

To: Message Business Applicant

Subject: Message Business Application Forms

Thank you for your request for a massage business application. Enclosed is the Massage Business License application packet. Additionally, applicants should be aware of the following timeline/deadlines related to the application process:

- Get the Application Packet from the Clerk.
- Complete the application. Sign Application and get it sworn to. If an application is for a renewal, then the application must be submitted to the Clerk at least 30 days before the license expiration.
- An application for a license or a renewal of a license must be accompanied by the license fee. Fee amount is \$250.00. NOTE: If an application is rejected, the City will refund the license fee paid.
- An application for a license must be accompanied by one set of plans and specifications for the establishment. See specifications in application packet.
- An application for a massage business license will be referred to the police department for investigation of the facts set forth in the application. The police department will send a written recommendation regarding issuance of the license to Clerk.
- If a new application, the Common Council, upon recommendation from the clerk, will make the determination whether to approve or deny the initial license. A denial will be communicated to the applicant in writing specifying the reasons for denial. The applicant may appeal this denial to the common council within 10 days of the date of the denial by submitting a request in writing.
- If a renewal, the application must be submitted to the Clerk at least 30 days before the license expiration. All license renewals are subject to an administratively issued license renewal from the City. A denial must be communicated to the applicant in writing specifying the reasons for denial. The applicant may appeal the denial following the procedure in section 201-9 (3) of this code.

The licensing period for a Massage Business License is August 1 to July 31. If you have questions please contact me. Thank you.

Sincerely,

Becky Eggen
City Clerk
T: (715) 716-5748

MESSAGE BUSINESS LICENSE APPLICATION PACKET

This application form requests information which may be classified as not public under the Wisconsin Statutes. This information is required by state law or city ordinance. The information will be used to determine your eligibility for issuance of a license, permit, or identification card. Failure to provide the information will result in a denial of the license.

The following items must be submitted for a Massage License to be considered complete and cannot begin until all items listed below are received.

Application Fees	\$250.00 \$20.00 Police Department Background See Fee Schedule Plan Review for New See Fee Schedule Plan Review for
Application	Completed application.
Property Info	Copy of lease, mortgage or property title
Narrative	Description of proposed business
Site Plans	An application for a license must be accompanied by one set of plans and specifications for the establishment
Corporate Documents, if applicable	<ul style="list-style-type: none"> ▪ Trade Name Certificate ▪ Certificate of Incorporation ▪ Articles of Incorporation ▪ By-Laws ▪ Foreign Corporation Certificate of Authority ▪ If private corporation, disclosure of all persons holding greater than 10% ownership ▪ If public corporation, Security and Exchange Commission forms 10K & 10Q ▪ Franchise Agreement
Liability Certificate	A massage business license may be granted only to an applicant that has insurance coverage of at least \$1,000,000 for personal liability in the practice of therapeutic massage, which provides coverage for all practitioners and associates working on the business premises. City of Hudson must be “additional insured”. A massage business may satisfy this requirement by requiring each practitioner and associate working on the business premises to provide a copy that person's own insurance coverage of at least \$1,000,000 for personal liability in the practice of therapeutic massage.
Consent for Release of Information	Included in application packet

If you have any questions, please call Becky Eggen, City Clerk, at 715-716-5748 or cityclerk@hudsonwi.gov.

This application form requests information which may be classified as non-public under the Wisconsin Statutes. This information is required by State law or City ordinance. The information will be used to determine your eligibility for issuance of a license, permit, or identification card. Failure to provide the information will result in a denial of the license.

This form must be filled out by an individual, if individually owned; if by a partnership, by one of the partners; if by a corporation, by an officer of the corporation; if by an unincorporated association, by the manager or managing officer.

Massage Business License Application

Part I — General Information

Section 1 — General Information			
Type of Applicant	<input type="checkbox"/> Individually Owned	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership
New/Renewal Application	<input type="checkbox"/> New Application	<input type="checkbox"/> Renewal Application	
Legal Name of Establishment			
Establishment Name (Trade Name/DBA)			
Establishment Address			
Establishment Phone Number		Contact Name & Phone Number for application	
Are there any other properties within the City of Hudson that already hold a massage license that are owned or partially owned by you? <input type="checkbox"/> No <input type="checkbox"/> Yes	If yes, list the establishment name and address below.		
Section 2 — Type of Applicant			
<i>Complete only Individual, Partnership, or Corporation in this section.</i>			
Individual			
<i>If applicable, complete this question and a Part II Personal History Form</i>			
Full Name			
Residence Address & Phone No.			
Partnership			
If applicable, complete this question for general and limited partners. A Part II Personal History Form is required from each partner. Attach a copy of partnership agreement.			
Full Name		Managing Partner? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Residence Address & Phone No.			
Business Address & Phone No.			
Full Name		Managing Partner? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Massage Business License Application Part 1 – General Information

Residence Address & Phone No.					
Business Address & Phone No.					
Corporation/Other Organization					
Name		State of Incorporation/Association			
Corporate Address & Phone No.					
Officers of Corporation					
President Name, Address & Phone Number					
Vice President Name, Address & Phone Number					
Secretary Name, Address & Phone Number					
Treasurer Name, Address & Phone Number					
<i>List all persons who own or control an interest in said corporation/other organization in excess of five percent.</i>					
Name, Address & Phone Number					_____% <i>Owner</i>
Name, Address & Phone Number					_____% <i>Owner</i>
Name, Address & Phone Number					_____% <i>Owner</i>
Are there any other properties within the City of Hudson that already hold a massage license that are owned or partially owned by you?		<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, list the establishment name and address below.	
Section 3 — Property Ownership Information					
Name, Address & Phone Number of building owner, if other than applicant (<i>attach lease agreement</i>).					
Date Purchased		Purchase Price	\$	Down Payment	\$
Purchased from Name and Address					
Mortgage or Contract for Deed (C.D.) Holder				Are mortgage payments current?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Term of Mortgage/C.D.		Interest Rate on Mortgage/C.D.		Amount of the monthly payment at which Mortgage/C.D. is being liquidated	

Massage Business License Application Part 1 – General Information

Massage Therapist Information	
List below the names of those individuals who will be working as Massage Therapists for the applicant.	
Is the applicant one of the Massage Therapists at this business?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, proof must be submitted with this application that they have met the requirements listed in City Code.

APPLICANT'S STATEMENT

I hereby authorize the City of Hudson to have access to all sources of information which may be consulted to verify the information I have provided above. This includes authorization to check criminal history records if any have been asked to provide that information.

Signature of an Officer of the Applicant

Date

Printed Name and Title

Massage Business License Application

Part II — Personal History

To be completed by the sole owner, each partner, officer, director, or any person who by combined ownership or control has in interest in the business in excess of 10%. The data on this form will be used to approve your license. Some requested data is private. You are not legally required to provide this data, but the city may not be able to approve your license if you do not provide it.

Section 1: Applicant (self)							
Name							
Address (include city, state, & zip)							
Phone					County		
Legal, Maiden, or any other name other than the above name provided							
Date of Birth				Place of Birth			
Driver's License Number and State Issued							
Height		Weight		Color of Hair		Color of Eyes	
Are you a US Citizen?	<input type="checkbox"/> Yes <input type="checkbox"/> No If naturalized, date and place:						
Marital Status	<input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed						
Name of spouse, if applicable:							
Is the applicant licensed in any other community?		<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, where?			
Has the applicant been denied a massage license by any licensing authority?				<input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, give the name and location of the licensing authority, approximate time period of the denial, and the reason for the denial:							
Does the applicant have any training or experience in performing massage service?						<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, specify the training or experience:							
If you have ever used or been known by a name or names other than the true name given on the preceding page, list such name(s) and information concerning dates and places used:							

SUBMITTAL REQUIREMENTS

This application form requests information which may be classified as not public under the Wisconsin Department of Justice. This information is required by state law or city ordinance. The information will be used to determine your eligibility for issuance of a license, permit, or identification card. Failure to provide the information will result in a denial of the license.

If you have any questions, please call Becky Eggen, City Clerk, at 715-716-5748 or cityclerk@hudsonwi.gov.

Massage Business License Application – Part II Personal History
CONSENT FOR RELEASE OF INFORMATION

The following named individual applied to the City of Hudson for a _____ license.

Last Name of Applicant (please print): _____

First Name (please print): _____

Middle (full) (please print): _____

Maiden, Alias or Former (please print): _____

Date of Birth: _____ **Sex (M or F):** _____
Month/Day/Year

Social Security Number (optional): _____

I authorize the city of Hudson to obtain all criminal history record information about myself, and authorize all holders of such information, including the Wisconsin Department of Justice to release such information to the City of Hudson, for the purpose of evaluating my eligibility and suitability for the license.

This authorization will be in effect for one year from the date of my signature.

Signature of an Officer of the Applicant Date

Printed Name and Title

FACILITY REQUIREMENTS

A plan to-scale site plan indicating the complete layout of the facility, including floors, walls, ceiling surfaces, and equipment specifications must be provided to the Clerk and approved before a license can be issued. *Allow at least 10 working days from the time the plans and necessary information are submitted for the plan review process. Structural work should not be initiated before the plans are approved.*

MASSAGE ROOMS

1. Floors must be of smooth, nonabsorbent, and easily cleanable materials with a coved base. Approved materials include ceramic tile, quarry tile, or commercial grade vinyl tile. Carpeting is not an approved surface.
2. Walls must be smooth, nonabsorbent and easily cleanable such as ceramic tile, fiberglass panels, or washable paint.
3. The ceilings must be capable of being cleaned.
4. Door may not be capable of being locked from either side.
5. Lighting must be adequate.

HANDSINKS

1. A separate hand wash sink must be available in the massage room or immediately adjacent outside the room (within 20 feet).
2. Mounted soap and paper towel dispensers must be installed.
3. The walls behind and immediately adjacent to the hand sink must be smooth, easily cleanable, and durable, such as ceramic tile or fiberglass reinforced panels.
4. Floors beneath hand sinks must be capable of being kept clean.

JANITORS FACILITIES

1. A janitor sink must be available at all times for cleaning.
2. Floors must be of approved materials such as ceramic tile or quarry tile with a coved base.
3. Walls must be of approved materials such as ceramic tile or reinforced fiberglass panels to a minimum height of 5 feet.
4. Mechanical ventilation must be installed in janitor's room.
5. Mop holders and chemical storage racks must be provided.

TOILET ROOMS, SHOWER ROOMS & LAUNDRY ROOMS

1. Floors must be approved materials such as ceramic tile, quarry tile, or terrazzo with a coved base.
2. Walls must be approved materials from the floor to a height of five (5) feet, such as ceramic tile, fiberglass reinforced panels, or similar.
3. Ceilings must be cleanable, such as washable paint or cleanable tiles.
4. Mechanical ventilation must be provided.
5. Toilet rooms must have self-closure devices.

Note: Linens and other cloths may be washed in a commercial laundromat instead of on-site laundering.

STORAGE & LOCKERS FACILITIES

1. Adequate shelving must be available to store linens, cloths, and other supplies at least six (6) inches off the floor.
2. Shelving must be cleanable and nonabsorbent such as stainless steel, plastic, laminated wood on all sides, or similar.
3. Chemicals must be stored separate and below other supplies.
4. Lockers or other secured facilities to store personal and customer belongings must be available.

FURNITURE

1. Massage furniture must be smooth, nonabsorbent and easily cleanable, such as vinyl or plastic coated items.

CITY OF HUDSON

Part II General Legislation Chapter 201 Massage Business

Section 201-1 Intent

The Common Council finds massage therapy and bodywork therapy businesses potentially provide an opportunity for the commission of crimes, including, but not limited to prostitution. The intent of the Chapter is therefore to prevent businesses from being used as facilities for commission of crimes and to assure that such businesses comply with basic consumer standards, thereby protecting the public health, welfare and safety of the citizens of the City.

Section 201-2 Findings

Section 201-3 Definitions

Unless the context clearly indicates otherwise, the words below are defined for the purpose of this section as follows.

1. “Operate” means to own, manage or conduct.
2. “Within the City” includes physical presence as well as telephone referral situations, in which the business premises, although not actually located within the City, serves as a point of assignment of employees who respond to requests for services from within the City.
3. “Massage therapy” or “bodywork therapy” means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. “Massage therapy” or “bodywork therapy” includes determining whether manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. “Massage therapy” or “bodywork therapy” does not include making a medical, physical therapy, or chiropractic diagnosis.
4. “Manual Action” means the method of treating the superficial parts of the human body by rubbing, pressing, stroking, kneading, tapping, pounding, vibrating, or stimulating with the hands or an instrument for no other purpose than physical fitness, health-care referral, healing, relaxation, and beautification.
5. “Sanitary” means free from pathogenic microorganisms.
6. “Adequate” or “approved” means acceptable to the health authority following his/her determination as to conformance with public health practices and standards.
7. “Masseur” means a male person who practices massage therapy and bodywork therapy.
8. “Masseuse” means a female person who practices massage therapy and bodywork therapy.

9. “Massage business” means the offering of massage therapy or bodywork therapy to the general public, regardless of whether the offer is limited only to select invitees or organizational members.

10. “Health care facility” means a person, association, business, organization or institution providing medical, surgical, dental, chiropractic, osteopathic or physical therapy services where practitioners are licensed by the state of Wisconsin.

11. “Massage therapist” means a person administering massage therapy and bodywork therapy who meets either of the following sets of criteria:

a. practitioner:

(1) is a member in good standing of the American Massage Therapy Association, the Associated Bodywork and Massage Professionals, or other national organization of therapeutic massage professionals that has a similar written and enforceable code of ethics; and has either (a) a practitioner's degree with a minimum of 400 hours of class credits from a massage therapy school accredited by one of the national organizations listed in paragraph (1), or (b) at least two years of full-time experience working as a massage therapist at a licensed massage business.

b. associate:

(1) works in conjunction with and under the supervision of a person meeting the practitioner's requirement.

c. student of massage therapy.

(1) is a person enrolled in and attending an accredited institution as defined in 201-3 (11) of this chapter. This also includes students attending a post graduate continuing education class, provided it is an approved continuing education class with the National Certification Board for Therapeutic Massage and Bodywork or other nationally recognized certification licensing organization.

12. Accredited institution means an educational institution currently holding accredited status from a regional accrediting agency approved by the United States Department of Education or is licensed or registered by the state agency having jurisdiction over the school. The accredited institution must also be in compliance with the National Certification Board for Therapeutic Massage and Bodywork or other nationally recognized certification licensing organizations.

Section 201-4. Massage Business License Required.

1. A person must not operate a massage business within the City unless the business is currently licensed under this section.

2. A massage business license may be granted only to an applicant that has insurance coverage of at least \$1,000,000 for personal liability in the practice of therapeutic massage, which provides coverage for all practitioners and associates working on the business premises. A massage business may satisfy this requirement by requiring each practitioner and associate working on the business

premises to provide that person's own insurance coverage of at least \$1,000,000 for personal liability in the practice of therapeutic massage.

Section 201-5. Exceptions.

1. The following people and businesses are exempt from the provisions of this ordinance while performing activities covered by their professional licenses or professional affiliations:

a. people licensed by the state of Wisconsin to practice medicine, surgery, osteopathy, chiropractic, physical therapy, occupational therapy, podiatry, and nursing, and people working solely for and under the direction of those individuals;

b. athletic trainers, certified by the National Association of Athletic Trainers (NAAT), when working with an amateur, semiprofessional or professional athlete or athletic team;

c. beauty culturists and barbers licensed by the State of Wisconsin who do not hold themselves out to give massages, other than that customarily given in the field and limited to the face, neck and scalp for beautification purposes only;

d. health care facilities; and

e. an accredited institution which provides course work in massage, or massage therapy provided:

(i) the school, college, university or institution meets the criteria set forth in the definition of student of massage therapy herein;

(ii) the massage therapy is provided during and as part of a course or clinical component of the school's program or course work; and

(iii) the person is supervised by an instructor while providing or performing massage therapy.

f. Any student of massage therapy meeting the definition as set forth herein and provided

(i) The massage therapy is provided during and as a part of a course or clinical component either (1) at an accredited institution as part of an accredited program or (2) during a continuing education claim, provided the class is approved by the National Certification Board for Therapeutic Massage and Bodywork; and

(ii) The massage therapy student is supervised by an instructor while providing or performing massage therapy. A notice advising the public that the person who may provide massage therapy services is a student of message and is not licensed by the City shall be posted in a conspicuous location in the room in which the massage therapy is provided.

g. a person who has been granted a license under Wis. Stat. Chapter 460 by the affiliated credentialing board under that Chapter.

2. A person or organization providing temporary massage therapy such as "chair massage" is not required to obtain a massage business license if the following requirements are met:

- a. the massage is provided in a place of business where the massage can easily be seen by any employee or visitor on the premises;
- b. the location does not hold a license to sell alcoholic beverages;
- c. massages are offered at the location no more than ten days per calendar year;
- d. each recipient of a massage remains in an upright position, either sitting or standing; and
- e. each recipient of a massage remains in the normal, daytime attire worn when entering the business and does not remove any clothing except outerwear such as a coat or jacket.

Section 201-6. License Application Process.

1. An application for a massage business license under this section must be filed with the Clerk of the City. The application must be made on a form supplied by the City and contain the following information:

- a. whether the applicant is a natural person, a corporation, a partnership, or other form of organization;
- b. if the applicant is a natural person:
 - (1) the true name, place and date of birth, resident address and phone number of the applicant;
 - (2) whether the applicant has ever used or has been known by a name other than his/her true name; and if so, what was such name or names and information concerning dates and places where used;
 - (3) the name of the business if it is to be conducted under a name other than the applicant's name; in which case, a copy of the certificate required by state law must be attached to the application;
 - (4) the street address at which applicant has lived during the preceding five years;
 - (5) the kind, name and location of every business or occupation the applicant has been engaged in during the preceding five years;
 - (6) the names and addresses of the applicant's employer(s) and partner(s), if any, for the preceding five years;
 - (7) whether the applicant has ever been convicted of a felony or other crime. If so, the applicant must furnish information as to the time, place and offense for each conviction;
 - (8) the applicant's physical description; and

- (9) whether the applicant has training or experience in performing massage therapy.
- c. if the applicant is a partnership:
 - (1) the names and addresses of the partners and for each partner all information that is required of an individual applicant in subparagraph b, above;
 - (2) the name of the managing partner(s) and the interest of each partner in the business; and
 - (3) a true copy of the partnership agreement. If the partnership is required to file a certificate for a trade name under state law, a copy of that certificate must also be attached.
 - d. if the applicant is a corporation or other organization:
 - (1) the name; and if incorporated, the state of incorporation;
 - (2) a true copy of the certificate of incorporation, articles of incorporation or association agreement, and by-laws. If a foreign corporation, a certificate of authority to do business in Minnesota must also be attached; and
 - (3) the name of the manager or proprietor or other agent in charge of the business to be licensed and all information concerning this person(s) as is required in subparagraph b, above.
 - e. for all applicants:
 - (1) whether the applicant is licensed in other communities to run similar businesses, and if so, where;
 - (2) the names of the masseurs and masseuses who are or will be working for the applicant in the City of Hudson and certification that each meets the minimum requirements of a massage therapist contained in the definitions in section 201-3;
 - (3) whether the applicant has previously been denied a massage license;
 - (4) the location of the business premises;
 - (5) proof of the insurance required in section 201-4; and
 - (6) other information as the City may require.
2. A licensee must promptly notify the Clerk of the City of a change in the information or facts required to be furnished on the application for a license, even after the license has been issued.
3. An application for a license must be signed and sworn to. If the applicant is a natural person, the application must be signed and sworn to by that person; if a corporation, by an officer of the corporation; if a partnership, by one of the partners; and if an unincorporated association, by the manager or managing officer of the association.

4. An application for a license must be accompanied by one set of plans and specifications for the establishment.

a. The plans must be drawn to scale, accompanied by sufficient specifications to permit a comprehensive review of the plans, and must include:

(1). the proposed layout, mechanical schematics, construction materials, and finish schedules;

(2). the proposed products and equipment to be used; and

(3). other information that may be required for the proper review of the proposed application.

5. An application for a license or a renewal of a license must be accompanied by the license fee. Fee amount is determined by the Common Council, listed in City fee schedule and subject to annual review. If an application is rejected, the City will refund the license fee paid.

Section 201-7. Persons Ineligible for a License.

No license may be issued to an applicant who:

1. is under 18 years of age;
2. has been convicted of a crime directly related to the occupation and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as required by Wisc. Stat 111.335(4)(d);
3. is not a citizen of the United States or a resident alien;
4. is not of good moral character or repute;
5. owes taxes, assessments, or other financial claims to a governmental agency that are due and delinquent; or
6. is not the real party in interest of a massage business.

Section 201-8. Locations Ineligible for a License.

No massage business may be located on property that:

1. is zoned as a classification of residential property under the zoning ordinance, except that the Clerk may allow a person with a disability as defined by the federal Americans with Disability Act to offer massage therapy from a separate office in the person's home, subject to appropriate conditions and subject to compliance with zoning provisions; or

2. is subject to taxes, assessments, or other financial claims from a governmental agency that are due and delinquent, except if a suit has been commenced and is being diligently prosecuted to question the amount or validity of taxes.

Section 201-9. Granting of Licenses.

1. Investigation process.

a. An application for a massage business license will be referred to the police department for investigation of the facts set forth in the application. The police department must prepare a written recommendation regarding issuance of the license and provide to Clerk.

b. The Common Council will make the determination whether to approve or deny the initial license. A denial must be communicated to the applicant in writing specifying the reasons for denial. The applicant may appeal this denial to the City council within 10 days of the date of the denial by submitting a request in writing.

c. Applications for license renewals must be submitted to the Clerk at least 30 days before the license expiration. All license renewals are subject to an administratively issued license renewal from the City. A denial must be communicated to the applicant in writing specifying the reasons for denial. The applicant may appeal the denial following the procedure in section 201-9 (3) of this code.

2. Grounds for denial. A license may be denied for any of the following reasons:

- a. fraud or deception in the license application;
- b. history of violations of laws and ordinances that apply to health, safety or moral turpitude;
- c. bad repute;
- d. convictions of crimes or offenses involving sexual misconduct; and
- e. other matters deemed to be relevant by the Common Council.

3. Appeal procedure. The applicant or licensee, as applicable, may appeal the Clerk's decision to deny renewal of a license to the Common Council by filing a written appeal with the Clerk within 20 business days after the date of mailing of the written notice of the Clerk's decision denying the renewal. The Common Council shall conduct a due process hearing within 30 business days of the Clerk's receipt of the written appeal. The Clerk shall provide a minimum of 10 calendar days' notice to the appellant of the date, time, and location of the hearing. The Common Council shall issue a written decision on the appeal within 20 business days of the hearing. At the hearing, the appellant may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel of the appellant's/licensee's choosing and at the appellant's/licensee's expense.

If the Common Council finds the reason(s) for the Clerk's decision to be sufficient, the decision shall be affirmed. If the Common Council finds the reason(s) for the Clerk's decision to be insufficient, the decision shall be reversed, and the license shall be granted and issued. If the appellant does not

appear at the hearing and the Common Council finds the reason(s) for the Clerk's decision to be sufficient, the decision shall be affirmed. The Common Council's written decision on the appeal must specify the reason(s) for its determination. The Clerk shall give written notice of the Common Council's decision to the applicant or licensee.

Section 201-9. License Not Transferable.

1. A license is issued to the applicant only and is not transferable to another holder. No licensee may loan, sell, give or assign a license to another holder.
2. The license issued for a massage business is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is to be enlarged, altered, or extended, the licensee must inform the issuing authority and receive approval before doing so.

Section 201-10. Conditions of Licenses.

1. A massage business must not employ or use a person as a masseur or masseuse unless that person meets the definition of a massage therapist in section 201-3.
2. A massage business must have its license or a true copy of it, displayed in a prominent place on the licensed premises.
3. A massage business must not discriminate on grounds of race, creed, color, sex, national origin or ancestry in performing services offered by the licensed establishment.
4. The person who is receiving the massage must at all times have his/her buttocks, anus and genitals covered with an appropriate non-transparent covering.
5. A masseur performing massages must at all times have his anus, buttocks and genitals covered with a non-transparent material.
6. A masseuse performing massages must at all times have her breasts, buttocks, anus and genitals covered with a non-transparent material.
7. In those instances when the license is under suspension or revocation, a licensee, or any employee of the licensee, must not solicit business or perform massage therapy, and must not allow, encourage or direct his/her employee to solicit business or perform massage therapy during that time.
8. A licensee must not permit the possession or consumption of alcoholic beverages or illegal controlled substances on the licensed premises.
9. A licensee must comply with all of the provisions of this Chapter 201.

Section 201-11. Suspension or Revocation of License.

- A. The City Clerk may suspend or revoke a license issued under this section. The City Clerk's decision to suspend or revoke a massage therapy license shall be in writing and shall specify the

reason(s) for such action. Prior to the time for the renewal of the license, the Clerk shall notify the licensee, in writing, of the City's intention suspend or revoke the license and notify the licensee of his or her right to an appeal hearing as provided in § 201-11B.

B. Appeal procedure. The applicant or licensee, as applicable, may appeal the Clerk's decision to suspend or revoke a license to the Common Council by filing a written appeal with the Clerk within 20 business days after the date of mailing of the written notice of the Clerk's decision suspending or revoking such license. The Common Council shall conduct a due process hearing within 30 business days of the Clerk's receipt of the written appeal. The Clerk shall provide a minimum of 10 calendar days' notice to the appellant of the date, time, and location of the hearing. The Common Council shall issue a written decision on the appeal within 20 business days of the hearing. At the hearing, the appellant may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel of the appellant's/licensee's choosing and at the appellant's/licensee's expense.

If the Common Council finds the reason(s) for the Clerk's decision to be sufficient, the decision shall be affirmed. If the Common Council finds the reason(s) for the Clerk's decision to be insufficient, the decision shall be reversed, and the license shall not be suspended or revoked. If the appellant does not appear at the hearing and the Common Council finds the reason(s) for the Clerk's decision to be sufficient, the decision shall be affirmed. The Common Council's written decision on the appeal must specify the reason(s) for its determination. The Clerk shall give written notice of the Common Council's decision to the applicant or licensee.

C. Revocation. A license may be revoked during the term of a license year and following a due process hearing as described in § 201-11B for one or more of the following reasons. The following are grounds for suspension or revocation of a license:

1. failure to comply with City ordinances or state law;
2. control or possession by the owner, manager, lessee or an employee of the massage business of alcoholic beverages or illegal controlled substances on the premises;
3. conviction of the owner, manager, lessee, or an employee of the massage business of a violation of any ordinance or state statute, arising on the licensed premises;
4. conviction of the owner, manager, lessee or an employee of the massage business of prostitution or another crime involving moral turpitude; and
5. failure to promptly notify the community development director of a change in the information required to be submitted in a license application.

201-12. Duration of License.

1. Licenses issued under this chapter expire on July 31 of each year.
2. When a licensee applies for renewal license with the required fee by the deadline for submission, the licensee is authorized to operate until the license is either renewed or denied.

201-13. Construction and Maintenance of Premises.

1. Massage rooms, restrooms, bathrooms, janitor rooms, laundry facilities, and similar facilities used in connection with the massage business must be constructed of smooth and easily cleanable materials that are resistant to wear, moisture, bacteria, mold or fungus growth. The floor to wall and wall to wall joints must be constructed to provide a sanitary cove with a minimum radius of one inch.
2. Restrooms used in connection with the massage business must be provided with mechanical ventilation with 2 cfm per square foot of floor area, a minimum of 20-foot candles of illumination, a hand-washing sink equipped with hot and cold running water under pressure, single-use paper towels or other approved drying device and a soap dispenser.
3. A massage business must have a janitor's closet for the storage of cleaning supplies. This closet must have mechanical ventilation with 2 cfm per square foot of floor area and a minimum of 20 foot candles of illumination. The closet must include a mop sink.
4. Floors, walls, other structures, and equipment in massage rooms, restrooms and bathrooms used in connection with the massage business must be kept in a state of good repair and sanitary at all times. Linens and other materials must be stored at least 6 inches off the floor in areas protected from contamination. Sanitary towels, wash cloths, cleaning agents and toilet tissue must be made available for each customer.
5. Individual lockers or secure areas as set forth herein must be made available for use by patrons. These lockers must have separate keys for locking. Instead of individual lockers, massage therapist businesses may provide secure areas designated for storage of personal items belonging to employees and patrons while on the premises.
6. Doors on massage rooms must not have locks, latches or other devices that can secure a door to prevent its being opened. Massage rooms must be constructed with air space between partitions and the ceiling, and be clearly identified by signs. The requirement for an air space does not apply to massage therapist businesses.
7. A separate hand-sink must be accessible and used by a masseur, masseuse, and massage therapist before administering massage on each patron and when hands are soiled.
8. The furniture upon which the patron reclines while receiving a massage must either be covered with approved linen or be washed after each use with a cleaning agent sufficient to prevent the spread of disease. Linens and towels must be changed after each use and laundered by a commercial cleaning establishment or in approved laundry facilities on the premises. Single-use linens must be discarded after each use.

Section 201-14. Submission of Plans and Specifications.

A person who constructs, remodels or converts a building for use as a massage business must comply with this code. The person must submit plans and specifications for the layout, arrangement, and plumbing, and construction schedules to the Clerk of the City. A building permit may not be issued

for such construction, remodeling or alteration until the permit has been approved by the health authority.

Section 201-15. Inspection of Premises.

Massage businesses must be open to inspection by City health, building and license inspectors and police officers during business hours. Upon demand by a health inspector or police officer, a person engaged in providing services in a licensed premises must identify himself/herself giving his/her true legal name and his/her correct address.

Section 201-16. Hours of Operation.

No customers or patrons may be allowed to enter the licensed premises after 9:00 p.m. and before 7:00 a.m. daily. No customers or patrons may be allowed to remain on the licensed premises after 10:00 p.m. and before 7:00 a.m. daily.

Section 201-17. Prohibited business

No massage therapy business shall be used or operated as or in conjunction with a Sexually Oriented Business as defined in this Code.

Section 201-18. Penalty.

A person who commits or attempts to commit, conspires to commit or aids or abets in the commission of an act constituting a violation of this ordinance, whether individually or in connection with one or more other persons or as principal, agent, or accessory is guilty of a misdemeanor. A person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, permits or directs another to violate a provision of this ordinance is guilty of a misdemeanor.