

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-585-B

MASSAGE ESTABLISHMENTS

AN ORDINANCE TO AMEND CHAPTER 14, SECTION 14-2, SECTION 14-5(d) and (e); SECTION 14-6, SECTION 14-6(12), SECTION 14-8(3) AND SECTION, 14-17(a)(2) OF THE CODE OF ORDINANCES TITLED MASSAGE.

CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 14, Section 14-2, Definitions, the definition of Massage establishment is hereby amended to read as follows:

Sec. 14-2. Definitions.

Massage establishment means a business establishment where a person offers or provides massage or the practice of massage therapy and includes but is not limited to the following: massage spa, massage parlor, massage school, spa facility, health club, or physical fitness facility. The following facilities are exempt from the massage establishment licensing requirements of this chapter, however, all individuals practicing massage therapy at the facility are still required to obtain a State license:

- a) *Health care facilities.* A licensed hospital, medical clinic, nursing home, chiropractic or other professional health care establishment separately licensed as such by the State where massage is provided incidentally to the professional health care.
- b) *Workplace.* Transient workplace locations during normal business hours where massage is performed upon employees pursuant to a policy of medical insurance or as a benefit provided by the employer as part of a workplace health program.
- d) *Public kiosks.* Kiosks or similar areas at locations open to the public where all massage therapy services are performed in public and fully clothed.
- e) *Community centers.* A government operated educational, cultural, or recreational facility where massage therapy is provided as an incidental service.

Section 2 of Ordinance

Chapter 14, Section 14-5(d) and (e) of the West Bloomfield Charter Township Code of Ordinances are hereby amended to read as follows:

Sec. 14-5. Massage establishment license required.

- d) *Massage therapist license required.* No person shall practice massage therapy at a massage establishment unless he or she has a valid massage therapist license issued pursuant to the Massage Therapist Act and certified administrative rules; and until a copy of the State issued massage therapist license, together with written proof of identity as required by subsection (e), has been duly filed with the Township Clerk by the massage establishment licensee.
- e) *Licensee responsibility.* Prior to any massage therapist engaging in massage therapy at the establishment, it shall be the responsibility of the massage establishment licensee to 1) ensure that each person practicing massage therapy at the licensed premises, whether employed or an independent contractor, has a valid State issued massage therapist license; 2) to file a copy of each State issued massage therapist license with the Township Clerk, and 3) to file written proof of identity of each massage therapist in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification issued by a government agency.

Section 3 of Ordinance

Chapter 14, Section 14-6(5) of the West Bloomfield Charter Township Code of Ordinances is hereby amended to read as follows:

Sec. 14-6. Application.

- 5. A copy of the State issued license for each massage therapist that will be practicing massage therapy at the massage establishment. It shall be the duty of the massage establishment licensee to submit copies of the State issued license, together with the written proof of identity as required by Section 14-5, for any new massage therapists prior to the massage therapist engaging in massage therapy at the establishment.

Section 4 of Ordinance

Chapter 14, Section 14-6(12) of the West Bloomfield Charter Township Code of Ordinances is hereby amended to read as follows:

Sec. 14-6. Application.

- 12. A criminal background report of each applicant's criminal history through the Internet Criminal History Access Tool (ICHAT) will be ordered by the Township. The applicant is responsible for all charges incurred by the Township for the ICHAT report(s).

Section 5 of Ordinance

Chapter 14, Section 14-8(3) of the West Bloomfield Charter Township Code of Ordinances is hereby amended to read as follows

Sec. 14-8. Grounds for denial.

- 3. *State massage therapist licenses.* The applicant has not submitted a copy of the State issued massage therapist license and proof of identity for each massage therapist prior to engaging in the practice of massage therapy at the establishment.

Section 6 of Ordinance

Chapter 14, Section 14-17(a)(2) of the West Bloomfield Charter Township Code of Ordinances is hereby amended to read as follows

Sec. 14-17. Revocation; non-renewal.

- a) *Grounds for revocation/non-renewal.* The Township Clerk shall issue written notice to revoke or for non-renewal of the license if:
 - 2. *Violations.* The licensee has knowingly or recklessly allowed one (1) or more violation(s) of any provision of this chapter in the preceding twelve (12) month period.

Section 7 of Ordinance

Should any section, subdivision, sentence, clause, or phrase of this Ordinance be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated. It is further declared that such provisions would have been adopted independently of the provision found to be invalid. Should any procedural aspect of this article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this article.

Section 8 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

I, Deborah Binder, the duly elected Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a

meeting held on the 4th day of March, 2019, the original of which is on file in the Office of the Township Clerk.

I affix my official signature/seal this 5th day of March, 2019.

By: 
Deborah Binder, Township Clerk

INTRODUCED: February 11, 2019

ADOPTED: March 4, 2019

EFFECTIVE: March 13, 2019

PUBLISHED: March 13, 2019

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