

Charter Township of Orion

Ordinance No. 96

Massage Parlor Business Regulation

Adopted June 3, 1991

AMENDED
August 15, 1994

AN ORDINANCE REGULATING THE OPERATION OF A MESSAGE PARLOR BUSINESS AND CERTAIN EMPLOYEES THEREOF; REQUIRING A PERMIT; IMPOSING CERTAIN OPERATION LIMITATIONS; AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

Section 1 - Title

This Ordinance shall be known and cited as the Orion Township "Massage Parlor Business Regulation Ordinance"; and it shall be deemed sufficient, in any action for enforcement of the provisions hereof, to define the same by such short title and by reference to the number hereof.

Section 2 - Purpose

The purpose of this Ordinance shall be:

- A. To further secure and protect the general welfare and safety of the citizens and other persons within the Township of Orion.
- B. To regulate the operation of a massage parlor business.
- C. To provide certain minimum requirements for the owners, operators, and massagists engaged in the massage parlor or similar business.
- D. To provide certain minimum requirements for the physical location and operation of a massage parlor or similar business.
- E. To set forth the requirements for obtaining a permit to operate a massage parlor or similar business or a permit to practice as a massagist.
- F. To provide for penalties upon the violation of the provisions of this Ordinance.

Section 3 - Definitions

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

- A. **Building Official** - The Building Official of the Charter Township of Orion or his designee.
- B. **Employee** - Any individual who renders any service in connection with the operation of a massage establishment and receives compensation therefore, including, but not limited to, massagists.
- C. **Fire Chief** - The Chief of the Fire Department of the Charter Township of Orion or his designee.
- D. **Instructor** - A person who teaches massage and has received a degree in massage from a school of massage, licensed under the laws of this State.
- E. **Massage** - A method of treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting, or tapping with hand or any instrument, electric, magnetic or otherwise, with or without supplemental aide.
- F. **Massage Establishment and Massage Parlor** - A business establishment where massagists practice massage; a building, room, place, or establishment, other than a regularly licensed hospital or dispensary, in which body massage is practiced on the human body, for other than cosmetic or beautifying purposes, with or without the use of non-powered mechanical or bathing devices. Massage parlor includes a health club, health spa, or any physical fitness club or business that offers massages on occasion or incidental to its regular operation.
- G. **Massage School** - A school which is licensed by the Michigan Department of Education in Lansing with a class hour requirement of at least five hundred (500) hours and which requires for admission students with a tenth grade education or its equivalent, which employs one (1) or more competent massage therapists as instructors, and which has minimum requirements of a continuous course of study and training and consisting of a study in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics, and practical massage. A massage instructor must meet the following criteria:

1. Graduate of a State licensed school with a minimum of five hundred (500) hours of education.
2. Proof of five (5) years of experience.
3. Professionally affiliated with the American Massage Therapy Association, International Myomassethics Federation, or Associated Bodywork and Massage Professionals.

For the purposes of this Ordinance, a correspondence school shall not be construed to be a recognized school.

- H. **Massagist** - Any person, male or female, who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the body, or other similar procedure.
- I. **Owner** - A person who conducts or owns a massage establishment or school of massage.
- J. **Patron** - An individual who receives a massage.
- K. **Person** - An individual, partnership, corporation, or other entity.
- L. **Sheriff** - The Oakland County Sheriff or his designee.
- M. **Supervisor** - The Supervisor of the Charter Township of Orion.

Section 4 - Permit Required

No person shall practice, engage in, carry on or operate the business of massagist or similar business within the Township without first having applied for and obtained the required permit, and complying with all regulations and requirements as herein contained and set forth, nor shall any person employ as a massagist any person who does not hold a current unrevoked permit as required by this Ordinance. No person shall practice massage for compensation without obtaining and maintaining in effect a permit as a massagist as required by this Ordinance.

Section 5 - Requirements and Duties

It shall be the responsibility of an owner, operator, manager, or permittee hereunder in charge of or in control of a massage parlor or similar business to ensure that each person employed or engaged by him in said business as a massagist shall have first obtained a valid massagist permit pursuant to this Ordinance. Any owner, operator, manager or permittee in charge of or in control of a massage parlor or similar business, who employs a person performing as a massagist as defined in this Ordinance, who is not in possession of a valid massagist permit, or allows such an employee to perform, operate or practice within a massage parlor shall be in violation of this Ordinance.

Section 6 - Application Investigation Fee

- A. Any person desiring to obtain a permit to operate a massage parlor or similar business, or to perform massage services shall make application to the Township Clerk, who shall refer all such applications to the Sheriff for an investigation. An application to obtain a permit to operate a massage parlor or similar business shall be accompanied by an investigation fee of One Hundred Dollars (\$100), no part of which shall be refundable.
- B. Each application for a permit to allow an individual to perform massage services shall be accompanied by an investigation fee of Twenty Dollars (\$20), no part of which shall be refundable.
- C. The application fee required herein shall be payable to the Township Treasurer at the time the application is filed, and said application fee shall be in addition to any other license or permit fee required under this or any other Township Ordinance.

Section 7 - Application; Contents

Any applicant for any of the permits herein shall submit the following information:

- A. The full name and present address of the applicant or applicants.
- B. The two previous addresses immediately prior to the present address of applicant and dates of residence.
- C. A description of service to be provided.
- D. The location and mailing address of the proposed establishment.
- E. If applicant is a corporation, the names and residence addresses or each of the officers and directors of said corporation, and of each stock holder owning more than ten percent (10%) of the corporation.
- F. If the applicant is a partnership, the names and residence addresses of each of the partners, including limited partners.
- G. Written proof (birth certificate or sworn affidavits) that the applicant is at least eighteen (18) years of age.
- H. Height, weight, sex, color of eyes and hair of an individual, partners of a partnership, and shareholders and officers of a corporation.
- I. One portrait photograph at least two inches by two inches (2" x 2") and a complete set of the applicant's fingerprints, which shall be taken by the Sheriff or his agent.
- J. Business, occupation, or employment of the applicant for the three (3) years immediately proceeding the date of the application.
- K. A certificate from a medical or osteopathic doctor, stating that the applicant has, within thirty (30) days immediately prior thereto, been examined and found to be free of any contagious or communicable disease; provided, that an individual licensed by the City of Detroit for the current permit year may, in lieu of the medical certificate, present a current unrevoked Detroit license.
- L. The history of the applicant in the operation of massage parlor or similar business or occupation including, but not limited to, whether or not such person, in previously operating in this or another municipality or state under license, has had such permit revoked or suspended and the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
- M. All criminal convictions other than traffic violations and the reasons therefore.
- N. The application shall be signed and sworn to by said applicant.
- O. Such other identification and information necessary to discover the truth of the matters herein before specified as required to be set forth in the application.
- P. Diploma from a U.S. State licensed school in the United States with a requirement of at least five hundred (500) class hours for graduation. Transcript from the school in to be included with the diploma, along with a current address and phone number of the school for verification purposes.

In addition, the following additional information shall be contained in an application for a permit to conduct a massage parlor: the number of employees and names and qualifications of all persons, who are intended to give massages in this proposed parlor.

Section 8 - Permit Procedures

Any application for a permit pursuant to these provisions shall present to the Township Clerk an application containing the aforementioned and described information. The application shall be referred to the Sheriff, who shall have a reasonable time in which to investigate the application and the background of the applicant. Based on such investigation, the Sheriff, or his representative, shall render a recommendation as to the approval or denial of the permit to the Supervisor.

The Sheriff shall recommend denial of an application for a permit hereunder if the character, reputation, moral integrity, or physical or mental condition of the applicant or his employees is found to be inimical to the public health, safety, morals, or general welfare. In making his determination hereunder, the Sheriff shall consider:

A. Penal History.

All of the applicant's convictions, the reasons therefore, and the demeanor of the applicant subsequent to his release.

B. License and Permit History.

The license and permit history of the applicant; whether such person, in previously operating in this Township or State, or in another municipality or state, under a license or permit, has had such license or permit revoked or suspended; the reasons therefore; and the demeanor of the applicant subsequent to such action.

The Building Official, the Fire Chief, and the County Health Officer shall inspect the premises proposed to be devoted to the massage parlor, or similar business, and shall make, within a reasonable time, separate recommendations to the Supervisor concerning compliance with the requirements of this Ordinance and all other applicable Township ordinances and regulations.

The Supervisor, after receiving the aforementioned and described recommendations, shall forward a recommendation to the Township Board.

If all the provisions and requirements of this Ordinance are met, the Township Board, after receiving these recommendations, shall grant a permit to the establishment, if favorable recommendations are received from the Sheriff, Building Official, Fire Chief, and County Health Officer, and shall issue a permit to all persons who have applied to perform massage services, unless it appears that any person or applicant has deliberately falsified the application or unless it appears that the record of any person reveals a conviction of a felon or a crime of moral turpitude.

The Township Board may place appropriate conditions on the issuance of a license as deemed necessary to protect the health, safety, and welfare of the Township and its residents. Such conditions shall:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the massage parlor or similar business under consideration, residents and landowners immediately adjacent to the proposed use, and the community as a whole;
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity; and
3. Be necessary to meet the intent and purposes of this Ordinance; be related to the standards established in the Ordinance for use; and be necessary to ensure compliance with those standards.

Violations of such conditions shall be considered a violation of this Ordinance, and may be grounds for revocation or suspension of a permit.

The Supervisor may recommend to the Township Board that an individual business establishment shall be subject to a public hearing when, in the Supervisor's judgment, any such business establishment has an effect on the public health, safety, or welfare of the community.

All permits issued hereunder are non-transferable; provided, however, a change of location of a massage parlor or similar business may be permitted, pursuant to the provisions herein.

Section 9 - Facilities Necessary

No permit to conduct a massage parlor or similar business shall be issued, unless an inspection by the Township of Orion reveals that the establishment complies with each of the following minimum requirements:

- A. A recognizable and readable sign shall be posted at the main entrance, identifying the establishment as a massage parlor; provided, however, that all such signs shall comply with the sign requirements of the Township of Orion.
- B. Minimum lighting shall be provided in accordance with the National Electrical Code and, in addition, at least one (1) artificial light of not less than 60 watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.

- C. Minimum ventilation shall be provided in accordance with the Township Building Code.
- D. Adequate equipment for disinfection and sterilizing instruments used in performing the acts of massage shall be provided.
- E. Hot and cold running water shall be provided at all times.
- F. Closed cabinets shall be provided, which cabinets shall be utilized for storage of clean linen.
- G. In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage establishment may elect to place such persons of the same sex in separate, enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.
- H. Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. A minimum of one (1) tub or shower, one (1) dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one (1) toilet and one (1) wash basin, shall be provided. If male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.
- I. All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day that the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.
- J. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.
- K. A minimum of one (1) separate wash basin shall be provided in each massage parlor for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided, at each wash basin, sanitary towels placed in permanently installed dispensers.

Section 10 - Operational Requirements

- A. No establishment shall have an entrance or exit way providing a direct passageway to any other type of business, residence, or living quarters.
- B. All massage establishments subject to this Ordinance are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances or such establishments locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, such doors may be closed.
- C. Every massage establishment subject to this Ordinance shall be open for inspection by duly authorize representatives of any Township department or the Sheriff concerned with the permitting and supervision of such establishment during operation hours for the purpose of enforcing any of the provisions of this Ordinance or other Ordinances or regulations of the Township relating to the public health, safety, and welfare.
- D. No massage establishment shall be kept open for any purpose between the hours of 7:00 p.m. and 11:00 a.m. the following day.
- E. It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic, and bathing devices or parts thereof that come into contact with the human body shall be sterilized by a modern and approved method of sterilization before initial use, and any such instruments and devices or parts thereof, after having been used upon one patron, shall be sterilized before being used upon another. Towels and linens furnished for use of one patron shall not be furnished for use of another patron until thoroughly laundered.

- F. All managers or students in a massage establishment shall clean their hands thoroughly with an antiseptic before administering a massage to each patron accommodated. No individual suffering from a communicable disease shall work or be employed in a massage establishment. No individual suffering from a communicable disease to the knowledge of the owner, custodian, or employee of a massage establishment shall be accommodated as a patron therein.
- G. The massage shall be performed on a massage table or treatment table. No beds, water mattresses, cots, or other equipment designed for sleeping shall be permitted at the establishment.
- H. 1. The massage establishment shall keep a list of the names and addresses of all employees, both on-duty and off-duty, and such list shall be shown to the Sheriff or his duly authorized officer upon request.
2. If an employee is not a licensed massagist, owner, or student, he shall submit the information required in Section 5 to the Township Board.
- I. Every person who operates a massage establishment shall maintain an accurate record, in a well-bound book, of all patrons accommodated; such records shall include the patron's names, proof of identity, age, and current address, together with the time, date, and place of service, the nature of the service provided, and the name of the massagist so providing the service. Every patron shall furnish proof of identity by showing a valid driver's license, voter registration certificate, or similar identification, to the person who operates the massage establishment for the purposes of maintaining the accuracy of the massage establishment's record book. Such record book shall be available at all times at the massage establishment for inspection by the Sheriff or his duly authorized officer.
- J. The male massagists or students shall wear all white slacks and all white shirts and the female massagists or students shall wear an all white dress or all white slacks and all white blouses while engaged in the treatment of a patron. An all white surgical gown or smock may be substituted. Said clothing shall at least cover the massagist's or student's pubic area, perineum, buttocks, navel cleft and entire chest to four (4) inches below the collarbone and legs not exposed more than two (2) inches above the knees. The clothing shall be kept clean at all times, and soiled clothing shall not be worn during the treatment of a patron. The clothing shall be opaque.
- K. The massage parlor or school licensee shall personally supervise the massage establishment and shall not violate, or permit others to violate, any provisions of these regulations.
- L. A massage parlor licensed hereunder shall not act as a school of massage, nor may it in any way train or instruct persons in massage unless it makes a request for and notes such designation in its application, and must comply with the requirements of Act 299 of PA 1980 Article 17, being MCLA 399.1701 (a), (f) and (g) and MCLA 399.1705.
- M. A massage establishment shall not be located within one thousand (1,000) feet from the property line of another massage establishment, or any public or private educational institution licensed by the State of Michigan to provide instruction for any grade level, kindergarten through twelve (K-12), inclusive, or any church or religious institution.
- N. The massagist may not touch, or in any way access or massage, patrons' breasts, buttocks, or genital areas. *(added 06.03.91)*
- O. All clients or massage patrons shall remain modestly draped at all times and underclothing covering the genital area remaining intact. The patron shall not be allowed total nudity. Draping shall consist of opaque sheets or towels of sufficient length to cover the entire body. *(added 06.03.91)*

Section 11 - Health Certificate Requirements

- A. The health certificate required by this Ordinance shall be issued by a legally licensed physician designated by the Township. Such certificate shall attest to the fact that the bearer has been actually and thoroughly examined by such physician and was free from any transmissible, infectious or contagious disease. The examination so required shall specifically include a chest x-ray and blood test for syphilis, gonorrhea, herpes, and AIDS, and any other infectious or contagious diseases. All of the information and test results thereof and the dates and other information required to be shown on the health certificate, except the employee's signature, shall be placed thereon by the physician issuing the same or under the direction of such physician, and no such health certificate shall be valid unless it contains all of the information shown to be required thereon.

- B. A health certificate required by this Ordinance shall bear the signature of the individual named thereon, the signature of the physician executing this examination and tests upon which such certificate is based and shall be in the following form which will be furnished to the physician by the Township upon request:

Charter Township of Orion		
Health Certificate		
<i>Issued _____</i>		
<i>This Certificate is Valid for One Year Only - Post Conspicuously for Inspections</i>		
This certifies that:		
Address:		
Occupation:		
Employed at:		
Address:		
Was actually and thoroughly examined for Skin, Eyes, Ears, Nose, Throat, Mouth, Lungs, and Genitals		
And Serological Test made (date):		
Chest X-Ray (date):		
Others:		
And found free from any infections or contagious diseases in a transmissible condition, including syphilis, gonorrhea, herpes, and AIDS.	Color of Hair:	
Color of Eyes:	Weight:	
Height:	Sex:	Age:
Race:		
Doctor:		
Address:		
Doctor's Signature:		
License No:		
Employee's Signature:		

- C. Each health certificate issued under this Ordinance shall be valid for one (1) year only from the date of its issuance as shown thereon.
- D. It shall be unlawful for any person to knowingly make any false, fraudulent, or untruthful statement, either written or oral, to any examining physician, or in any way knowingly to conceal any material fact from such physician, or to give or use any fictitious name in order to secure or aid in securing a health certificate required by this Ordinance, and any such health certificate so secured shall be void.

- E. It shall be unlawful for any individual to fraudulently make use of, in any manner to his own or another's benefit or advantage, a health certificate which has not been duly issued to him in accordance with the provisions of this chapter.
- F. It shall be unlawful for any licensed physician to issue a health certificate required under the provisions of this chapter, knowing the same to be false.
- G. It shall be unlawful for any person to counterfeit or forge, or to change, deface, or alter a health certificate required by, or issued under, the provisions of this Ordinance.
- H. Every individual required by this Ordinance to have a health certificate shall, for good cause shown, upon the request of an employer or the Sheriff or his duly authorized representative, secure for good cause shown, an adequate physical examination of himself by a duly licensed physician designated by the Township and secure, in evidence thereof, a valid health certificate meeting the requirements of this chapter. The fact that an individual who is requested to secure such an examination has, at the time of such request, a valid health certificate will not relieve such an individual of the duty to secure another such certificate before commencing or continuing such employment or working in any such capacities.
- I. Upon the refusal or failure of any such individual to comply with the request of his employer or of the Sheriff or his duly authorized representative, to secure an examination and health certificate, as provided in Subsection (H) if the individual so refusing has, at the time of such refusal or failure to comply with such request, a valid health certificate, the same shall immediately be surrendered to the Sheriff, or his duly authorized representative, for cancellation, and it shall be unlawful for any such individual to fail or refuse to so surrender such certificate to the Sheriff, or his duly authorized representative, for cancellation. If the health certificate of an individual so refusing to secure another examination and health certificate is in the custody of the individual's employer or the agent or representative of such employer, such custodian of such health certificate shall, upon such failure or refusal by such individual, immediately forward the same to the Sheriff, or his duly authorized representative, for cancellation, and thereafter such individual shall not be allowed or permitted to work or continue working in any of the capacities for which a health certificate is required by this chapter until such time as such individual shall present to his employer a valid health certificate bearing a date of issue subsequent to the cancellation date of such individual's cancelled health certificate.

Section 12 - Permit Fees

Any person granted a permit to operate a massage parlor, or similar business, by the Township Board shall pay to the Township Treasurer a fee in the amount of Forty Dollars (\$40) per year, and any person granted a permit to administer massages shall pay Ten Dollars (\$10) per year. The permit year shall be the period from the day of permit issuance to December 31 of that year, inclusive, unless otherwise provided. All licenses issued for the license year shall expire on the 31st day of December, unless suspended or revoked. Any license applied for between Labor Day and December 31st of any calendar year shall be one-half (1/2) the prices stated herein.

Section 13 - Renewal

The permit to operate a massage parlor or similar business, as well as a massagist's permit, shall be renewed at least thirty (30) days prior to the date of expiration. The permit shall be renewed, provided the applicant submits a sworn affidavit that the matters contained in the original application are correct and indicate any changes necessary. In addition to the affidavit, a signed statement from a doctor stating that the applicant for a massagist's permit has been examined within the prior ninety (90) days and found to be free from any contagious or communicable disease which is likely to be communicated during the administration of a massage.

Section 14 - Display of Permit

Every person, association, firm, or corporation to whom or for which a permit shall have been granted shall display said permit in a conspicuous place so that the same may be readily seen by persons entering the premises where the massage, bath, or treatment is given.

Section 15 - Change of Location

A change of location of any of the aforementioned and described premises may be approved by the Sheriff, Building Official, and Fire Chief, provided the requirements set forth herein, as well as all other ordinances and regulations of the Township of Orion and State law, are complied with and the change of location fee of Fifty Dollars (\$50) is deposited with the Township Treasurer.

Section 16 - Unlawful Activities

It shall be unlawful for any person to massage any other person, or give or administer any bath or baths, or to give or administer any of the other things mentioned in this Ordinance for illegal or immoral purposes, or in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires. Any violation of this provision shall be deemed grounds for the revocation of the permit granted hereunder.

Section 17 - Employees

It shall be the responsibility of the holder of the permit for the massage parlor, or the employer of any persons purporting to act as massagist, to ensure that each person employed as a massagist shall first have obtained a valid permit, pursuant to the provisions of this Ordinance.

Section 18 - Emergency Employees

In the event that the holder of a permit to operate a massage parlor is required to use an emergency employee because of illness or incapacity or a regular licensed employee, the same shall be permitted, provided that such emergency employee shall be required to make application for a valid permit, as required herein, within three (3) days from date of beginning work. "Emergency employee" shall be defined herein to mean an individual who possesses a current, unrevoked City of Detroit massagist's license and works not more than three (3) days per year in the Township of Orion, and does not possess a valid Orion license.

Section 19 - Patronage of Massage Business by Minors

No person licensed as a massagist shall massage or treat any person under the age of eighteen (18) upon the licensed premises, except upon written order by a licensed physician, osteopath, or registered physical therapist, such order being dated and in the possession of the massagist giving the massage or treatment. Provided, if the person under the age of seventeen (17) is accompanied by a parent or legal guardian during the massage or treatment, this provision shall not apply. *(amended 06.03.91)*

Section 20 - Name of Business

No person licensed to do business as herein provided shall operate under any name, or conduct his business under any designation, not specified in his permit.

Section 21 - Advertising

No massage parlor or similar business or massagist granted a license under the provisions of this Ordinance shall place, publish, or distribute, or cause to be placed, published, or distributed, any advertisement picture or statement which is known, or through the exercise of reasonable care should be known, to be false, deceptive, or misleading in order to induce any person to purchase or utilize any professional massage services.

Section 22 - Revocation and Suspension of Permit

- A. Permits may be suspended or revoked for cause and failure to comply with the requirements of this Ordinance.
- B. No permit may be suspended or revoked until after due notice and hearing before the Township Board or a Hearing Officer appointed by the Board to determine if grounds for revocation exist. Notice of the hearing shall be in writing and served at least ten (10) days prior to the date of the hearing by serving the person in charge of the massage establishment by First Class mail at the address on the license application and by posting upon the entrance to the massage establishment, in the instance of a license suspension or revocation. The notice shall state the grounds of the complaint against the licensee or permittee and shall designate the time and place where the hearing will be held.

- C. Any massage establishment license or massage therapist permit may be suspended for not more than ninety (90) days or revoked by the Board on the recommendation of the finder of fact for any violation of this Ordinance.
- D. Written notice of revocation or suspension, together with the reasons therefore, shall be given by the Township Clerk to the licensee or permittee at his or her last known business address. The licensee or permittee may appeal the decision of the Board to the Circuit Court within twenty-one (21) days of the decision.

Section 23 - Sale or Transfer

Upon the sale or transfer of any interest in a massage parlor or similar business, the permit and license shall be null and void. A new application shall be made by any person, firm, or entity desiring to own or operate the massage parlor or similar business. The provisions of Section 6 and Section 7 of this Ordinance shall apply to any person, firm, or entity applying for a massage establishment permit for premises previously used as such an establishment.

Any sale or transfer of any interest in an existing massage establishment or any application for an extension or expansion of the building or other place of business of the massage establishment shall require inspection and shall require compliance with Section 8 of this Ordinance. A fee of Fifty Dollars (\$50) shall be payable for each application involving extension or expansion of the building or other place of business of the massage establishment.

Section 24 - Applicability of Regulations to Existing Businesses

The provisions of this Ordinance shall be applicable to all persons and businesses described herein, whether the wherein described activities were established before or after the effective date of this Ordinance 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 this Ordinance will have a sixty (60) day grace period from date of adoption within which to comply with all conditions and requirements of this Ordinance as set forth hereinabove. Provided, the Township Supervisor may grant an additional extension for a period not to exceed sixty (60) days for good cause. "Good cause" defined herein to mean undue delays beyond the control of the existing business.

Section 25 - Exemptions

This Ordinance shall not apply to:

- A. Physicians, surgeons, chiropractors, osteopaths, psychiatrists, psychologists, clinical social workers, family counselors, and clergymen who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or establishment duly licensed in the State of Michigan.
- B. *(added 06.03.91)* Massage therapists who meet one or more of the following criteria:
 - 1. Proof of graduation from a school of massage licensed by the State of Michigan.
 - 2. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section. Reference letters will include the current membership number of the person writing the reference, the name, address and phone number of the professional association; and a Twenty-Five Dollar (\$25) to Fifty Dollar (\$50) credential verification fee. For community colleges, the diploma must be provided as well as the name, address, and phone number.
 - 3. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, Associated Bodywork and Massage Professionals. The membership must be current and include liability coverage insurance. The current membership number, affidavit of insurance, address, and phone number of Association membership director shall be provided.
 - 4. A current license from another state with equivalent standards of five hundred (500) hours of education from a state licensed school.

- C. Nurses who are registered under the laws of this State and who administer a massage in the normal course of nursing duties.
- D. A trainer of any duly constituted athletic team who administers a massage in the normal course of training duties.
- E. Barbers and beauticians who are duly licensed under the laws of this State and who administer a massage in the normal course of their duties.
- F. Participants in growth seminars or sensitivity sessions, provided such seminars or sessions are conducted by a member of one of the exempted professions defined in Section 25 (A) above.
- G. Any duly licensed establishment in which the above described persons practice their respective professions.

Section 26 - Violation and Penalties *(amended 08.15.94)*

- A. Municipal Civil Infraction / Payment of Fine.

Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended, and shall pay a civil fine as prescribed by ordinance or as determined by the district court, district court judge, or district court magistrate.

Each day that a violation is permitted to exist shall constitute a separate offense. *(04.15.91)*

- B. Costs.

A person, firm, or corporation ordered to pay a fine under Subsection A shall be ordered by the district court judge or magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct or indirect, to which the Township of Orion has been put in connection with the violation of the Ordinance up to the entry of the court's judgment or order to pay fines and costs.

- C. Additional Writs and Orders.

A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87, of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

- D. Default on Payment of Fines and Costs.

A default in payment of a civil fine, costs, or damages, or expenses ordered under Subsection A or B or an installment of the fine, costs, or damages or expenses as allowed by the court, may be collected by the Township of Orion by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

- E. Failure to Comply with Judgment or Order.

If a defendant fails to comply with an order or judgement issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection G.

- F. Failure to Appear in Court.

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.

- G. Civil Contempt.

1. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township of Orion or upon its own motion, the court may require the defendant to

show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, or damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one (1) day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall not be discharged from custody until one of the following occurs:
 - a. Defendant is credited with an amount due pursuant to Subsection G(5).
 - b. The amount due is collected through execution of process or otherwise.
 - c. The amount due is satisfied pursuant to a combination of Subdivisions G(6)(a) and (b).
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection G(6).

Section 27 - Separability

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 28 - Repeal

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 29 - Effective Date

This Ordinance shall take effect upon publication in a newspaper of general circulation in the Charter Township of Orion after the final passage thereof.

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