

VILLAGE OF FALCON HEIGHTS

ORDINANCE NO. 125

AN ORDINANCE TO REGULATE THE OPERATION
OF SAUNAS AND STEAM BATHS.

The Village Council of Falcon Heights does ordain as follows:

Section 1. Purpose and Policy. The purpose of this ordinance is to regulate the operation of saunas, steam baths, heat-bathing rooms, and other forms of commercial establishments wherein massages are given. The Village Council deems the unlicensed and uncontrolled operation of said establishments to be a public nuisance, and a danger to the health, safety, and welfare of the inhabitants of this Village.

Section 2. Definitions.

a. The term "sauna" means and includes a commercial steam bath or heat-bathing room used for the purposes of relaxation, physical fitness, or beautification, utilizing steam or hot air as a cleaning, relaxing, or reducing agent. The term shall also include all structures and/or rooms contiguous or connected to the steam bath or heat-bathing room.

b. The terms "massage", "masseur", and "masseuse" shall have the same meanings as set forth in Minn. Stat. §148.33 (1971). Said definitions are hereby incorporated by reference.

c. The term "person" shall mean and include all natural persons, together with all corporations, partnerships, associations and other business entities.

Section 3. License Required. No person shall engage in the business of operating a sauna, either exclusively or in connection with any other business enterprise without being licensed as provided in this section.

Section 4. Contents of Application. Application for a license shall be made to the Clerk-Administrator. The application shall contain a description and plan of the property to be used, the names and addresses of the owner, lessee, if any, and the operator or manager. The application shall further indicated whether the applicant, the manager or operator, has ever been convicted of a crime or offense other than a traffic offense, and if so, information as to the time, place, and nature of such offense. The application shall contain such other and further information as the Clerk-Administrator deems necessary.

Section 5. Licensee and License Year. The annual license is \$500.00. A separate license shall be obtained for each place of business. The licensee shall display the license on a prominent place on the premises at all times. A license, unless revoked, is for the calendar year or part thereof for which it has been issued.

Section 6. Granting or Denial of Licenses. License applications shall be reviewed by the Clerk-Administrator and such other departments of the Village as the Clerk-Administrator shall deem necessary. Thereafter, licenses shall be granted or denied by the Village Council subject to the provisions of this ordinance. The license fee shall be payable only after the grant of a license by the Village Council. After the license is first granted, the license may be renewed in each calendar year thereafter by the Village Council, upon payment of the annual license fee.

Section 7. Grounds for Denial of Licenses. The Village Council may deny a license if any one or more of the following grounds are found to exist:

a. The premises are located outside a retail business, zoned as "B-2" under Ordinance No. 64 of the Village of Falcon Heights, as amended;

b. The premises do not meet the safety and sanitary requirements and building code requirements in effect in the Village of Falcon Heights;

c. There is any deception, misrepresentation, concealment or fraud involved in the license application;

d. The applicant or any person in his employment has been convicted of any crime or offense, other than a traffic offense, or has a history of non-compliance with the laws and ordinances of this Village or other cities and villages that pertain to health, safety, or moral turpitude.

Section 8. Grounds for Revocation of Licenses. The Village Council may revoke a license previously granted if any one or more of the following grounds are found to exist:

a. The licensee or any person in his employ is found to be in control or possession of any alcoholic beverages or narcotic drugs, or controlled substances of any type on the premises, possession and/or use of which is illegal under state or federal law;

b. The licensee or any person under his employ is convicted of a violation of any ordinance or state statute for conduct arising on the premises for which the license was granted;

c. Misrepresentation, deception, concealment or fraud in the license application;

d. The premises are no longer in compliance with the health, safety, and building regulations of the Village of Falcon Heights.

e. Any violation of this ordinance.

Section 9. Persons Employed in the Business.

a. No licensee shall employ or use any person as a masseur or masseuse unless such person is registered with the State Board of Medical Examiners, as provided in Minn. Stat. 148.33 through 148.511. Such statutory sections are hereby incorporated by reference as a part of this ordinance.

b. Any person so licensed as provided in Section 9a shall have his or her registration certificate or a true copy thereof displayed in a prominent place on the licensed premises.

Section 10. Restrictions and Regulations.

a. No person under the legal age in Minnesota shall be employed in a licensed sauna under this ordinance, nor shall any person under the legal age in Minnesota be allowed upon the premise for any reason unless accompanied by parent or guardian.

b. The licensed premises shall not be open for business nor shall any persons other than employees be permitted on the premises between the hours of 1:00 a.m. and 8:00 a.m. of the same day.

c. The licensed premises shall comply in all respects with the safety and sanitary requirements and the building code requirements of the Village of Falcon Heights.

d. Licensees shall not discriminate on the basis of race, color or sex.

e. A massage may be given to a male customer only by a registered masseur and a massage to a female customer may be given only by a registered masseuse.

f. Whenever a massage is given, the customer shall at all times have the lower abdomen covered with an appropriate non-transparent covering. Any male employee on the licensed premises shall have the lower parts of the torso covered with a non-transparent material.

g. Any female employee on the licensed premises shall have the upper and lower parts of the torso covered with a non-transparent material.

h. Any duly-authorized law-enforcement officer, health officer or building inspector shall be allowed to inspect the licensed premises at reasonable times and hours to insure compliance with all provisions of this ordinance.

i. In addition to compliance with all applicable building codes and health regulations, the following sanitary requirements shall be met:

(1) All sauna rooms and all restrooms and bathrooms used in connection therewith, shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth. The floor to wall, and wall to wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch.

(2) Licensed premises shall maintain separate toilet facilities for male and female customers and employees, each containing a toilet, a hand washing sink with hot and cold running water under pressure, a soap dispenser, and sanitary towels or a hot-air hand-drying machine.

(3) Licensed premises shall maintain a janitor's closet for the storage of cleaning supplies, with mechanical ventilation.

(4) Licensed premises shall be kept in a state of good repair and clean at all times. Linens, towels and other materials shall be stored at least 12

inches off the floor. Clean towels and wash cloths shall be available to each customer.

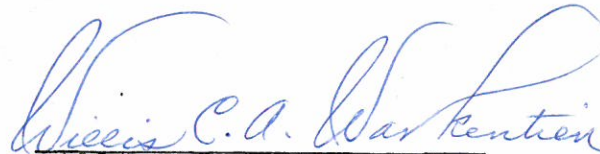
(5) Licensed premises shall contain individual lockers for use by patrons.

(6) Massage rooms on licensed premises shall not be locked.

Section 11. Penalties. Any violation of this ordinance shall be a misdemeanor and punishable by a fine not to exceed \$300.00, or imprisonment not to exceed ninety (90) days or both.

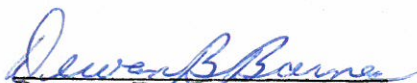
This ordinance shall take effect and be enforced from and after its passage and publication.

Passed by the Village Council of the Village of Falcon Heights this 22nd day of February, 1973.



Willis C. A. Warkentien
Mayor

Attest:



Dewan B. Barnes
Clerk-Administrator