *Person* means an individual, partnership, corporation or other organization or entity.
- (4) *Standards of Practice* means Standards of Practice published by the National Certification Board for Therapeutic Massage and Bodywork.
- (5) *Therapeutic Massage* means the systematic manual manipulation of soft tissue to enhance health and well-being.
- (6) *Therapeutic Massage Business* means a business that offers therapeutic massage services.

Subd. 2. *Therapeutic Massage Businesses*:

- (1) License Required: No person shall operate a therapeutic massage business without a license. Licensed therapeutic massage businesses may only provide therapeutic massage services by licensed massage therapists who are employed by the business. No more than one business license shall be issued to any one person or for any one location in the City.
- (2) Application, Initial: Application shall be made on a form prescribed by the City, and shall include the applicant name, contact information, and any other information related to the business required by the City or by State Statute. A completed application shall also include the following:
 - (a) Organization Information: If the applicant is a corporation, partnership, or other organization or entity, the applicant shall provide proof of legal standing through State or Federal filing and

shall provide the names of all individuals who hold an interest in the organization.

- (b) **Property Information:** The applicant shall provide the legal description of the premises or the exact street address and suite number, if applicable, of where the business will operate. If the applicant is not the owner of record of the business location, the applicant must provide a lease agreement or other form of agreement entered into with the owner of record authorizing the applicant to operate at that location.
 - (c) **General Authorization and Release of Private Data:** The applicant shall complete a general authorization and release of private data form authorizing the City to perform a background check of the applicant in accordance with section 22-12 of this Code. If the applicant is a corporation, partnership, or other organization or entity, the applicant shall provide a general authorization and release of private data form for each individual who holds an interest in the organization.
 - (d) **License in Another Community:** Whether the applicant (or anyone who holds an interest in the organization) has held, or has held an interest in, a license in another community, and if so, when, where, and for what.
 - (e) **Other License Suspended or Revoked:** Whether the applicant (or anyone who holds an interest in the organization) has held, or has held an interest in, a license that was suspended or revoked, and if so, when, where, and for what.
 - (f) **Felony, Crime, or Violation Conviction:** Whether the applicant (or anyone who holds an interest in the organization) has been arrested for or convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense, and if so, when, where, and for what.
 - (g) **Certificate of Insurance:** A certificate of insurance in the amount of \$1,000,000 for general liability covering all aspects of the business operation shall be included.
 - (h) **Investigation Fee:** An initial investigation fee as provided for by City Fee Schedule shall be paid
 - (i) **License Fee:** An annual license fee as provided for by City ordinance shall be paid.
- (3) **Term:** The licenses issued under this section are valid until March 31 of each calendar year.
- (4) **Application, Renewal:** Application for renewal of an existing license requires the same information as an initial license application except it does not require proof of legal standing through State or Federal filing for the organization, lease agreement or other form of agreement for the business location, or payment of an investigation fee. The request

for a renewal must be made at least 60 days prior to the expiration of the current license.

- (5) Application Submission: The completed application shall be submitted to the City Clerk's Office. Incomplete applications will be rejected.

Subd. 3. *Massage Therapists:*

- (1) License Required: No person shall provide therapeutic massage services without a license. A licensed massage therapist may only provide therapeutic massage services as part of a licensed therapeutic massage business. A massage therapist license shall only be issued to an individual and shall not be issued to a partnership, corporation or other organization or entity.
- (2) Application, Initial: Application shall be made on a form prescribed by the City, and shall include the applicant's name, contact information, and any other information required by the City or by State Statute. A completed application shall also include the following:
 - (a) Proof Of Education/Certification: The applicant shall have proof of at least one of the following education/certification requirements sent directly from the institution, program, Examining Board or Certification Board to the City:
 - (i) Graduation from an institution or program in massage therapy that is accredited by an accrediting agency recognized by the United States Department of Education.
 - (ii) Passing results of Massage and Bodywork Licensing Examination (MBLEx) administered by the Federation of State Massage Therapy Boards (FSMTB), or the National Certification Exam for Therapeutic Massage (NCETM) or National Certification Exam for Therapeutic Massage and Bodywork (NCETMB) administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).
 - (iii) Board Certification in Therapeutic Massage and Bodywork (BCTMB) from the NCBTMB.
 - (b) General Authorization and Release of Private Data: The applicant shall complete a general authorization and release of private data form authorizing the City to perform a background check in accordance with section 22-12 of this Code.
 - (c) License in another Community: Whether the applicant has held, or has held an interest in, a license in another community, and if so, when, where, and what for.
 - (d) Other License Suspended or Revoked: Whether the applicant has held, or has held an interest in, a license that was suspended or revoked, and if so, when, where, and what for.

- (e) Felony, Crime, or Violation Conviction: Whether the applicant has been arrested for or convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense, and if so, when, where, and what for.
 - (f) Proof of U.S. citizenship or proof that the person has the authority to legally work in the United States.
 - (g) Investigation Fee: An initial investigation fee as provided for by City ordinance shall be paid.
 - (h) License Fee: An annual license fee as provided for by City ordinance shall be paid.
- (3) Term: The licenses issued under this section are valid until March 31 of each calendar year.
 - (4) Application, Renewal: Application for renewal of an existing license requires the same information as an initial license application except it does not require proof of education/certification or payment of an investigation fee. The request for a renewal must be made at least 60 days prior to the expiration of the current license.
 - (5) Application Submission: The completed application shall be submitted to the City Clerk's Office. Incomplete applications will be rejected.

Subd. 4. *Background Investigation*: The Public Safety Department will perform a background investigation of all completed applications in accordance with section 22-12 of this Code.

Subd. 5. License Approval/Denial:

- (1) Issuing Authority: The City Council is the issuing authority for license applications.
- (2) License Approval: Unless grounds exist for license denial, a license shall be issued for the calendar year.
- (3) License Denial: The following shall be grounds for denying a license application:
 - (a) The business is not an allowed use in the zoning district for which it is proposed, or no planning application has been approved for such use.
 - (b) Failure of an initial applicant to meet education/certification requirements.
 - (c) An arrest, charge or conviction of a crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03 subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota Statutes section, 364.03 subd. 3.
 - (d) Existence of disciplinary action against the applicant (or anyone who holds an interest in the organization) by the Minnesota

Department of Health Office of Unlicensed Complementary and Alternative Health Care Practice (OCAP).

- (e) The applicant has made fraudulent statements, misrepresentations, not fully disclosed information or made false statements in the application or investigation for or in the course of the applicant's business.
- (f) The applicant has any outstanding fees owed to the City.

Subd. 6. *License Performance Standards:* All licensed therapeutic massage businesses and massage therapists must comply with the following performance standards:

- (1) Compliance with Minnesota Statute, section 146A, Complementary and Alternative Health Care Practices.
- (2) Compliance with Standards of Practice published by NCBTMB. Standards specific to the NCBTMB will only apply to individuals holding board certification with the NCBTMB.
- (3) Therapeutic massage businesses must maintain general liability insurance covering all aspects of the business operation.
- (4) Therapeutic massage business licenses are effective for the compact and contiguous space in the approved license application. Massage business licenses must be clearly posted at the place of business.
- (5) A therapeutic massage business license shall entitle the business to offer off-site therapeutic massage services at a business, public gathering, event, private home, or other site not on the therapeutic massage business premises, provided such services are performed by a licensed massage therapist employed by the business.
- (6) A therapeutic massage business licensee shall be responsible for all aspects of the business operation and the conduct of its employees.

Subd. 7. *Prohibited Conduct:* The following conduct is prohibited:

- (1) Any conduct prohibited under Minnesota Statute, section 146A, Complementary and Alternative Health Care Practices.
- (2) Allowing an unlicensed person to perform therapeutic massage.

Subd. 8. *License Suspension/Revocation:*

- (1) Notice and Hearing: The City Council may consider suspension or revocation of a therapeutic massage business or massage therapist license when grounds exist. The City shall provide the licensee proper notice and a hearing prior to such suspension or revocation.
- (2) Grounds for Suspension or Revocation: Any of the following shall be grounds for suspension or revocation of a license:
 - (a) Conviction or adjudication of the licensee (or anyone who holds an interest in the organization), or any form thereof whose disposition is pending, for any crime outlined in Minnesota Statute, sections 609.281 through 609.284, Sexual and Labor Trafficking Crimes,

and Minnesota Statute, sections 609.293 through 609.353, Sex Crimes.

- (b) Conviction or adjudication of the licensee (or anyone who holds an interest in the organization), or any form thereof whose disposition is pending, for any conduct outlined in Minnesota Statute, section 146A.08 Complementary and Alternative Health Care Practices, Prohibited Conduct.
- (c) Any disciplinary action against the licensee (or anyone who holds an interest in the organization) by OCAP.
- (d) Failure to follow license performance standards.
- (e) Engaging in, allowing, or failing to prevent prohibited conduct outlined in this chapter.
- (f) Negative findings revealed during the license period that affect the public safety, health, and welfare.

Subd. 9. *License Exemption*: A therapeutic massage business license or massage therapist license is not required for the following:

- (1) Facilities licensed by the Minnesota Department of Health.
- (2) Licensed or registered health care practitioners that offer massage therapy services under the practitioner's license as outlined by Minnesota Statute, section 146A.065, when the therapist is hired or employed by a medical professional licensed under Minnesota Statutes, chapter 147 (Medical Practice) or 148 (Chiropractic) or a dental professional licensed under Minnesota Statutes, chapter 150A. A massage therapist is not limited to providing treatment to patients of the medical or dental professional.
- (3) Persons licensed by the State of Minnesota Board of Barber Examiners as barbers or the State of Minnesota Board of Cosmetology as cosmetologists, provided such persons do not hold themselves out as offering massage services and provided any massage service is complementary to the licensed activity and is limited to the head, neck, hands, or feet.
- (4) Students from an accredited institution (pursuant to the requirements of Section 41-9 subd. 3(3)(a) i) who are performing therapeutic massage services in the course of a clinical component of an accredited program of study, provided that the students meet all of the following:
 - (i) Perform the massage services at either the location of the accredited institution or clinics or other massage therapy businesses located outside of the accredited institution (if performing massage therapy outside of the institution the students must have at least 150 hours of certified therapeutic massage training at the accredited institution prior to performing the massage therapy);

- (ii) Have proof of liability insurance, which may be covered by the clinic or other licensed therapeutic massage therapy business or by the accredited institution; and
- (iii) Are identified to the public as a student of massage therapy.


SECTION 2 SUMMARY PUBLICATION. Pursuant to Minn. Stat. Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City is enacting an ordinance to license massage therapy businesses and massage therapists.

SECTION 3 EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of the City of Stillwater this 19th day of July, 2022.

CITY OF STILLWATER



Ted Kozlowski, Mayor

ATTEST:



Beth Wolf, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF WASHINGTON) ss

Debra Schwalba being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Stillwater Gazette

with the known office of issue being located in the county of:

WASHINGTON

with additional circulation in the counties of:

WASHINGTON

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 07/22/2022 and the last insertion being on 07/22/2022.

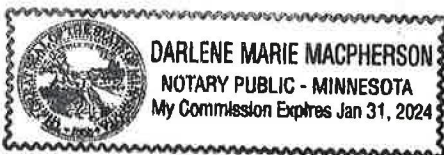
MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: 
Designated Agent

Subscribed and sworn to or affirmed before me on 07/22/2022 by Debra Schwalba.


Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$40.00 per column inch

Ad ID 1245060

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The City Council of the City of Stillwater does ordain: The City is enacting an ordinance to license massage therapy businesses and massage therapists

Approved this 19th day of July, 2022. Do not hesitate to contact the City Clerk's Office (651) 430-8802 if you have any questions or need further information.

Signed: Beth Wolf,
City Clerk

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