



Rocklin Police Department

Ronald A. Lawrence, Chief of Police
4080 Rocklin Road
Rocklin, CA 95677
(916) 625-5400

APPLICATION FOR STATE MESSAGE PERMIT

The application process is completed in three (3) steps.

1. The first step will be for you to obtain a *City of Rocklin Business License* from the Finance and Administrative Services Department at 3970 Rocklin Rd., Rocklin, CA 95677. They can be contacted at (916)625-5020 for any questions you might have. ***If you are going to be an employee (not an independent contractor) of a business, you must bring in a copy of the company's business license***
2. After obtaining a City of Rocklin Business License please come into the Rocklin Police Department and provide the following documents:
 - A. Completed Application for Massage Permit form;
 - B. California Driver's License or ID card, birth certificate, social security card or other written proof acceptable to the chief of police that the applicant is at least eighteen years of age;
 - C. City of Rocklin business license;
 - D. State Certification card
3. We will take your photograph and then issue you a City of Rocklin massage permit.

****If you have any questions regarding this process, please contact Records at (916) 625-5405****



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APPLICATION FOR MESSAGE PERMIT

Name: Last:			First:			Middle			
AKA (Nicknames, maiden name, etc.)						DOB:			
Address:						City:			
State:		Zip:		Telephone: (Home)			(Cell)		
Height:		Weight:		Hair:		Eyes:		Email Address:	
Social Security Number:				Driver's License Number:				State:	
List all previous addresses for the past five (5) years. Attach a separate sheet of paper if more space is needed									
Where will you be employed:					Owner of Establishment:				
Address:					Telephone Number:				
List all previous jobs you have held in the last five (5) years, beginning with the most current. Attach a separate sheet of paper if more space is needed.									
FROM:			EMPLOYER:						
TO:			ADDRESS:						
FROM:			EMPLOYER:						
TO:			ADDRESS:						
FROM:			EMPLOYER:						
TO:			ADDRESS:						
FROM:			EMPLOYER:						
TO:			ADDRESS:						

PLEASE SEE REVERSE

PART TWO – APPLICATION FOR MESSAGE PERMIT

Have you ever had a massage license or permit revoked or suspended? If yes, list the reason and circumstances surrounding suspension or revocation. NO YES

Have you ever been convicted of any crime, excluding misdemeanor traffic violations? NO YES
If yes, please list place and court of conviction, the specific charge for which you were convicted, and the disposition or sentence imposed as a result of such conviction.

I declare under the penalty of perjury that the foregoing information is true and correct to the best of my knowledge.

I release authorization to the city, its agents, and employees to seek information and to conduct an investigation into the truth of the statements made on the application and the qualifications and record of the applicant.

Signature of Applicant: _____ **Date:** _____

Section 5.20.070 of the Rocklin Municipal Code states that, "Upon payment of all fees, submission of all material required by the application and upon proper inspection, a permit shall be issued by the Chief of Police if all the requirements of the city, including those described in this chapter, are met, and unless it appears that any such applicant has deliberately falsified the application."

Any person denied a permit pursuant to these provisions may appeal to the city council in writing, stating reasons why the permit should be granted. Any such appeal shall be filed with the city clerk within ten days following notification of permit denial. The city council may grant or deny the appeal.

Section 5.20.100 of the Rocklin Municipal Code states that "All permits issued by the city under the provisions of this chapter shall be valid for a period of one year from date of issue."

FOR POLICE DEPARTMENT USE ONLY	
Fees Paid:	DOJ Clearance Received (Date):
Records Check Completed (Date):	Background Completed (Date):
Business License Number:	Date Paid:
Application Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No	Signature of Chief of Police or Chief's Designee:

Chapter 5.20 - MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS*

Sections:

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5.20.010 - Purpose and intent.

It is the purpose and intent of this chapter to provide for the orderly regulation of the business of massage establishments and massage technicians, as defined herein, in the interests of public health, safety and welfare by providing certain minimum standards for massage establishments and for massage technicians.

This chapter is adopted pursuant to Sections 51030-51034 of the California Government Code, Sections 4600-4620 and 16000 of the California Business and Professions Code, and Article XI, Section 7 of the California Constitution. Nothing in this chapter is intended to regulate in any area preempted by state or local law, including but not limited to, Chapter 10.5 (commencing with Section 4600) of Division 2 of the California Business and Professions Code.

(Ord. No. 954, § 1, 9-22-2009)

5.20.020 - Definitions.

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

A.

"Chief of police" means the city chief of police or the chief's designee.

B.

"Health officer" means the health officer of the county of Placer or his authorized representative.

C.

"Massage" means and includes the manipulation or treating of the external parts of the human body tissues for remedial or hygienic purposes by any one or combination of the following: rubbing, touching, stroking, tapping, kneading, pounding, or vibrating with the hands or by an instrument with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil powder, cream, lotion, ointment, or similar preparations.

D.

"Massage establishment" means any establishment, place of business, or location wherein massages are administered or used for any form of compensation.

E.

"Massage establishment operator" or "operator" means a person who supervises, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the conduct of, the activities within a massage establishment.

F.

"Massage technician" means any person who practices or administers massages for any form of legal compensation, and who has successfully completed a course of study of the theory, ethics, practice, methods, profession and work of massage offered by a recognized school of massage. Massage technicians shall not diagnose or treat classified diseases, nor practice spinal or other joint manipulations, nor prescribe medicines or drugs.

G.

"Massage therapist" shall have the same meaning as California Business and Professions Code section 4600, subdivision (c), as that section may be amended or renumbered from time to time.

H.

"Massage practitioner" shall have the same meaning as California Business and Professions Code section 4600, subdivision (d), as that section may be amended or renumbered from time to time.

I.

"MTO" means the massage therapy organization, also known as the California Massage Therapy Council, who has the authority under California Business and Professions Sections 4600 through 4620 to issue certificates to massage practitioners authorizing them to practice massage within the state of California.

J.

"Nursing home" means any institution, facility, place, building or agency, or portion thereof licensed as a skilled nursing facility, intermediate care facility, or intermediate care facility/developmentally disabled, as defined in Chapter 2 of Division 2 of the Health and Safety Code.

K.

"Off-premises massage services" means services in which a massage technician engages in, conducts, or carries on a massage at a location other than a massage establishment pursuant to this chapter which has been licensed, or which should be licensed pursuant to this chapter.

L.

"Person" means any individual, partnership, firm, association, corporation, joint venture or combination of individuals.

M.

"Recognized school" means and includes any school or institution of learning which has been approved pursuant to California Education Code Section 94300 et seq. and which has for its purpose the teaching of a course of study in the theory, ethics, practice, methods, profession and work of massage, and which provides a diploma or certificate of graduation upon successful completion of such course of study or learning. Schools offering a correspondence course not requiring attendance or courses taught solely by video tape or other electronic means shall not be deemed a recognized school.

(Ord. No. 954, § 1, 9-22-2009)

5.20.030 - Business license required.

Every person practicing, engaging or carrying on the business of a massage technician, therapist, or practitioner or operating a massage establishment (regardless of whether such person or business is exempt

from the licensing or permit requirements under Section 5.20.050 below), shall pay a business license tax under Chapter 5.04 of this code.

(Ord. No. 954, § 1, 9-22-2009)

5.20.040 - Permit required.

A.

It is unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the city, the business of a massage establishment, in the absence of a permit issued pursuant to the provisions of this chapter. The permit required by this chapter is in addition to any business license tax required by the city and any other applicable permits or licenses required by local and/or state regulations.

B.

It is unlawful for any person to engage in the practice, or attempt to practice, massage, whether for a fee or gratuity, or to administer massage without a permit issued by the city under this chapter or a certification from the state of California through the MTO.

C.

It is unlawful for any person to operate or conduct any massage establishment which does not conform to the sanitary provisions contained in this chapter, or to employ any person as a massage technician who does not hold a permit issued by the city under this chapter or a certification from the state of California through the MTO.

D.

All applicants for a permit under this chapter shall be subject to a waiting period not to exceed one hundred twenty days starting from the date such permit is first applied for. During such time, as a condition precedent to such applicant's right to receive a permit under this chapter, the applicant shall present evidence satisfactory to the chief of police as required by Section 5.20.060. The chief of police shall conduct an investigation to support or reject a permit to carry on the business of a massage technician or massage establishment.

E.

The processing and investigative fee for massage technician and/or massage establishment, shall be the amount established by resolution of the city council, and is nonrefundable.

(Ord. No. 954, § 1, 9-22-2009)

5.20.050 - Exceptions.

A.

The requirements of this chapter shall have no application and no effect upon, and shall not be construed as applying to, any physician, surgeon, chiropractor, acupuncturist, osteopath, nurse, physical therapist, athletic trainer, barber or beautician, fully licensed by the state and performing activities encompassed by such professional license, or any assistant, trainee or other person administering under the immediate direction, supervision and control of any physician, surgeon, chiropractor, acupuncturist, osteopath or physical therapist duly licensed by the state.

B.

Provisions of this chapter requiring a permit from the City of Rocklin to engage in the practice of massage shall not be applicable to any person who holds a current, valid massage therapist or massage practitioner certification from the MTO and who is practicing consistent with the qualifications established by such certificate. However, such massage therapists and massage practitioners who are certified by the MTO shall obtain an annual registration certificate from the City of Rocklin Police Department. The registration application shall include the applicant's name, address, telephone, place(s) of employment,

whether the applicant intends to engage in off-premises massage services as defined in RMC section [5.20.130](#) below, and a copy of the applicant's of state certification. The state certificate holder shall notify the Rocklin Police Department within thirty days of any change in the information provided. There is no charge for the registration application or certification.

C.

The provisions of this chapter requiring an owner or operator to obtain a permit from the city to operate a massage establishment shall not apply to persons or entities owning or operating massage businesses or establishments provided that each and every massage therapist employed by the business is licensed by the MTO to practice massage. If a massage establishment or business employs one or more massage therapists who is not licensed by the MTO, then the business shall still be required to obtain a massage establishment permit as required by Section [5.20.040](#) above.

(Ord. No. 954, § 1, 9-22-2009)

5.20.060 - Application—Contents.

Any person desiring a permit to operate a massage establishment or to engage in the practice of massage technician shall first make application for a permit under this chapter unless they are exempt from the requirements of this section pursuant to Section [5.20.050](#).

An applicant for a permit shall submit the application to the chief of police and supply the following information:

A.

Applicant's name, residence and telephone number;

B.

The previous addresses of the applicant for the five years immediately prior to the present address of the applicant;

C.

Applicant's Social Security number and driver's license number, if any;

D.

Birth certificate or other written proof acceptable to the chief of police that the applicant is at least eighteen years of age;

E.

Applicant's height, weight, color of eyes and hair;

F.

Two photographs of the applicant at least two inches by two inches in size taken within six months of the date the application is filed;

G.

Business, occupation or employment of the applicant for the five years immediately preceding the date of application;

H.

The name and address of the massage establishment where the applicant is to be employed and the name of the owner of such establishment;

I.

The massage or similar business history of the applicant, including whether such person, in previous operation, in this or another area, has had any massage-related license or permit revoked or suspended, the reason therefore, and the business activity or occupation subsequent to the action of suspension or revocation;

J.

Fingerprints, if requested by the chief of police, and fingerprint processing fee;

K.

Statement of whether the applicant has ever been convicted of any crime, except misdemeanor traffic violations. If so convicted, the statement must give the place and court in which such conviction was had, the specific charge under which the conviction was obtained and the sentence imposed as a result of such conviction;

L.

A diploma or certificate of graduation from a recognized school showing successful completion of a course of study on the theory, ethics, practice, methods, profession and work of massage;

M.

Such other identification and information requested by the chief of police to aid in verifying the information provided on the application;

N.

A certificate from a medical doctor stating that the applicant has, within thirty days immediately prior to the filing of the application, been examined and found to be free from any infectious, contagious or communicable disease capable of being transmitted to the public or to fellow employees by the type of conduct and interaction with fellow employees and the public involved in the performance of work-related activities of a massage technician;

O.

A separately signed waiver and release authorizing the city, its agents, and employees to seek information and to conduct an investigation into the truth of the statements made on the application and the qualifications and record of the applicant;

P.

Current certification in cardiopulmonary resuscitation and first aid from the American Heart Association or the American Red Cross.

(Ord. No. 954, § 1, 9-22-2009)

5.20.070 - Permit—Procedure.

A.

Upon payment of all fees, submission of all material required by the application and upon proper inspection, a permit shall be issued by the chief of police if all the requirements of the city, including those described in this chapter, are met, and unless it appears that:

1.

Any such applicant has deliberately falsified the application; or

2.

The record of the applicant reveals:

a.

Proof that the applicant has been convicted of a violation of Sections 266(h), 266(i), 311 through 311.7, 314, 315, 316, 318 or 647 (a), (b), (d) or (h) of the Penal Code, or has been convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above mentioned offenses, or proof that the applicant is required to register under the provisions of Section 290 of the Penal Code, or

b.

Proof that the applicant has been convicted of any felony offense involving the sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057 or 11058 of the Health and Safety Code, or has been convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above mentioned offenses, or

c.

Proof that the applicant has been convicted of any misdemeanor or felony offense which relates directly to the operation of a massage establishment, whether as a massage establishment owner or operator, or as a massage technician, or, any felony the commission of which occurred on the premises of a massage establishment, or

d.

Proof that the applicant has within five years immediately preceding the date of the filing of the application for a permit under this chapter, had any massage establishment, operator, technician or trainee license or permit, which was issued by the state of California or by any county or municipality, revoked.

B.

Any person denied a permit pursuant to these provisions may appeal to the city council in writing, stating reasons why the permit should be granted. Any such appeal shall be filed with the city clerk within ten days following notification of permit denial. The city council may grant or deny the appeal.

C.

All permits issued pursuant to this chapter are nontransferable; provided, however, that a change of location of a massage establishment may be permitted pursuant to the provisions of Section [5.20.090](#)

(Ord. No. 954, § 1, 9-22-2009)

5.20.080 - Display of permit or certification.

A.

Permits issued by the city under this chapter to a massage establishment and massage technicians shall be publicly displayed at the establishment in a location immediately available for inspection by representatives of the city. All permits issued shall bear the picture of the permit holder. No person issued a permit by the city pursuant to this chapter shall operate under any other name or at any other location than that specified in the permit.

B.

State certifications issued by the MTO to massage therapists or practitioners shall be publicly displayed at the establishment in a location immediately available for inspection by representatives of the city.

(Ord. No. 954, § 1, 9-22-2009)

5.20.090 - Change of location.

All persons issued permits by the city under this chapter shall report immediately to the chief of police all changes of residence or business address or change of ownership of the establishment. Failure to give such notice within fifteen days of the event shall render the permit null and void. A change of location of the massage premises shall be approved by the chief of police, provided all other laws, rules and regulations are complied with and a processing fee in the amount established by resolution of the city council is paid.

(Ord. No. 954, § 1, 9-22-2009)

5.20.100 - Permit expiration and renewal.

A.

All permits issued by the city under the provisions of this chapter shall be valid for a period of one year from date of issue.

B.

Any application for renewal must be made on or before the fifteenth day prior to expiration of the current permit. In the event of failure to so apply for renewal of a permit on or before the fifteenth day prior to expiration of the current permit, renewal shall be denied and the person shall be deemed a new applicant and shall have to requalify under the provisions of this chapter.

C.

A renewal permit may be issued upon timely application to the chief of police and the payment of a renewal fee in an amount set by resolution of the council. Prior to permit renewal being granted, the permit holder must:

1.

Provide a new photograph and current information concerning any changes to the facts set forth in the application;

2.

Provide a new certificate, dated within thirty days prior to application for the renewal, from a medical doctor stating that the permit holder is free from infectious, contagious or communicable diseases;

3.

Obtain clearance from the police department signifying that the permit holder has had no arrests or convictions for violations of those statutes listed in this chapter since the permit was issued or last renewed.

(Ord. No. 954, § 1, 9-22-2009)

5.20.110 - Massage establishment operations.

A.

Every massage establishment operating within the city limits, including massage establishments that are exempt from the requirement to obtain a city massage establishment permit pursuant to California Business and Professions Code section 4600 et. seq., shall at all times comply with each of the following minimum requirements:

1.

A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment; provided, also, that all such signs shall otherwise comply with the general sign requirements of the ordinances of the city.

2.

A list of services available and the cost of such services shall be posted in an open, public place on the premises and shall be described in readily understandable language. No person shall permit, and no massage technician shall offer to perform, any service other than those posted.

3.

While administering a massage, each massage technician, massage therapist, or massage practitioner shall post either his or her City of Rocklin issued permit or his or her MTO certificate, which shall be displayed in plain view of all patrons.

4.

All operators, owners, managers, managing employees, massage technicians, attendants, and other employees of the massage establishment shall be fully clothed at all times while furnishing massage services. Clothing shall be of a clean, fully opaque, nontransparent material without holes and provide complete coverage from mid thigh to three inches below the collar bone.

5.
All operators, owners, managers, managing employees, massage technicians, massage therapists, massage practitioners, attendants, and other employees of the massage establishment shall not make intentional contact or occasional and repetitive contact with the genitals or anus of another person or the breasts of a female person.
6.
Minimum lighting shall be provided in accordance with the Uniform Building Code, and additionally, at least one artificial light of not less than forty watts shall be provided each enclosed room or booth where massage services are being rendered.
7.
No less than the minimum ventilation specified in the Uniform Building Code shall be provided.
8.
Adequate equipment for disinfecting and sterilizing any instruments used for massage shall be provided.
9.
Hot and cold running water shall be provided.
10.
Closed cabinets shall be utilized for the sanitary storage of clean linen.
11.
Adequate dressing and toilet facilities shall be provided for the patrons. Such facilities shall be equipped with adequate locking devices and individual lockers or storage areas for each patron.
12.
All walls, ceilings, floors, steam or vapor rooms, and all other physical facilities for the massage establishment shall be kept in good repair, and maintained in a clean and sanitary condition. Appliances, apparatus, and equipment shall be disinfected after each use.
13.
Clean and sanitary towels and linens shall be provided for patrons receiving massage services. The towels and linens shall be laundered after each use. Receptacles shall be provided for the storage of soiled linens and paper towels. A freshly laundered cloth covering shall be placed on the table for each patron. No common use of towels or linens shall be permitted.
14.
Except when there is no staff available to assure security for patrons and staff who are behind locked doors, no massage may be administered behind locked, closed doors.
15.
No person shall enter, be, or remain in any part of a massage establishment while consuming or using an alcoholic beverage or drug unless it is a drug prescribed for that individual. The responsible owner, operator, managing employee, manager, or permittee shall not permit such person to enter or remain on such premises.

(Ord. No. 954, § 1, 9-22-2009)

5.20.120 - Employees—Restrictions.

A.

No person shall be employed, used or permitted to practice as a massage technician, therapist, or practitioner by the holder of a permit for a massage establishment unless such massage technician, therapist, or practitioner has a valid unexpired permit issued to him or her under this chapter, or unless such person is exempt from the requirements of this section pursuant to Section 5.20.050 above.

B.

It is unlawful for any person to employ anyone under the age of eighteen years as a massage technician, therapist, or practitioner. It shall be unlawful for any persons under the age of eighteen years to be a massage technician, therapist, or practitioner.

(Ord. No. 954, § 1, 9-22-2009)

5.20.130 - Off-premises massage services.

Every person practicing, engaging, or carrying on the business of a massage technician, massage therapist, massage practitioner, or operating a massage establishment, who offers to provide or provides off-premises massage services, shall comply with all of the following:

A.

A list of services available and the cost of such services shall be available for review of the patron or authorized representative of the chief of police upon request and shall be described in readily understandable language. No owner, operator, responsible managing employee, manager, or off-premises permittee shall permit, and no massage technician, massage therapist, or massage practitioner shall offer to perform, any service other than those posted.

B.

All equipment and apparatus shall be kept in a clean and sanitary condition and shall be disinfected after each use.

C.

Each massage technician, issued a permit by the City of Rocklin, shall wear a photograph identification card prepared and issued by the police department while administering a massage. The identification card shall be worn on outer clothing with the photograph side showing.

D.

Massage technicians, massage therapists, massage practitioners, other employees, and patrons shall be fully clothed at all times. Clothing shall be of a clean, fully opaque, nontransparent material without holes and provide complete coverage from midhigh to three inches below the collar bone.

E.

Off-premises massage services may be conducted in a commercial establishment in the regular place of business of the patron or customer. A hotel or motel room shall not be considered a regular place of business under this chapter.

F.

Off-premises massage services may be conducted in the home or nursing home of the patron only if the patron has a valid and current prescription from a licensed medical doctor or chiropractor acting within the scope of their practice under state law indicating the need for such services. Off-premises massages provided in the home of a patron under this section shall only be conducted during the hours of eight a.m. and eight p.m. The off-premises massage technician shall retain a copy of such prescription for a period of two years in addition to the other information required to be maintained under this chapter.

G.

Off-premises massage services are prohibited from being offered in any other places than those specified in subsections C and D of this section and under those conditions and all other conditions as set forth in this chapter.

H.

The off-premises massage technicians, massage therapists, massage practitioners or any other employees of the off-premises massage technician, massage therapists, or massage practitioners shall not make intentional contact or occasional and repetitive contact with the genitals or anus of another person or the breasts of a female person.

(Ord. No. 954, § 1, 9-22-2009)

5.20.140 - Audio visual recording—Prohibited.

It is unlawful for any person to audio and/or visually record the massage procedures delivered to patrons or others by massage technicians. Such recordings shall include but not be limited to, both still and motion pictures, and closed-circuit television. This section shall not apply to law enforcement officers or their designees recording massage procedures with audio and/or visual recording equipment for authorized law enforcement purposes.

(Ord. No. 954, § 1, 9-22-2009)

5.20.150 - Inspection.

A.

All massage establishments, including those that exclusively employ therapists or practitioners certified by the MTO, shall permit representatives of the county health department, the City of Rocklin Police Department, fire department, community development department, or other city or county departments or agencies, to conduct a reasonable inspection of the public areas of and areas otherwise open to plain view on or within the premises, to the extent allowed by law and during the regular business hours of the business or establishment, for the purpose of ensuring compliance with state and local law, including, but not limited to, Chapter 10.5 (commencing with Section 4600) of the Business and Professions Code, the requirements of this chapter, or other applicable fire and health and safety requirements.

B.

Nothing in this section shall be deemed to prohibit the above-described government officials from pursuing any and all available legal remedies to secure entry into and inspection of the premises of the business or establishment if such entry is refused, or for any other reason allowed by law.

C.

It is a violation of this chapter for the business or establishment to prohibit or interfere with such lawful inspection of the premises at any time it is open for business.

(Ord. No. 954, § 1, 9-22-2009)

5.20.160 - Records of treatment.

Every person operating a massage establishment or off-premises massage business under a permit issued under this chapter shall keep a record of the date and hour of each treatment, and the name and address of the patron, the name of the technician administering such treatment, and prescription of home massage if the massage was performed in the customer's or patron's home. The records shall be maintained for a period of two years. The records shall be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for other purposes related to this chapter. This section is not applicable to massage therapists or practitioners who are certified by the MTO.

(Ord. No. 954, § 1, 9-22-2009)

5.20.170 - Hours of operation.

During the hours of ten p.m. to eight a.m., no person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on within the city, the business of a massage establishment, or shall practice or administer, or permit to be practiced or administered massages.

(Ord. No. 954, § 1, 9-22-2009)

5.20.180 - Grounds for revocation.

The permit of a massage technician or massage establishment issued by the city may be revoked on one or more of the following grounds:

- A.
That the permit holder is guilty of fraud or deceit in obtaining a license to practice massage;
- B.
That the permit holder is practicing massage in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires of another;
- C.
That the permit holder has been convicted in a court of competent jurisdiction of any criminal code section listed in this chapter. The conviction of a felony shall include the conviction of an offense committed within the state which, if committed within the state of California, would constitute a felony under the laws thereof;
- D.
That the permit holder is impersonating another practitioner of a like or different name;
- E.
That the permit holder has employed, allowed or permitted an unlicensed person to perform massage in his or her massage establishment;
- F.
That the permit holder has violated any of the provisions of this chapter;
- G.
That the permit holder has a communicable disease capable of being transmitted to the public or to fellow employees by the type of conduct and interaction with fellow employees and the public involved in the performance of work related activities of a massage technician;
- H.
That the permit holder is in violation of any federal, state or local health law or regulation.

(Ord. No. 954, § 1, 9-22-2009)

5.20.190 - Suspension, revocation and appeal.

- A.
Any permit issued by the city under this chapter may be suspended or revoked by the chief of police when the activity authorized by such permit is conducted or carried out in a manner contrary to, or in violation of, any of the provisions of this chapter or any other ordinance or law relating to or regulating such business.
- B.
In addition, the permit may be suspended or revoked by the chief of police when the activity is conducted, maintained or carried on in such a manner as to constitute a nuisance, or to disturb the peace of persons in the vicinity of the activity, or to be injurious to the public peace, morals, safety or welfare.
- C.

Except as specifically set forth in this section, no permit shall be revoked or suspended until after a hearing is conducted before the city council relating to such revocation or suspension. Notice of such hearing shall be given in writing and shall be served to the permit holder at least ten days prior to the date of the hearing thereon. The notice shall state the grounds of complaint against the holder of such permit, or against the business carried on by him and shall also state the time when, and the place where such hearing will be held. The notice shall be served upon the holder of such permit by delivering the same to such person, his manager or agent, or to any person in charge of, or employed in the place of business of such person or by leaving such notice at the place of business or residence of such person with some person of suitable age and discretion. If the holder of such license cannot be found, and a service of such notice cannot be made upon him or her in the manner provided in this section, then a copy of such notice shall be mailed, postage fully prepaid, addressed to the permit holder at his place of business or residence at least ten days prior to the date of such hearing.

D.

Notwithstanding any provision of this section to the contrary, the chief of police may immediately suspend any permit granted hereunder if he determines that the activities of the permittee are being conducted, maintained or carried on in such a manner as to constitute a significant and immediate threat to the public peace, morals, safety or welfare of the patrons of such establishment or to the public at large. Such suspension shall be effective for no more than five days during which time a hearing shall be held by the police chief to determine whether grounds exist to extend such suspension or to take action to revoke the permit. Written notice of the time and place of such hearing shall be given at least forty-eight hours prior to the date set for such hearing and shall be given in the manner specified in this section.

(Ord. No. 954, § 1, 9-22-2009)

5.20.200 - Abatement.

Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance and the city attorney or district attorney may in addition to or in lieu of prosecution in a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law and shall take such other steps, and shall apply to such courts or court as may have jurisdiction to grant such relief as will abate or remove such massage establishment and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this chapter.

(Ord. No. 954, § 1, 9-22-2009)

5.20.210 - Unlawful operation.

It is unlawful for any person to engage in any of the activities or businesses regulated by this chapter without complying with the provisions of this chapter. Any violation of the provisions of this chapter shall constitute a misdemeanor.

(Ord. No. 954, § 1, 9-22-2009)

5.20.220 - Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

(Ord. No. 954, § 1, 9-22-2009)