

★ Roll Call Number

Agenda Item Number

52A

Date December 17, 2018

An Ordinance entitled, " AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding and enacting a new Article X. Massage Therapy, Chapter 30 Businesses, relating to identifying and addressing businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities",

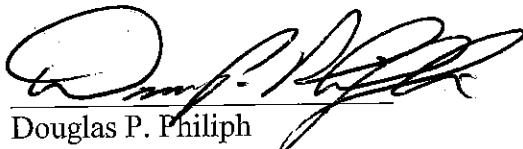
which was considered and voted upon under Roll Call No. 18-\_\_\_\_\_ of December 17, 2018; again presented.

Moved by \_\_\_\_\_ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

NOTE: Waiver of this rule is requested by Council Member Coleman.

FORM APPROVED:

  
 Douglas P. Philip  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding and enacting a new Article X. Massage Therapy, Chapter 30 Businesses, relating to identifying and addressing businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by adding and enacting a new Article X. Massage Therapy, Chapter 30 Businesses, relating to identifying and addressing businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities., as follows:

**Article X. Massage Therapy**

**Sec. 30- 450. Purpose.**

The State of Iowa licenses massage therapists at 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 Des Moines 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 within Des Moines. 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.

**Sec. 30-451. 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 in the City of Des Moines.

(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.

**Sec. 30-452. 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

**Sec. 30-453. Display of License.**

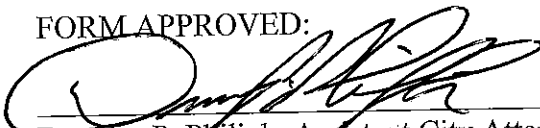
Each massage therapist shall keep his/her license in possession at all times while doing business in the city and shall, upon request of a prospective customer or city official, exhibit the license as evidence of compliance with all requirements of this Article.

**Sec. 30-454. 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 section 1-15 of this Code 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 Des Moines Municipal Code section 30-454." 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. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

  
Douglas P. Philip, Assistant City Attorney