

BODY RUB PRACTITIONERS AND BODY RUB PARLOURS DOING BUSINESS IN WINNIPEG BY-LAW NO. 91/2008

This document is a by-law extract of pertinent sections regarding the regulation of specific business activities as adopted by Council effective June 1, 2008. To view the Doing Business in Winnipeg By-Law in its entirety, visit: <http://clkapps.winnipeg.ca/dmis/>

PART 1: GENERAL LICENSING PROVISIONS

DEFINITIONS

“body rub parlour” means any premises, or part of any premises, where more than one individual carries on the business of a body rub practitioner;

added 33/2014

“body rub practitioner” means an individual who provides or offers to provide massages for a fee but does not include an individual who provides or offers to provide massages in the course of his or her practice as one of the following:

- (a) a “regulated member” as defined in The Regulated Health Professions Act, C.C.S.M., c. R117 or a health professional whose practice is governed by an Act set out in Schedule 2 of that Act;
- (b) a massage therapist;
- (c) an individual who carries on a business or occupation which is limited exclusively to massaging the feet, hands, head or face;
- (d) a Provincially-certified esthetician who administers massages as part of a skin care treatment, where the massage is for the purposes of product application and is a minor or incidental and secondary part of the treatment; or
- (e) a member in good standing of an exempt organization;

added 33/2014

“Director” means the Director of the department of the City which has been given responsibility for administering and enforcing this By-law;

added 33/2014

“exempt organization” means an organization that has been declared by the Director to be exempt under section 49.1 and which has not had the exemption withdrawn;

added 33/2014

“massage therapist” means

- (a) a member in good standing of the Massage Therapy Association of Manitoba;
- (b) a member in good standing of the College of Massage Therapists of British Columbia, the College of Massage Therapists of Ontario, the College of Massage Therapists of Newfoundland and Labrador, or any other college of massage therapists that has been recognized by a Provincial regulatory statute;
- (c) a person who can provide evidence satisfactory to the Director that he or she has graduated from a school of massage therapy or educational program in massage therapy which requires a minimum of 2200 hours of study or completion of a 2 year program of study prior to graduation.

amended 33/2014

“member in good standing” means a member of an organization whose membership is not currently suspended or restricted.

added 33/2014

“massage” means the physical external manipulation of the soft tissues of the human body, other than the hands, feet or head, by another person;

RESTRICTIONS

Age restriction on licensure

52(1) A Body Rub Practitioner Licence must not be issued to an individual under the age of 18 years.
amended 33/2014

52(2) A Body Rub Parlour Licence must not be issued to:
amended 33/2014

- (a) an individual under the age of 18 years;
- (b) a partnership where any partner is under the age of 18 years; or
- (c) a corporation where any shareholder, director or officer is under the age of 18 years.

INFORMATION REQUIRED PRIOR TO ISSUANCE OR RENEWAL OF LICENCE

53(1) A Body Rub Practitioner Licence or a Body Rub Parlour Licence must not be issued or renewed unless the applicant provides to a designated employee:
amended 33/2014

- (a) where the applicant is an individual;
 - (i) government-issued personal identification sufficient to provide the family name and all given names of the applicant and the applicant's date of birth;
 - (ii) the current residential address of the applicant;
 - (iii) three coloured prints, not smaller than 4 cm. by 6 cm. and not larger than 9 cm. by 13 cm., of a photograph dated within the previous 60 days of the applicant's head and shoulders, with a statement signed by the applicant on the reverse side that the photograph is a true likeness of the applicant;
- (b) where the applicant is a partnership or a corporation:
 - (i) the names of all partners of the partnership and all directors and officers of the corporation;
 - (ii) government-issued personal identification sufficient to provide the family name and all given names of the manager of the body rub parlour and the manager's date of birth;
amended 33/2014
 - (iii) the current residential address of the manager;
 - (iv) three coloured prints, not smaller than 4 cm. by 6 cm. and not larger than 9 cm. by 13 cm., of a photograph dated within the previous 60 days of the manager's head and shoulders, with a statement signed by the applicant on the reverse side that the photograph is a true likeness of the manager.

53(1.1) A licence must not be issued under this section unless the individual whose personal identification is required in subsection (1) applies in person in order to give the designated employee an opportunity to determine the accuracy of the identification and the photographs provided as part of the application.
added 42/2013

53(2) Where the information required to be provided by subsection (1) changes, or where the manager of the body rub parlour changes, the applicant must within 30 days notify the designated employee of the change and provide the current information associated with that change.
amended 33/2014

APPROVAL OF NEW LICENCE APPLICATION

BODY RUB PARLOUR

Record Review

54(3) A Body Rub Parlour Licence must not be issued unless the applicant provides a certificate from the Record Review Board in compliance with section 16.

amended 33/2014

Zoning

54(4) A Body Rub Parlour Licence must not be issued until the designated employee receives:

amended 33/2014

- (a) verification from a City employee authorized to administer and enforce the Winnipeg Zoning By-law or the Downtown Winnipeg Zoning By-law that operation of the body rub parlour on the premises proposed is permitted under one of those two zoning by-laws; and

amended 33/2014

Occupancy Permit

- (b) a copy of an occupancy permit authorizing the body rub parlour to occupy the premises for which the licence is sought.

amended 33/2014

BODY RUB PRACTITIONER

54(2) A Body Rub Practitioner Licence must not be issued unless the applicant provides a certificate from the Record Review Board in respect of himself or herself.

amended 33/2014

APPLICATIONS FOR CERTIFICATE FROM RECORD

15(1) Where this By-law requires that one or more certificates from the Record Review Board must be provided as a condition of obtaining a licence, the applicant must apply to the Record Review Board for the required certificates.

15(2) When applying for a certificate, an applicant must provide the Record Review Board with accurate identification and the releases and authorizations sufficient to allow the Record Review Board to review, throughout the duration of the licence, the criminal and other records of every individual for whom a certificate is required as a condition of obtaining a licence.

Individuals requiring record reviews

16(1) Subject to section 68 (record review board certification required for employees of used goods dealers), where this By-law provides that a licence must not be issued unless a certificate from the Record Review Board has been issued, the certificate must be provided in respect of each of the following individuals:

- (a) where the owner of the business is a sole proprietor, the owner;
- (b) where the owner of the business is a partnership or a corporation, the manager of the business at each location from which business is carried on.

16(2) It is a condition of a licence issued under this By-law that, where an individual holding any position for which a Record Review certificate is required is replaced by another individual, the licence holder must, within 30 days of the replacement, apply to the Record Review Board for a certificate in respect of the new individual holding that position.

16(3) It is a condition of a licence issued under this By-law that a licence holder under this Part must immediately notify the Record Review Board when any individual for whom a Record Review certificate is required is convicted of a criminal offence.

PART 2: SPECIFIC PROVISIONS RELATING TO BODY RUB PRACTITIONERS AND BODY RUB PARLOURS

Body Rub Parlour operator must maintain list of body rub practitioners

amended 33/2014

55(1) The holder of a body rub parlour Licence must ensure that the following is made and maintained on the premises of the body rub parlour:

amended 33/2014

- (a) a current list of all the body rub practitioners employed by, under contract to or operating within the body rub parlour; and
- (b) a copy of the licence of every body rub practitioner employed by, under contract to or operating within the body rub parlour.

amended 33/2014

amended 33/2014

55(2) The holder of a Body Rub Parlour Licence must make the documents required to be made and maintained by subsection (1) available for review by an enforcement officer at any time the body rub parlour is open for business.

amended 33/2014

Requirements for body rub parlour

amended 33/2014

56(1) A person who carries on the business of operating a body rub parlour must ensure that:

amended 33/2014

- (a) no person other than a licenced body rub practitioner provides massages in the body rub parlour;
- (b) no person under the age of 18 years is on the premises, whether as an employee, client or otherwise;
- (c) no alcoholic beverages are purchased or consumed by any person on the premises;
- (d) no individual exhibits himself or herself nude on the premises;
- (e) no sign visible outside of the premises shows any nude male or female body;
- (f) no printed words on the exterior of the premises indicate that the service provided at the body rub parlour includes any form of sexual or nude entertainment.

amended 33/2014

56(2) A body rub practitioner and a person who carries on the business of operating a body rub parlour must not allow any handbill, sign, business card or advertisement which represents or advertises the business in any media, including the internet, to

amended 33/2014

- (a) show or depict all or part of a nude male or female body; or
- (b) state, imply or suggest that the service provided includes any form of sexual or nude entertainment.

56(3) A person who operates a body rub parlour must not allow the body rub parlour to operate on any day between the hours of 11:00 p.m. and 8:00 a.m.

amended 33/2014

Requirements for body rub parlours

amended 33/2014

57 A person who owns or operates a body rub parlour must:

amended 33/2014

- (a) ensure that every employee and body rub practitioner in the body rub parlour is wearing clean, washable, non-transparent garments covering his or her body between the neck and no more than 10 cm above the top of the knee;
amended 33/2014
- (b) ensure that no massages or other services are provided within any cubicle or room, booth or enclosed area within the body rub parlour that is fitted with a door capable of being locked;
amended 33/2014
- (c) ensure that the building within which the body rub practitioner's business is carried on is properly lighted and ventilated during the time that business is being carried on;
amended 33/2014
- (d) maintain on the premises a current list of every operating or trade name, whether registered or not, used for the purposes of the business and must produce that list upon demand to an enforcement officer;
- (e) provide the designated employee with a copy of the list required to be kept under clause (d) and provide an update within seven days of any change to the list of operating or trade names.

Requirements for body rub practitioners

amended 33/2014

58(1) A body rub practitioner must wear clean, washable, non-transparent garments covering his or her body between the neck and no more than 10 cm above the top of the knee at all times while in a body rub parlour;

amended 33/2014

58(2) A body rub practitioner must not:

amended 33/2014

- (a) provide a massage or other service within any cubicle or room, booth or enclosed area within the body rub parlour that is fitted with a door capable of being locked;
amended 33/2014
- (b) exhibit himself or herself in a nude state in a body rub parlour.
amended 33/2014

PART 3: RATES

All licence fees are based on an annual licence, for one year from the business start date, and cannot be pro-rated, reduced or refunded. Licence holders renewing a licence must pay the fee as increased by the rate of inflation, or as otherwise approved by Council.

See **Licence Fees** page at https://www.winnipeg.ca/cms/BLES/LS/business_licenses/licence_fees.stm.