



# CITY OF LYNN

*In City Council*

December 14, 1982

ORDERED THAT IN THE YEAR ONE THOUSAND NINE HUNDRED EIGHTY-TWO AN ORDINANCE ESTABLISHING A CODE OF CONDUCT AND DRESS IN THE CITY OF LYNN IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 138, SECTIONS 1, 12, 14, and 23; CHAPTER 140, SECTIONS 51, 181 and 183A, and CHAPTER 136, SECTION 4.

Be it Ordained by the City Council of the City of Lynn and by the authority of the same as follows to wit:-

SECTION 1. An Ordinance establishing a code of conduct and dress in or on premises licensed in the City of Lynn in accordance with Massachusetts General Laws, Chapter 138, Sections 1, 12, 14, and 23; Chapter 140, Sections 51, 181, and 183A and Chapter 136, Section 4 is hereby established.

SECTION 2. The following acts, conduct or dress in or on premises licenses in accordance with the Massachusetts General Laws, Chapter 138, Section 1, 12, 14, and 23; Chapter 140, Sections 51, 181, and 183A, and Chapter 136, Section 4 are deemed contrary to the public need and to the common good and therefore no licenses shall be held for the sale of alcoholic beverages to be served and/or drunk in or on the licensed premises or the operation of massage parlors where such acts, conduct, or dress is permitted.

### SECTION 3. DEFINITIONS

When used in this Ordinance, unless the context otherwise requires, the following terms shall have the following meaning:

- a. MASSAGE shall mean manipulation or conditioning of part or parts of the body by manual, mechanical, or other means as a beauty treatment, for purported health or conditioning treatment, or for purposes of invigoration. ESTABLISHMENT FOR THE GIVING OF MASSAGE, VAPOR, POOL, SHOWER, OR OTHER BATHS shall mean the office, place of business, or premises where massage is practiced or where therapeutic or conditioning baths of water vapor or other approved substance are given. Any lotions must be approved prior to their use within the establishment.
- b. APPROVED shall mean approved by the Lynn Health Commissioner in accordance with accepted standards and in the absence of any specified standards, rules and regulations as set forth by the General Laws of the Commonwealth of Massachusetts shall govern.
- d. MASSEUR shall mean a male who practices massage; MASSEUSE shall mean a female-who practices massage.

SECTION 4. It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed, or in such attire as to expose to view any portion of the areola of the female breast or any portion of the male and/or female genitals, pubic hair, buttocks or groin. Entertainers shall wear garments or a non-transparent material which conceal said genitals, pubic hair, buttocks and groin, and female entertainers shall wear a nontransparent material which conceals said genitals, pubic hair, buttocks and groin, and female entertainers shall wear a nontransparent material which conceals the areola of the



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female breast.

**SECTION 5.** It is forbidden to employ or permit any hostess waitress, or other person to mingle with patrons while such hostess, waitress, or other person is unclothed or in such attire as would expose to view any portion of the areola of the female breast or any portion of the male and/or female pubic hair, genitals, buttocks or groin.

**SECTION 6.** It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress or fondle the breasts, buttocks, or genitals of one's own person or of any other person.

**SECTION 7.** It is forbidden to employ or permit any person; to wear or use any device, apparatus, or covering exposed to view which simulates the breasts, buttocks, pubic hair or genitals or any portions thereof which would be a violation of Section 5 above.

**SECTION 8.** It is forbidden to employ or permit any person in or on the licensed premises to perform an act or acts, or to simulate the act or acts of:

- a. Sexual intercourse, masturbation, sodomy, flagellation, or any sexual acts prohibited by law.
- b. Touching, caressing or fondling the breasts, buttocks, or genitals of another or one's own person.
- c. No (male) masseur nor (female) masseuse employed by an establishment licensed under Chapter 140, Section 51 shall practice massage upon or give or assist in giving any type of baths to the opposite sex.

**SECTION 9.** It is forbidden to allow any entertainer to perform in or on the licensed premises, while in the course of his or her entertainment or performance, to so entertain or perform less than/three (3) feet from any patron in or on the licensed premises.

**SECTION 10.** It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, still photographs or any other photographic reproductions depicting any person or any acts or any simulation of any acts prohibited in Section 5 through 9 inclusive.

**SECTION 11.** At all times the entire area of the premises must be continually illuminated to the degree of not less than ten (10) foot candle measured thirty (.30) inches from the floor except those portions of the room covered by furniture and all rooms used for the servicing of patrons which must be illuminated to the degree of not less than thirty (30) foot candles. The doors of each room and enclosure of an establishment licensed pursuant to Chapter 140, Section 51, and used for massage purposes shall have an unobstructed window, one foot by two feet in size, which permits visual observation of the entire room or enclosure. Said doors shall be free of obstruction and remain unlocked during the hours of operation, along with all entrances to the establishment.

- a. All rooms used for massage purposes are to be equipped with lavatory sinks with hot and cold running water. All rooms shall contain adequate cleaning and sterilization facilities for the cleaning and sterilization of utensils



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- b. Every room used for the reception or treatment of the patrons shall be so located and arranged as to afford adequate fire protection and means of escape in case of fire, and to be of easy access to any legally authorized officer.
- c. No device for dimming of interior lighting is to be used.

**SECTION 12.** No employee and/or entertainer shall solicit, induce, or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity between any employee and/or entertainer and any person who are related by blood or marriage.

**SECTION 13.** No devices, mechanical, electrical or otherwise, shall be utilized by any licensee or anyone for whose conduct said licensee is responsible, for the purpose of signaling employees, entertainers, and/or patrons that agents of licensing authorities or law enforcement authorities are present.

**SECTION 14.** No person shall practice massage or conduct an establishment for the giving of vapor, pool, shower, or other baths for hire or reward or advertise or hold himself out as being engaged in the business of massage or the giving of said baths without receiving a license from the Health Commissioner providing the said applicant is a licensed physical therapist, registered in the Commonwealth of Massachusetts. The license fee for each establishment shall be One Hundred Dollars (\$100.00) and for each Masseur or Masseuse shall be Fifty Dollars (\$50.00) per year. A License issued to an establishment, masseur or masseuse is not transferable. A masseur or masseuse may, however, transfer to another establishment in the City of Lynn with prior approval of the Health Commissioner. License shall automatically expire on December 31 of each year. Applications for renewal must be submitted at least 30 days prior to expiration date,

## SECTION 15. EXCEPTIONS AND EXCLUSIONS

For the purpose of these regulations:

- a. **PERSONS EXCEPTED:** Physicians, School athletic trainers or chiropodists (podiatrists) registered in the Commonwealth are excluded^ A person registered as a barber or an apprentice under the provisions of Section 87H or Section 871 of Chapter 112 of the General Laws or as a hairdresser, operator or a student under the provisions of Section 87T to 87JJ inclusive of said Chapter 112 of the General Laws may practice facial and scalp massage without taking out a license.
- b. **ESTABLISHMENT EXCEPTION:** Hospitals, nursing and convalescent homes, and other similar licensed institutions where massage and baths may be given are excluded from the definition of an ESTABLISHMENT.

**SECTION 16. REQUIREMENTS FOR PERSONAL LICENSING:** No person shall be licensed to practice massage or conduct an establishment for giving massage, vapor, pool, shower, or other baths unless they meet the; following requirements:

- a. Be Twenty-one (31 years of age or older



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- b. Be of good moral character
- c. Submit to the Health Department a. completed application form containing all information requested by said form
- d. Have had a physical examination, including a blood test (serological examination and chest X-ray, within two months prior to the application for licensing or relicensing as well as 6 month intervals during which time the practice of massage is carried on
- e. A certificate signed by a physician indicating that the applicant is free from any communicable disease of any nature or description whatever must be submitted prior to licensing or relicensing
- f. Must be licensed physical therapist, registered in the Commonwealth of Massachusetts.
- g. Penalty for falsifying any information in the application shall be grounds to revoke the license immediately without a hearing
- h. A photo must-accompany each application

**SECTION 17. REQUIREMENTS FOR LICENSING OF AN ESTABLISHMENT** Every establishment for the giving of massage, vapor, shower, or other baths shall meet the following requirements:

- a. Hours of operation of the ESTABLISHMENT shall not be prior to 11 a.m. nor after 12:30 a.m.
- b. Must comply with the zoning law of the City of Lynn.
- c. Must comply with those applicable sections of the Sanitary Code. D. Change, rooms and dressing rooms provided for use of customers shall conform to the requirements for change rooms and toilet facilities at bathing places.
- d. Work rooms, equipment, appliances, and facilities shall conform to the applicable requirements established under industrial establishments for work room atmosphere, ventilation, heating, lighting, housekeeping and sanitation with such specific exemptions as are provided for and necessary in consideration of the particular use of such premises.
- e. No person shall use for housing, sheltering, or harboring of its employees or other persons any massage parlor or any such establishment, or cause or permit same to be used as living or sleeping quarters by such employees or other person.
- f. No massage parlor or establishment shall be used for any immoral or indecent purposes whatsoever, any conviction of any immoral or indecent acts permitted or performed upon the premises shall be sufficient evidence FOR THE IMMEDIATE REVOCATION OF THE LICENSE THEREOF
- g. The license holder shall keep, maintain and operate the establishment under permit in such a



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manner that the health of customers, the health of persons employed therein, and the public health is not endangered in any way, and failure, to do- so shall be cause for revocation of the permit,

- h. License must be posted conspicuously.
- i. Any change of address of Masseur or Masseuse shall be printed on reverse side of License issued to masseur or Masseuse and the Health Commissioner shall be notified within twenty-four hours of such change.
- j. Any renovation and/or expansion of the Licensed ESTABLISHMENT shall receive prior approval of the Health Commissioner.

SECTION 18. If any of the provisions of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of said ordinance nor the application of such other provisions, which can be given effect without the invalid provision or application thereof, and for this purpose the provisions of this ordinance are severable.

SECTION 19. The penalty for any violation of this Ordinance shall be in accordance with the applicable provisions of General Laws Chapter 40, Section 21.

SECTION 20. All ordinances or parts or ordinances inconsistent herewith are hereby repealed.

SECTION 21. This Ordinance shall take effect thirty-one (31) days after its final approval



# CITY OF LYNN

*In City Council*

November 18, 1980

Ordered that IN THE YEAR ONE THOUSAND NINE HUNDRED EIGHTY AN ORDINANCE ESTABLISHING A CODE OF CONDUCT AND DRESS IN THE CITY OF LYNN IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 138, SECTIONS I., 12, 14, and 23; CHAPTER 140, SECTIONS 51, 181 AND 183A, and CHAPTER 136, SECTION 4.

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- b. ESTABLISHMENT FOR THE GIVING OF MASSAGE, VAPOR, POOL, SHOWER OR OTHER BATHS shall mean the office, place of business, or premises where massage is practiced or where therapeutic or conditioning baths of water, vapor or other approved substance are given. Any lotions must be approved prior to their use within the establishment.
- c. APPROVED shall mean approved by the Lynn Health Commissioner in accordance with accepted standards and in the absence of any specified standards, rules and regulations as set forth by the General laws of the Commonwealth of Massachusetts shall govern.
- d. MASSEUR shall mean a male who practices massage; MASSEUSE shall mean a female who practices massage.

SECTION 4. It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed, or in such attire as to expose to view any portion of the areola of the female breast or any portion of the male and/or female genitals, pubic hair, buttocks or groin. Entertainers shall wear garments of a non-transparent material which conceal said genitals, pubic hair, buttocks and groin/ and female entertainers shall wear a nontransparent material which conceal said genitals, pubic hair, buttocks



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and groin, and female entertainers shall wear a nontransparent material which conceal the areola of the female breast.

SECTION 5. It is forbidden to employ or permit any hostess, waitress, or other person to mingle with patrons while such hostess, waitress, or other person is unclothed or in such attire as would expose to view any portion of the areola of the female breast or any portion of the male and/or female pubic hair, genitals, buttocks or groin.

SECTION 6. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress or fondle the breasts, buttocks, or genitals of one's own person or of any other person.

SECTION 7. It is forbidden to employ or permit any person to wear or use any device, apparatus, or covering exposed to view which simulates the breasts, buttocks, pubic hair or genitals or any portions thereof which would be a violation of Section 5 above.

SECTION 8. It is forbidden to employ or permit any person in or on the licensed premises to perform an act or acts, or to simulate the act or acts of:

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- c. No (male) masseur nor (female) masseuse employed by an establishment licensed under Chapter 140, Section 51 shall practice massage upon or give or assist in giving any type of baths to the opposite sex.

SECTION 9. It is forbidden to allow any entertainer to perform in or on the licensed premises, while in the course of his or her entertainment or performance, to so entertain or perform less than three (3) feet from any patron in or on the licensed premises.

SECTION 10. It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, still photographs or any other photographic reproductions depicting any person or any acts or any simulation or any acts prohibited in Section 5 through 9 inclusive

SECTION 11. At all times the entire area of the premises must be continually illuminated to the degree of not less than one (1) foot candle (Measured thirty (30) inches from the floor) except those portions of the room covered by furniture. The doors of each room and enclosure of an establishment licensed pursuant to Chapter 140, Section 51, and used for massage purposes shall have an unobstructed window, one foot by two feet in size, which permits visual observation of the entire room or enclosure. Said doors shall be free of obstruction and remain unlocked during the hours of operation, along with all entrances to the establishment.

SECTION 12. No employee and/or entertainer shall solicit, induce, or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity between any employee and/or entertainer and any person who are related by blood or marriage.



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SECTION 13. No devices, mechanical, electrical or otherwise, shall be utilized by any licensee or anyone for whose conduct said licensee is responsible, for the purpose of signaling employees, entertainers, and/or patrons that agents of licensing authorities or law enforcement authorities are present.

SECTION 14. No person shall practice massage or conduct an establishment for the giving of vapor, pool, shower, or other baths for hire or reward or advertise or hold himself out as being engaged in the business of massage or the giving of said baths without receiving a license from the Health Commissioner providing that said applicant has completed four one-semester courses at a school or college which is accredited by the New England Association of Schools and Colleges. Said courses shall be anatomy, physiology, kinesiology and Practical Massage.

The License Fee for each establishment shall be One Hundred Dollars (\$100.00) and for each Masseur or Masseuse shall be Fifty Dollars (\$50.00) per year. A License issued to an establishment, masseur or masseuse is not transferable. A masseur or masseuse may, however, transfer to another establishment in the City of Lynn with prior approval of the Health Commissioner. License shall automatically expire on December 31 of each year. Applications for renewal must be submitted at least 30 days prior to expiration date.

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For the purpose of these regulations:

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- b. **ESTABLISHMENT EXCEPTIONS:** Hospitals, nursing and convalescent homes, and other similar licensed institutions where massage and baths may be given are excluded from the definition of an ESTABLISHMENT.

SECTION 16. REQUIREMENTS FOR PERSONAL LICENSING: No person shall be licensed to practice massage or conduct an establishment for giving massage, vapor, pool, shower, or other baths unless they meet the following requirements:

- a. Be Twenty-one (21) years of age or older.
- b. Be of good moral character.
- c. Submit to the Health Department a completed application form containing all information requested by said form.
- d. Have had a physical examination, including a blood test (serological examination) and chest X-Ray, within two months prior to the application for licensing or relicensing as well as 6





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- month intervals during which time the practice of massage is carried an.
- e. A certificate signed by a physician indicating that the applicant is free from any communicable disease of any nature or description whatever must be submitted prior to licensing or relicensing.
  - f. Most have completed 4 one-semester courses at a school or college which is accredited by the New England Association of Schools and Colleges.
  - g. Penalty for falsifying any information in the application shall be grounds to revoke the license immediately without a hearing.
  - h. A photo must accompany each application.

**SECTION 17. REQUIREMENTS FOR LICENSING OF AN ESTABLISHMENT** Every establishment for the giving of massage, vapor, pool, shower, or other baths shall meet the following requirements:

- a. Hours of operation of the ESTABLISHMENT shall not be prior to 11 A.M. nor after 12:30 A.M.
- b. Must comply with the zoning law of the City of Lynn.
- c. Must comply with those applicable sections of the Sanitary Code. D. Change rooms and dressing rooms provided for use of customers shall conform to the acquirements for change rooms and toilet facilities: at bathing places.
- d. Work Rooms; equipment, appliances, and facilities shall conform to the applicable requirements established under industrial Establishments for work room atmosphere, ventilation, heating, lighting, housekeeping and sanitation with such specific exemptions as are provided for and necessary-in consideration of the particular use of such premises.
- e. No person shall use for housing, sheltering, or harboring of its employees or other persons any massage parlor or any such establishment, or cause or permit same to be used as living or sleeping quarters by such employees or other person.
- f. No massage parlor or establishment shall be used for any immoral or indecent purposes whatsoever, and any conviction of any immoral or indecent acts permitted or performed upon the premises shall be sufficient evidence FOR THE IMMEDIATE REVOCATION CF THE LICENSE THEREOF.
- g. The License holder shall keep, maintain and operate the establishment under permit in such a manner that the health of customers, the health of persons employed therein, and the public health is not endangered in any way, and failure to do so shall be cause for revocation of the permit.
- h. License must be posted conspicuously.



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- i. Any change of address of Masseur or Masseuse shall be printed on reverse side of License issued to Masseur or Masseuse and the Health Commissioner shall be notified within twenty-four hours of such change.
- j. Any renovation and/or expansion of the Licensed ESTABLISHMENT shall receive prior approval of the Health Commissioner.

SECTION 18. If any of the provisions of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of said ordinance nor the application of such other provisions, which can be given effect without the invalid provision or application thereof, and for this purpose the provisions of this ordinance are severable.

SECTION 19. The penalty for any violation of this Ordinance shall be in accordance with the applicable provisions of General Laws Chapter 40, Section 21.

SECTION 20. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 21. This Ordinance shall take effect thirty-one (31) days after its final approval