

**CITY OF HOPKINS
COUNTY OF HENNEPIN**

ORDINANCE NO. 2021-1170

**ORDINANCE AMENDING CHAPTERS 10 AND 102 AND APPENDIX A
OF THE HOPKINS CITY CODE REGARDING MASSAGE THERAPY**

THE CITY COUNCIL OF THE CITY OF HOPKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Hopkins City Code, Part II, Chapter 10, Article XVII, Section 10-606 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Massage therapy establishment means any establishment wherein ~~two~~ one or more massage therapists provide massage therapy or therapeutic massage to the public; as the primary business, other than a hospital, sanatorium, rest home, nursing home, boarding home, medical doctor's office, chiropractor's office, or other institution licensed under the provisions of M.S.A. §§ 144.50 through 144.69 shall not be considered a massage therapy establishment.

SECTION 2. Hopkins City Code, Part II, Chapter 10, Article XVII, Section 10-607 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Sec. 10-607. - License required; limitation on number of massage therapy establishment licenses.

- (a) It shall be unlawful for any person to practice as a massage therapist or operate a massage therapy establishment in the city without first obtaining a license to do so. However, no license is required for any massage therapist working for or as an employee of a medical professional licensed under M.S.A. chs. 147 or 148. In addition, no license is required under this article for a person licensed by the state board of medical practices when said person provides proof of licensure to the city clerk.
- (b) The license will be effective for one year and run from July 1 through June 30 of the license year.
- (c) No more than four massage therapy establishment licenses may be issued in the city.

SECTION 3. Hopkins City Code, Part II, Chapter 10, Article XVII, Section 10-611 is hereby amended to add the double-underlined language and delete the ~~stricken~~ language as follows:

Sec. 10-611. – Renewal; transfers.

Applications for renewal shall be submitted at least 60 days prior to the end of the license year on forms provided by the City Clerk. All licenses issued under this section shall be valid only for the person to whom the license was issued and no transfer of any license to another person shall be valid. A duly issued massage therapy establishment license may be transferred to another location

in the city so long as massage therapy establishments are an allowed use in the proposed location under the city's zoning regulations.

SECTION 4. Hopkins City Code, Part II, Chapter 10, Article XVII, Section 10-618 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Sec. 10-618. - Inspection by city officials; minimum requirements.

- (a) During any hours in which a licensee is performing massage therapy treatments, the area where the service is being performed shall be open to inspection by city inspectors and police officers.
- (b) Each licensed massage ~~therapist~~ therapy establishment shall be responsible for adhering to the following minimum requirements for the health and safety of all patrons:
 - (1) The massage tables shall have a washable surface.
 - (2) The massage tables shall be covered with a disposable paper cover or with a sheet that is washable.
 - (3) A clean paper cover or washable sheet must be used for each patron and the massage therapists must have enough clean covers on hand to accommodate the number of patrons scheduled on one day.
 - (4) Used washable covers shall be placed in covered containers until they are washed.
 - (5) Used paper covers shall be placed in covered waste containers.
 - (6) Lotions used in the treatments shall be stored in covered containers.
 - (7) The massage therapists shall wash ~~his~~ their hands with soap and warm water immediately before beginning a treatment on each patron and use paper towels for hand wiping. Paper towels must be stored in a covered container.
 - (8) Bathroom facilities shall be made available to patrons. Paper towels, which shall be stored in covered containers, shall be provided for hand drying.
 - (9) Bathrooms shall be kept in clean repair.
 - (10) The floor shall be kept free of dust and debris.
 - (11) No food or drink shall be allowed in the treatment areas.
 - (12) Implements used directly on the skin shall be cleaned and sanitized after use on each patron. Such implements shall be stored in closed containers with a dry sanitizer.
 - (13) In addition to any requirements contained in the city's sign regulations, any exterior sign advertising the presence of an on-site massage therapy establishment shall include more than just the word "massage."
 - (14) Hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. each day.
- (c) Massage therapists that are licensed by the city shall follow and adhere to the health and safety requirements in subsection (b) above and the code of ethics for massage therapists as published by the National Certification Board for Therapeutic Massage and Bodywork. This shall in no way require membership with American Massage Therapy Association.

(d) The holder of a massage therapy establishment license is responsible for supervising the conduct of all massage therapists providing therapeutic massage at that establishment and ensuring they conform to the requirements of this section.

SECTION 5. Hopkins City Code, Part II, Chapter 10, Article XVII, Section 10-619 is hereby deleted in its entirety and replaced with the following double-underlined language:

Sec. 10-619. – Massage Therapy Establishments.

An application for a massage therapy establishment license shall be denied if the proposed location does not comply with the city’s zoning regulations.

SECTION 6. Hopkins City Code, Part III, Chapter 102, Article I, Section 102-4 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Massage therapy establishment means any establishment wherein ~~two~~ one or more massage therapists provide massage therapy or therapeutic massage to the public; as the primary business. ~~other than a~~ hospital, sanatorium, rest home, nursing home, boarding home, medical doctor’s office, chiropractor’s office, or other institution licensed under the provisions of M.S.A. §§ 144.50—144.69 shall not be considered a massage therapy establishment.

SECTION 7. The chart contained in Hopkins City Code, Part III, Chapter 102, Article VII, Section 102-214 is hereby amended by adding the double-underlined language as follows:

<i>Permitted Uses</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>
<u>Massage Therapy Establishment</u>		<u>X</u>	<u>X</u>	

SECTION 8. Hopkins City Code, Appendix A, which contains the City’s fee schedule, is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

LICENCE FEES

Massage		
Massage therapist	\$100.00 <u>\$_____</u>	Per year
Massage therapist investigation	\$50.00 <u>\$175.00</u>	New licenses
Massage establishment license	\$25.00 <u>\$200.00</u>	Per year
Massage establishment investigation	\$50.00 <u>\$175.00</u>	New licenses

SECTION 9. The effective date of this ordinance shall be the date of publication.

First Reading: June 1, 2021
 Second Reading: June 15, 2021
 Date of Publication: June 24, 2021
 Date Ordinance Takes Effect: June 24, 2021

By: _____
Jason Gadd, Mayor

ATTEST:

Amy Domeier, City Clerk