

ORDINANCE 1985

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 139 MASSAGE THERAPISTS

BE IT ENACTED by the City Council of the City of Ankeny, Iowa:

SECTION 1. SECTION MODIFIED. Home Massage Treatment, Section 139.01 is hereby repealed and the following adopted in lieu thereof:

139.01 PURPOSE.

The State of Iowa licenses massage therapists under the provisions of Iowa Code Chapter 152C. State licensed massage therapists and businesses offering massage therapy services perform an important service in addressing the health and well-being of residents. Unfortunately, there are businesses that advertise they provide massage therapy and/or other therapeutic services, but engage in various illegal activities, which may include prostitution and/or human trafficking. This article is not intended to discourage legitimate, licensed massage therapists or massage therapy businesses from providing their services. The purpose of this ordinance is to identify and address businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities, which may include prostitution and/or human trafficking. Businesses providing massage therapy, but also conducting various types of illegal activity, are harmful to the health, safety, and welfare of the city and negatively impact the massage therapy profession.

139.02 DEFINITIONS.

For the purposes of this article, the following words and phrases have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

- (1) "Massage therapist" means a person licensed under Iowa Code Chapter 152C to practice the health care service of the healing art of massage therapy
- (2) "Massage therapy business" means any business or place of business, including mobile, temporary, and transient businesses, wherein, or on whose behalf, any of the treatments, techniques, or methods of treatment referred to as "massage therapy" are administered, practiced, used, given, advertised or applied.

139.03 STATE LICENSE REQUIRED.

The practice of massage therapy, as defined in Iowa Code Chapter 152C, is prohibited by unlicensed individuals. It is unlawful for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person's name, the initials "L.M.T." or the words "licensed massage therapist", "masseur", "masseuse", or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of Iowa Code Section 152C.3.

139.04 DISPLAY OF LICENSE.

Each massage therapist shall keep his/her license in possession at all times while doing business in the city and shall, upon request of a prospective customer or city official, exhibit the license as evidence of compliance with all requirements of this article.

139.05. PENALTIES

(a) A violation under this article is declared to be a municipal infraction in addition to a misdemeanor and any person, or in connection with one or more persons or as principle, agent, or accessory found violating any provision of this article, shall be subject to the general penalty provisions of the Ankeny Municipal Code, Chapter 4 to include both criminal and/or civil penalties.

(b) The chief of police, or designee, shall place in a highly noticeable location a placard stating Unsafe to Enter; Unlicensed Massage Therapy Must Cease and is subject to criminal and/or civil penalty per Ankeny Municipal Code, Chapter 4. This notice shall remain posted until a valid state license is obtained or other legal use has been established.

(c) No person shall remove the placard posted pursuant to subsection (b) of this section without approval of the chief of police or designee.

(d) No person, or in connection with one or more persons or as principle, agent, or accessory shall continue to offer "massage therapy" services after a massage therapy business has been placarded as unsafe for entry unless the chief of police or designee has approved removal of the placard.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED at Ankeny, Iowa, this 21st day of October 2019.

Gary Lorenz, Mayor

ATTEST:

Denise L. Hoy, City Clerk

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