

**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.~~

MASSAGE THERAPY OR BODYWORK THERAPY

the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body, in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. Massage therapy or bodywork therapy includes determining whether manual actions and adjunctive therapies are appropriate. Massage therapy or bodywork therapy does not include making a medical, physical therapy, or chiropractic diagnosis.

MASSAGE ESTABLISHMENT

Any business that advertises or offers massage therapy 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 (DSPS) pursuant to Wis. Stat. §460.04, authorizing an individual to practice massage therapy or bodywork therapy in the State of Wisconsin.

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. Purpose and Authority.

A. The purpose of this chapter is to protect public health and safety through the licensing and regulation of businesses and establishments providing massage therapy and bodywork therapy services, by preventing illicit and illegal operations and human trafficking, by establishing zero tolerance for sexual misconduct, and by providing an enforcement mechanism to ensure that only state-licensed providers provide massage therapy and bodywork services.

- B. The portions of this chapter that prohibit violations of Wis. Stat. Sec. 460.02, or prohibit employing or contracting for the services of an unlicensed person when a license is required by state law, are authorized by Wis. Stat. Sec. 460.17(2). Other portions of this chapter that regulate business operations are authorized by the City's police power.
- C. No regulation of the practice of massage therapy or bodywork therapy is intended. Except as authorized by Wis. Stat. Sec. 460.17(2), no portion of this chapter shall be interpreted as regulating the practice of massage therapy.

SECTION 3. §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.

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.

1. No person shall operate a massage establishment within the City of Watertown without first obtaining a Massage Establishment License from the City Clerk upon approval of the Licensing Board. All persons providing massage therapy must possess a valid Wisconsin Massage Therapist or Bodywork Therapist license.
2. No Massage Establishment License shall be transferred between persons, entities, or locations. A license issued under this chapter is personal to the approved applicant and premises.

B. License Term. All Massage Establishment Licenses issued under this ordinance shall be effective for one year commencing July 1 and expiring on ~~December 31~~ June 30 of each year, regardless of the date of issuance. No person, corporation, or other legal entity shall operate after the expiration of their license.

C. Fee. The license fee shall be provided in the City Fee Schedule. License fees shall be nonrefundable. The application, whether new or a renewal, must be accompanied by payment of the license fee and any other applicable fees.

D. Application for Massage Establishment License. All applications shall be on forms provided by the City Clerk, and contain all required information, or shall be rejected by the City Clerk. All applications shall include the following:

1. The business name and address of the proposed establishment. Including all other names the business may be known as or advertised as for massage services.
2. A list of the name and address of each owner, each partner if partnership, all directors, officers, and agent who shall have been a resident of the state for at least 90 days if a corporation, and all managers and/or members if a limited liability company or limited liability partnership.

3. A designation of a person whose principal employment location is the premises to be licensed, who shall be designated as the agent for receipt of all formal notices from the City pertaining to the establishment, and who is authorized to accept service of process on behalf of the license holder. In lieu of or in addition to service of process on such agent, the City may serve notices on any director, officer, partners, manager, or member, or in any manner under an authorized state statute.
4. The name, address, state license number, phone number and a copy of one form of government-issued ID of each person operating as a massage therapist or bodywork therapist by the applicant at the proposed establishment at the time of application.
5. A floor plan of the establishment premises showing all rooms and uses.
6. Proof of general liability insurance in an amount not less than \$1,000,000 per occurrence.
7. Each person listed in section D(2) above must provide all the following background information:
 - i. Whether they have had a massage business or massage therapy license revoked or suspended in any jurisdiction and, if so, the name of the municipality and the reason for the suspension or revocation.
 - ii. Whether they have been convicted of any crime or ordinance violation other than traffic offenses within the past three years and, if so, a listing of the same and the locations thereof.
 - iii. Signature authorizing the background check.
 - iv. If the business has new officers, directors, members or managers throughout the licensing term, the establishment shall notify the city clerk to update their application and submit a background check, plus applicable fees, within 30 days of such change.
8. Proof of approval from property owners of the establishment, if applicable.

E. Application Approval, Denial, and Renewal

1. Administrative approval steps.

- i. Prior to approval by the Licensing Board, the Clerk shall certify that the application is complete and contains all required information. Applications that are incomplete shall be rejected by the Clerk.
- ii. Prior to approval by the Licensing Board the Chief of Police or designee shall conduct all background checks and inspect the physical premises. If necessary, the Chief of Police or designee shall request the Building Inspector to perform an inspection of the physical premises.
- iii. Prior to approval by the Licensing Board the Chief of Police or designee shall certify that the application has successfully completed all background checks and physical premises check , including applicable building and fire code requirements and shall determine whether the application should be approved and a license issued, or whether the application should be denied and no license issued. No license shall be issued if the premises is not in compliance with such laws and regulations.

2. **License Approval.** Upon successful completion of the administrative approval steps, the City Clerk will furnish the Licensing Board the Chief of Police or designee's recommendation for approval. The licensing Board may approve the application for a massage establishment license.
3. **License Denial.** If the Chief of Police or designee gives recommendation to Licensing Board to deny the license the applicant shall be entitled to a hearing before the Licensing Board following the same notice and hearing procedures described in Section 319-36(K) of this chapter.
4. **License Renewal.** All Massage Establishment Licenses issued under this ordinance expire on June 30 of each year, regardless of the date of issuance.
 - i. Renewal applications shall be submitted no later than 45 days prior to expiration of the current license term (June 30) on forms provided by the City Clerk.
 - ii. Renewal applications shall contain all required information outlined in 319-36(D).
 - iii. Grounds for Denial of Renewal. Renewal may be denied for:
 - a. Failure to comply with the requirements of this ordinance.
 - b. Outstanding fines, forfeitures, or unpaid taxes owed to the City of Watertown.
 - c. Pending or prior disciplinary action against the massage establishment or its employees.
 - d. A material misstatement or omission on the renewal application.
 - iv. If the Licensing Board intends to deny renewal, the licensee shall be entitled to a hearing before the Licensing Board, following the same notice and hearing procedures described in Section 319-36(K) of this chapter.
5. If probable cause exists in regards to a false report (being made against a licensed massage establishment), that person making the false report will be investigated as appropriate under applicable state law and/or relevant City of Watertown ordinance.

F. Conditions of Operation. Massage establishments shall:

1. Operate only between the hours of 6:00 AM and ~~9:00~~ 10:00 PM.
2. Licensees shall comply with all ordinances related to property maintenance under Chapter 424 of the City of Watertown Code.
3. Maintain a log of all massage therapy services provided, including client names (or initials) and times, for a period of one year.
4. Display each massage therapist's state license prominently.
5. Licensees shall comply with all ordinances related to signs under Chapter 550 of the City of Watertown Code.
6. 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 or Subsection F(7) applies.

7. Nothing in this subsection shall prevent the locking of doors during an emergency lockdown situation when necessary for safety or when only one massage therapist is present on premises and with a client in a massage therapy appointment.

G. Prohibited Acts. No establishment license holder shall engage in any of the following prohibited activities on, within, or for the establishment premises, nor shall the establishment license holder cause, allow, permit, or fail to prevent another person from engaging in any of the following activities on, within, or for the establishment premises:

1. Allow, offer, or engage in sexual activity or conduct of a sexual nature on the premises
2. Proper attire must be worn and may not display parts as set forth in Wis. Stat. Sec. 939.22(19).
3. Display, post, publish, disseminate, or promote, whether through physical signage, printed materials, electronic communications, websites, social media, or other digital advertising media, sexually explicit advertising for acts or services on the premises.
4. Employ anyone as a massage therapist who does not possess a valid state license.
5. Operate as a front for violations of Wis. Stat. §§ 944.30 - 944.36.

H. 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. Failure by a licensed massage therapist or employee to report a known act of solicitation may result in penalties under Sections 319-36(J) and 319-39 of the Code of the City of Watertown.

I. 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. Routine compliance checks will be conducted on an annual basis.

J. 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.

K. License Suspension and Revocation.

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

L Appeals. Any applicant who has been denied a license-under this article or has been granted a license 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.

<i>DATE:</i>	<i>March 17, 2026</i>		<i>April 6, 2026</i>	
<i>READING:</i>	<i>1ST</i>		<i>2ND</i>	
	<i>YES</i>	<i>NO</i>	<i>YES</i>	<i>NO</i>
DAVIS				
LAMPE				
BERG				
NITECKI				
BLANKE				
SMITH				
ARNETT				
HAASE				
MOLDENHAUER				
MAYOR STOCKS				
<i>TOTAL</i>				

ADOPTED April 6, 2026

CITY CLERK

APPROVED April 6, 2026

MAYOR