

(SEAL)
First Publication
No. 1727

**CITY OF CAMBRIDGE
MASSACHUSETTS**

**THE GENERAL ORDINANCES
OF THE CITY OF CAMBRIDGE**
In the year one thousand nine
hundred seventy-one.

AN ORDINANCE ENTITLED
"The General Ordinances of the
City of Cambridge" was passed
to a second reading at a meeting
of the City Council held on De-
cember 20, 1971 and after Janu-
ary 2, 1972 the question may be
on passing to be ordained.

Attest:- Paul E. Healy, City
Clerk.

NOTE: Pursuant to the provi-
sions of General Laws, Chapter
43, Section 23, Tercentenary Edi-
tion, being a part of the City
Charter, the Ordinances as afore-
said, which exceed in length
eight octavo pages of ordinary
book print may be examined at
the Office of the City Clerk in
the form of a printed pamphlet
during office hours on or after
December 22, 1971.

By order of the City Council,
Paul E. Healy, City Clerk.

(C)D23



ORDINANCE NO. 810
Final Publication No. 1745. First
Publication in Cambridge
Chronicle-Sun, January 27, 1972

CITY OF CAMBRIDGE
MASSACHUSETTS

THE GENERAL ORDINANCES
OF THE CITY OF CAMBRIDGE
In the year one thousand nine
hundred seventy-two
AN ORDINANCE

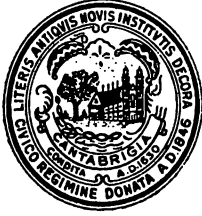
ENTITLED "The General Ord-
inances of the City of Cambridge"
was passed to be ordained at a
meeting of the City Council held
on May 8, 1972.

Attest:— Paul E. Healy,
City Clerk

NOTE: Pursuant to the provi-
sions of General Laws, Chapter
43, Section 23, Tercentenary Edi-
tion, being a part of the City
Charter, the Ordinances as afore-
said, which exceed in length
eight octavo pages of ordinary
book print may be examined at
the Office of the City Clerk in
the form of a printed pamphlet
during office hours on or after
May 10, 1972.

By order of the City Council,
Paul E. Healy, City Clerk
(C)My11

810 .



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled "Health, Hospitals and Housing" is hereby amended by striking out the present Chapter Eleven and substituting in place thereof a new Chapter Eleven, which reads as follows:

CHAPTER ELEVEN

ARTICLE I HEALTH, HOSPITAL AND HOUSING

Section 11-1. Qualifications of Commissioner of Health and Hospitals.

There shall be a Commissioner of Health and Hospitals and in addition to the qualifications required by any Special Act of the Legislature, the Commissioner shall have proven administrative experience in the areas of planning, establishing priorities, personnel, program management, and/or budgeting.

Section 11-2. Duties and Powers of Commissioner.

(a) The Commissioner shall be responsible for promoting and protecting the health of the citizens of Cambridge. The Commissioner shall see that, within the City, the laws of the Commonwealth, including regulations, and the Ordinances of the City pertaining to public health, hospitals and housing are faithfully executed and enforced. The Commissioner shall have overall charge of all city operated health care programs and treatment facilities.

(b) The Commissioner shall appoint and supervise health department personnel and shall appoint the members of the medical staff or staffs of said facilities and their assistants from those recommended by the medical staff in conformity with the medical staff by-laws, with the approval of the City Manager.

- 2 -

City of Cambridge

(c) The Commissioner shall acquire, analyze, use and store health related statistics for program planning and evaluation purposes.

(d) The Commissioner shall identify anticipated community health needs and assess the adequacy of public and private health resources to meet those needs.

(e) The Commissioner shall coordinate with federal, state, regional and private health planning and/or delivery groups to ensure that the department of Health and Hospitals is responsive to the health service needs of all members of the community.

(f) Although the Commissioner retains full authority for action, the Commissioner shall discuss major problem areas and proposed policy changes with the Health Policy Board and is expected to reach agreement with them before making policy changes.

(g) The Commissioner shall supply information and staff support as reasonably requested by the Health Policy Board so that it may be fully informed.

(h) The Commissioner shall attend all meetings of the Cambridge Health Policy Board except for justifiable cause such as illness, absence from the city or unless otherwise assigned by the City Manager, and attend as many sub-committee meetings of said Board as is reasonably practical or possible.

(i) The Commissioner shall present the budget for the Department of Health and Hospitals to the Cambridge Health Policy Board for review and comment, prior to its submission to the City Manager.

(j) The Commissioner shall develop needed proposals and programs; shall approve and coordinate all grant proposals relating to health matters in the community; shall coordinate the delivery of care by city and private health providers; shall monitor the quality of private facilities such as hospitals, nursing homes, day care centers, and community residences; shall promote health education and advocate health standards.

(k) The Commissioner shall prepare and submit to the City Manager an annual report on the activities of his department during the preceding fiscal year.

(l) The Commissioner shall perform such other duties and responsibilities as may from time to time be assigned by the City Manager.

(m) The Commissioner shall promulgate and enforce such rules and regulations necessary or proper for the administration of the Department of Health, Hospitals and Housing as may be required by this Chapter and by law.

(n) The position of Health Commissioner is a full-time job and must be treated as such. Therefore, there shall be on file in the City Clerk's Office, for public record, a Memorandum of Understanding between the City Manager and the Health Commissioner concerning any professional activities for remuneration which are not strictly related to the duties of Commissioner as set out elsewhere in this Ordinance.

City of Cambridge

Section 11-3. Compensation.

(a) The Commissioner shall receive such salary as the City Council shall determine from time to time. The Commissioner shall be provided with suitable office accommodations at the expense of the city and under the direction of the City Manager.

(b) Members of the Health Policy Board shall serve without compensation, but they may be reimbursed for any expense which may reasonably be incurred through service on the board.

Section 11-4. Cambridge Health Policy Board.

(a) There shall be a Cambridge Health Policy Board consisting of fifteen (15) members, which number may be altered by an amendment to this ordinance by the City Council.

(b) The members shall be appointed by the City Manager for terms of three years. Initial appointments shall be for the following terms: five (5) members for a term of three (3) years, five (5) members for a term of two (2) years and five (5) members for a term of one (1) year.

(c) One month prior to making said appointments or reappointments, the City Manager shall solicit nominations from as many public service groups and other sources as possible, including but not limited to:-

1. Medical professionals - physicians, dentists, nurses and social workers.
2. Other professionals and people representing the public interest - lawyers, clergy, environmentalists, financial professionals (bankers, accountants,) and individuals suggested by business organizations, social agencies and universities.
3. Consumers - representing low income, elderly, non English speaking and other consumer groups.

The City Manager shall at all times endeavor to achieve and maintain a fair balance on the Board among these three major categories. He shall endeavor to locate individuals who have made significant contributions to public service activities, and who represent a broad cross section of the city's consumer interests. Such individuals must also have been residents of Cambridge for at least four (4) years.

(d) The Health Policy Board shall hold regular meetings at least once each month, and if board members fail to attend a third of the regular meetings without adequate explanation, the City Manager shall replace them automatically by the same method.

City of Cambridge

(e) The Health Policy Board shall effectively address all aspects of the health of the City of Cambridge and to accomplish this end, shall establish sub-committees as outlined below.

There shall be at least but not limited to four (4) standing sub-committees, one on the Cambridge Hospital and Clinics, a second on the Michael J. Neville Manor, a third concerned with Public Health, Environment, Code Enforcement and Sanitation and a fourth for over all planning. These sub-committees shall advise the administrative directors concerned, who shall attend their respective sub-committee meetings. To the extent possible, each sub-committee should reflect the composition of the Board as outlined in (c) above.

Each sub-committee shall report in writing to the full Board on matters taken up in sub-committee.

All matters necessitating a vote shall be put to the full Board. The City Manager shall appoint a part time secretary for the sub-committee on the Hospital and Clinics, and for such other sub-committees as the Board shall request assistance therefor.

(f) The City Manager shall appoint a secretary or a part time secretary for the Health Policy Board who shall prepare meeting agendas, coordinate the gathering of information for said Board, record minutes of Board meetings, distribute the above material to Board members, and perform whatever additional functions as may be assigned by said Board from time to time.

Section 11-5. Adoption of Housing Code Regulations.

The Housing Code Regulations of the City of Cambridge, dated May 1, 1962, are hereby adopted and by this reference made a part of this Code with the same force and effect as though set out in full herein. At least three (3) copies of said Housing Code Regulations are on file and open to public inspection in the office of the City Clerk.

Section 11-6. Severability of Sections.

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE II

ORDINANCE FOR THE USE OF RECOMBINANT MOLECULE TECHNOLOGY IN THE CITY OF CAMBRIDGE.

Section 11-7. Guidelines for the Regulation of DNA Experimentation.

I. All recombinant DNA experiments in the City of Cambridge shall be undertaken only in strict conformity with the "Guidelines," so call, of the National Institute of Health (NIH), as set forth in the Federal Register dated September 9, 1976, or any amendment thereof, or as may be established from time to time by the NIH, by other Federal agency, or by Act of the Congress; and in conformity also with such other health regulations as the Commissioner of Health and Hospitals of the City of Cambridge may from time to time promulgate. Be it further ordained that these local regulations shall include, as of February 8, 1977, those additional guidelines set forth in Section 1, Articles I through V, of the report of the Cambridge Laboratory Experimentation Review Board to the Commissioner of Health and Hospitals on December 21, 1976, and as further set forth in the report of the Acting Commissioner of Health and Hospitals, to this City Council on January 5, 1977, as follows:

1. Institutions proposing recombinant DNA research or proposing to use the recombinant DNA technology shall prepare a manual which contains all procedures relevant to the conduct of said research at all levels of containment and that training in appropriate safeguards and procedures for minimizing potential accidents shall be mandatory for all laboratory personnel. Said manual shall be submitted for review by the Cambridge Biohazards Committee as established in Section II of this ordinance.
2. The institutional Biohazards Committee mandated by the NIH Guidelines should be broad-based in its composition. It should include members from a variety of disciplines, representation from the bio-technicians staff and at

City of Cambridge

least one community representative unaffiliated with the institution. The community representative should be approved by the Health Policy Board of the City of Cambridge.

- 3. All experiments undertaken at the P3 level of physical containment shall require an NIH certified host-vector system of at least an EK2 level of biological containment.
- 4. Institutions undertaking recombinant DNA experiments shall perform adequate screening to insure the purity of the strain of host organisms used in the experiments and shall test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics.
- 5. As part of the institutions' health monitoring responsibilities it shall in good faith make every attempt, subject to the limitation of the available technology, to monitor the survival and escape of the host organism or any component thereof, in the laboratory worker. This should include whatever means is available to monitor the intestinal flora of the laboratory worker.
- 6. All cases of unusual illnesses occurring in workers associated with all recombinant DNA research being carried out in the City of Cambridge be fully investigated and be reported in detail to the Commissioner of Health and Hospitals for the City of Cambridge.

Section 11-8. Establishment of a Cambridge Biohazards Committee.

II. A Cambridge Biohazards Committee (CBC) shall be established for the purpose of overseeing all recombinant DNA experimentation that is conducted in the City of Cambridge and of advising the Commissioner of Health and Hospitals and the Health Policy Board on the matters specified in Section B below.

- A. The CBC shall be composed of the Commissioner of Public Health or his/her designee, the Chairperson of the Health Policy Board or a board member designated by the Chairperson and a minimum of three other members to be appointed by the City Manager. The City Manager is authorized to provide for the adequate staffing of the CBC.
- B. Specific responsibilities of the CBC shall include:--
 - 1. Maintaining a relationship with the institutional biohazards committees.

City of Cambridge

2. Reviewing all proposals for recombinant DNA research to be conducted in the City of Cambridge for compliance with the "Guidelines," so called of the NIH as set forth in the Federal Register, dated September 9, 1976, or any amendment thereof, or as may be established from time to time by the NIH, by other Federal agency, or by Act of Congress; and in conformity with such other regulations as the Commissioner of Health and Hospitals of the City of Cambridge may from time to time promulgate.
3. Developing a procedure for members of institutions where the research is carried on to report to the CBC violations either in technique or established policy.
4. Reviewing reports and recommendations from local institutional biohazards committees.
5. Carrying out site visits to institutional facilities.
6. Seeing that conditions set forth in Section 11-7 of this ordinance are adhered to.
7. Recommending to the Commissioner of Health and Hospitals modifications in those conditions to reflect future developments in Federal guidelines. It shall be the responsibility of the institutional Biohazards Committee to file regular reports with the Cambridge Biohazards Committee, in a manner to be determined by the CBC.
8. The premises on which all P2 and P3 recombinant DNA experiments are carried out must be effectively free of rodent and insect infestation, in accordance with all laws governing such matters.
9. Violation of the conditions of this ordinance shall subject the violator to a fine of Two Hundred Dollars (\$200.00) per day and in addition the facility in which the violation occurs may be closed by the Commissioner of Health and Hospitals. Each day of violation shall constitute a separate and distinct offense.
10. Recombinant DNA experiments classified by NIH Guidelines as more potentially hazardous than those requiring a P3 plus EK2 level of containment shall not be permitted in the City of Cambridge.

Recombinant DNA experiments which are classified by the NIH to lower containment levels other than those contained in the June 23, 1976 NIH Guidelines, must be reviewed and approved by the CBC.

City of Cambridge

Section 11-9. Severability of Sections.

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE III. MASSAGE SERVICE REGULATIONS

SECTION 11-10. DEFINITIONS.

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) Employees. Any person over eighteen (18) years of age, other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

(b) Licensee. The person to whom a license has been issued to own or operate a massage establishment as defined herein.

(c) Massage. 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 hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonable expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

(d) Massage Establishment. Any establishment having a source of income or compensation derived from the practice of massage as defined in Subsection (c), and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in Subsection (c).

(e) Massagist, Masseur or Masseuse. Any person who, for any consideration whatsoever, engages in the practice of massage as defined in Subsection (c).

City of Cambridge

(f) Outcall Massage Service. Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment as defined in Subsection (c).

(g) Patron. Any person over eighteen (18) years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or given any other consideration therefor.

(h) Permittee. The person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

(i) Person. Any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(j) Sexual or Genital Area. Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

SECTION 11-11. EXEMPTIONS.

This ordinance shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

(a) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

(b) Nurses who are registered under the laws of the Commonwealth of Massachusetts.

(c) Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

SECTION 11-12. APPLICATION FOR MASSAGE ESTABLISHMENT LICENSE.

Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application under oath with the Commissioner of Health and Hospitals or his designee upon a form provided by said Commissioner and pay a nonrefundable annual license fee, which shall be \$500 per year or any part thereof. In the case of multiple locations, a separate license will be required for each site. Each application shall contain the following information:

(a) A definition of service to be provided.

(b) The location, mailing address and all telephone numbers where the business is to be conducted.

(c) The name and residence address of each applicant (hereinafter all provisions which refer to applicant include an applicant which may be a corporation or partnership).

(1) If applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder of the corporation, the percentage of stock owned by each stockholder, and the address of the corporation itself, if different from the address of the massage establishment.

(2) If applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the massage establishment.

City of Cambridge

(d) The two (2) previous addresses immediately prior to the present address of the applicant.

(e) Proof that the applicant is at least eighteen (18) years of age.

(f) Individual or partnership applicant's height, weight, color of eyes and hair, and sex.

(g) Copy of identification such as driver's license and social security card. Copy of certified birth certificate shall be required.

(h) Business, occupation, or employment of the applicant for three (3) years immediately preceding the date of application.

(i) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another City or State, has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(j) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted.

(k) The name and address of each massagist who is or will be employed in said establishment.

(l) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (c) wherein the business or profession of massage is carried on.

(m) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(n) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(o) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

Upon the completion of the above provided form and the furnishing of all foregoing information the Commissioner of Health and Hospitals shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the Commissioner of Health and Hospitals of each change in any of the data required to be furnished by this Section within ten (10) days after such change occurs.

SECTION 11-13. APPLICATION FOR MASSAGIST'S PERMITS.

Application for a massagist's business permit shall be made to the Commissioner of Health and Hospitals in the same manner as provided above for massage establishment licenses, accompanied by the annual nonrefundable massagist's permit fee of \$25 per year or part thereof. The application shall contain but not be limited to the following:

(a) The business address and all telephone numbers where the massage is to be practiced.

(b) Name and residence address, and all names, nicknames and aliases by which the applicant has been known, including the two previous addresses immediately prior to the present address of the applicant.

City of Cambridge

(c) Social Security number, driver's license number, if any, and date and place of birth and certified copy of birth certificate.

(d) Applicant's weight, height, color of hair and eyes, and sex.

(e) Written evidence that the applicant is at least eighteen (18) years of age.

(f) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance, except misdemeanor traffic violations.

(g) Two front-face portrait photographs taken within thirty (30) days of the date of application and at least two (2) inches by two (2) inches in size.

(h) The massage or similar business history and experience (10 years) prior to the date of application, including but not limited to whether or not such person in previously operating in this or another City or State under license or permit has had such license or permit denied, revoked, or suspended and the reasons therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.

(i) A medical certificate signed by a physician, licensed to practice in the Commonwealth of Massachusetts, within seven (7) days of the date of the application. The certificate shall state that the applicant was examined by the certifying physician and that the applicant is free of communicable disease. The additional information required by this Subsection shall be provided at the applicant's expense. (Results of physical, TB or chest x-ray, VDRL shall be submitted with certificate.)

(j) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(k) Written declaration by the applicant, under the penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the City.

(l) Detailed description of training and experience of all employees who will be performing the massages.

SECTION 11-14. DENIAL OF LICENSE OR PERMIT FOR A MASSAGE ESTABLISHMENT.

The City of Cambridge, acting by and through its Commissioner of Health and Hospitals shall issue a license for a massage establishment or a permit for a masseur or masseuse, if all requirements for a massage establishment or massagist permit described in this Ordinance are met unless it finds:

(a) The correct permit or license fee has not been tendered to the City, and, in the case of a certified check, or bank draft, honored with payment upon presentation.

(b) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning, and health regulations.

(c) The applicant, if an individual, or any of the stockholders and any of the officers and directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the holder of any lien, of any nature, upon the business and/or the equipment used therein, and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense without the Commonwealth of Massachusetts that would have constituted any of the following offenses if committed within the Commonwealth of Massachusetts.

City of Cambridge

(1) An offense involving the use of force or violence upon the person of another that amounts to a felony.

(2) An offense involving sexual misconduct.

(3) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

The City of Cambridge may issue a license or permit to any person convicted of any of the crimes described in Subsection (1), (2), or (3) of this Section if it finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had not subsequent felony convictions of any nature and no subsequent misdemeanor convictions for the crime mentioned in this section.

(d) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

(e) The applicant has had a massage business, masseur, or other similar permit or license revoked, or suspended by the City or any other State or local agency within five (5) years prior to the date of the application. If the application for a permit or license is denied, the applicant shall not be allowed to reapply within one (1) year from the date of denial.

(f) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, and the manager or other person principally in charge of the operation of the business, is not over the age of eighteen (18) years.

(g) In making this decision, the Commissioner shall consider the number of existing and proposed massage establishments in the ward in which the instant applicant desires to locate.

(h) That ten residents within a radius of five hundred feet object to the location of the establishment, the permit shall be denied.

(i) If the Commissioner finds, pursuant to the rules and regulations established by him, that massages will not be performed exclusively by persons meeting rigorous qualifications of training and experience, the Commissioner shall have the right to deny the application.

SECTION 11-15. APPROVAL OR DENIAL OF APPLICATION.

The Commissioner of Health and Hospitals, acting by and on behalf of the City, shall act to approve or deny an application for a license or permit under this Ordinance within ninety (90) days from the date that said application was accepted by the Commissioner. Every license or permit issued pursuant to this Ordinance will terminate at the expiration of one year from the date of its issuance, unless sooner suspended or revoked.

SECTION 11-16. POSTING OF LICENSE.

(a) Every massagist shall post the permit required by this Ordinance in his work area.

(b) Every person, corporation, partnership, or association licensed under this Ordinance shall display such license in a prominent place.

(c) Every individual or establishment issued an exemption under Section 11-11 of this ordinance shall display such exemption certificate in a prominent place.

SECTION 11-17. REGISTER OF EMPLOYEES.

The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time as masseurs or

City of Cambridge

masseuses and their permit numbers. Such register shall be available at the massage establishment to representatives of the City of Cambridge.

SECTION 11-18. REVOCATION OR SUSPENSION OF LICENSE.

Any license issued for a massage establishment or massagist may be revoked or suspended by the Commissioner of Health and Hospitals acting under the provisions of M.G.L.A. Chapter 140, Section 51, for any violation of this ordinance.

SECTION 11-19. OPERATING REQUIREMENTS.

(a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operating in a sanitary condition according to rules and regulations promulgated by the Commissioner of Health and Hospitals pursuant to Chapter 140, Section 51 of M.G.L.A.

(b) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(c) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(d) All employees, including masseurs and masseuses, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas, whose use is restricted to the massage establishment.

SECTION 11-20. SALE OR TRANSFER OR CHANGE OF LOCATION.

Upon sale, transfer or relocation of a massage establishment, the license therefor shall be null and void unless approved as provided in Section 11-14 provided, however, that upon the death or incapacity or the licensee or any co-licensee of the massage establishment, any heir or devisee or legatee of a deceased licensee may continue the business of the massage establishment for a reasonable period of time not to exceed sixty (60) days to allow for and orderly transfer of the license.

SECTION 11-21. PERSONS UNDER AGE 18 PROHIBITED ON PREMISES.

No person shall permit any person under age eighteen (18) years to come or remain on the premises of any massage business establishment, as masseur, employee, or patron, unless such person is on the premises on lawful business.

SECTION 11-22. ALCOHOLIC BEVERAGES PROHIBITED.

No person shall sell, give, dispense, provide to keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverages on the premises of any massage business.

SECTION 11-23. HOURS.

No massage business shall be kept open for any purpose between the hours of 10:00 P. M. and 7:00 A. M.

SECTION 11-24. EMPLOYMENT OF MASSAGIST.

No person shall employ as a massagist any person unless said employee has obtained and has in effect a permit issued pursuant to this ordinance.

SECTION 11-25. UNLAWFUL ACTS.

(a) It shall be unlawful for any person, in a massage parlor, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.

(b) It shall be unlawful for any person, in a massage parlor, to expose his or her sexual or genital parts, or any portion, thereof, to any other person. It shall also be unlawful for any person, in a massage parlor, to expose the sexual or genital parts, or any portions thereof, of any other person.

(c) It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

(d) It shall be unlawful for any person owning, operating or managing a massage parlor, knowingly to cause, allow or permit in or about such massage parlor, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in Subsections (a), (b) or (c) of this Section.

(e) It shall be further unlawful for any permittee under this Ordinance to administer massage on an outcall basis as defined in Section 11-10(f). Such person shall administer massage solely within an establishment licensed to carry on such business under this Ordinance. Any violation of these provisions shall be deemed grounds for revocation on the permit granted hereunder. The restriction on outcall massage shall not apply to a permittee who performs outcall massage as defined herein upon a customer or client who, because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity or illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by an employee of the City of Cambridge shall be unlawful.

SECTION 11-26. NAME AND PLACE OF BUSINESS.

No person granted a license pursuant to this Ordinance shall operate the massage establishment under a name not specified in his license, nor shall he conduct business under any designation or location not specified in his license.

SECTION 11-27. TRANSFER OF LICENSE.

No license or permit shall be transferable except with the consent of the Commissioner of Health and Hospitals. An application for such transfer shall be in writing and shall be accompanied by fees prescribed in Sections 11-12 and 11-13. The written application for such transfer shall contain the same information as requested herein for initial application for the license or permit.

SECTION 11-28. VIOLATION AND PENALTY.

Every person, except those persons who are specifically exempted by this ordinance, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment of any of the services defined in this ordinance without first obtaining a license or permit and paying a fee to do so from the City of Cambridge or shall violate any provisions of the Ordinance shall be punished by a fine not to exceed five hundred (\$500.00) dollars per violation. Each day's failure to comply with each provision of this ordinance shall constitute a separate violation.

SECTION 11-29. SEPARABILITY.

(a) If any section, subsection, sentence, clause, phrase or portion of the ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such provision and such holding shall not affect the validity of the remaining portions thereof.

(b) All ordinances in conflict herewith are hereby repealed.

(c) This ordinance shall be in full force and effect from and after its passage, provided, however, any person, partnership, corporation or association engaged in the operation of a massage business and every person engaged in the business or profession of massage, at the time of the enactment of this ordinance shall have 60 days in which to comply with the licensing provisions of this ordinance.

11