

CITY OF TWO RIVERS

ORDINANCE

An Ordinance to amend Sections 6-9 of the Municipal Code of the City of Two Rivers, Wisconsin, to eliminate local licensing requirements for massage establishments and massage therapists.

WHEREAS Section 6-9 of the City Code grants the City of Two Rivers (the “City”) the authority to regulate massage establishments and massage technicians within the City.

WHEREAS, the State of Wisconsin requires massage therapists to be licensed with the State.

WHEREAS, Section 6-9-3 of the City Code mandates that massage establishments obtain a license to operate within the City.

WHEREAS, the City wishes to eliminate the duplication of license requirements for massage therapists and to eliminate the local requirement for licensure of massage establishments, while maintaining local regulations relative to the operation of such establishments.

NOW, THEREFORE, The City Council of the City of Two Rivers, Wisconsin, does hereby ordain as follows:

Sec. 6-9-2. Definitions.

SECTION 1. The City of Two Rivers shall amend Section 6-9-2 of the Municipal Code, as follows:

As used in this chapter, the following terms shall have the meanings indicated:

Manager. The operator or an agent licensed under this chapter, who shall not be licensed as a massage technician.

Massage. Any process or procedure consisting of rubbing, stroking, kneading or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for a consideration.

Massage establishment. A place of business wherein massage is practiced, used or made available as a principal use of the premises.

Massage room. The area where private massage is performed.

Massage technician. A person who practices, administers or uses massage for a consideration, who holds a valid license under this chapter.

Operator. Any person, association, firm, partnership, or corporation licensed by the city to operate a massage establishment.

Patron. Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefor.

Sexual or genital parts. Include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

SECTION 2. The City of Two Rivers shall amend Section 6-9-3 of the Municipal Code, as follows:

Sec. 6-9-3. State Issued License Required.

A. No person may provide massage therapy or bodywork therapy, designate themselves as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume such a title or any title that presumes such a title or designation that represents or may tend to represent that they are licensed by the State of Wisconsin unless the person is licensed by the State of Wisconsin pursuant to Wis. Stat. § 460.

B. No person may employ or contract for the services of an individual to provide massage therapy or bodywork therapy or any other such therapy who is required to be licensed by the State of Wisconsin pursuant to Wis. Stat. § 460 unless the individual is so licensed.

SECTION 3. The City of Two Rivers shall amend Section 6-9-4 of the Municipal Code, as follows:

Sec. 6-9-4. Massage technician's and manager's license.

A. No person shall act or operate for a consideration as a massage technician or manager without having first obtained a license from the State of Wisconsin to do so.

SECTION 4. The City of Two Rivers shall repeal Section 6-9-5 of the Municipal Code.

SECTION 5. The City of Two Rivers shall amend Section 6-9-6 of the Municipal Code, as follows:

Sec. 6-9-6. Regulations of Establishment operations and licenses.

A. Each establishment shall at all times maintain and comply with the following regulations:

- (1) The establishment shall comply with all City Codes;
- (2) Only one non-flashing business sign clearly identifying the establishment as a massage establishment shall be posted at the main entrance. No description of services or caricatures or pictures which convey the same meaning shall be permitted on such sign;
- (3) No establishment shall be open for business between the hours of 10:00 p.m. and 8:00 a.m.;
- (4) Only massage technicians licensed pursuant to this section shall be employed as massage technicians by the establishment;
- (5) No person under the age of 18 years shall be permitted on the premises without the presence and consent of a parent or guardian;
- (6) No substances included in Wis. Stats. Ch. 961, Subchapter II, shall be permitted in the licensed establishment.

(7) The establishment shall provide a waiting area for patrons separate from any area wherein private massages are given. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance;

(8) The operator or a licensed manager shall be present on the premises at all times during hours of operation and shall be responsible for the operation of the establishment;

(9) The establishment shall permit inspections of the premises at any time during business hours by building inspectors, fire inspectors, health inspectors, or personnel of any law enforcement agency;

(10) The establishment shall keep current records of the names and addresses of its massage technicians, agents, managers, and employees, and the date of employment and termination of each. Such records shall be open to inspection by any of the personnel listed in subsection A.(10);

(11) The establishment shall report any change of fact required on the application form within ten days after such change;

(12) Massage establishments shall keep a record of the date and hour of each massage, the name and address of the patron receiving the massage, and the name of the masseur practicing or administering the massage. Such records shall be kept for the limited purpose of tracing any communicable disease which may have been contracted by any person in such massage establishment and shall be made readily available to the inspecting health officers and shall be used only for the purpose of tracing communicable diseases and to prevent any further contamination.

(13) Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in cabinets. Towels must have first been laundered and disinfected. Disposable coverings and towels shall not be used on more than one patron. Soiled linens and paper towels shall be deposited in approved receptacles.

(14) Instruments utilized in performing massage shall not be used on more than one patron unless they have first been sterilized, using disinfecting agents or sterilizing equipment approved by the City of Two Rivers Health Officer or his representative. Massage table pads and reusable table coverings shall be disinfected between each massage with approved chemicals. Chemicals used during massage shall be stored separately in containers clearly labeled as to contents. All chemical containers shall be stored in cabinets reserved solely for such purpose.

B. Each technician shall at all times comply with the following regulations:

(1) The technician shall massage only patrons over the age of 18 years, or patrons under the age of 18 years with the consent of a parent or guardian;

(2) No technician shall administer a massage:

(a) If said technician believes, knows, or should know that he or she is not free of any contagious or communicable disease or infection;

(b) To any massage patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption.

(3) Unlawful acts.

(a) It shall be unlawful for any person in a massage parlor to place his or her hand upon or touch with any part of his or her body or to fondle or massage a sexual or genital part of any other person.

(b) It shall be unlawful for any person in a massage parlor to offer for a consideration to place his or her hand upon or to touch with any part of his or her body or to fondle or massage a sexual or genital part of any other person.

(c) It shall be unlawful for any person, in a massage parlor, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in a massage parlor to expose the sexual or genital parts, or any portion thereof, of any other person.

(d) It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

(e) It shall be unlawful for any person owning, operating or managing a massage parlor knowingly to cause, allow or permit in or about such massage parlor, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsection B.(2)(a), (b), (c) or (d) of this section.

SECTION 7. The City of Two Rivers shall repeal Section 6-9-7 of the Municipal Code.

SECTION 8. The City of Two Rivers shall amend Section 6-9-8 of the Municipal Code as follows:

Sec. 6-9-8. Exceptions.

This chapter shall not apply to the following classes of individuals while engaged in the duties of their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, masseurs, physical therapists or nurses licensed or registered to practice their respective professions under the laws of the State of Wisconsin, or other states, who, as part of their licensing, have completed at least 500 hours of formal, specialized and accredited training in the licensed profession.

B. Barber shops, beauty parlors, and nail salons; barbers and beauticians, nail technicians or manicurists licensed under the laws of the State of Wisconsin, provided that such massage as is practiced is limited to the head, scalp, hands, and feet.

C. Accredited high schools and colleges and coaches and trainers therein while acting within the scope of their employment.

Adopted by the Council of the City of Two Rivers, Manitowoc County, Wisconsin this 7th day of July, 2025.

Scott Stechmesser
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch, City Clerk

Approved as to form and legality:

Sean P. Griffin
City Attorney