

**ORDINANCE 24-05**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING THE DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “AMENDMENTS TO SECTION 5.15.060: MASSAGE ESTABLISHMENTS SPECIAL REQUIREMENTS” BY REFERENCE TO AMEND THAT SECTION OF THE MARICOPA CITY CODE AND PROVIDING FOR SEVERABILITY AND THE EFFECITVE DATE THEREOF.**

**WHEREAS**, the City previously adopted Ordinances which established rules and regulations for massage establishments; and

**WHEREAS**, after review, City staff determined that the Maricopa City Code needed to be updated to recognize that some massage establishments will be home-based businesses; and

**WHEREAS**, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Section 5.15.060: Massage Establishments Special Requirements, of the City Code to update the rules and regulations related to massage establishments that qualify as home-based businesses; and

**WHEREAS**, A.R.S. §9-802 allows a City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:**

**SECTION 1.** That certain document filed with the City Clerk and entitled “Amendments to Section 5.15.060: Massage Establishments Special Requirements” as set forth in Exhibit A, attached hereto and incorporated herein by reference, is hereby declared a public record. One paper copy and one electronic copy of Exhibit A shall be maintained in compliance with A.R.S. § 44-7041 and available for public inspection during normal business hours in the Office of the City Clerk and shall be available on the City’s website at: [www.maricopa-az.gov](http://www.maricopa-az.gov).

**SECTION 2.** Section 5.15.060: Massage Establishments Special Requirements of the Maricopa City Code are hereby amended as set forth in Exhibit A, and that the amendments depicted therein are hereby approved and adopted.

**SECTION 3.** To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

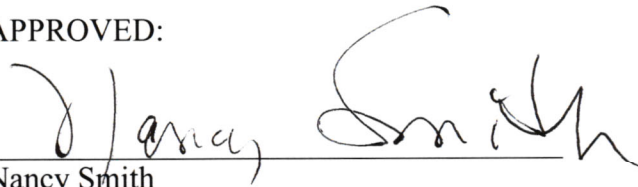
**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.


**SECTION 5.** This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 21<sup>st</sup> day of May, 2024.

APPROVED:


  
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Nancy Smith  
Mayor

ATTEST:

  
\_\_\_\_\_  
Vanessa Bueras, MMC  
City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Denis Fitzgibbons  
City Attorney

**Pursuant to A.R.S. 9-802(A), EXHIBIT A is on file at:**

**Office of the City Clerk, City of Maricopa and  
[www.maricopa-az.gov](http://www.maricopa-az.gov).**

## **5.15.060 Massage establishments – Special requirements.**

- A. A massage establishment shall comply with the following requirements at all times:
1. A readable sign shall be permanently affixed at the main entrance to the business identifying the business as a massage establishment, with the exception of home-based massage establishments within a residential district.
  2. Lighting of 10 foot-candles, measured at a height of 30 inches at the approximate center of the room or enclosure, shall be provided in each room or enclosure where services are performed on patrons.
  3. Adequate equipment shall be provided for disinfecting and sterilizing instruments used in administering or practicing any of the subjects or methods of treatment listed in [MCC 5.15.010](#).
  4. Hot and cold running water, tempered by means of a mixing valve faucet, shall be provided at all times.
  5. Closed cabinets shall be provided, and used, for the storage of clean linens.
  6. Notwithstanding any other requirement of this chapter, a minimum of one shower or tub shall be provided for any establishment offering any hydrotherapy services including whirlpool baths, saunas, steam baths, and herbal wraps.
  7. Any pool or spa shall be issued a permit and inspected as required by the Maricopa City Code, as applicable.
  8. All walls, ceilings, floors, showers, bathtubs, steam rooms, and all other physical facilities within 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 cabinets, toilets and wash basins shall be thoroughly cleaned each day business is in operation. Shower compartments and bathtubs, where provided, shall be thoroughly cleaned after each use.
  9. Clean and sanitary sheets and towels shall be provided for each patron of the establishment. The head rest of each table shall be provided with a clean and sanitary covering for each patron.

10. All wash basins within an establishment shall: have hot and cold running water, tempered by means of a mixing valve faucet; provide sanitary towels placed in permanently installed dispensers or upon a permanently attached roll dispenser; and provide soap in a soap dispenser that is placed on or near the wash basin. A hand wash basin shall be provided in each treatment room providing hydrotherapy services, including whirlpool baths, saunas, steam baths and herbal wraps.

11. The massage establishment must have at least one exterior window facing the front of the business. Window must measure at least four feet by four feet.

12. It is unlawful to employ a massage therapist whose true name and state-issued massage therapist license number has not been previously provided to the licensing office on the form prescribed by the licensing office for that purpose.

13. The name of any person provided to the licensing office whose employment at the massage establishment has terminated shall be reported to the licensing office, on the form prescribed by the licensing office for that purpose, within 10 calendar days after termination.

14. A massage establishment licensee shall file with the licensing office, on the form provided by the licensing office for that purpose, the name and license number of each person authorized to fulfill the functions of a manager at the massage establishment. It shall be the responsibility of the massage establishment licensee to have adequate manager coverage on site during all times the establishment is open for business. During any period of time that a massage establishment does not have a properly licensed manager recorded with the licensing office pursuant to this subsection, the massage establishment licensee, controlling person(s), or up to two licensed therapists may be authorized to serve as a temporary manager provided they are in compliance with the requirements listed in this chapter. The establishment licensee must request the temporary authorization on the form provided by the licensing office.

- a. Once the establishment licensee receives written approval from the licensing office, the person(s) approved shall become temporary manager(s) at the specified location for a period not to exceed 60 calendar days from the date on the approval letter. A massage establishment licensee shall not be granted more than one approval in a calendar year unless the licensing office grants up to one additional approval for good cause at the sole discretion of the finance director or designee.

b. The establishment licensee shall ensure the new manager candidate(s) applies for a license within 14 calendar days from the date of the approval letter sent by the licensing office and that the licensing office has received the completed application(s) within the 14-calendar-day requirement. If the licensing office has not received the manager application(s) within the time specified above, the approval for the temporary manager(s) shall be automatically rescinded and the establishment may not operate until a licensed manager is approved by the licensing office.

15. It is unlawful for any person to knowingly employ at a massage establishment a manager or temporary manager who has been convicted within the previous 10 years of any felony or misdemeanor offence having a reasonable relationship to the operation of a massage establishment, any offense proscribed by the city of Maricopa City Code, or any offense proscribed by Chapters 14, 32 or 35.1 of Title [13](#), Arizona Revised Statutes.

16. It is unlawful for any person to offer massage or touching techniques or massage therapy in any room or space of the business that has not been specifically identified as a room or space available for those services on the sketch or diagram required to be submitted to the licensing office.

17. It is unlawful for any person to offer massage or touching techniques or massage therapy in a room or space designated as leased, subleased or licensed for use by any other person on the sketch or diagram required to be submitted to the licensing office.

18. It is unlawful for any massage establishment to remain open for business, to provide services, to dispatch massage therapists, or to permit massage therapists to work off the premises on behalf of that massage establishment at any time between the hours of 10:00 p.m. and 7:00 a.m.

19. It is unlawful for a massage establishment to be open for business during hours that have not been provided and approved by the licensing office as required by this chapter.

20. It is unlawful for any massage establishment to be open for business without a licensed massage manager or temporary manager on duty. It is unlawful for any massage establishment employee to be present inside a massage establishment without a licensed massage manager or temporary manager present and on duty at the massage establishment. If a massage establishment employee finds himself or herself inside a massage establishment without a licensed massage manager or temporary manager

present and on duty, he or she must leave the premises immediately until a licensed massage manager or temporary manager is present and on duty.

21. Notwithstanding any other provision of this chapter, the licensing office may delay the granting or denial of a regulated business license, upon the submission of a complete application, for a period of up to 90 calendar days if there exists, or did exist within the 60-calendar-day period prior to the date the application was first submitted, an active massage establishment at the location for which the application was submitted and there also exists a police department report documenting a violation of this chapter at that establishment or a state prosecution of that existing establishment relating to compliance with any of the provisions of this chapter. For purposes of this section, an active massage establishment includes a license that has been suspended or revoked; provided, that a revoked license is no longer active after passage of the period of time for appeal with no appeal taken, or after the city council has ruled in the event an appeal is taken and the decision is in the city's favor. Notwithstanding any other provision of this subsection, any license subject to a judicial stay or injunction is an active license.

22. The applicant for any massage establishment for a location at which a license for a massage establishment was revoked or suspended within the previous six months shall provide to the licensing office a sworn statement, in a form prescribed by the licensing office, verifying that no person qualified to own, control or manage a massage establishment is involved in the ownership, control or management of the applicant. The licensing office may also request such documents as are reasonably believed necessary to verify any of the information in the sworn statement. The failure to provide this sworn statement or supporting information shall be cause for denial of the massage establishment application.

23. A license for a massage establishment shall not be issued for a physical space at which a licensed massage establishment is in operation. For purposes of this subsection, there shall be a rebuttable presumption that a location with an active license for a massage establishment has a massage establishment in operation.

24. Any application for a massage establishment that is not in full compliance with this chapter 60 calendar days after initial filing shall be denied; provided, that the licensing office may grant an additional period of up to 90 calendar days upon written application, prior to the expiration of the 60-day period, demonstrating the occurrence of

circumstances that were beyond the applicant's control or other, similar good cause.

Nothing in this subsection shall be construed to prevent the licensing office from denying a license as soon as a legal basis exists to do so.

25. All massage establishments shall maintain a log of all massage therapy administered. The log shall contain the following information: date, time, therapist name, type of massage therapy administered, and the address where each massage therapy was administered. The log shall be retained for a minimum of one year following any massage therapy. The massage therapy log shall be subject to inspection upon request, at the police department or other mutually agreeable location.

26. A change of location of a massage establishment shall be approved by the licensing office; provided, that the applicant is in compliance with all city ordinances and regulations, completes the appropriate location change application and submits the required fee. Notwithstanding any other provision of this chapter, no massage establishment shall be operated or maintained at a location until approved by the licensing office and the establishment has a current unsuspended and unrevoked establishment license with the correct name and address posted in a conspicuous place in the establishment.

27. It is unlawful:

a. For any person to knowingly conduct or operate a massage establishment on the same business premises, as established under MCC [5.15.050](#), whereon is also conducted or operated an adult-oriented business as defined in MCC [5.10.010](#), or a bar, cocktail lounge, photography studio, model studio, art studio, motion picture studio/theater or telephone answering service.

b. Any person to fail or refuse to permit a lawful inspection immediately upon request.

c. Any massage establishment to permit a person to conduct massage therapy behind a locked door.

d. Any person to administer massage therapy for a fee to a client whose genital organs and anus are not covered by opaque material.

e. For any person, while on the premises of a massage establishment, to knowingly provide or offer to provide any service:

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- i. In a manner or under circumstances intended to arouse, appeal to or gratify sexual desires.
  - ii. In such a manner that the person touches the private anatomical areas of the individual receiving the treatment.
  - iii. While the person providing the treatment is clothed in a manner that fails to cover his or her private anatomical areas with an opaque material.
- f. For any person on the premises of a massage establishment to intentionally view a completely or partially disrobed massage establishment client if the viewing is not related to treatment under current practice standards and is intended to appeal to the prurient interest of the massage therapist or the massage establishment client.
- g. For any person, while on the premises of a massage establishment, to knowingly ask or direct a patron to:
- i. Touch his or her own anus, genitals or breasts.
  - ii. Touch the anus, genitals or breasts of any person on the premises.
  - iii. Expose his or her genitals, anus or breasts to any person on the premises with the intention of appealing to the prurient interest of the massage therapist or the massage establishment client.
- h. For any person, while on the premises of a massage establishment, to knowingly place any part of the body of a patron in direct or indirect contact with the anus, genitals or breasts of any other person on the premises.
- i. For any person, while on the premises of a massage establishment, to knowingly offer a patron any service in exchange for a gratuity or compensation of any description, that does not appear on the schedule of services required by this chapter.
- j. For any person to knowingly operate or maintain a massage establishment at a location that has not been licensed by the licensing office.
- k. For any person, except an agent for a publicly held corporation, to fail to disclose all controlling persons on an application.



l. For any person to knowingly use a massage establishment as living or sleeping quarters, with the exception of home-based massage establishments where the permanent residents and/or property owners may reside.

m. It shall be unlawful for any massage establishment to have any entrance or exit way providing a direct passageway to any other type of business, residence or living quarters. Refer to city home occupations regulations in Chapter 18.120 MCC.

n. To knowingly provide the services of a manager to a massage establishment without a manager license or temporary manager approval letter from the licensing office.

B. *Exemptions.* The provisions of this chapter shall not apply to:

1. Establishments whose employees are authorized by the laws of this state to practice medicine, osteopathy, chiropractic, podiatry, naturopathy, or acupuncture;
2. Establishments whose employees are acting as trainers for any bona fide amateur, semiprofessional, or professional athletic team or athlete.
3. Establishments whose employees are authorized by the laws of this state as barbers or cosmetologists, provided their activity is limited to the scope of their barber or cosmetology license;
4. Establishments whose employees are providing colon irrigation only;
5. Businesses that are operating solely as a school that is Arizona State Board of Massage Therapy-approved.

C. *Limited Exemption.* The following provisions of this chapter shall not apply to massage establishments or massage therapists that are performing massage or touching techniques or massage therapy solely in their clients' place of residence or within a permitted home-based massage establishment:

1. MCC [5.15.050\(A\)\(17\)\(b\)](#) through [\(A\)\(17\)\(d\)](#);
2. Subsections [\(A\)\(1\)](#) through [\(A\)\(11\)](#) of this section;
3. MCC [5.15.170\(B\)\(1\)](#).

D. This section does not exempt the above massage establishments or massage therapists from maintaining all other applicable licenses or permits required by the state or city to lawfully operate including, but not limited to, obtaining a valid home occupation permit issued pursuant to MCC [18.120.120](#) for their administrative office. [Ord. 18-16 § 1; Res. 18-29; Code 2004 § 8-3-6.]

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**The Maricopa City Code is current through Ordinance 23-38, passed November 7, 2023.**

Disclaimer: The city clerk's office has the official version of the Maricopa City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.maricopa-az.gov](http://www.maricopa-az.gov)

[City Telephone: \(520\) 568-9098](tel:(520)568-9098)

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