

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

Section I. Short Title

This Ordinance shall be known and may be cited as “Massage Establishment Ordinance for the City of Groton”.

Section II. Purpose Statement

It is hereby resolved that the business of operating Massage Establishments as defined herein, is a business affecting the public health, safety and general welfare, and as such, necessitates regulation and control.

Section III. Definitions

For the purpose of this Ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context (Note: The definitions are in alphabetical order):

- A. “Chief of Police” – shall mean the Chief of Police of the City of Groton or his/her designee;
- B. “Director of Health” – shall mean the Director of Health for the Ledge Light Health District, or his/her designee;
- C. “Employee” – any and all persons other than masseurs and masseuses who render any service in a massage establishment, but who has no physical contact with customers or clients;
- D. “Inspector” means an employee of the Ledge Light Health District, the Building Official of the City of Groton, any officer of the Police Department, the Fire Marshal or his designee, and any person to whom any of those officials or the Mayor and Council may delegate the duty to perform functions under this Ordinance;
- E. “Massage” – any method of pressure on, friction against or stroking, kneading, rubbing, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without any such supplementary aids as: rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice;
- F. “Massage Establishment” – shall mean any business, the function of which is to engage in or carry on massages at that location;
- G. “Masseur” – a male who engages in the practice of massage for any consideration whatsoever;
- H. “Masseuse” – a female who engages in the practice of massage for any consideration whatsoever;
- I. “Mayor and Council” means the elected Mayor and Councilors of the City of Groton, Connecticut;
- J. “Minor” shall be deemed to refer to a person under the age of eighteen (18) years;
- K. “Outcall Massage Service” – shall mean any business, the function of which is to engage in or carry on massages at a location designated by the customer or patron rather than at a Massage Establishment;
- L. “Person” – any individual, co-partnership, firm, association, joint-stock company, corporation or combination of individuals of whatever form or character.

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

Section IV. Operating Requirements

- A. No massage establishment shall be permitted on a site that is less than eight hundred (800) feet from a public park, preexisting school, or place of worship meaning to include parish house and convents. The 800 feet shall be the straight, horizontal distance from any boundary line of a parcel of land upon which the proposed building housing a massage establishment to any boundary line of a parcel of land used as a public park or upon which a building housing a school or place of worship as defined herein exists.
- B. No massage establishment shall be permitted on a site that is less than one thousand (1,000) feet from an existing massage establishment and/or adult-oriented business. The 1,000 feet shall be the straight, horizontal distance, from any boundary line of a parcel of land upon which a building housing a massage establishment and/or adult-oriented business exists to any other proposed building housing a massage establishment.
- C. No operator or employee of a massage establishment shall allow or permit any minor to enter into such establishment or to loiter upon the grounds and parking lot of such establishment.
- D. Each massage establishment shall prominently display a sign in the dimensions of twenty-four (24) inches by twenty-four (24) inches outside each entrance bearing the words "Massage Establishment – Persons Under 18 Not Admitted or Permitted to Loiter on Grounds or Parking Lot" in white letters against a red background.
- E. All massage establishments shall be open to inspection at all reasonable times by inspectors or such other persons as the Mayor and Council may designate.

Section V. Exceptions

This Ordinance shall not apply to any school, hospital, nursing home, sanitarium, clinics, rehabilitation facilities, non-profit United Way agencies, barber shops, beauty salons, beauty schools or barber schools operating in accordance with the laws of the State of Connecticut, nor to any person holding a valid certificate or license to practice the healing arts as defined by C.G.S. §20-1 et seq. or to practice physical therapy, as defined by C.G.S. §20-66 et seq., midwifery as defined by C.G.S. §20-86a et seq., nursing as defined by et seq., dentistry as defined by C.G.S. §20-103a et seq., massage therapists as defined by C.G.S. §20-206a et seq., optometry as defined by C.G.S. §20-206a et seq., acupuncturists as defined by C.G.S. §20-206aa et seq., or athletic training as defined by C.G.S. §16a-19a et seq., or to engage in the occupation of barber as defined by C.G.S. §20-234 et seq. or hairdresser or cosmetician as defined by C.G.S. §20-250 et seq. under the laws of the State of Connecticut; provided that the activities of such person are confined to those for which the certificate or license is granted, nor shall this Ordinance apply to any person lawfully acting under their supervision or control, nor shall it prohibit the furnishing of assistance in the case of emergency.

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

Section VI. Promulgation of Rules and Regulations

The Chief of Police or the Director, Ledge Light Health District, may make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this Ordinance. The Chief of Police and the Director, Ledge Light Health District, shall, upon making any regulation or rule, file a copy of said rules or regulations with the City Clerk, who shall keep same in the City's Municipal Building, in a book provided for such purpose.

Section VII. Inspections

The Chief of Police and the Director, Ledge Light Health District, or their designees, shall, from time to time, but not less than twice a year, make an inspection of each massage establishment in the City of Groton for the purposes of determining that the provisions of this Ordinance are complied with. Such inspections shall be at a reasonable time, in a reasonable manner. It shall be unlawful for any person to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

Section VIII. Permit Required

It shall be unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises in the City of Groton, the operation of a massage establishment without first having obtained a permit from the Chief of Police.

Section IX. Filing of Application: Filing Fee

Each application for a permit to maintain, operate or conduct a massage establishment shall file an application with the Chief of Police and pay a filing fee of two hundred and fifty dollars (\$250.00), payable to the City of Groton, which shall not be refundable.

Section X. Contents of Application: Information Needed

- A. The application for a permit to operate a massage establishment shall be in writing, signed and sworn to by the applicant and shall set forth:
1. The name (including any and all aliases) and addresses (for the past ten (10) years) of each applicant;
 2. Written proof that each applicant is at least eighteen (18) years of age;
 3. The address and location of proposed place of business and facilities therein;
 4. The exact nature of the massage to be administered;
 5. Two (2) portrait photographs of each applicant at least 2 inches by 2 inches (2" x 2") and a complete set of each applicant's fingerprints. Said fingerprints shall be taken by the Chief of Police, or his/her designee;
 6. Business, occupation and/or employment history of each applicant for the ten (10) years

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

- immediately preceding the date of the application;
7. Massage or similar business license history of each applicant; whether such person has previously operated in this or other city, town or state, under license; has had such license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation;
 8. Arrest history of each applicant, including arrests with convictions for any federal and/or state statutes; any pending federal or state criminal charges; all arrests and convictions for motor vehicle violations and/or offenses;
 9. Detailed plans/drawings of the physical layout of the massage establishment;
 10. A list of all persons having a beneficial financial interest in the massage establishment and the amount of each person's interest if 5% or over. If a corporation holds 5% or more, the names and addresses of the corporate officers;
 11. Appropriate certificates, licenses, etc. showing proper compliance with all applicable rules, regulations, ordinances and statutes including zoning, building, health, fire and other applicable laws and regulations;
 12. Detailed written policies and procedures outlining times of operation, accessibility, personnel policies, methods and schedules of cleaning and sanitizing and provisions for safety and health of clients and employees;
 13. Such other information as may be deemed necessary by the Chief of Police to make any determination required by this Ordinance.

Section XI. Application/Notification of Denial

Application for a permit to conduct a massage establishment shall be submitted to the Chief of Police ninety (90) days in advance of the opening for operation of the establishment. The application shall be filed in triplicate and shall be dated by the Chief of Police. A copy of the application shall be distributed promptly by the Chief of Police to City Clerk for appropriate distribution. Any permit issued under these regulations shall be valid until the next renewal date unless suspended or revoked. Upon denial of an application of an original permit the Chief of Police shall notify the applicant in writing of such denial by mailing a notice to him/her at the address shown on his/her application.

Section XII. Issuance of Permit

The Chief of Police shall, within seventy-five (75) days of receiving the application, make notification to the applicant whether the application is granted or denied. The Chief of Police shall issue the permit upon determining the following:

- A. All requirements concerning operation and facilities described in this Ordinance will be complied with as of the effective date of the permit;

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

- B. Compliance with all other statutes, codes or ordinances including health, zoning, building, fire and safety requirements of the City of Groton and the State of Connecticut as of the effective date of the permit;
- C. That the nature of the massage administered will not endanger the health or safety of patrons of the massage establishment;
- D. That each applicant or any person directly engaged in the operation or management of the massage establishment has not been convicted of, or have pending, any felony, an offense involving the unauthorized practice of the healing arts, sexual misconduct with minors, obscenity, keeping or residing in a house of ill fame, solicitation or a lewd or unlawful act, prostitution or pandering, and has not had a permit to operate a massage establishment suspended or revoked in this state or any other state;
- E. That each applicant has furnished authorization to the Chief of Police or his/her designee, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of each applicant for the permit.

Section XIII. Renewal of Permits

- A. A permit to operate a massage establishment shall be valid unless revoked or suspended for a period of one year from the date of issuance;
- B. Application for renewal shall be made at least sixty (60) days before expiration and shall be in the form and manner as required for the original permit;
- C. Each application for renewal of a permit shall be accompanied by a fee in the amount as provided for the original permit;
- D. The Chief of Police shall renew each permit no later than thirty (30) days before expiration upon making findings as required for issuance of the original permit;
- E. If renewal of the permit is denied, the Chief of Police shall notify the holder of the permit in writing not less than thirty (30) days before expiration of the permit including the facts and specific section or sections of this Ordinance upon which this determination was made.

Section XIV. Revocation or Suspension of Permit

Any permit for a massage establishment may be revoked or suspended by the Chief of Police if the applicant is involved in any violations including, but not limited to, the following:

- A. If any applicant is convicted of any offense involving moral turpitude, obscenity, sexual misconduct, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering, the record of conviction being conclusive evidence thereof;
- B. If any applicant uses or permits to be used on the premises any narcotic or any controlled drug as defined in Sections 21a-240 and 21a-242 of the Connecticut General Statutes, or any alcoholic beverage to an extent or in a manner that such use is illegal or impairs his/her ability to direct the establishment and endangers the client or customer;
- C. If any applicant fails to maintain standards prescribed by the State Department of Health, the Ledge Light Health District or the City of Groton Chief of Police;

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

- D. If any applicant furnishes or makes any misleading or false statement or report in relation to this Ordinance;
- E. If any applicant refuses to submit to the Chief of Police any reports or refuses to make available to the Chief of Police or his/her designee, any records required by the Chief of Police in investigating the establishment for purposes associated with this Ordinance;
- F. If any applicant fails or refuses to submit to an investigation or inspection by persons authorized by the City of Groton to conduct fire, building, health or law enforcement related inspections;
- G. If any applicant fails to provide or maintain equipment and keep in a safe and sanitary condition the premises established for and used by clients and customers pursuant to minimum standards prescribed by the Connecticut Department of Health and/or the Ledge Light Health District;
- H. If any applicant employs any masseurs or masseuses who do not have the permit required by Section XV;
- I. If any applicant willfully or deliberately violates any of the provisions of this Ordinance, or the rules and regulations established by the Chief of Police or the Ledge Light Health District pursuant to this Ordinance.

Section XV. Masseur or Masseuse Permit Required

No person, including any applicant for a massage establishment permit, shall engage in the practice of massage without first having obtained a masseur or masseuse permit from the Chief of Police.

Section XVI. Filing of Application Fee

Each applicant for a Masseur or Masseuse permit shall file an application with the Chief of Police and pay a filing fee of fifty dollars (\$50.00), payable to the City of Groton, which shall not be refundable.

Section XVII. Contents of Application: Information Needed

The application for a Masseur or Masseuse permit shall be in writing, signed and sworn to by the applicant, and shall contain the following:

- A. The name (including any and all aliases) and addresses (for the past ten (10) years) of the applicant;
- B. Social Security Number of the applicant;
- C. Applicant's height, weight, color of hair and eyes, and a full set of applicant's fingerprints (fingerprints to be taken by the Chief of Police or his/her designee);
- D. Written evidence that the applicant is at least eighteen (18) years of age;
- E. Business, occupation, or employment history of the applicant for three (3) years immediately preceding the date of application;

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

- F. Arrest history, including arrest with convictions for any federal and/or state statutes; any pending federal or state criminal charges and convictions for motor vehicle violations and/or offenses;
- G. Two (2) portrait photographs of the applicant at least two inches by two inches (2" x 2");
- H. A physician's certificate issued by a physician licensed to practice in the State of Connecticut, showing that the applicant has been examined and found to be free of contagious or communicable disease and showing that the examination was conducted within thirty (30) days prior to the submission of the application. Such physical examination shall in addition to any normal procedures, consist of a serological examination and a chest x-ray;
- I. Such other information as may be necessary in order for the Chief of Police to make any determination required by this Ordinance.

Section XVIII. Issuance of Permit

The Chief of Police shall issue a Masseur or Masseuse permit within thirty (30) days after such application has been filed upon finding:

- A. That the applicant has complied with the requirements of Sections XVI and XVII of this Ordinance;
- B. That the applicant has not been convicted of, or have pending, a felony, an offense involving the unauthorized practice of the healing arts, sexual misconduct with minors, obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering;
- C. The applicant has not had a masseur or masseuse related permit suspended or revoked in this state or any other state;
- D. The applicant has furnished authorization to the Chief of Police to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

Section XIX. Notification Upon Refusal to Issue

The Chief of Police shall notify the applicant in writing of his/her decision to refuse to issue the permit and his/her reason(s) therefore.

Section XX. Renewal of Permits

- A. A Masseur or Masseuse permit shall be valid for a period of one year from the date of issuance unless suspended or revoked;
- B. Application for renewal shall be made at least sixty (60) days before expiration and shall be in the form and manner for the original permit;
- C. Each application for a renewal shall be accompanied by a fee in the amount as provided for in the original permit and shall be non-refundable;
- D. The Chief of Police shall renew each permit no later than thirty (30) days before expiration upon making findings as are required for issuance of the original permit;

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

- E. If renewal of the permit is denied, the Chief of Police shall notify the holder of the permit in writing not less than thirty (30) days before expiration of the permit including the facts and specific section or sections of this Ordinance upon which his/her determination was made.

Section XXI. Revocation or Suspension of Masseur/Masseuse Permit

Any Masseur or Masseuse permit may be revoked or suspended by the Chief of Police if the permit holder is involved in any violations including, but not limited to, any of the following:

- A. If the applicant is convicted of any offense involving moral turpitude, obscenity, sexual misconduct, keeping or residing in a house of ill fame, solicitation or a lewd or unlawful act, prostitution or pandering – the record of conviction being conclusive evidence thereof;
- B. If the applicant uses or permits to be used any narcotic or any controlled drug as defined in Sections 21a-240 and 21a-242 of the Connecticut General Statutes, or any alcoholic beverage to an extent or in a manner that such use is illegal or impairs the permit holder's ability to properly perform his/her duties or endangers the customer or client;
- C. If the applicant, operator or employee of a massage establishment allows or permits any minor to enter into such establishment or to loiter upon the grounds and parking lot of such establishment;
- D. If the applicant furnishes or makes any misleading or false statement or report in relation to this Ordinance;
- E. If the applicant refuses to submit to the Chief of Police or his/her designee, any reports or refuses to make available to the Chief of Police any records required by the Chief of Police in investigating the permit holder for the purpose of this Ordinance;
- F. If the applicant willfully or deliberately violates any of the provisions of this Ordinance or the rules and regulations established by the Chief of Police or the Director, Ledge Light Health District, pursuant to this Ordinance.

Section XXII. Notification of Revocation or Suspension: Hearing

- A. The Chief of Police shall not revoke or suspend any permit issued under this Ordinance without notifying the holder of the permit, in writing, of the facts and of the specific section or sections of this Ordinance upon which his/her determination was made and of the holder's right to request a hearing before the City of Groton Mayor and Council and to present evidence or argument on all facts or issues involved.
- B. A request for a hearing under this Ordinance, shall stay any revocation or suspension until such time as a hearing has been held, and a decision rendered thereon; provided; however, that if the Chief of Police finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his/her notice, the permit may be summarily suspended, pending a hearing thereon, which hearing shall be promptly instituted and all facts and issues promptly determined.

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

- C. The City of Groton Mayor and Council, shall, upon receiving a request for a hearing under this Ordinance, schedule a hearing not later than fifteen (15) days from the date of actual receipt of the request and shall notify all parties of the time and place thereof.
- D. The City of Groton Mayor and Council shall render a decision within ten (10) days of the date of a hearing held under subsection C.

Section XXIII. Hearing on Denial of Permit or Renewal

- A. Any person, aggrieved by the denial of a permit to operate a massage establishment, or a masseur or masseuse permit, or by the denial of renewal of such permit, may request, in writing, a hearing before the City of Groton Mayor and Council, at which hearing, such person shall be afforded the opportunity to present evidence and argument on all facts or issues involved.
- B. The City of Groton Mayor and Council shall, upon receiving a request for a hearing under this Ordinance, schedule a hearing not later than fifteen (15) days from the date of actual receipt of the request and shall notify all parties of the time and place thereof.
- C. The City of Groton Mayor and Council shall render a decision within ten (10) days of the date of hearing held under subsection B.

Section XXIV. Transfer of Permit

No permit shall be transferable except with the written consent of the Chief of Police provided, however, that upon the death or incapacity of the permittee, the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

Section XXV. Violation and Penalty

Every person, except those persons who are specifically exempt by this Ordinance, whether acting as individuals, owner, employee of the owner, operator or employee of the operator, or acting as a participant or worker in any way, who gives a massage or conducts a massage establishment without first obtaining a permit and paying a permit fee to the City of Groton, or shall violate any of the provisions of this Ordinance or of the rules and regulations established by the Chief of Police or the Director, Ledge Light Health District, pursuant to this Ordinance shall be subject to a fine not to exceed one hundred dollars (\$100.00), payable to the City of Groton. Each violation of this Ordinance shall be considered a separate offense, and any violation continuing more than one day of time shall be considered a separated offense for each day of violation. Nothing contained in this Ordinance shall be deemed to limit any remedy the City of Groton may have for the enforcement of this Ordinance.

**116. AN ORDINANCE CONCERNING THE REGULATION OF MASSEURS,
MASSEUSES AND MASSAGE ESTABLISHMENTS
(SEPTEMBER 8, 1998)**

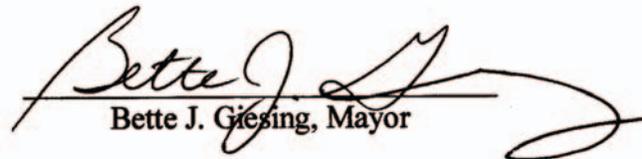
Section XXVI. Savings Clause

Should any court of competent jurisdiction declare any section, subsection, sentence, clause, phrase or provision of this Ordinance to be invalid or unconstitutional for any reason, such decision shall not effect the validity of the remaining portions of this Ordinance. The Mayor and Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, change, phrase and provisions thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provision had been declared invalid or unconstitutional, so that the remainder of this Ordinance shall be in full force and effect.

Section XXVII. Effective Date

This Ordinance was initially approved at the Mayor and Council meeting on August 3, 1998, was published in **The Day**, a newspaper having circulation in the City of Groton on August 5, 1998 and August 8, 1998. This Ordinance was finally approved at the Mayor and Council meeting on September 8, 1998 and was published in **The Day**, a newspaper having circulation in the City of Groton, on September 11, 1998. This Ordinance (Ordinance #116) shall become effective on December 10, 1998.

Initially approved: August 3, 1998
Finally approved: September 8, 1998



Bette J. Giesing, Mayor



Barbara L. Frucht, City Clerk