

ORDINANCE NO. 2023-07

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO REPEAL AND RECREATE ARTICLE V OF CHAPTER 14 OF THE
CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, RELATING TO MASSAGE ESTABLISHMENTS AND MASSAGE
TECHNICIANS**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, HEREBY DO ORDAIN AS FOLLOWS:**

1. That Article V of Chapter 14 of the Code of Ordinances for the Village of Yorkville be, and hereby is, repealed and recreated to read as follows:

**“Article V.
Massage Establishments and Massage Technicians**

Division 1. - Generally

Sec. 14-211. Purpose and intent.

It is the purpose and intent of the village that the operation of massage establishments and massage technicians as defined in this article shall be regulated so as to further the public interest, safety and welfare by providing minimum building, sanitation and health standards for such establishments and providing minimum qualifications for massage technicians.

Sec. 14-212. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Health officer means the Racine County Public Health Division or its authorized representative.

Massage means any method of rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating the superficial parts of the human body with the hands or with any instrument.

Massage establishment means any establishment wherein one of the principal functions is such that massage is given, engaged in or carried on, or permitted to be given, engaged in or carried on.

Massage technician means any person who administers to another person, for any form of consideration, a bath, massage, manipulation of the body, electric vibration, magnetic stimulation or similar procedure.

Cross reference— Definitions generally, § 1-2.

Sec. 14-213. Required clothing and prohibition of sexual massages.

- (a) Massages shall not be given unless patrons are wearing clothing fully covering their genitals and female patrons are in addition wearing clothing fully covering their breasts. Massage technicians shall at all times be fully clothed from the knee to the neck in clean, opaque, nontransparent, light colored clothing.
- (b) No massage technician shall massage the genital area of any patron, including the breasts of any female patron, nor shall any operator or owner of a massage establishment allow or permit such massage in such massage establishment.

Sec. 14-214. Hours of operation.

Massage establishments shall commence operations no earlier than 8:00 a.m. and the hours of operation shall extend no later than 10:00 p.m. Massage technicians shall not practice or administer massages at massage establishments at any time outside the hours of operation. The entrances and exits of massage establishments which are used by the patrons of such massage establishments shall be locked during the hours which the massage establishments are closed.

Sec. 14-215. Suspension or revocation of permits.

Any massage establishment permit issued under this article shall be subject to suspension or revocation by the village board for violation of any provision of this article or for any grounds that would warrant the denial of the issuance of such permit in the first instance. Prior to the suspension or revocation of any permit issued under this article, the permittee shall be entitled to a hearing held before the village board at which time evidence shall be received for the purpose of determining whether or not such permit shall be suspended or revoked, or whether the permit may be retained. If the permit is suspended or revoked, the notification and reasons for such suspension or revocation shall be set forth in writing and sent to the permittee by means of registered or certified mail or hand delivery to the address stated in the permit.

Sec. 14-216. Injunctive relief.

In addition to the legal remedies provided in this chapter, the operation of any massage establishment in violation of the terms of this article shall be deemed a public nuisance and may be enjoined by the village through its authorized representatives, including at all times the village attorney without further authorization of the village board.

Secs. 14-217—14-240. Reserved.

**Division 2.
Massage Establishments**

Sec. 14-241. Massage establishment permit required.

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the village, as the owner or operator of a massage establishment as defined in section 14-212, without having procured a permit as provided in this

article, nor without complying with all statutes, ordinances and regulations applicable to such establishment and unless such permit is in effect at the time of such operation.

Sec. 14-242. Permit application.

- (a) The application for a permit under this article shall be upon a form provided by the administrator/clerk and shall set forth the exact nature of the services to be provided and the proposed place of business and facilities therefor, and the name and address of each applicant and such other information as the administrator/clerk may require. If the applicant is a corporation, the names and residence addresses of each of the officers and directors of such corporation and of each stockholder owning more than ten percent of the stock of the corporation shall be set forth. If the applicant is a partnership, the names and residence addresses of each of the partners including limited partners shall be set forth.
- (b) In addition to the provisions of subsection (a) of this section, any applicant for such a permit shall furnish the following information:
 - (1) The two previous addresses, if any, three years immediately prior to the present address of applicant.
 - (2) Written proof that the individual or partnership applicant is over the age of 18 years.
 - (3) Individual or partnership applicant's height, weight, sex, color of eyes and hair.
 - (4) Two portrait photographs at least two inches by two inches.
 - (5) Business, occupation or employment of the applicant for the three years immediately preceding the date of the application.
 - (6) The history of the applicant in operation of a massage establishment or similar business or occupation, including, but not limited to, whether or not such person when previously operating in this village or any other village, city or state under permit, has had such permit revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
 - (7) All criminal convictions other than misdemeanor traffic violations, and the reasons therefore.
 - (8) The name and address of each massage technician who is or shall be employed in such establishment.
 - (9) Such other identification and information necessary to discover the truth of the matters required to be set forth in the application.

- (10) Nothing contained in this section shall be construed to deny to the investigation officer the right to take the fingerprints and additional photographs of the applicant.

Sec. 14-243. Exemptions.

The permits required by this article shall not apply to hospitals, nursing homes, sanitarium, persons holding an unrevoked certificate to practice the healing arts or physical therapy under the laws of the state.

Sec. 14-244. Permit investigation and fee.

An investigation fee, in the amount specified in section 14-35, no part of which shall be refundable, shall accompany all applications for a massage establishment permit. Upon receipt of such application, the administrator/clerk shall refer the application to the building inspector, plumbing inspector, electrical inspector, the fire department and the health officer, each of whom within a period of 30 days from the date of application shall review records or make an inspection of the premises proposed to be devoted as a massage establishment and shall make a written recommendation to the village board concerning compliance with the respective requirements.

Sec. 14-245. Requirements for issuance of permit.

- (a) The village board shall issue such permit within 30 days after completion of the investigation if upon investigation and the reports filed it is found:
 - (1) The operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including, but not limited to, the village's building, plumbing, electrical and health code and the county zoning regulations and the provisions of this article.
 - (2) The applicant has not been convicted in a court of competent jurisdiction of:
 - a. An offense involving lewd conduct; nor an offense involving the use of force nor violence upon the person of another.
 - b. Any offense involving the willful making of a false statement or theft from a person.
 - (3) The applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statement of facts in the permit application or any other document required by the village in conjunction therewith.
 - (4) The applicant or any shareholder, partner or other participant in such massage business has within the five years prior to application been engaged in the massage establishment business and has not had any license issued by another authority revoked for violation of any ordinance or law regulating such establishment.

Sec. 14-246. Denial of a permit.

If a permit under this article is denied, notification and reasons for denial shall be set forth in writing and sent to the applicant by means of registered or certified mail or hand delivery to the address given in the application.

Sec. 14-247. Sanitation requirements.

- (a) All premises used by permittees under this article shall be subject to periodic inspection by the village for safety of the structure and the propriety of plumbing, electrical wiring, ventilation, heating and sanitation. One artificial, illuminated white light of not less than 100 watts shall be provided in each room where a massage is being administered. The walls shall be clean and painted with an approved, washable, mold-resistant paint in all rooms where the water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Separate restrooms shall be provided for men and women.
- (b) Towels, sheets and linens of all types and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, clothes and sheets shall not be used for more than one person. Reuse of such linen is prohibited unless the linen has first been laundered. Heavy white paper may be substituted for sheets provided that such paper is used once for every person and then discarded into a sanitary receptacle. Every massage establishment shall have the following facilities for patrons:
 - (1) Separate toilet rooms and shower facilities for men and women.
 - (2) Individual, private dressing rooms for each patron.
 - (3) Locker facilities for patrons' property.

Sec. 14-248. Inspection by village officers.

The investigating officers of the village, including the health officer, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with the building, fire, electrical, plumbing or health regulations. If an applicant for a massage establishment permit has a communicable or venereal disease or if the applicant is in violation of any federal, state or local health law or regulation, the application may be denied. If a permit has been issued, it may be revoked or suspended in the matter set forth in this article.

Sec. 14-249. Transfer of massage establishment permit.

No massage establishment permit shall be transferable except with the written approval of the village board. Any application for such a transfer shall be in writing and shall be accompanied by a filing and investigation fee as set forth in the schedule of fees on file in the village administrator/clerk's office and which may be revised by village board resolution, no part of which shall be refundable. The application for such transfer shall contain the same information as required for an initial application for such permit. If the transfer is denied, notification and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered and certified mail or hand delivery.

Sec. 14-250. Prohibition on employing unlicensed masseuses.

Any massage establishment in the Village of Yorkville is prohibited from employing or contracting for services to provide massage therapy or bodywork therapy with an individual who is not licensed under Wis. Stat. § 460.02.

Secs. 14-251—14-270. Reserved.

**Division 3.
Massage Technician**

Sec. 14-271. License required.

No person shall practice massage as a principal, an employee or otherwise within the village unless such person has been issued a “massage therapist” or “bodyworker” license by the State of Wisconsin per Wis. Stat. Chapter 460.

Sec. 14-272. Display of permits and licenses.

The owner or operator shall display the massage establishment permit issued and the state issued license of each and every massage technician employed in the establishment in an open and conspicuous place on the premises.

Secs. 14-273—14-300. Reserved.”

2. This ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 8th day of May, 2023.

VILLAGE OF YORKVILLE

Ayes: 5

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

Attest: /s/ Michael McKinney
Michael McKinney, Administrator/Clerk

Abstentions: 0

Absences: 0

Village of Yorkville
Notice of Newly Enacted Ordinance

Please take notice that, on Monday, May 8, 2023, the Village Board of the Village of Yorkville adopted Ordinance 2023-07, entitled "An Ordinance repealing and recreating Article V of Chapter 14 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to massage establishments and massage technicians".

This ordinance takes effect upon publication of this notice. The full text of this ordinance may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.villageofyorkville.com. The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney
Administrator/Clerk

Affidavit of Printing State of Wisconsin

County of Racine

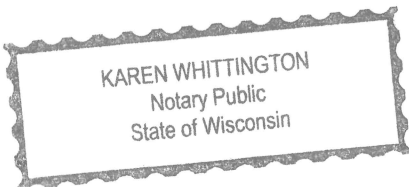
City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive week(s); That the first publication was on the 18th day of May, 2023; The last publication was on the 18th day of May, 2023.

Signed Heidi Schulz
By Heidi Schulz, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this
18 day of May 2023

Karen Whittington
Notary Public, State of Wisconsin
My commission expires 4/30/24



NOTICE OF NEWLY ENACTED ORDINANCE
Village of Yorkville

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Michael McKinney
Administrator/Clerk

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