

**AN ORDINANCE CONCERNING MASSEURS,  
MASSEUSES, MASSAGIST AND  
MESSAGE PARLORS**

**SECTION 1 - PURPOSE**

It is hereby declared that the business of operating massage establishments as defined herein is a business affecting the public health, safety and welfare.

**SEC. 2 - DEFINITIONS**

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a.) **Massage.** Any method of pressure on, or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body or skin with the hands or with the aid of any mechanical or electrical apparatus or appliance including brushes, cloths, leaves, heat lamps, sun or tanning lights, hot or cold packs, tubs, showers, sprays, cabinet or redwood type baths, steam or dry heat baths with or without any such supplementary aids as rubbing alcohol, liniments, antiseptic, oils, powders, creams, lotions, ointments, liquids, salts, jells or other similar preparations or aids commonly used in such practice.

(b.) **Massage Establishment.** Any establishment having a fixed or mobile business where any person, association, partnership, or corporation engages in or carries on, or permits to be engaged in or carried on, any of the activities pertaining to massage.

(c.) **Massagist, masseur, masseuse and technicians.** Any person who engages in the practice of massage for any reason with or without any amount or form of remuneration or consideration.

(d.) **Employee.** Any and all persons other than the masseurs, massagists, masseuses or technicians who render any service in a massage establishment who have no physical or aid treatment contact with customers or clients.

(e.) **Recognized School.** Any school or institution of learning which has for its purpose the teaching of the theory and practice, the method, profession or work of massage including anatomy, physiology, hygiene and professional ethics, such school must require a resident course of study of not less than five hundred (500) hours and not less than six months prior to graduation or receiving a certificate of graduation. A recognized school shall not include schools and institutions which offer correspondence courses or which do not require actual practical training. A recognized school shall mean any school or institution recognized by the Department of Education or the Commission on Higher Education of the State of Connecticut.

(f.) **Authorized Agent.** An authorized agent is a person designated by the Director of Health to act for him in administering any state or local codes, regulations, or ordinance pertaining to massage parlors, massagists, masseurs, masseuses and technicians.

### **SEC. 3 - LOCATION OF MASSAGE ESTABLISHMENT**

No massage establishment, fixed or mobile, shall be located within a distance of five hundred (500) feet of a public or private educational facility, public library, structure or building used for conducting religious services, or any other massage establishment.

### **SEC. 4 - LICENSE REQUIRED – MASSAGE ESTABLISHMENT**

It shall be unlawful for any person to engage in, conduct or carry on or permit to be engaged in, conducted or carried on in or upon any premises fixed or mobile, the operation of a massage establishment without a license approved by the Director of Health or his authorized agent.

### **SEC. 5 - FILING AND FEE PROVISION – MASSAGE ESTABLISHMENT**

Each applicant for a license to maintain, operate or conduct a massage establishment shall file an application on forms provided by the Director of Health and pay a filing fee of five hundred (\$500.00) which shall not be refundable. If any state statute, code, or regulation requires also a permit, then evidence of appropriate action to obtain such a state permit shall also be required.

### **SEC. 6 - APPLICATION FOR A MASSAGE ESTABLISHMENT LICENSE**

(a) The application for a license to operate a massage establishment shall set forth the exact nature of the massage to be administered, proposed place of business, fixed or mobile, and all

facilities therein, and the name(s), address(es) and telephone number(s) of each applicant, all its owners and managers.

(b) In addition to the foregoing, all applicant(s), manager(s), and owner(s) who make application for a license shall furnish the following information:

- (1.) Written proof that the applicant(s), manager(s), and owner(s) are at least eighteen (18) years of age.
- (2.) Two portrait photographs each showing frontal and profile views of at least 2" x 2" and two sets of their fingerprints.
- (3.) Business, occupation or employment of the applicant(s), manager(s) and owner(s) for the three (3) years immediately preceding the date of application.
- (4.) Massage or similar business license history of all applicant(s), manager(s) and owner(s) whether such person(s) have previously operated in this state or any other state under license, has had any such license revoked or suspended, the reason therefore and the business activities or occupation(s) subsequent to such action of suspension or revocation.
- (5.) Any criminal convictions except minor traffic violations.
- (6.) If the applicant is not a practitioner of massage, then the application shall designate a licensed practitioner of massage to be the agent of the principal owner(s) and operator(s) and to be in constant, direct and personal supervision and responsible for said establishment.
- (7.) A list of all persons having a beneficial financial interest in the massage establishment and the amount of each person's interest if ten percent (10%) or over. If a corporation holds ten percent (10%) or more, the names of the corporate officers shall be supplied. All changes in any ownership of ten (10%) or more, whether personal or corporated shall be kept updated within ten (10) days as changes take place.
- (8.) Two (2) sets of blue print plans for the physical layout of the massage establishment.

(9.) Appropriate certificates showing proper compliance with all other applicable rules, regulations, codes, ordinances and statutes, including but not limited to town planning, zoning, building, housing, fire and health codes of the Town of Plainville and the State of Connecticut.

(10.) A written statement of operating policies and procedures pertaining to such matters as times of operation, accessibility, personal policies, methods and schedules of cleaning and sanitizing, and provisions for safety and health of clients and employees as is deemed needed.

(11.) The Director of Health may require additional documented or testimonial information to support the application.

#### **SEC. 7 - MASSEUR, MASSAGIST, MASSEUSE AND TECHNICIAN LICENSES**

It shall be unlawful for any person to engage in the practice of massage as herein defined without a license issued by and approved by the Director of Health.

#### **SEC. 8 - FILING AND FEE PROVISION - MASSAGIST, MASSEUR, MASSEUSE AND TECHNICIANS**

Any person including an applicant for a massage establishment permit, who engages in the practice of massage as herein defined shall file an application for a masseur, massagist, masseuse or technician license on a form provided by the Director of Health and shall pay a licensing fee of one hundred and 00/100 (\$100.00) Dollars which shall not be refundable.

#### **SEC. 9 - APPLICATION FOR MASSAGIST, MASSEUR, MASSEUSE OR TECHNICIAN LICENSE**

(a.) All applications for a massagist, masseur, masseuse, or technician permit shall contain the following:

(1.) Name and residence address and telephone number.

(2.) Social Security Number.

(3.) Applicant's weight, height, color of hair and eyes and

a set of their fingerprints.

- (4.) Written evidence that the applicant is at least eighteen (18) years of age.
- (5.) Business, occupation or employment for three (3) years immediately preceding date of application.
- (6.) Information as to whether such person has ever been convicted of any crime except minor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.
- (7.) Name and address of the recognized school attended, the date attended and a copy of the diploma or certificate of graduation awarded showing the applicant has successfully completed not less than five hundred (500) hours of instruction.
- (8.) Any massagist, masseur, masseuse or technician employed is required to present a certificate from a physician licensed to practice in the State of Connecticut stating that the applicant has been examined and found to be free of any contagious or communicable disease and showing that the examination was conducted within thirty (30) days prior to the submission of the application.

#### **SEC. 10 - EXAMINATION FOR LICENSE**

Each applicant for a license as a massagist, masseur, masseuse or technician shall take an examination prepared by the Director of Health. The examination will be in the English language.

#### **SEC. 11 - LICENSE - DENIAL, SUSPENSION OR REVOCATION -MASSAGE ESTABLISHMENT**

(a.) Application for a license to conduct a massage establishment shall be submitted to the Director of Health at least sixty (60) days in advance of the proposed opening for operation of the establishment. Any license issued under these regulations shall be valid until the next renewal date. Upon denial of an application of an original or subsequent license, the Director of Health shall notify the applicant in writing of such denial by mailing a notice via certified mail to him at the address shown on the most recent application.

(b.) The Director of Health may suspend, revoke or refuse to issue or renew any license of any massage establishment regulated or licensed under this ordinance if the applicant does not properly comply with any requirement of this ordinance or is involved in any violations or adjudications including but not limited to the following:

- (1.) is convicted of any offense involving moral turpitude, obscenity, sexual misconduct, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering, the record of conviction being conclusive evidence thereof;
- (2.) is legally adjudicated insane or mentally incompetent, the record of such adjudication being conclusive evidence thereof;
- (3.) uses or permits to be used on the premises any narcotic or any controlled drug, as defined in Connecticut General Statutes Section 19-443 (as amended) to an extent or in a manner that such use impairs his/her ability to direct the establishment and endanger any clients or other personnel;
- (4.) fails to maintain standards of this ordinance or requirements prescribed and published by the Director of Health;
- (5.) furnishes or makes any misleading or any false statement of report to the Director of Health or his authorized agents;
- (6.) refuses to submit to the department any reports or refuses to make available to the Director of Health or his agents any records required by the department in investigating the facility for licensing or relicensing purposes;
- (7.) fails or refuses to submit to an investigation or inspection by an agent or to admit authorized representatives of the Director of Health at any reasonable time for the purpose of investigation, inspection, licensing or relicensing;
- (8.) fails to provide, maintain, equip and keep in a safe and sanitary condition the premises established for and used by clients pursuant to minimum standards prescribed by the Director of Health or by ordinances, statutes, codes, standards or regulations applicable to the establishment;

(9.) willfully or deliberately violates any of the provisions of this ordinance;

(10.) employs any unlicensed massagists, masseurs, masseuses or technicians.

## **SEC. 12 - MASSAGISTS, MASSEUR, MASSEUSE OR TECHNICIANS LICENSES - DENIAL, SUSPENSION OR REVOCATION**

(a.) Application for a license shall be made at least thirty (30) days in advance of the expected time of employment. A license issued shall be valid until the next renewal date unless surrendered for cancellation or suspended or revoked. Upon denial of an application of an original or renewal license, the Director of Health shall notify the applicant in writing of such denial by mailing a notice to him at the address shown on his most recent application on file within the department.

(b.) The Director of Health may suspend, revoke or refuse to renew a license of any masseur, massagist, masseuse or technician licensed under the provisions of this ordinance if the applicant is personally implicated in one or more of the items listed in Sec. 11 and for any other conduct the Director of Health considers unprofessional and/or unethical.

## **SEC. 13 - RENEWAL OF LICENSES**

Applications for renewal of licenses shall be made one year from date of issuance and shall be accompanied by a one hundred dollar (\$100.00) fee for a massage establishment and a twenty-five dollar (\$25.00) fee for license as a massagist, masseur, masseuse or technician. These fees shall not be refundable. All massagists, masseurs, masseuses or technicians are required to present a certificate from a physician licensed to practice in the State of Connecticut stating that the applicant has been examined and found to be free of any contagious or communicable disease and showing that the examination was conducted within thirty (30) days prior to the submission of the application. Application for renewal of the licenses is to be made on forms supplied by the Director of Health. Each applicant for a license shall sign a statement on the renewal form that all information stated in the original application for licenses continues to be correct. If there are changes in the information, then these are to be detailed on the renewal application.

## **SEC. 14 - LICENSES TO BE DISPLAYED**

The license for the massage establishment shall be posted in a conspicuous place in the establishment. Licenses of all masseurs, massagists, masseuses and technicians must also be

present and posted in a conspicuous place within the establishment. Failure to so post any license shall result in the presumption that the establishment and/or its masseurs, massagist, masseuses and technicians are operating in violation of this ordinance.

## **SEC. 15 - FACILITIES**

(a.) No license to conduct a massage establishment shall be issued unless an inspection by the Director of Health, his agent or, if applicable, an agent of the State Department of Health Services reveals that the establishment complies with all of the following minimum requirements. On issuance of an original or renewal license, the Director of Health, his agent or, if applicable, an agent of the State Department of Health Services shall review the premises and establish that all sanitary facilities are in compliance with all provisions of the Connecticut Public Health Code, State Statutes, regulations, and local ordinances, and that all food and beverage service areas are in compliance with appropriate regulations, statutes, codes, standards, regulations and ordinances.

(b.) Construction of rooms used for toilets, tubs, steam baths, whirlpools, and showers shall be waterproofed with approved waterproof materials.

(c.) Toilet facilities shall be provided in convenient locations. When five or more employees and/or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per section shall be provided for each twenty (20) or more employees and/or patrons or fraction thereof of that sex capable of being on the premises at anyone time. Urinals may be substituted in lieu of every other water closet after one water closet has been provided for males. Toilets shall be designated as to the sex to be accommodated and meet all Public Health Code requirements.

(d.) A minimum of one lavatory or water basin shall be provided for every twenty (20) or more employees and/or patrons with both hot and cold running water supplied through a mixing valve installed in either the toilet room or vestibule immediately located adjacent to toilet rooms. Lavatories or washbasins shall be provided with soap in a proper dispenser and with sanitary towels or adequate drying devices. No common toweling of any kind will be allowed.

(e.) Water supplies and sewage and waste disposal systems shall be in compliance with all regulations of the Connecticut Public Health Code and applicable local ordinances, rules and regulations of the Town of Plainville.

(f.) Refreshment facilities shall be separated from service facilities, and shall be in compliance with all regulations of the Town of Plainville and the Connecticut Public Health Code regarding food and beverages.

#### **SEC. 16 - CONSTRUCTION AND RENOVATION**

No massage establishment shall modify the physical layout in any way without first submitting plans to and receiving approval therefore from the Director of Health and any other department of the Town when so required.

#### **SEC. 17 - TRANSFER OF LICENSE**

No license for a massage establishment shall be transferable except by written application to and approval by the Director of Health provided, however, that upon the death or incapacity of the authorized licensee of an existing massage establishment, the establishment may continue in business for thirty (30) days after death or incapacity of the authorized licensee to allow for an orderly new application process of licensure. Licenses for massagists, masseurs, masseuses and technicians are not transferable.

#### **SEC. 18 - ADVERTISING**

No massage establishment granted a license under the provisions of this ordinance shall place, publish or distribute or cause to be placed, published or distributed any advertising material that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available other than those services described and authorized under definitions and licensure in these regulations, or that employees, masseurs, massagists, masseuses or technicians are dressed in such a manner or behave in such a manner as to suggest that they or the establishment are engaged in keeping or residing in a house of ill fame, soliciting of a lewd or unlawful act, prostitution or pandering. Nor shall any massage establishment indicate in the text of such advertising that any services are available other than those described and authorized under approved licensure and definitions of this ordinance.

#### **SEC. 19 - RATE POSTING REQUIREMENTS**

A full schedule of service rates shall be posted in a prominent place within the massage establishment in such a manner as to come to the attention of all patrons before they receive any services. No charges other than the specified rates for specified services are to be allowed

without the patron being notified of the full cost prior to the rendering of any service. Such rates shall be posted with the display of the licenses for the massage establishment and all its licensed personnel.

#### **SEC. 20 - DESIGNATION OF EXEMPTED PERSONS AND ORGANIZATIONS**

These regulations shall not apply to any school, non-profit private United Way agency, hospital, nursing home or sanitarium, clinic or rehabilitation facility operating in accordance with the laws of the State of Connecticut, nor to any employee working under the direction of such facility, nor to any person holding a valid, unrevoked certificate or license to practice the healing arts or to practice podiatry, physical therapy, midwifery, nursing, dentistry, dental hygiene, optometry or massage therapy (such licenses as are defined in the Regulations of the Connecticut Department of Public Health and Addiction Services) nor the persons engaged in the occupations of barber, hairdresser or cosmetician under the laws of the State of Connecticut; provided the activities of such person are confined to those for which the certificate or license is granted, or persons lawfully acting under their supervision or control; nor shall it prohibit the furnishing of assistance in the case of emergency; nor shall these regulations apply to massage therapists who have graduated from an American Massage Therapy Association certified massage school and who hold a Certificate of Massage Therapy from the American Massage Therapy Association.

#### **SEC. 21 - OPERATING REQUIREMENT AND HEALTH STANDARDS**

(1.) Every portion of the massage establishment, including appliances, apparatus and personal shall be clean and at all times properly maintained and operated in a sanitary condition.

(2.) All employees shall be clean and wear clean outer garments whose use is restricted to the massage establishment. Provisions for separate dressing rooms for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self closing and meet all minimum requirements of the Connecticut Public Health Code and standards of the Director of Health.

(3.) All employees, masseurs, massagists, masseuses and technicians must be modestly attired at all times.

(4.) Individual sanitary sheetings shall be provided for each patron to lie on during massage, moreover the patron's body shall be covered appropriately except for the portion thereof being subjected to massage.

(5.) All massage establishments shall provide separate clean laundered sheets and towels in sufficient quantity and they shall be properly laundered after each such use thereof and stored in an approved sanitary manner.

(6.) Appropriate single service disposal items may be utilized in lieu of sheets and towels.

(7.) All personnel, wet and dry heat rooms, shower compartments, table or bench facilities and toilet rooms shall be kept clean and so maintained each day the business is in operation. All bathtubs shall be thoroughly cleaned after each use.

(8.) Massage as defined in this regulation must be carried on in one cubical room, booth or area within the licensed facility. No massage may be carried on in any other cubical room, booth or area except where such cubical, room, booth or area has unobstructed transparent doors or walls so that all activity within a cubical room, booth or area is visible from outside the same.

(9.) A massage establishment shall not conduct business between the hours of 11:00 P.M. and 8:00 A.M.

(10.) No alcoholic beverage or other intoxicant shall be displayed, served, ingested, brought to, or sold on the premises of said massage establishment.

(11.) An adequate supply of hot and cold running water must be available constantly during hours of operation.

(12.) Individual soap and towels must be available for each person's use.

(13.) Each practitioner of massage shall thoroughly cleanse his or her hands by washing immediately before serving any patron.

(14.) Mechanical apparatus such as heat lamps, tanning lights, sun lamps, hot and cold packs, tubs, special showers, cabinet baths, redwood baths, steam or dry heat baths, and the like, shall be utilized only by and under the constant direct personal supervision of a licensed masseur, masseuse, or technician.

(15.) All equipment and materials utilized by practitioners of massage shall be in safe and sanitary order and so maintained and operated as to preclude any danger or hazard to patron or practitioner.

(16.) No part of a percussor, vibrator, or other device (mechanical or otherwise) which cannot be appropriately sterilized or sanitized shall be applied directly to the skin of a patron, but the part of the body administered to shall be covered with clean towel or napkin or else the device shall be covered in a similar manner.

(17.) For each massage establishment there shall be kept a daily register indicating the names of all clients, the addresses and hours of arrival, the rooms or cubicles assigned and the masseur, massagist, masseuse or technician rendering services. Said daily register shall be at all times during business hours subject to inspection, and shall be kept on file for a minimum of one year.

(18.) Adverse reactions and accidents must be carefully watched for and appropriate action taken immediately for relief therefrom. Chronicles of such incidents shall be kept in the daily registry and be open for review.

(19.) No patron who may be deemed to be possibly suffering from an infectious, contagious, or communicable disease particularly of the body surfaces shall be provided with any service unless such patron shall have furnished a certificate from a licensed physician to the effect that the disease or condition is not of transmissible nature.

(20.) Notice shall be given to the Doctor of Health by telephone and confirmed within forty-eight (48) hours in writing by the proprietor of a massage establishment of any infectious, contagious or communicable disease occurring amongst any employees, masseurs, masseuses or technicians. No employee, masseur, masseuse or technician considered affected by such a disease shall continue in work until approved by the local Director of Health and/or the Connecticut State Department of Health Services. Each person so reported shall at the discretion of the Director of Health submit to a medical examination by a licensed physician and supply such specimens of body fluids or discharge for examination as may be required.

(21.) Masseurs, masseuses or technicians shall not diagnose or treat classified diseases nor practice spinal or other joint manipulation nor prescribe any medication or drugs.

(22.) Heliotherapy may be administered only by a registered physical therapist because of serious, severe and unpredictable hazards associated therewith.

(23.) Appropriate monitoring and safety devices as well as emergency call systems shall be available as deemed necessary by the Director of Health in connection with special techniques utilized in a massage establishment.

(24.) Temperatures of water baths of any type shall not exceed 105° F and patrons shall not be subjected to exposure of more than thirty (30) minutes.

(25.) Steam cabinet or room bath temperatures shall not exceed 110° F and patrons shall not be subjected to exposures exceeding thirty (30) minutes.

(26.) Dry heat cabinet or room bath temperatures shall not exceed 165° F and patrons shall not be exposed to exposures exceeding thirty (30) minutes.

(27.) No person shall use for housing, sheltering or harboring of employees, other persons or animals, any massage establishment, or cause or permit same or any area directly connected thereto to be used as living or sleeping quarters by any owners, managers, employees, clients or other individuals.

#### **SEC. 22 - VIOLATION AND PENALTY**

Every person, except persons who are specifically exempt by this article, whether acting as individual, owner, agent or employee of the owner, operator or employee of operator, or acting as a participant or worker in any way, who gives massages or conducts a massage establishment without first obtaining a permit and paying a license fee to the Town of Plainville or shall violate any of the provisions of this article shall be guilty of a misdemeanor. Upon conviction, such person shall be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment for a period not to exceed thirty (30) days, or by both such fine and imprisonment and every day of any such continued violation shall constitute a separate offense.

#### **SEC. 23 – SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by a court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

#### **SEC. 24 - SHORT TITLE**

This ordinance shall be known and may be cited as Massage Parlor Ordinance for the Town of Plainville.

**SEC. 25 - EFFECTIVE DATE**

The provisions of this ordinance shall take effect immediately on passage and publication.

Adopted by Town Council February 4, 1980 Amended  
December 13, 1993