

ARTICLE 4. THERAPEUTIC MASSAGE PRACTICES

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§ 3.4.1 DEFINITIONS

The following definitions shall apply in interpretation and the enforcement of this Article:

(A) **THERAPEUTIC MASSAGE ESTABLISHMENT.** The term "therapeutic massage establishment" shall include any establishment which is operated for the purpose of providing therapeutic massage services for remuneration at said establishment or on a home call or out call basis.

(B) **THERAPEUTIC MASSAGE.** The term "therapeutic massage" shall mean any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the fingers, hands, arms or with the aid of any mechanical or electrical apparatus or appliance. Therapeutic massage also includes hydrotherapy, colon irrigation, kineseology therapy, stretching, and reflex manipulation.

(C) **THERAPEUTIC MASSAGE PRACTITIONER.** A "therapeutic massage practitioner" is a person who, as "massagist," "masseur," masseuse, "massage therapist," "natural therapeutics specialist" and other such denomination, provides therapeutic massage services in a therapeutic massage establishment or on an out call or home call basis. This definition does not apply to persons licensed under the laws of New Mexico to practice medicine, osteopathy, chiropractic, physical therapy, podiatry, nursing, dietetics, nutrition, or barbering.

(D) **ESTABLISHMENT.** The word "establishment" shall mean a place of business together with its grounds and equipment operating as a therapeutic massage establishment including a person or persons engaging in therapeutic massage on an out call or home call basis.

(E) **MAYOR.** The term "Mayor" shall mean the Mayor of the Village of Los Ranchos De Albuquerque or the Mayor's designated representative.

(F) **PERSON.** The term "person" as used in this Article shall mean any individual, partnership, firm or corporation and indicates any of the above in both the singular and the plural.

(G) **LICENSEE.** The term "licensee" as used in this Article shall mean any person holding a therapeutic massage establishment license by virtue of this Article.

(H) **REMUNERATION** shall mean payment in the form of commission, fee, salary, pay, gratuity, tip, profit, reward, gift, or any other form of consideration.

§ 3.4.2 LICENSE

(A) **License Required.** It shall be unlawful for any person to operate within the Village limits a therapeutic massage establishment without first obtaining a license from the



Village. Such license shall be valid only for the person to whom it is issued, and valid only for the calendar year for which it is issued. Each such license shall be renewed at the beginning of each calendar year.

(B) Application for License. The Village shall, after the effective date of this Article, receive written applications in a form prescribed by the Mayor for licenses to operate therapeutic massage establishments within the Village limits and shall issue such licenses when the applications meet the requirements of this Article and any other applicable laws or ordinances. The application shall be accompanied by copies of required diplomas or certificates. The Village Clerk is hereby authorized and directed to charge a fee of ten dollars (\$10.00) for the issuance of such license.

(C) Display of License. Every license issued by the Village pursuant to this Article shall be displayed in a prominent location within an establishment.

§ 3.4.3 REQUIREMENTS FOR LICENSE

(A) Every establishment shall display a sign which readily identifies the establishment.

(B) Every establishment shall require that any person who practices therapeutic massage within that establishment possesses any licenses to practice massage that may be required by the State of New Mexico and shall comply with any regulations promulgated by the State of New Mexico as they are from time to time published according to law, and be a graduate of a massage school accredited by the American Massage Therapy Association or otherwise certified by passing the practical and written examination of the American Massage Therapy Association.

§ 3.4.4 PENALTIES

Any person who violates any of the provisions of this Article and is found guilty thereof by a court of competent jurisdiction shall be punished by a fine not exceeding three hundred dollars (\$300.00). Each day's violation shall be deemed a separate offense.

§ 3.4.5 VIOLATIONS - ADDITIONAL REMEDIES: INJUNCTIONS

As an additional remedy, any practice in violation of any provision(s) of this Article, which causes a nuisance or creates a potential or actual health hazard, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 3.4.6 SEVERABILITY OF PROVISIONS

If any section, subsection, sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Regulations, it being the intent of the Village Board of Trustees to enact each section, subsection, sentence, clause or phrase of these Regulations separately and independently of each other section, subsection, sentence, clause or phrase.

Ordinance and State Law References regarding Chapter 3, Article 4 (f/k/a Chapter 27):
Ordinance #84, May 10, 1989; An ordinance regulating Therapeutic Massage Practices;
Ordinance #134, enacted Feb. 14, 1996, codified ORD #80 as Chapter 27, with modifications.

