

**DEWITT CHARTER TOWNSHIP  
CLINTON COUNTY, MICHIGAN  
ORDINANCE NO. 2025-06-03**

At a duly scheduled and noticed meeting of the Township Board of the Charter Township of DeWitt, Clinton County, Michigan, held at the DeWitt Township Offices on July 14, 2025 at 7:00 PM, Township Board Member Hamp moved to adopt, upon second reading, the following Ordinance, which motion was seconded by Township Board Member Stump:

AN ORDINANCE OF THE CHARTER TOWNSHIP OF DEWITT, CLINTON COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF DEWITT, MICHIGAN, BE AMENDED BY REVISING CHAPTER 5, ARTICLE III; PROVIDE DEFINITIONS; REPEAL ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDE AN EFFECTIVE DATE HEREOF.

The Charter Township of DeWitt, Clinton County, Michigan, ordains:

SECTION 1. Title and Purpose. This Ordinance shall be known as the “DeWitt Charter Township Massage, Massage Therapy and Massage Establishments Ordinance, amended.” The provisions of this article shall constitute the minimum requirements for the promotion of public health, safety and general welfare of the people of the township receiving services from health, massage, massage therapy personnel and massage establishments which provide such services.

SECTION 2. Amendment of Chapter 10. That the Code of Ordinances, Charter Township of DeWitt, Clinton County, Michigan (or DeWitt Charter Township Code), is hereby amended as follows:

## **ARTICLE III. MASSAGE, MASSAGE THERAPY AND MASSAGE ESTABLISHMENTS<sup>1</sup>**

### **Sec. 5-51. Title.**

The ordinance from which this article is derived shall be known and cited as the "DeWitt Charter Township Massage, Massage Therapy and Massage Establishment Ordinance."

(Ord. No. 195.1, § I, 6-27-2011)

### **Sec. 5-52. Purpose.**

The provisions of this article shall constitute the minimum requirements for the promotion of public health, safety and general welfare of the people of the township receiving services from health, massage, massage therapy personnel and massage establishments which provide such services.

(Ord. No. 195.1, § II, 6-27-2011)

### **Sec. 5-53. Definitions.**

For the purpose of this article, the following words and phrases shall be construed to have the meanings as stated, unless it is apparent from the context that a different meaning is intended:

*Health club.* Any establishment which offers services in the form of massages, baths, or similar services, singly or in combination, to club members or to the public for a charge. "Health club" does not include:

- (1) Hospitals, nursing homes or medical clinics, or the office or facilities of a state licensed physician or surgeon;
- (2) Office or facilities of a chiropractor or osteopath, psychologist, or clinical social worker unless the facility also permits massage therapy or other similar services by a massage therapist or massage provider.
- (3) Barber shops and beauty parlors or day spas operated by persons holding a valid license as a barber or cosmetologist.

*Massage establishment.* Any building, room, or fixed location where any person engaged in or permits to be engaged in any conduct constituting the practice of massage. The terms "massage establishment" and "health club" may be used interchangeably, unless otherwise noted.

*Massage provider.* Any person not licensed pursuant to PA 2008 No. 471 (MCL 333.17951 et seq.) who engages in the use of touch, words, or directed movement to deepen awareness of patterns of movement in the body, as long as those services are not designated or implied to be massage or massage therapy. These practices include, but are not limited to, all of the following:

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<sup>1</sup>Editor's note(s)—Ord. No. 195.1, adopted June 27, 2011, repealed and replaced ch. 24, §§ 24-1—24-10, 24-39—24-47 in its entirety. For purposes of clarity, and at the editor's discretion, the new provisions have been included as ch. 5, art. III, §§ 5-51—5-75. Former ch. 24 pertained to massage and was derived from Ord. No. 195, §§ 3—5, 7—20, 22, 23, adopted April 22, 1991.

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- (1) The Felden-Krais method, the Trager Approach, Polarity or Polarity Therapy as defined by MCL 333.17951(a), (c) and (f), which definitions are incorporated herein by reference, and the affectation of the human energy system or accupoints or qi meridians of the human body while engaged within the scope of practice of a profession with established standards and ethics as long, as those services are not designated or implied to be massage or massage therapy. These practices include, but are not limited to, all of the following:

- a. Asian body work therapy;
- b. Reiki;
- c. Shiatsu;
- d. Reflexology;
- e. Structural integration.

*Massage therapy* or the *practice of massage therapy*. The application of a system of structured touch, pressure, movement, and holding to the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client. The practice of massage therapy includes complimentary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. The practice of massage therapy does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of ultrasound; or the prescription of medicines.

*Massage therapist*. A person licensed by the state pursuant to PA 2008 No. 471 (MCL 333.17951 et seq.).

*Person*. Any individual, firm, corporation, partnership, association or other form of business organization or group.

(Ord. No. 195.1, § III, 6-27-2011)

#### **Sec. 5-54. Representations to the public.**

- (a) No person shall use the titles "licensed massage therapist," "massage therapist," "masseur," "masseuse," "certified massage therapist," "clinical massage therapist," "medical massage therapist," "manual massage therapist," "board-certified massage therapist," "massage technician," "myomassologist," "l.m.t.," "m.m.t.," and "c.m.t.," or similar words or initials that indicate that the person is a massage therapist, unless the individual is licensed under PA 2008 No. 471.
- (b) No person shall engage in the practice of massage therapy unless said person holds a valid massage therapist license issued by the state pursuant to PA 2008 No. 471.

(Ord. No. 195.1, § IV, 6-27-2011)

#### **Sec. 5-55. Liquor and controlled substances prohibited.**

- (a) No person shall possess or sell any liquor or controlled substance, as that term is defined by MCL 333.7104(3) while on the premises of any massage establishment.
- (b) No person shall engage in the practice of massage with a person who is visibly intoxicated by or under the influence of any liquor or controlled substance.
- (c) No person shall engage in the practice of massage while intoxicated or under the influence of any liquor or controlled substance.

(Ord. No. 195.1, § XVIII, 6-27-2011)

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**Sec. 5-56. Unlawful activities.**

- (a) It shall be unlawful for any person in a massage establishment to knowingly touch, fondle or massage, with any part of his or her body, the sexual or genital area of another person.
- (b) It shall be unlawful for any person in a massage establishment to solicit, offer or agree to perform any act involving the touching, fondling or massaging, with any part of his or her body, the sexual or genital area, breasts or buttocks of another person in a manner intended to arouse, appeal to or gratify a person's lust, passions or sexual desire.
- (c) It shall be unlawful for any person to massage any other person, or give or administer any bath or any of the other things mentioned in this article for illegal purposes, monetary gain or profit, or to have any contact with another person's sexual or genital area, breasts, or buttocks in a manner intended to arouse, appeal to or gratify a person's lust, passions or sexual desire.

(Ord. No. 195.1, § XIX, 6-27-2011)

**Sec. 5-57. Obligation to comply with state and local law.**

All massage therapists, massage providers, massage establishments, and persons otherwise engaged in the practice of massage therapy within the township shall comply with applicable state and local law, including, but not limited to, Part 179A of the Public Health Code and associated administrative rules and regulations.

**Sec. 5-58. Patronage of massage establishment by minors.**

No massage provider or massage therapist shall massage or treat any person under the age of 18 upon the premises of a massage establishment, except upon written order by a licensed medical doctor, doctor of osteopathic medicine or physical therapist. A copy of said order shall be maintained as part of the permanent records of the massage establishment. This provision shall not apply to persons under the age of 18 who are accompanied by a parent or legal guardian during the massage or massage therapy.

(Ord. No. 195.1, § XX, 6-27-2011)

**Sec. 5-59. Applicability of regulations to existing businesses.**

This article shall be applicable to all persons and businesses described in this article, whether the described activities were established before or after the effective date of this article and including any person or persons whose application is presently under consideration or investigation by the township. However, those businesses operating prior to the date of adoption of the ordinance from which this article is derived will have a 60-day grace period from the date of adoption within which to comply with all the conditions and requirements of this article.

(Ord. No. 195.1, § XXIII, 6-27-2011)

**Sec. 5-60. Exclusions.**

The provisions of the ordinance from which this article is derived shall not apply to the following persons while engaged in the personal performance of the duties of their respective professions:

- (1) Any medical doctor, doctor of osteopathic medicine, dentist, doctor of chiropractic medicine, physical therapist or psychologist who is licensed to practice his or her respective profession in the state, or who is permitted to practice temporarily under the auspices of an association of establishment duly licensed in the state.
- (2) Nurses who are registered or licensed under the laws of this state and who administer massage in the normal course of his or her nursing duties.

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- (3) A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers massage in the normal course of his or her duties; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, neck or shoulders of another person.
  - (4) Any athletic trainer who has been certified by the National Athletic Trainers Association or who is employed by one of the public schools or state approved non-public schools, and who is performing massage on the school premises or school sanctioned event.
  - (5) A person engaged in the practice of massage in the permanent residence of the customer.

(Ord. No. 195.1, § XXIV, 6-27-2011)

**Sec. 5-61. Penalties.**

- (a) Any person violating or neglecting or refusing to comply with any provision of the ordinance from which this article is derived shall, upon conviction, be deemed guilty of a misdemeanor and shall be punishable by imprisonment of up to 90 days and/or the imposition of a fine up to \$500.00, plus costs, or both such fine and imprisonment.
- (b) Each day that a violation is permitted to exist shall constitute a separate offense.
- (c) In any prosecution for violation of the ordinance from which this article is derived, the exemptions listed in section 5-60 shall constitute an affirmative defense to the defendant, and it shall be incumbent upon the defendant to show that he or she is not subject to the provisions of the ordinance from which this article is derived.
- (d) Violations of any provisions of the ordinance from which this article is derived are declared to be a nuisance per se. In lieu of or in addition to any other criminal penalty, administrative sanction, or civil penalty, the township may seek mandatory injunctive relief for the abatement of the nuisance, and for continued compliance with the ordinance from which this article is derived, plus costs as the court shall determine.
- (e) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. No. 195.1, § XXV, 6-27-2011)

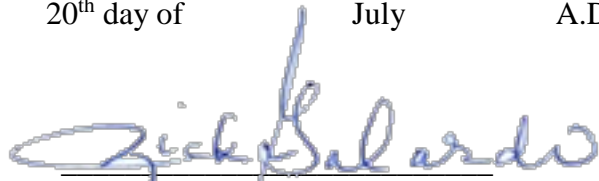
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SECTION 3. Severability. If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

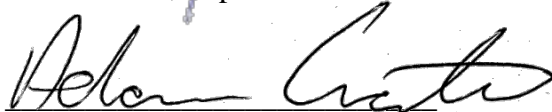
SECTION 4. Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

SECTION 5. Effective Date. This ordinance shall take effect immediately after its passage, publication, and recording by the DeWitt Charter Township Clerk.

First Reading:	9 <sup>th</sup> day of	June	A.D., 2025.
First Publication:	15 <sup>th</sup> day of	June	A.D., 2025.
Second Reading/Adoption:	14 <sup>th</sup> day of	July	A.D., 2025.
Second Publication:	20 <sup>th</sup> day of	July	A.D., 2025.
Effective Date:	20 <sup>th</sup> day of	July	A.D., 2025.

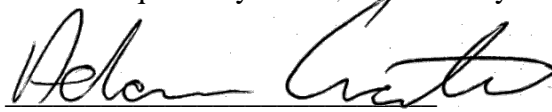


Rick Galardi, Supervisor



Adam Cramton, Clerk

I, Adam Cramton, Clerk of the Charter Township of DeWitt, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 2025-06-03, duly adopted by the Board of Trustees of the Charter Township of DeWitt, Clinton County, Michigan on the 14th day of July, 2025, and that the same was posted and published as required by law on the 20th day of July, 2025.



Adam Cramton, Clerk