

ORDINANCE 13-06

AN ORDINANCE AMENDING CHAPTER 131 OF THE CODE OF ORDINANCES RELATING TO THE LICENSING OF MASSAGE ESTABLISHMENTS OTHER PUBLIC AMUSEMENTS AND PROVIDING PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1. Section 131.01 of the Code of Ordinances is amended by deleting subsection 2 and inserting in lieu thereof the following:

2. "Public amusements" means and includes recreation events and facilities including, but not limited to, any public dance hall, skating rink, swimming pool, massage establishment, billiard hall, pool hall, bowling alley, shooting gallery, carnival, circus, recreational equipment of facilities of any kind or nature, including for example, amusement rides of the type commonly known at carnivals, and also any theatre, concert, or performance of any kind or nature whether inside or outside, that are open to the public. Notwithstanding the above, astrologer businesses operating as legal home occupations in accordance with the zoning ordinance are not considered as "public amusements", provided such businesses are conducted entirely by appointment only.

Section 2. Section 131.01 of the Code of Ordinances is amended by adding the following new subsection:

6: "Massage Establishment" means a place where a treatment to the body of another person either by rubbing, kneading, hitting or any other manipulation (either by person or by the use of machine or equipment) is performed or furnished for, or in expectation of, any fee, compensation or monetary consideration. Massage establishment does not include:

- a) persons giving massage treatments in a non-profit, bona fide charitable club, a private social club or a public or private athletic club;
- b) athletic coaches or trainers affiliated with public or private educational institutions or athletic organizations;
- c) students enrolled in schools of massage performing such practices of massage as are necessary to their course of study;
- d) massage treatments given in any hospital, duly licensed nursing or convalescent home, or by physical therapists or massage therapists duly licensed who treat patients upon written prescription or direction of a duly licensed health care professional authorized by the State of Iowa to treat the sick, injured or infirm, or by any nurse under the direction of a person so licensed;
- e) licensed beauty operators and barbers who perform only such acts of scalp or facial massage.

Section 3. Section 131.03 of the Code of Ordinances is amended by deleting subsection 5 and inserting in lieu thereof the following:

5. On an application for a license for a massage establishment, the applicant shall include the names, addresses and state license number for each massage therapist, licensed by the state of Iowa as required by Section 147.2 of the Iowa Code, and shall attach a copy of each state therapist license. If there is no state licensed therapist, no license shall be issued under this Chapter of the Code of Ordinances. The requirement to supply the state license number for each massage therapist on the license application, is a continuing requirement and must be updated if any massage therapist leaves or a new therapist comes to the establishment.

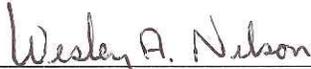
6. Any other information the Clerk deems necessary or appropriate for including on any particular license application.

Passed and approved this 4th day of April, 2013.



Snooks Bouska, Mayor

ATTEST:



Wesley A. Nelson, City Clerk

**CERTIFICATE OF SERVICE**  
The undersigned City Clerk of Marion, Iowa certifies that the ordinance shown immediately above was published in the marion times on the 11th day of April, 2013.  
Wes Nelson/rch  
City Clerk