

ORDINANCE 1975-3

AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING  
MESSAGE PARLORS, MESSAGE THERAPY CLINICS, MESSAGE THERAPY SCHOOLS,  
BATHOUSES AND RELATED ENTERPRISES

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BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN  
OF FORT BRANCH, INDIANA, AS FOLLOWS:

GENERAL DEFINITIONS

The following words and phrases when used in this ordinance shall have the following meanings, to-wit:

(a) "Massage" any means of treating the superficial soft parts of the human body for remedial or hygienic purposes, consisting of any one or all of the following procedures employing either the hands or instruments: Rubbing, stroking, kneading, or tapping.

(b) "Massage Parlor" any building, room, place, or establishment where massages are practiced upon the human body with or without the use of mechanical or bath devices, by any one not a physician, surgeon, or of a similar status duly registered with and licensed by the State of Indiana. Massage Parlor includes any shop, establishment or place of business in which members of the public participate in body building or weight reducing courses or instruction which include the use of body massage or special baths.

(c) "Bathhouse" any building, room, or establishment, other than a regularly licensed hospital, dispensary, hotel, or public lodging house, where members of the public are provided with baths, regardless of whether such baths are of steam, vapor, water or otherwise.

(d) "Massage Schools" any location where the act of massage is either taught or practiced.

(e) "Massage Therapy" the act of body massage, either by mechanical or electrical apparatus, for the purposes of massaging the body, reducing or contouring the body by the use of oil rub, salt, hot and cold packs, cold showers or cabinet baths.

(f) "Massage Therapist" any person, male or female, who practices, administers or teaches all or any of the subjects or methods of treatment of massage therapy.

(g) "Massage Therapy Clinic" any shop, establishment or any place of business therein where any or all of the methods of treatment set forth above are administered or used.

(h) "Massage Therapy School" any duly registered massage therapy establishment where a tuition is charged for the instruction of massage therapy techniques.

(i) "Board" the Board of Trustees of the Town of Fort Branch, Indiana.

## LICENSES AND PERMITS REQUIRED

(a) No person, firm or corporation shall operate, conduct or maintain any massage parlor, massage therapy clinic, massage therapy school, or bathhouse within the corporate limits of the Town of Fort Branch, Indiana, without first obtaining a license from the Board of Trustees of the Town of Fort Branch, Indiana.

(b) Each applicant for a license shall make application to the Board on a form prescribed by the Board which form shall contain, in addition to other information required by the Board, the following information:

- (1) Name of applicant.
- (2) Applicant's residence address.
- (3) Applicant's business address at which business to be carried out.
- (4) Number of massage tables, shower stalls, bath stalls, or other such individual units at business location.
- (5) Place and date of birth and citizenship of applicant in case of individuals, and of manager and officers in case of a corporation.
- (6) Names, addresses, ages, citizenship and designations of each person employed by applicant or otherwise connected with applicant's business establishment.
- (7) Experience qualifications of applicant or its manager or officers with indication of whether or not applicant, manager, or officers have previously been engaged in operation of massage parlor, massage school, massage therapy clinic, or bathhouse, and, if so, dates and locations of such previous operations.
- (8) Statement of prior criminal record, if any, of applicant, or in case of a corporation, its manager, officers, directors, or stockholders and details relating to any such prior criminal record.
- (9) Type of license being applied for by the applicant.

(c) No person shall administer massages or massage therapy within the Town of Fort Branch, Indiana, without first having obtained a permit from the Board of Trustees of the Town of Fort Branch, Indiana.

(d) Each applicant for a permit to give massages or massage therapy shall make application on an application form prescribed by the Board which form shall include, in addition to other information required by the Board, the following information:

- (1) Name of applicant, including previous names and/or alias', if any.
- (2) Place and date of birth.
- (3) Present residence address.
- (4) All previous residence addresses during past five (5) years.
- (5) For whom applicant intends to work.
- (6) Citizenship of applicant.
- (7) Details relating to any past criminal record.
- (8) Nature of work to be performed.
- (9) Applications for operators permits shall be accompanied by a certificate from a licensed physician certifying that the applicant is free from communicable diseases and that the applicant has been examined within the thirty day period preceding the date of the application for a permit.
- (10) Applications for permits shall be accompanied by two (2) letters of recommendation from residents of the Town of Fort Branch, Indiana, who have resided in Town of Fort Branch, Indiana for at least five (5) years.

ISSUANCE AND REJECTION OF APPLICATIONS - QUALIFICATIONS

(a) The Board, before issuing any license under this Chapter, shall cause an investigation to be made of the character and background of the applicant, or in the case of a corporation, of its officers, directors, and manager. No license shall be issued by the Board if it shall be determined that the proposed operation by the license will probably constitute a menace to public health or if the premises sought to be so licensed fail to comply with the other applicable ordinances and laws. Employment by the licensee or any person who practices massage techniques and is not in possession of a valid permit shall be grounds for the denial of an application or for its revocation.

(b) The Board, before issuing any permit shall cause an investigation to be made of the character and background of each applicant. No permit shall be issued if the applicant has had any prior permit revoked. The Board shall not issue any permit unless the applicant meets all physical qualifications established by this ordinance.

OPERATIONS - AGES AND INSPECTION

(a) No person shall be employed by any licensee nor shall any person be permitted within view of any of the services or facilities rendered by a massage parlor, massage school, massage therapy clinic, massage therapy school, or bathhouse who is under the age of twenty-one (21) years.

(b) All licensees shall permit the inspection of their business premises at all reasonable times by duly authorized representatives of the town departments concerned with the licensing, supervision and inspection of such establishments upon the showing of proper credentials by such inspectors and the denial of such inspection privileges shall constitute grounds for revocation of the license.

(c) All persons administering massages or massage therapy must be certified by a licensed physician to be free from communicable diseases every thirty days, and failure of any licensee to file such a certificate with the Board shall result in revocation of the licensee's license.

FEEES

For each license to operate a massage parlor, massage therapy clinic, massage school, massage therapy school, or bathhouse or any combination thereof per location . . . . . \$50.00 annually.  
For each permit to practice massage techniques. . . . \$10.00 annually.

VIOLATIONS

(a) Complaints of alleged violations of the provisions of this ordinance must be made in writing to the Board. After receipt of any such complaint and a preliminary determination by the Board, the Board may order a hearing on such complaint and may require the holder of any license or permit to show cause why such license or permit should not be revoked by the Board for violation of the provisions of this ordinance or other applicable ordinances or statutes. No such license or permit, however, shall be revoked by the Board except for good cause shown.

(b) Any applicant for a license or permit whose application is denied by the Board may not make application for a new license or permit for a period of at least one (1) year following such denial.

(c) Any licensee or permit holder whose license or permit is revoked by the Board may not make application for a new license or permit for a period of at least one (1) year following the revocation by the Board.

PENALTY

Any person violating the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) and costs, or imprisoned not more than One Hundred Eighty (180) days, or both, for each offense.

This Ordinance shall be in full force and effect from and after its passage by the Board of Trustees of the Town of Fort Branch, Indiana, and its publication as provided by law, which publication is now ordered.

PASSED AND ADOPTED by the Board of Trustees of the Town of Fort Branch, Indiana, this 1st day of October, 1975.

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Jean D. Stone  
Clerk-Treasurer