

## **Chapter 217**

### **SAUNA AND MASSAGE ESTABLISHMENTS**

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**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 7 of the 1984 Code. Amendments noted where applicable.]**

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**§ 217-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

**EMPLOYEE** -- Any and all persons other than masseurs or masseuses who render any service for the licensee and who receive compensation directly from the licensee but have no physical contact with customers or clients.

**LICENSEE** -- The operator of a massage establishment.

**MASSAGE** -- Any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, or stimulating of external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, creams, lotions, soaps, ointments, or other similar preparations commonly used in this practice.

**MASSAGE ESTABLISHMENT** -- Any establishment having its place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in the definition of "massage."

**MASSAGE SERVICES** -- The providing of a massage or massages by any person, firm, association or corporation.

**MASSEUR or MASSEUSE** -- Any person who, for any consideration whatever, engages in the practice of massage as above defined.

**PERSON** -- Any individual, co-partnership, firm, association, joint-stock company, corporation, or any combination of individuals of whatever form or character.

**SAUNA** -- A steam bath or heated bathing room used for the purpose of bathing, relaxation, or reducing utilizing steam or hot air as a cleaning, relaxing or reducing agent.

**§ 217-2. License required.**

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, upon any premises in the Village of Genoa City, the operation of a massage establishment as herein defined without first having obtained a license from the Village Clerk-Treasurer, which shall be issued upon written application and which shall be subject to cancellation as hereinafter provided.

**§ 217-3. Application process and fee.**

- A. Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application in triplicate, under oath, with the Village Clerk, upon a form provided by the Village Clerk-Treasurer, and pay a refundable filing fee as set by the Village Board to the Village, who shall issue a receipt which shall be attached to the application filed with the Clerk-Treasurer and the Chief of Police. The Village Clerk-Treasurer shall forthwith refer copies of such application and all additional information to the Health Officer and Fire Department. These agencies shall, within 30 days, inspect the premises proposed to be operated as a massage establishment and make recommendations to the Village Board concerning compliance with Village ordinances. Upon receipt of the recommendations of the respective agencies, the Village Clerk-Treasurer shall notify the applicant as to whether his application has been granted, denied, or held for further investigation or corrective action. The period held for corrective action or additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. At the conclusion of such period, or such longer period if agreed to, the Village Clerk-Treasurer shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the Village Clerk-Treasurer shall advise the applicant in writing of the reason for such denial.
- B. The failure or refusal of the applicant to give any information relevant to the investigation of the application within a reasonable time, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of the applicant to submit to or cooperate with any inspection required by this chapter, shall be grounds for denial of the application.

**§ 217-4. Application information.**

The application for a license to operate a massage establishment shall set forth the services to be administered and the proposed place and facilities thereof. In addition thereto, any applicant for a license, which shall be the sole proprietor, if a sole proprietor applicant, a partner, if a partnership applicant, and the designated agent, if a corporate applicant, shall furnish the following information:

- A. Written proof that each individual is at least 18 years of age.

- B. Current residential addresses.
- C. Whether the individual has had any license denied, revoked, or suspended elsewhere for a massage establishment, the reason therefore, and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.
- D. Satisfactory proof that the applicant has been a resident of the State of Wisconsin for at least one year and of the county for at least 90 days.

**§ 217-5. Issuance of license.**

- A. Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information provided therein, the Village Board shall direct the issuance of the license by the Village Clerk-Treasurer to the applicant to maintain, operate, or conduct a massage establishment unless the Chief of Police shall find that:
  - (1) The operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Wisconsin and the Village of Genoa City, including but not limited to the building, health, planning, housing, fire prevention, and zoning codes of the Village of Genoa City.
  - (2) The applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of a felony.
  - (3) The operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this chapter.
- B. The license provided herein shall be for a period of one year from date of application, unless sooner suspended or revoked. Such license must be renewed annually.

**§ 217-6. Construction and maintenance requirements.**

Any sauna or massage establishment as defined herein shall construct its facilities and maintain the same in accordance with the following regulations:

- A. All sauna rooms, massage parlors and all rest rooms used in connection therewith shall be constructed of materials and maintained so that they are impervious to moisture, bacteria, mold, or fungus growth.
- B. Shower rooms must be finished in tile or equal material with proper floor drains.
- C. Each sauna establishment having two or more massage rooms shall be required to have a separate rest room for men and women and provided with mechanical ventilation with two cubic feet per minute per square foot of floor area, a minimum of 15 foot-candles of

illumination, a hand-washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.

- D.** Each sauna or massage establishment shall have a janitor's closet which shall be provided for the storage of cleaning supplies.
- E.** Floors, walls and equipment in sauna rooms, massage parlors, rest rooms and in bathrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six inches off the floor. Sanitary towels, washcloths, cleaning agents and toilet tissue must be available for each customer.
- F.** Individual lockers shall be made available for use by each customer. Such lockers shall have a separate key for locking.
- G.** Doors on massage rooms shall not be locked but shall contain an adequate door latch for privacy. All massage rooms shall be clearly identified by door plates or signs.
- H.** Each sauna or massage establishment shall have approved fire extinguishers and fire exits designated by fire exit signs.
- I.** If any provision of this section is inconsistent with a comparable and applicable provision of the Building Code, the provision of the Building Code shall govern to the extent of such inconsistency<sup>1</sup>.
- J.** The establishment shall permit inspection of the premises at any time during business hours by building inspectors, fire inspectors, health inspectors, and law enforcement officers.
- K.** Entrance doors during business hours shall be open to the public the same as any other business<sup>2</sup>.

#### **§ 217-7. Hours of operation<sup>3</sup>.**

No massage establishment in the Village of Genoa City shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. except during that period of the year for which the standard of time is advanced, when the premises shall be closed between 2:00 a.m. and 8:00 a.m.

#### **§ 217-8. Enforcement; violations and penalties.**

- A. Interference.** No person shall prevent, resist or interfere with any of the officers or employees of the Village in the entering of any premises or the carrying out of their duties.

1. Editor's Note: See Ch. 114, Building Construction.

2. Editor's Note: Original §§ 7-7-7 to 7-7-9, regarding the permit for a masseur or masseuse, which immediately followed this section, were deleted at time of adoption of Code (see Ch. I, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- B. Penalties.** Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin:
- (1) Any license or permit issued pursuant to this chapter may be suspended by the Village Police Chief without hearing for not more than 30 days.
  - (2) Any license or permit issued pursuant to this chapter may be suspended more than 30 days or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.
  - (3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- C.** Any person violating any provision of this chapter, upon conviction thereof, shall be subject to the penalty provided in Chapter 1, General Provisions, § 1-5 of this Code<sup>4</sup>.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).