

ORDINANCE No. 022-4285

AN ORDINANCE AMENDING CITY CODE CHAPTER 74 – LICENSES, PERMITS AND BUSINESS REGULATIONS, ARTICLE V, MASSAGE THERAPY BUSINESS/ PRACTITIONER, SECTION 74-128 OF THE CITY CODE OF ORDINANCES, TO INCLUDE BUSINESS LICENSE EXEMPTIONS.

The Common Council of the City of Superior, Wisconsin does ordain as follows:

SECTION 1. Chapter 74 – LICENSES, PERMITS AND BUSINESS REGULATIONS, Article V, Massage Therapy Business/Practitioner, Section 74-128 of the City Code of Ordinances is hereby amended to read as follows:

Sec. 74-128. Massage Therapy Business license required.

No person shall engage in operating a massage therapy business, either exclusively or in connection with any other business enterprise, without first obtaining a license from the city. Massage therapy business[es], and massage therapy practitioners therein, shall prominently and publicly display their license/permits on the premises, during all hours of operation.

This article and its business licensing requirements shall not apply to the following:

- (1) Persons duly licensed by the state to practice medicine, nursing, surgery, osteopathy, chiropractic, physical therapy, podiatry or any other regulated medical field or profession, provided that the massage therapy rendered by such persons is administered in the routine course of the person's profession or occupation and is not provided as a separate service or business.
- (2) Persons duly licensed by the state as a barber, cosmetologist, or esthetician, provided that in the case of barbers, massage is limited to the face and neck, in the case of cosmetologists, massage is limited to the head, hand, neck, and feet, and in the case of estheticians, massage is limited to the face, neck, arms and hands, or body in a superficial mode for purposes of beautification or grooming and not for therapeutic purposes, and provided that massages rendered by such persons are not provided as a separate service or business for consideration and that such persons comply with all applicable rules or regulations promulgated by the state in connection with their licensed occupation.
- (3) Persons who are athletic trainers when working with an amateur, semiprofessional, or professional athlete or athletic team or when under contract to a public or private school or school district or a public or private college or university, provided that massages rendered by such persons are not provided as a separate service or business for consideration.

- (4) Establishments which are duly licensed health care facilities or other facilities licensed by the state, including hospitals, nursing homes, group homes, medical professional offices and similar facilities, provided that massage therapy services are not rendered from such locations as a separate service or business for consideration.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence or clause or phrase or portion thereof.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

Passed and adopted this 4th day of October, 2022.

Mayor

Attest: _____

City Clerk