

**ORDINANCE TO
AMEND CHAPTER 319 HEALTH AND SANITATION ARTICLE V.
PRACTICE OF CERTAIN TRADES AND PROFESSIONS REQUIRING
STATE LICENSING, REGISTRATION OR CREDENTIALS, SECTIONS
319-35, 319-36, AND 319-39 OF THE CITY OF WATERTOWN GENERAL
ORDINANCES**

**SPONSOR: ALD. DANA DAVIS
FROM: PUBLIC SAFETY & WELFARE COMMITTEE**

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS FOLLOWS:

SECTION 1. §319-35. Definitions of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 319-35. Definitions.

The following terms, as used in this article, shall be defined as follows:

~~COMMUNICABLE DISEASE~~

~~Tuberculosis, scabies, lice or any other type of disease which might be reasonably spread by this type of employment.~~

~~MASSAGE~~

~~The manipulation of the soft tissue of the body for therapeutic purposes and may include, but is not limited to, effleurage, petrissage, tapotement, compression, vibration, friction, stroking or kneading, either by hand or with mechanical or electrical apparatus, for the purpose of body massage. This may include the use of oil, salt glows, hot and cold packs or other recognized forms of massage therapy. The term does not include diagnosis or any service or procedure for which a license to practice medicine is required by law.~~

~~MASSAGE ESTABLISHMENT~~

~~A location where the primary or secondary function is to offer massage by a massage therapist.~~

~~MASSAGE ROOM~~

~~The area where the therapeutic massage is practiced.~~

~~MASSAGE THERAPIST~~

~~A person who holds a current and valid license for that purpose from the State Department of Regulation and Licensing under Ch. 460, Wis. Stats., and engages in the practice of massage therapy within the scope of his or her license.~~

~~ON-SITE MASSAGE~~

~~Includes home visits and massage in public buildings. This privilege shall be available only to those massage therapists who hold a current and valid state license as noted above.~~

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MASSAGE

Any method of treating external parts of the human body for remedial, relaxation, or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding, vibrating, or other similar methods.

MASSAGE PARLOR/ESTABLISHMENT

Any business that advertises or offers massages for compensation, excluding licensed medical offices and physical therapy practices.

MASSAGE ESTABLISHMENT LICENSE

A license issued by the City of Watertown under the authority of this ordinance, permitting the operation of a business where massage therapy services are offered or provided for compensation.

MASSAGE THERAPIST

An individual licensed by the State of Wisconsin under Wis. Stat. §460.04 to engage in the practice of massage therapy or bodywork therapy.

MASSAGE THERAPIST LICENSE

A valid and active credential issued by the Wisconsin Department of Safety and Professional Services (DSPA) pursuant to Wis. Stat. §460.04, authorizing an individual to practice massage therapy or bodywork therapy in the State of Wisconsin.

TABLE SHOWER

A procedure in which a client lies on a table or platform while being sprayed or washed by a massage therapist or employee, often associated with spa-type water massages.

VICHY SHOWER

A system that sprays water over a client while they are lying down and may involve physical contact.

SEXUALLY EXPLICIT ADVERTISING

Any written, visual, or oral communication that: depicts or describes sexual conduct or nudity; suggests, implies, or offers sexual activity, erotic services, or other acts not permitted by Wisconsin law; includes terminology commonly associated with prostitution or escort services, such as “happy ending,” “sensual massage,” “erotic rub,” “sexy staff,” “special services,” or similar terms.

PROSTITUTION

As set forth, and as subsequently amended, in Wis. Stat. §944.30.

SOLICITATION OF PROSTITUTION

As set forth, and as subsequently amended, in Wis. Stat. §944.32.

SECTION 2. §319-36. Massage establishments, massage therapists; regulation of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 319-36. Massage establishments, massage therapists; regulation.

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~~No person shall suffer, cause or permit the operation of a massage establishment or operate as a massage therapist or employee, except in strict compliance with this article.~~

- A. License Required.** No person shall operate a massage parlor within the City of Watertown without first obtaining a Massage Establishment License from the City Clerk. All persons providing massages must possess a valid Wisconsin Massage Therapist or Bodywork Therapist license.
- B. Application for Massage Establishment License.** Applicants must submit to the City Clerk a completed application form containing the following information:
1. Legal name and any aliases.
 2. Proof of ownership or leasehold interest in the business premises.
 3. List of all owners, partners, members, or corporate officers.
 4. Copy of a valid State of Wisconsin Massage Establishment license, if applicable.
 5. Background check authorization for each owner/operator.
 6. Non-refundable application fee set by the Common Council.
 7. Floor plan of the premises showing all rooms and uses, and signs.
- C. Conditions of Operation.** Massage establishments shall:
1. Operate only between the hours of 8:00 AM and 8:00 PM.
 2. Keep the premises clean, sanitary, and well-lit at all times.
 3. Maintain a log of all massage services provided, including client names (or initials) and times, for a period of one year, available for inspection by law enforcement upon lawful request.
 4. Ensure that massage therapists are properly clothed in professional attire and that no nudity or sexually explicit conduct occurs on premises.
 5. Display each massage therapist's state license prominently.
 6. No person shall reside, sleep overnight, or maintain living accommodations at the massage establishment, including but not limited to the use of beds, cots, mattresses, or sleeping bags.
 7. Licensees shall comply with all ordinances related to signs under Chapter 550 of the Code of the City of Watertown.
 8. All external doors to the massage establishment accessible to the public shall remain unlocked during regular business hours when services are being provided, unless the business is closed to the public.
 9. Nothing in this subsection shall prevent the locking of doors during an emergency lockdown situation when necessary for safety.
 10. No advertising, display, or promotion of sexually explicit conduct, acts, or services shall be permitted at the establishment.
 11. The use of table showers, Vichy showers, or similar equipment that involves bathing or washing of clients by employees is strictly prohibited within the massage establishment.
- D. Prohibited Acts.** No massage establishment or therapist shall:
1. Allow, offer, or engage in sexual activity or conduct of a sexual nature on the premises.
 2. Employ anyone as a massage therapist who does not possess a valid state license.
 3. Operate as a front for prostitution, human trafficking, or other illegal activities, including, but not limited to violations of Wis. Stat. §944.30 – §944.36.

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E. Duty to Report Solicitation of Prostitution.

1. Any massage therapist, employee, or license holder of a massage establishment who is directly solicited for prostitution by a client or other individual on the premises shall immediately report the incident to the Watertown Police Department or other law enforcement agency.
2. Reports may be made verbally or in writing and must include, to the extent known:
 - i. The date and time of the incident;
 - ii. A description of the individual making the solicitation;
 - iii. Any identifying information (e.g., name, phone number, license plate, appointment record); and
 - iv. A description of the conduct that constituted the solicitation.
3. Nothing in this Section shall require a massage therapist or employee to notify an employer or supervisor before making the report.
4. Failure by a licensed massage therapist or employee to report a known act of solicitation may result in penalties under Sections 319-36(H) and 319-39 of the Code of the City of Watertown.

F. Inspections. Any law enforcement officer, health department inspectors, and/or duly authorized officials may conduct reasonable inspections of licensed massage establishments during operating hours to ensure compliance with this ordinance. It is unlawful for any licensee, employee, or agent to refuse, hinder, or interfere with any lawful inspection authorized by this section.

G. Reporting of Violations to State Authorities. The Police Chief or designee will report any of the following to the Wisconsin Department of Safety and Professional Services (DSPS):

1. Any violation by a licensed massage therapist involving illegal sexual activity, controlled substances, fraud, or violations of professional licensing standards;
2. Any conviction of a massage therapist for a felony or misdemeanor related to their practice;
3. Any finding that a therapist has engaged in unlicensed practice of massage therapy or bodywork therapy

H. License Suspension and Revocation.

1. The City of Watertown may suspend or revoke any Massage Establishment License for any of the following:
 - i. Violation of any provision of this ordinance or state law regulating massage establishments.
 - ii. Conviction of any owner, manager, or employee for a crime involving prostitution, human trafficking, sexual misconduct, or controlled substances.
 - iii. Refusal to allow a lawful inspection.
 - iv. Three or more ordinance violations occurring within a twelve (12) month period.
2. Before suspension or revocation, the licensee shall be entitled to a hearing before the Licensing Board or its designated hearing officer.
3. Written notice stating the grounds for suspension or revocation and the time and place of the hearing shall be served at least ten (10) days prior to the hearing.
4. The licensee may appear at the hearing with or without legal counsel, present evidence, and cross-examine witnesses.

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5. The Licensing Board may suspend the license for a period not to exceed ninety (90) days or revoke the license entirely.

I. License Renewal

1. All Massage Establishment Licenses issued under this ordinance shall expire on December 31 of each year, regardless of the date of issuance.
2. Licensees seeking renewal must submit a renewal application to the City Clerk no later than November 30 of each year, which shall include:
 - i. Updated ownership and operator information.
 - ii. Proof of continued compliance with applicable state licensing requirements.
 - iii. Certification that all massage therapists employed hold valid Wisconsin licenses.
 - iv. Authorization for updated background checks on owners and operators.
 - v. Payment of a renewal fee as set by the Common Council.
3. Grounds for Denial of Renewal. Renewal may be denied for:
 - i. Failure to comply with the requirements of this ordinance.
 - ii. Outstanding fines, forfeitures, or unpaid taxes owed to the City of Watertown.
 - iii. Pending or prior disciplinary action against the massage establishment or its employees.
 - iv. A material misstatement or omission on the renewal application.
4. If the City Clerk intends to deny renewal, the licensee shall be entitled to a hearing before the Common Council or designated hearing officer, following the same notice and hearing procedures described in Section 319-36(H) of the Code of the City of Watertown.

- J. Appeal.** Any applicant who has been denied a permit under this article or has been granted a permit which has been suspended or revoked by the Licensing Board may seek review of the decision by the Common Council by filing a request for review of the denial with the City Clerk within thirty (30) days of the Licensing Board's decision. Any applicant can seek a judicial review of the denial in the form of certiorari review to the Jefferson or Dodge County Circuit Court within thirty (30) days of the Common Council's decision.

SECTION 3. §319-39 Advertising and the allowing of state-regulable activities requiring licensing, registration or credentials of the Watertown Code of Ordinances is hereby repealed.

~~§ 319-39 Advertising and the allowing of state-regulable activities requiring licensing, registration or credentials.~~

~~A. No person who is required to hold a license, certificate of registration or other credential pursuant to Chs. 440 through 480, Wis. Stats., shall practice that profession within the corporate limits of the City of Watertown unless that person holds a valid, unexpired license, certificate of registration or credential issued by the State of Wisconsin.~~

~~B. No person who is required to hold a license, certificate of registration or other credential pursuant to Chs. 440 through 480, Wis. Stats., shall advertise the availability of services to be performed within the corporate limits of the City of Watertown unless they hold a valid, unexpired license, certificate of registration or credential issued by the State of Wisconsin.~~

C. ~~No business whose employees, independent contractors or similarly interested associates or affiliates are required to hold a license, certificate of registration or other credential pursuant to Chs. 440 through 480, Wis. Stats., shall allow such employees, independent contractors or similarly interested associates or affiliates to practice that profession within the corporate limits of the City of Watertown unless the employee, independent contractor or similarly interested associate or affiliate holds a valid, unexpired license, certificate of registration or credential issued by the State of Wisconsin.~~

D. ~~No business whose employees, independent contractors or similarly interested associates or affiliates are required to hold a license, certificate of registration or other credential pursuant to Chs. 440 through 480, Wis. Stats., shall advertise the availability of services to be performed within the corporate limits of the City of Watertown unless the employees, independent contractors or similarly interested associates or affiliates of the business hold a valid, unexpired license, certificate of registration or credential issued by the State of Wisconsin.~~

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force the day after its passage and publication.

DATE:	<i>First meeting date</i>		<i>Second meeting date</i>	
READING:	1ST		2ND	
	YES	NO	YES	NO
DAVIS				
LAMPE				
BERG				
BARTZ				
BLANKE				
SMITH				
ARNETT				
WETZEL				
MOLDENHAUER				
MAYOR STOCKS				
TOTAL				

ADOPTED Type second meeting date

CITY CLERK

APPROVED Type second meeting date

MAYOR