

**ORDINANCE NO. 6632**

**AN ORDINANCE TO AMEND TITLE 3 BUSINESS REGULATIONS AND LICENSES OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY ENACTING NEW CHAPTER 3.20 "MASSAGE THERAPY".**

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

**SECTION 1.** That Title 3 Business Regulations and Licenses is hereby amended by enacting new Chapter 3.20 "Massage Therapy" to read as follows:

**CHAPTER 3.20 MASSAGE THERAPY**

**3.20.010 Purpose**

**3.20.020 Definitions**

**3.20.030 State License Required**

**3.20.040 Display of License**

**3.20.050 Maintaining Public Nuisance**

**3.20.060 Hours of Operation**

**3.20.070 Penalties**

**3.20.010 Purpose**

The State of Iowa licenses massage therapists at Iowa Code Chapter 152C. State licensed massage therapists and businesses offering massage therapy services perform an important service in addressing the health and well-being of Council Bluffs residents. Unfortunately, there are businesses that advertise they provide massage therapy and/or other therapeutic services, but engage in various illegal activities, which may include prostitution and/or human trafficking. This article is not intended to discourage legitimate, licensed massage therapists or massage therapy businesses from providing their services within Council Bluffs. The purpose of this ordinance is to identify and address businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities, which may include prostitution and/or human trafficking. Businesses providing massage therapy, but also conducting various types of illegal activity, are harmful to the health, safety, and welfare of the city and negatively impact the massage therapy profession.

**3.20.020 Definitions**

For the purposes of this article, the following words and phrases have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

- A. "*Massage therapist*" means a person licensed under Iowa Code Chapter 152C to practice the health care service of the healing art of massage therapy in the City of Council Bluffs.
- B. "*Massage therapy business*" means any business or place of business, including mobile, temporary, and transient businesses, wherein, or on whose behalf, any of the treatments, techniques, or methods of treatment referred to as "massage therapy" are administered, practiced, used, given, advertised or applied.

### **3.20.030 State License Required**

The practice of massage therapy, as defined in Iowa Code Chapter 152C, is prohibited by unlicensed individuals. It is unlawful for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person's name, the initials "L.M.T." or the words "licensed massage therapist", "masseur", "masseuse", or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of Iowa Code § 152C.3.

### **3.20.040 Display of License**

Each massage therapist shall keep his/her license in possession at all times while doing business in the city and shall, upon request of a prospective customer or city official, exhibit the license as evidence of compliance with all requirements of this article.

### **3.20.050 Maintaining Public Nuisance**

Any building used, operated, or maintained as a massage establishment in violation of this article with the intentional, knowing, reckless or negligent permission of the owner, licensee, or person managing or supervising the building, together with all fixtures and other property used in violation of this article, are hereby declared to be a nuisance.

### **3.20.060 Hours of Operation**

Massage Therapy Businesses shall not be open for business nor shall patrons be permitted on the premises between the hours of 10:00 p.m. and 5:00 a.m.

### **3.20.070 Penalties**

- A. A violation under this article is declared to be a municipal infraction in addition to a misdemeanor and any person, or in connection with one or more persons or as principle, agent, or accessory found violating any provision of this article, shall be subject to the general penalty provisions of CBMC 1.95 and CBMC 8.02 to include both criminal and/or civil penalties.
- B. The chief of police, or designee, shall place in a highly noticeable location a placard stating "Unsafe to Enter; Unlicensed Massage Therapy Must Cease and is subject to criminal and/or civil penalty per Council Bluffs Municipal Code § 3.56.050." This notice shall remain posted until a valid state license is obtained or other legal use has been established.
- C. No person shall remove the placard posted pursuant to subsection (b) of this section without approval of the chief of police or designee.
- D. No person, or in connection with one or more persons or as principle, agent, or accessory shall continue to offer "massage therapy" services after a massage therapy business has been placarded as unsafe for entry unless the chief of police or designee has approved removal of the placard.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable

from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

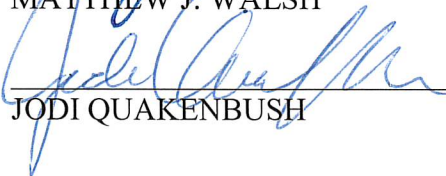
**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its publication, as by law provided.

PASSED  
AND  
APPROVED

March 24, 2025.

  
\_\_\_\_\_  
MATTHEW J. WALSH Mayor

Attest:

  
\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

First Consideration: 3-10-25  
Second Consideration: 3-24-25  
Public Hearing: n/a  
Third Consideration: waived

AFFIDAVIT OF PUBLICATION

The Daily Nonpareil

State of New Jersey, County of Burlington, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Daily Nonpareil, a newspaper printed and published three (3) days a week at Council Bluffs, in said County and State, and that the notice herto attached was published in said newspaper once each day for the period on the dates below listed.

PUBLICATION DATES:

Mar. 27, 2025

NOTICE ID: kGwSXe9TDhw0NHsRr2hV

PUBLISHER ID: COL-9101799

NOTICE NAME: Ordinance 6632

(Signed)

Yuade Moore

VERIFICATION

State of New Jersey  
County of Burlington

LIZA ORTIZ  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires November 27, 2028

Subscribed in my presence and sworn to before me on this: 03/27/2025

Liza Ortiz

Notary Public

PUBLICATION FEE: \$24.05

Notarized remotely online using communication technology via Proof.

Ordinance 6632

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Nuisance

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3.20.070 Penalties

Adopted and Approved March 24,  
2025

For complete copy of Ordinance, see  
City Clerk's Office.

Matthew J. Walsh, Mayor

Jodi Quakenbush, City Clerk

March 27, 2025 COL-9101799

## Council Communication

Department: City Clerk  
Case/Project No.:  
Submitted by: Malina Dobson on behalf of PD

Ordinance 6632  
ITEM 6.A.

Council Action: 3/24/2025

### Description

Ordinance to amend Title 3 Business Regulation and Licenses of the 2020 Municipal Code of Council Bluffs, Iowa by enacting new Chapter 3.20 "Massage Therapy".

### Background/Discussion

At the request of Council Bluffs law enforcement seeking tools to address a growing problem in our community, this ordinance would strengthen local law enforcement's ability to combat human trafficking and sexual exploitation by establishing criminal penalties for businesses operating outside the Iowa Board of Massage Therapy's regulatory framework. While the Board can issue fines for violations, they have expressed support for municipal criminal sanctions to more effectively deter and punish bad actors who use massage businesses as fronts for prostitution and trafficking. Drawing from the most effective elements of various Iowa municipal ordinances, this proposed regulation creates targeted criminal penalties focusing on business owners and property managers rather than potential trafficking victims, disrupting the economic incentives that drive these illegal operations. The ordinance complements existing state-level regulation while providing law enforcement with stronger tools to investigate and prosecute those who exploit vulnerable individuals through illicit massage businesses.

### Recommendation

Approval is recommended.

### ATTACHMENTS:

| Description    | Type      | Upload Date |
|----------------|-----------|-------------|
| Ordinance 6632 | Ordinance | 3/5/2025    |