



**CRIMINAL BACKGROUND CHECK AUTHORIZATION**

All persons applying for a Massage Therapy License must submit a background check authorization to be performed by the Hibbing  Department and the Bureau of Criminal Apprehension (BCA).

**Date:** \_\_\_\_\_

The following named individual has made application with the City of Hibbing for a Massage Therapy License.

**Last Name of Applicant** (*please print*): \_\_\_\_\_

**First Name** (*please print*): \_\_\_\_\_

**Middle** (*full/please print*): \_\_\_\_\_

**Maiden, Alias, or Former** (*please print*): \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_ **Sex:** (M or F): \_\_\_\_\_

**Social Security Number:** \_\_\_\_\_

I authorize the Minnesota Bureau of Criminal Apprehension to disclose all criminal history record information to the Hibbing Police Department for the purpose of a Massage Therapy License with the City of Hibbing.

The expiration of this authorization shall be for a period of no longer than one year from the date of my signature.

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

**Notary:**

State of Minnesota  
County of St. Louis

Signed before me \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Stamp:**

\_\_\_\_\_  
Notary Public

## ORDINANCE NO. 411, 2ND SERIES

AN ORDINANCE OF THE CITY OF HIBBING, MINNESOTA, AMENDING HIBBING CITY CODE CHAPTER 6 ENTITLED "OTHER BUSINESS REGULATION AND LICENSING" BY UPDATING SECTION 6.32 ENTITLED "MASSAGE THERAPY ESTABLISHMENTS" AND BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 6.99 WHICH, AMONG OTHER THINGS, CONTAINS PENALTY PROVISIONS.

THE CITY COUNCIL OF HIBBING, MINNESOTA ORDAINS:

**Section 1.** Hibbing City Code Section 6.32 entitled "MASSAGE PARLORS" is deleted in its entirety.

**Section 2.** There shall be added to the Hibbing City Code a new Section 6.32 entitled "MASSAGE THERAPY ESTABLISHMENTS" reading as follows:

### "Section 6.32. MASSAGE THERAPY ESTABLISHMENTS.

**Subd. 1. Definitions.** As used in this Section, the following words and terms shall have the meanings ascribed to them in this Subdivision:

**1. Chair Massage.** A massage provided to a fully-clothed individual, and limited to the neck, shoulders, arms, and back, where the massage is not provided in a massage therapy establishment; and provided the individual giving the massage meets the requirements specified in Subdivision 4 of this Section.

**2. Massage Therapist.** A person who practices massage therapy.

**3. Massage Therapy.** The rubbing, stroking, kneading, tapping or rolling of the body with the hands or other parts of the body for the exclusive purposes of relaxation, physical fitness or beautification and for no other purpose.

The practice of massage therapy is hereby declared to be distinct from the licensed practice of medicine, osteopathy, chiropractic, physical therapy, podiatry and nursing, as well as athletic coaches and trainers. Persons engaged in those professions are exempt from the provisions of this Section.

**4. Massage Therapy Establishment.** Any room, or premise wherein a person may receive a massage from a massage therapist for a fee; where massages are given on more than 14 calendar days in any given calendar year.

**5. Sanitary.** Free from the vegetative cells of pathogenic microorganisms.

**Subd. 2. License for Massage Therapy Establishment.**

**1. License Required.** No person shall engage in the business of operating a massage therapy establishment within the City without first having obtained the required license.

**2. Application Fee.** The initial application for a license shall be made by completing an application form provided by and containing such information as required by the City Council Secretary and by paying a non-refundable application fee as established by the City Fee Schedule by Resolution.

**3. Separate License Required Fee.** A separate license shall be obtained for each place of business, the fee for which shall be as established by the City Fee Schedule by Resolution.

**Subd. 3. Granting, Denying or Rescinding of Licenses.**

**1. Zoning Compliance.** Massage Therapy Establishment licenses may be granted only to establishments associated with and operating within the confines of and incidental to a properly zoned beauty parlor (salon), health club, office, shopping mall, or similar areas open to the public.

**2. Building, Safety and Sanitation Regulations.** Licenses may be denied or rescinded if the premises of the massage therapy establishments do not meet the requirements of the City Council, and of the building, safety and sanitation regulations of the City and State.

**3. Fraud or Deception.** Licenses may be denied or rescinded if there is any fraud or deception involved in the license application.

**4. History of Violations.** Licenses may be denied or rescinded if the applicant, licensee or employee of the same fails to comply with, or have a history of violations of the laws or ordinances which apply to health, safety or moral turpitude.

**5. Additional Conditions.** The City Council may attach such reasonable conditions to the license as it, in its sole discretion, deems to be appropriate.

**Subd. 4. Practice of Massage Therapy only by Licensed Persons.**

**1. Application for License.** Any person or business desiring to be licensed as a massage therapy establishment shall file an application on forms provided by the City Council Secretary. The application shall contain such information as the City Council Secretary may require, including:

- A. The applicant's full name, address, social security number and written proof of age.
- B. The name and address of the licensed massage therapy establishment by which the applicant expects to be employed.
- C. A statement concerning whether the person has been convicted of or entered a plea of guilty to any crime or ordinance violation and, if so, information as to the time, place and nature of such crime or offense.
- D. Proof that the applicant meets the following educational requirements:
  - 1) A diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association; or
  - 2) A diploma or certificate of graduation from a school which is either accredited by a recognized educational accrediting association or agency or is licensed by the State or local government agency having jurisdiction over the school.
  - 3) Each applicant shall also furnish proof at the time of application of a minimum of 600 hours of successfully completed course work in the following areas:
    - a) The theory and practice of massage, including, but not limited to, Swedish, Esalen, Shiatsu and/or foot reflexology techniques; and
    - b) Anatomy, including, but not limited to, skeletal and muscular structure and organ placement; and
    - c) Hygiene.

**2. Fee.** The annual license fee for a massage therapist is as established by the City Fee Schedule by Resolution.

**3. Review of Application.** License applications shall be reviewed by the Police Department.

**4. Denial of Application.** The license application may be denied for any of the following reasons:

- A. **Fraudulent Statements.** The application contains false, fraudulent, or deceptive statements.

- B. **Prior Conviction.** The applicant has been convicted of or entered a plea of guilty within the previous three years to a violation of this Section or of any other law regulating the practice of massage, or of any law prohibiting criminal sexual conduct, prostitution, pandering, indecent conduct or keeping of a disorderly house.
- C. **Noncompliance.** The applicant has not complied with a provision of this Section.
- D. **Underage.** The applicant is less than eighteen (18) years of age.

**Subd. 5. Revocation or Suspension of License.** A license may be revoked or suspended for any of the following reasons:

**1. Application Fraud.** Fraud, deception or misrepresentation in connection with the registration application.

**2. Violation of Section.** A violation of any provision of this Section.

**3. Criminal Conviction.** Conviction of a criminal sexual conduct, prostitution, pandering, indecent conduct or keeping a disorderly house.

**4. Conviction Arising out of Practice of Massage Therapy.** Conviction of any crime or ordinance violation arising out of the practice of massage therapy.

**5. Lack of Skill.** Exhibition of a demonstrable lack of skill in the practice of massage therapy.

**Subd. 6. Restrictions and Regulations.**

**1. Display of License.** Any person registered as a massage therapist hereunder shall display such license, or a true copy thereof, in a prominent place at such person's place of employment.

**2. Identification.** Upon demand of any police officer at the place of employment, any person licensed hereunder shall produce correct identification, identifying himself/herself by hi/her true legal name and correct address.

**3. Inspection.** During business hours, all massage therapy establishments shall be open to inspection by City Building Inspectors and police officers.

**4. Therapist, Change of Location.** Any person licensed hereunder shall practice massage only at such location or locations as are designated in the license. Any person registered hereunder shall inform the City Council Secretary, in writing, of any change in location prior to its occurrence.

**5. Hours.** No customers or patrons shall be allowed to enter or remain on the licensed premises after 9:00 p.m. or before 8:00 a.m. daily.

**6. Alcohol or Drugs Prohibited.** No beer, liquor, narcotic drug or controlled substance, as such terms are defined by State Statutes or the City Code shall be permitted on licensed premises.

**7. Violation of Building, Safety or Health Regulations.** Violation of any law or regulation relating to building, safety or health shall be grounds for revocation of any license.

**8. Locks on Doors.** There shall be no locks on doors of massage rooms.

**9. Appropriate Covering Required.**

A. Patron. Whenever a massage is given, it shall be required by the massage therapist that the person who is receiving the massage shall have her breasts and his/her buttocks and genitals covered with a non-transparent material. For purposes of receiving a chair massage, patrons must stay fully-clothed at all times.

B. Therapist. Any massage therapist performing any massages shall at all times have her breasts and his/her buttocks and genitals covered with a non-transparent material.

**10.** With the except of chair massages, all other types of massages shall take place in a private room subject to the conditions and restrictions noted above."

**Section 3. Penalties.** Hibbing City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 6.99 entitled "Violations a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

**Section 4.** After adoption, signing and attestation, this ordinance shall be published once in the official newspaper of the City and shall be in effect on and after January 1, 2013.

Adopted by the City Council of Hibbing, Minnesota, this 21st day of November, 2012.

FOR ADOPTION:           Councilor Jack Lund  
                          Councilor Tim Harkonen  
                          Councilor Darby Sater  
                          Councilor Patty Shafer  
                          Councilor Frank Bigelow  
                          Clerk Patrick Garrity  
                          Mayor Rick J. Cannata

AGAINST ADOPTION:   None.

ABSENT:                 None.

CITY OF HIBBING

\_\_\_\_\_  
Rick J. Cannata, Mayor

ATTEST:

\_\_\_\_\_  
Patrick L. Garrity, Clerk-Treasurer

The foregoing Ordinance reviewed and approved as to form.

\_\_\_\_\_  
Richard K. Sellman, City Attorney

(Published in the Hibbing Tribune on \_\_\_\_\_.  
Affidavit of Publication attached.)