ORDINANCE NO. 6632

AN ORDINANCE TO AMEND TITLE 3 BUSINESS REGULATIONS AND LICENSES OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY ENACTING NEW CHAPTER 3.20 "MASSAGE THERAPY".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 3 Business Regulations and Licenses is hereby amended by enacting new Chapter 3.20 "Massage Therapy" to read as follows:

CHAPTER 3.20 MASSAGE THERAPY
3.20.010 Purpose
3.20.020 Definitions
3.20.030 State License Required
3.20.040 Display of License
3.20.050 Maintaining Public Nuisance
3.20.060 Hours of Operation
3.20.070 Penalties

3.20.010 Purpose
The State of Iowa licenses massage therapists at Iowa Code Chapter 152C. State licensed massage therapists and businesses offering massage therapy services perform an important service in addressing the health and well-being of Council Bluffs residents. Unfortunately, there are businesses that advertise they provide massage therapy and/or other therapeutic services, but engage in various illegal activities, which may include prostitution and/or human trafficking. This article is not intended to discourage legitimate, licensed massage therapists or massage therapy businesses from providing their services within Council Bluffs. The purpose of this ordinance is to identify and address businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities, which may include prostitution and/or human trafficking. Businesses providing massage therapy, but also conducting various types of illegal activity, are harmful to the health, safety, and welfare of the city and negatively impact the massage therapy profession.

3.20.020 Definitions
For the purposes of this article, the following words and phrases have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

A. *"Massage therapist"* means a person licensed under Iowa Code Chapter 152C to practice the health care service of the healing art of massage therapy in the City of Council Bluffs.
B. *"Massage therapy business"* means any business or place of business, including mobile, temporary, and transient businesses, wherein, or on whose behalf, any of the treatments, techniques, or methods of treatment referred to as "massage therapy" are administered, practiced, used, given, advertised or applied.

3.20.030 State License Required

The practice of massage therapy, as defined in Iowa Code Chapter 152C, is prohibited by unlicensed individuals. It is unlawful for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person's name, the initials "L.M.T." or the words "licensed massage therapist", "masseur", "masseuse", or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of Iowa Code § 152C.3.

3.20.040 Display of License

Each massage therapist shall keep his/her license in possession at all times while doing business in the city and shall, upon request of a prospective customer or city official, exhibit the license as evidence of compliance with all requirements of this article.

3.20.050 Maintaining Public Nuisance

Any building used, operated, or maintained as a massage establishment in violation of this article with the intentional, knowing, reckless or negligent permission of the owner, licensee, or person managing or supervising the building, together with all fixtures and other property used in violation of this article, are hereby declared to be a nuisance.

3.20.060 Hours of Operation

Massage Therapy Businesses shall not be open for business nor shall patrons be permitted on the premises between the hours of 10:00 p.m. and 5:00 a.m.

3.20.070 Penalties

A. A violation under this article is declared to be a municipal infraction in addition to a misdemeanor and any person, or in connection with one or more persons or as principle, agent, or accessory found violating any provision of this article, shall be subject to the general penalty provisions of CBMC 1.95 and CBMC 8.02 to include both criminal and/or civil penalties.
B. The chief of police, or designee, shall place in a highly noticeable location a placard stating "Unsafe to Enter; Unlicensed Massage Therapy Must Cease and is subject to criminal and/or civil penalty per Council Bluffs Municipal Code § 3.56.050." This notice shall remain posted until a valid state license is obtained or other legal use has been established.
C. No person shall remove the placard posted pursuant to subsection (b) of this section without approval of the chief of police or designee.
D. No person, or in connection with one or more persons or as principle, agent, or accessory shall continue to offer "massage therapy" services after a massage therapy business has been placarded as unsafe for entry unless the chief of police or designee has approved removal of the placard.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable

from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

PASSED
AND March 24, 2025.
APPROVED

_____
MATTHEW J. WALSH
Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 3-10-25
Second Consideration: 3-24-25
Public Hearing: n/a
Third Consideration: _____