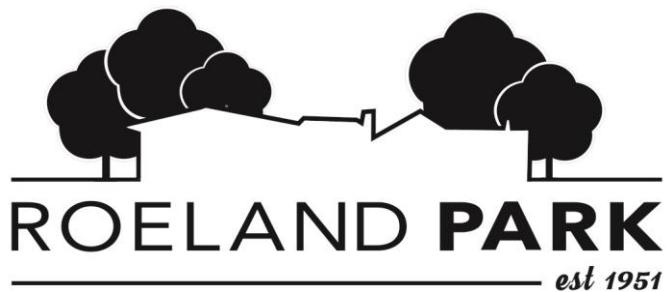


The City of Roeland Park, Kansas



***Applications for
Massage Therapist License
and
Massage Therapy Establishment
Business License***

Applications & City Ordinance

Effective 12/1/10



City of Roeland Park
4600 West 51st Street
Roeland Park, KS 66202
913-722-2600

CITY OF ROELAND PARK, KANSAS
APPLICATION FOR MASSAGE THERAPIST LICENSE

LICENSE TYPE: NEW RENEWAL **FEE: \$50 All fees are non-refundable**

All **new** applicants must submit proof of age (copy of driver's license), two recent passport photographs at least 2"x 2", a full set of fingerprints, educational transcripts, and CPR certification.

Date of Application: _____

Name: _____
(First) _____ (Middle) _____ (Last) _____

Address: _____
(City, State, Zip)

Phone No. _____ Email: _____

Identifiers:

Weight _____ Height _____ Race _____

Eye Color _____ Hair Color _____ Birth Date _____

Business Establishment:

Name and Address of establishment where you are seeking employment or are currently employed:

Verification of employment at the above establishment must be made by obtaining signature of Manager:

Manager Name: _____

Signature of Manager _____ Date _____

Specific position, function or duties you are being hired to perform within such establishment:

List all business, occupations, or employment for the three (3) years immediately preceding the filing of this application. Show all periods of unemployment. (Not required for renewal)

Have you ever previously been issued an employee's license or permit to perform massage therapy services in a massage establishment?

Yes No If yes, Where? _____ When? _____

How long did you have such license or permit? _____

Was such license or permit ever suspended or revoked? Yes No

If yes, why? _____

How long? _____ Was it reinstated? Yes , No

Have you ever been convicted of a criminal offense (other than minor traffic offenses)? Yes No

If yes, list city, state, date, offense for which convicted, and sentence imposed.

Include proof of education as provided for in Roeland Park Code 5-311 for Massage Therapist; include proof of certification in the American Red Cross First Aid and American Heart Association CPR or the equivalent.

Please read and sign the following. (All signatures must be notarized.)

I hereby certify that the above information is true and correct to the best of my knowledge and belief and that any knowingly made false, misleading or fraudulent statement in this application or in any document required by the City of Roeland Park, Kansas, in conjunction therewith will be grounds for the rejection of this application, or grounds for the revocation or suspension of any permit issued by the City of Roeland Park, Kansas, on the basis of such information.

Further, I hereby authorize the City of Roeland Park, Kansas, its agents and employees to seek any further information and conduct an investigation into the truth of the statements set forth in this application and my qualifications for a permit covered by this application.

Signature

STATE OF KANSAS
COUNTY OF JOHNSON

Subscribed to and sworn to before me this _____ day of _____, ____.

My commission expires: _____ Notary Public _____

FOR POLICE DEPARTMENT USE ONLY

Fingerprints: _____ Photographs: _____

Background: _____

Identification Card Date Issued: _____

Approved By: _____



City of Roeland Park
4600 W. 51st Street
Roeland Park, KS 66205
913-722-2600

License Number: _____

Date Issued: _____

CITY OF ROELAND PARK, KANSAS
APPLICATION FOR MASSAGE THERAPY ESTABLISHMENT BUSINESS LICENSE

LICENSE TYPE: NEW RENEWAL HOME OCCUPATION

FEE: \$150 All fees are non-refundable

Date of Application: _____

Name of Business or Establishment: _____

Business Address: _____

Business Phone Number: _____ Email Address: _____

Name and Address of Owner of Premises upon which establishment is to be located:

Applicant(s) or Manager as Appropriate:

All applicants must submit written proof of age (copy of driver's license), two 2"x2" passport photographs, a full set of fingerprints.

Applicant or Manager Name: _____ Date of Birth: _____

Home Address: _____

Telephone: _____ Email: _____

Driver's License No. _____ Eye color: _____ Hair color: _____

Name, address, phone, driver's license number and date of birth of all owners (if other than applicant), partners (if partnership), stockholders holding 10% or more of the stock of any corporation or manager if different from any of the foregoing:

Name	Address	Phone	Driver's Lic. #	Date of Birth
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(use additional sheets if necessary)

List all business, occupations, or employments for the three (3) years immediately preceding the filing of this application. Show all periods of unemployment. (Not required for renewal)

<u>Previous Business Or Employer</u>	<u>Dates</u>	<u>Address</u>	<u>Position or duties</u>

Have you ever been convicted of a criminal offense (other than minor traffic offenses)? Yes , No
If yes, list city, state, date, offense for which convicted, and sentence imposed.

Please read and sign the following. (All signatures must be notarized.)

I hereby certify that the above information is true and correct to the best of my knowledge and belief and that any knowingly made false, misleading or fraudulent statement in this application or in any document required by the City of Roeland Park, Kansas, in conjunction therewith will be grounds for the rejection of this application, or grounds for the revocation or suspension of any permit issued by the City of Roeland Park, Kansas, on the basis of such information.

Further, I hereby authorize the City of Roeland Park, Kansas, its agents and employees to seek any further information and conduct an investigation into the truth of the statements set forth in this application and my qualifications for a permit covered by this application.

Signature

STATE OF KANSAS
COUNTY OF JOHNSON

Subscribed to and sworn to before me this _____ day of _____, ____.

My commission expires: _____ Notary Public _____

FOR INTERNAL USE ONLY

Police Department: _____ **Approve** **Deny**

Comments: _____

City Clerk: _____ **Approve** **Deny**

Comments: _____

5-301. DEFINITIONS. For the purposes of this article, the following words shall mean:

(a) “Business Premises” means those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes and hotels.

(b) “Couples Massage” means Massage Therapy in which two clients receive Massage Therapy in the same room at the same time on two separate massage tables from two separate Massage Therapists.

(c) “Healing Arts Practitioner” means a person who has been licensed pursuant to K.S.A. 65-2801 *et seq.* to practice medicine and surgery, osteopathic medicine and surgery or chiropractic.

(d) “Client-Office Massage Therapy” means Massage therapy that is conducted on the Business Premises of a massage client and is limited to Massage Therapy applied only above the massage client’s waist.

(e) “Massage Therapist” means any person who, for consideration whatsoever, engages in the practice of Massage Therapy as defined herein.

(f) “Massage Therapy” means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Massage Therapy, as defined herein, does not include the touching in any fashion of human genitalia.

(g) “Massage Therapy Establishment” means any establishment or location where any person, firm, partnership, association or corporation engages in or carries on or permits to be engaged in or carried on any Massage Therapy for compensation.

(h) “Patron” or “Client” means any person over eighteen (18) years of age who utilizes or receives the services of any person or establishment subject to the provisions of this Article and under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefore, provided a person under the age of eighteen (18) may utilize or receive Massage Therapy from a licensed Massage Therapist if accompanied by a parent or legal guardian and a parent or legal guardian has authorized such Massage Therapy in writing as set forth in this Article.

5-302. REFERENCES TO CITY OFFICIALS. Any reference in this Article to the Police Chief, City Clerk, Fire Marshal, Building Official or City Administrator shall include those persons’ designees and any individuals designated by the City Administrator.

5-303. EXCEPTIONS TO APPLICABILITY OF ARTICLE. The provisions of this Article shall not apply to hospitals, nursing homes, sanitariums; persons holding an unrevoked certificate to practice the healing arts; persons holding an unrevoked license to practice as a registered professional nurse under the laws of the State of Kansas working under the direction and supervision of any licensed Healing Arts Practitioner; persons licensed to practice as a physical therapist under the laws of the State of Kansas; persons working under the direction and supervision of any licensed healing arts practitioner or in any such establishment; or barbers or cosmetologists lawfully carrying out their profession or business and holding valid, unrevoked and unsuspended licenses or certificates of registration issued by the State of Kansas.

5-304. RESTRICTION TO LICENSED PREMISES. All Massage Therapy, other than Client-Office Massage Therapy, provided under the provisions of this Article, shall be conducted on the premises of a licensed Massage Therapy Establishment.

(a) **Exceptions.**

(1) Massage Therapy may be conducted at a private residence which has been approved by the Governing Body for a Home Occupation Massage Therapy Permit subject to the conditions associated with such Home Occupation Permit.

(2) Massage Therapy may be conducted at a private residence at the direction of and under the direct supervision of a licensed Healing Arts Practitioner.

5-305. TRANSFER OF LICENSES; OTHER LICENSES AND FEES.

(a) No Massage Therapy Establishment license or Massage Therapist license shall be transferable and such authority as a license confers shall be conferred only on the licensee named therein.

(b) Any applications made, fees paid and licenses obtained under the provisions of this Article shall be in addition to and not in lieu of any other fees, permits or licenses required to be paid or obtained under any other ordinances of the City.

5-306. PENALTY. Any person, firm, partnership, association or corporation convicted of violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in jail for not more than six (6) months, or by both such fine and imprisonment. Each incident which is in violation of the provisions of this Article shall be considered as a separate offense and shall be subject to penalty as provided in this Article.

5-307. MASSAGE THERAPIST LICENSE; LICENSE REQUIRED. It is unlawful for any person to conduct Massage Therapy or Client-Office Massage Therapy unless he or she has a valid Massage Therapist license issued by the City pursuant to the provisions of this Article. A license issued pursuant to this Article is issued for the calendar year and shall expire at the end of the calendar year for which it was issued.

5-308. APPLICATION FOR MASSAGE THERAPIST LICENSE.

(a) **Written Application.** Any person who desires to perform Massage Therapy within the City limits shall file a written application with the City Clerk upon a form provided by the City Clerk and shall accompany the application with the annual filing fee of \$50.00 which shall not be refundable or pro-rated.

(b) **Required Information.** The completed application shall include the following required information:

(1) Applicant's name, home address and telephone number;

(2) Description of the applicant including height, weight, race and color of hair and eyes;

(3) Applicant's fingerprints, provided once an applicant has submitted an application containing said applicant's fingerprints, the applicant will not be required to submit fingerprints in any subsequent renewal application for that person;

(4) Two (2) portrait photographs of the applicant at least two inches (2") square;

(5) Written evidence that the applicant is at least eighteen (18) years old;

(6) The business, occupation or employment history of the applicant for the three (3) years immediately preceding the date of application;

(7) Any criminal convictions, other than traffic infractions, including the jurisdiction in which the offense occurred; the sentence or other penalty, if any; and the current status of the case;

(8) Proof of compliance with the educational and training requirements for a Massage Therapist license, as set forth in Section 5-311 of this Article;

(i) Proof of completion of educational and training requirements must be by certified transcript. The educational and training requirements imposed by this Article may be fulfilled by proof of attendance at more than one school.

(ii) All Massage Therapist applicants who were validly licensed by the City with an occupational license for massage therapy on December 31, 2009 shall have until May 1, 2012 to satisfy the educational and training requirements of this Article; provided, however, that such massage therapist applicants shall provide proof of successful completion of the requirements for certification in first aid and in cardiopulmonary resuscitation as set forth in Section 5-311 by March 31, 2011.

(iii) 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.

5-309 PROCESSING AND INVESTIGATION OF MASSAGE THERAPIST APPLICATION. Upon receipt of an application for a Massage Therapist license, the City Clerk shall immediately forward a copy of such application to the Police Chief to determine whether the information contained in the application is accurate and to investigate whether the applicant is qualified to be issued a Massage Therapy license. The Police Chief shall report the results of such investigation to the City Clerk in a timely manner such that the City Clerk may comply with the applicable time restrictions for issuance or denial of a license.

5-310 ISSUANCE OR DENIAL OF MASSAGE THERAPIST APPLICATION.

(a) The City Clerk shall issue a Massage Therapist license within twenty-one (21) days of receiving a completed application unless, upon examination of the application, it is determined that:

(1) The applicant for a Massage Therapist license has been convicted of, or diverted on, any of the following:

- (i) felony which involves the use, or threat of use, of physical force;
- (ii) felony not involving the use, or threat of use, of physical force that is less than five years old from date of application;
- (iii) any offense involving an “unlawful sex act” which shall be defined as: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as each is defined by Kansas Statutes;
- (iv) prostitution;
- (v) promoting prostitution;
- (vi) solicitation of a lewd or unlawful act;
- (vii) pandering or other sexually related offense.

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

(3) The correct license fee has not been tendered to the City; or, in the case of a check or bank draft, it has not been honored with payment on presentation;

(4) The applicant has not successfully completed the educational requirements under the provisions of this Article.

(b) If an application is approved, the City Clerk shall issue the Massage Therapist license. The licensee shall keep such license available for inspection as set forth in Section 5-312.

(c) If an application is denied, the applicant shall be immediately notified by certified mail, return receipt requested, mailed to the applicant's mailing address as set forth on the application, and the notice shall state the basis for the denial. Any applicant aggrieved by the denial may seek judicial review to the Johnson County District Court as provided by law.

5-311 EDUCATION AND TRAINING REQUIREMENTS FOR MASSAGE THERAPIST LICENSE. To be eligible for a Massage Therapist license, an applicant shall provide proof of the following at the time of application, both initially and upon renewal:

(a) Educational Requirements. An applicant shall provide proof that the applicant:

(1) has successfully completed a course of instruction made up of not less than five hundred (500) hours of instruction in the theory, method or practice of massage from a National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) approved school; or

(2) has passed the National Certification Examination for Therapeutic Massage and Bodywork.

(b) CPR and First Aid. An applicant shall provide proof of current certification in first aid and in cardiopulmonary resuscitation (CPR) by the American Heart Association or the equivalent.

(c) Continuing Education Requirements. An applicant shall provide proof of compliance with continuing education requirements of the NCBTMB or the American Massage Therapy Association (AMTA) in effect at the time of application.

5-312 REGULATIONS AND CONDUCT REQUIREMENTS FOR MASSAGE THERAPISTS.

(a) A Massage Therapist Licensee may not conduct Massage Therapy or Client-Office Massage Therapy within the City limits unless said Licensee:

(1) is employed by a validly licensed Massage Therapy Establishment;

(2) is the licensee of a validly licensed Massage Therapy Establishment; or

(3) resides in a residence that has been approved by the City Governing Body for a Home Occupation Massage Therapy Permit.

(b) Identification Card and License. Any person issued a Massage Therapist license pursuant to the provisions of this Article shall, at all times when offering Massage Therapy, have in his or her possession a valid identification card issued by the City bearing the Massage Therapist's license number, physical description and photograph. Such identification card shall be issued in such form necessary to prevent alteration. The Massage Therapist shall, at all times when offering Massage Therapy, have on the premises where such Massage Therapy is being offered, his or her Massage Therapist license. The Massage Therapist shall make available for inspection said identification card and license upon request of members of the police department and City code officers. Such inspections shall be made at reasonable times and in a reasonable manner.

(c) Hours. A Massage Therapist may not conduct Massage Therapy between the hours of 12:00 midnight and 6:00 a.m. each day.

(d) Separation of Sexes. Except in the case of Client-Office Massage Therapy and Couples Massage, it shall be unlawful for Massage Therapists to allow customers of opposite sex to receive Massage Therapy in the same room or the same quarters at the same time.

(e) Danger to Safety, Health. No service shall be given which is clearly dangerous or harmful in the opinion of the Director of the County Department of Health to the safety or health of any person, and after such notice in writing has been delivered to the Massage Therapist from such director.

(f) Alcoholic beverages. A Massage Therapist shall not allow or permit the possession or consumption of alcoholic beverages or cereal malt beverages upon that portion of the premises where the Massage Therapist is providing Massage Therapy.

(g) Attire. All Massage Therapists shall be clean, wear clean outer garments and be modestly attired, with clothing covering their chests at all times. Diaphanous or transparent clothing is prohibited.

(h) Covering of Private Parts. The private parts of patrons must be covered by towels, cloths, or undergarments when in the presence of a Massage Therapist. Any contact with a patron's genital area is strictly prohibited.

(i) Minors. No licensee hereunder shall perform any Massage Therapy to a person under the age of eighteen (18) unless such person under the age of 18 is accompanied by a parent or legal guardian and said parent or legal guardian has provided written authorization for such Massage Therapy.

5-313 SUSPENSION OR REVOCATION OF MASSAGE THERAPIST LICENSE.

(a) A Massage Therapist License issued by the City may be suspended or revoked by the Police Chief, or his designated representative, where it appears that the Massage Therapist has been convicted of any offense which would make the Massage Therapist ineligible to receive a license, or for violation of any of the provisions of this Chapter, including application standards.

(b) All revocations or suspensions by the Police Chief are appealable to the City Council within ten (10) days of the revocation or suspension, provided said appeal must be in writing and delivered to the City Clerk. The City Council may uphold or rescind the suspension or revocation, and if applicable specify certain conditions and stipulations associated therewith.

5-314. MASSAGE THERAPY ESTABLISHMENT LICENSE; LICENSE REQUIRED. It is unlawful for any person, firm, partnership, association or corporation to operate a Massage Therapy Establishment without first having obtained a license therefore, issued by the City Clerk. It is unlawful to conduct such a business unless the license for said business is valid, unexpired, unrevoked and not suspended.

(a) A Massage Therapy Establishment license is issued for the calendar year and shall expire at the end of the calendar year for which it was issued.

(b) A separate license shall be required for each and every separate Massage Therapy Establishment business conducted by any one licensee.

(c) The license required hereunder shall be in addition to any other license required for the operation of any other business conducted on the same premises.

(d) A Massage Therapy Establishment licensee who wishes to personally provide Massage Therapy must first obtain a Massage Therapist license.

5-315. APPLICATION FOR MASSAGE THERAPY ESTABLISHMENT LICENSE.

(a) Written Application. Every applicant for a license to maintain, operate or conduct a Massage Therapy Establishment shall file a written application with the City Clerk upon a form provided by the City Clerk and shall accompany the application with the annual filing fee of \$150.00 which shall not be refundable or pro-rated.

(b) Required Information. The completed application shall include the following required information:

(1) Applicant's name, home and business address and telephone number;

(i) "Applicant" shall include:

(a) any stockholder holding more than ten percent (10%) of the stock of the applicant corporation;

(b) any officers or directors of the applicant corporation;

(c) any partner, when the applicant is a partnership;

(d) any manager of, or person principally responsible for the operation of, the proposed business;

(ii) The exact nature of the services to be provided;

(iii) The proposed place of business and facilities;

(iv) Written evidence that the applicant is at least eighteen (18) years of age;

(v) Two (2) portrait photographs of the applicant at least two inches (2") square;

(vi) Applicant's fingerprints, provided once an applicant has submitted an application containing said applicant's fingerprints, the applicant will not be required to submit fingerprints in any subsequent renewal application for that person;

(vii) The business, occupation or employment history of the applicant for the three (3) years immediately preceding the date of the application;

(viii) The Massage Therapy business license history of the applicant; whether such applicant has previously had any massage therapy-related license revoked or suspended in any state, city or other local jurisdiction, and the basis for such revocation or suspension;

(ix) Any criminal convictions of the applicant, other than traffic infractions, including the jurisdiction in which the offense occurred; the sentence or other penalty, if any; and the current status of the case;

(x) 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 license.

5-316. PROCESSING AND INVESTIGATION OF MASSAGE THERAPY ESTABLISHMENT APPLICATION.

(a) Upon receipt of an application for a Massage Therapy Establishment License, the City Clerk shall immediately provide copies of such application to the Police Chief, Fire Marshal and Building Official. The Police Chief, Fire Marshal and Building Official shall report the results of their investigations, as set forth herein, to the City Clerk in a timely manner such that the City Clerk may comply with the applicable time restrictions for issuance or denial of a license.

(b) It shall be the duty of the Police Chief to investigate the applicant and to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued a Massage Therapy Establishment license.

(c) It shall be the duty of the Building Official to determine whether the structure where the Massage Therapy Establishment business is proposed to be located complies with the requirements of the City's applicable health, zoning, building and property maintenance codes.

(d) It shall be the duty of the Fire Marshal to determine whether the structure where the Massage Therapy Establishment business is proposed to be located complies with the requirements of the City's applicable fire code provisions.

(e) Upon receipt of the reports from the Police Chief, Fire Marshal and Building Official, the City Clerk shall issue a license to the applicant provided such application is eligible for issuance of a Massage Therapy Establishment license pursuant to this Chapter. If there are inspection items that relate to the structural design of the premises that cannot be verified prior to consideration of the application by the City Clerk, the application may be approved by the City Clerk contingent on a final inspection prior to issuance of the license. All applicable code provisions for the proposed location shall be met prior to the first day such premises are open for business.

5-317. ISSUANCE OR DENIAL OF MASSAGE THERAPY ESTABLISHMENT APPLICATION.

(a) The City Clerk shall issue a Massage Therapy Establishment License within thirty (30) days of receiving a completed application unless, upon examination of the application, it is determined that:

(1) The business, as proposed by the applicant, if permitted, would not comply with all applicable laws including, but not limited to, the City's health, zoning, building, and property maintenance codes;

(2) The applicant, if an individual; or any of the stockholders holding more than ten percent (10%) of the stock of the applicant corporation; or any of the officers or directors, if the applicant is a corporation; or any of the partners, if the applicant is a partnership; or the manager or other person principally responsible for the operation of the business, has been convicted of, or diverted on, any of the following:

- (i) a felony which involves the use, or threat of use, of physical force;
- (ii) a felony not involving the use, or threat of use, of physical force that is less than five years old from date of application;
- (iii) any offense involving an "unlawful sex act" which shall be defined as:
 - rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as each is defined by Kansas Statutes;
- (iv) prostitution;
- (v) promoting prostitution;
- (vi) solicitation of a lewd or unlawful act;
- (vii) pandering or other sexually related offense.

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

(4) The correct license fee has not been tendered to the City; or, in the case of a check or bank draft, it has not been honored with payment on presentation;

(5) The applicant has had a Massage Therapy Establishment or other similar permit or license denied, suspended, or revoked for any of the above listed causes by this City or any other state, city or other local jurisdiction within five (5) years of the date of the application;

(6) The applicant has previously been issued a license for an adult entertainment business or escort service, or has been employed by any such establishment;

(7) The applicant, if an individual; or any of the officers and directors, if the application is a corporation; or any of the partners if the applicant is a partnership; or the manager or other person primarily responsible for the operation of the business, has not attained the age of eighteen (18) years; or

(8) The manager or other person primarily responsible for the operation of the business would be ineligible to receive any license under the provisions of this Article.

(b) If a Massage Therapy Establishment license is denied, the applicant shall be immediately notified by certified mail, return receipt requested, mailed to the applicant's mailing address as set forth on the application, and the notice shall state the basis for the denial. Any applicant aggrieved by the denial may seek judicial review to the Johnson County District Court as provided by law.

5-318. REGULATIONS AND CONDUCT REQUIREMENTS FOR MASSAGE THERAPY ESTABLISHMENTS. Operation of a Massage Therapy Establishment shall be subject to the following regulations:

(a) License to be Posted. A Massage Therapy Establishment license shall, at all times, be displayed by the licensee in an open and conspicuous place on the premises where the licensed business is conducted.

(b) Limited to Premises. It shall be unlawful to operate a Massage Therapy Establishment at any other premises than specified in the license.

(c) Supervision. The licensee shall have the premises supervised at all times when open for business. The licensee or a person employed by the business shall be present and personally supervise the premises and shall not violate, or permit others to violate, any applicable provision of this Chapter. The violation of any provision of this Article by any employee of the licensee shall be deemed a violation by the licensee.

(d) Conduct of Premises. A Massage Therapy Establishment licensee shall at all times be responsible for the conduct of business on the licensed premises and for any act or conduct of said licensee's employees which constitutes a violation of the provisions of this Article. Any violation of any city, state or federal laws committed on the licensed premises by any such licensee or employee affecting the eligibility or suitability of such person to hold a license may be grounds for suspension or revocation of a license.

(e) Massage Therapist License Required.

(1) It shall be unlawful for a Massage Therapy Establishment licensee to personally conduct Massage Therapy or Client-Office Massage Therapy unless said Licensee holds a valid Massage Therapist license issued by the City.

(2) It shall be unlawful for any Massage Therapy Establishment licensee to permit or allow Massage Therapy on the licensed premises by anyone other than a licensed Massage Therapist.

(f) Hours. The business shall be closed and operations shall cease between the hours of 12:00 midnight and 6:00 a.m. each day.

(g) Separation of Sexes. Except in the case of Client-Office Massage Therapy and Couples Massage, it shall be unlawful for Massage Therapy Establishment licensees to allow customers of opposite sex to receive Massage Therapy in the same room or the same quarters at the same time.

(h) Danger to Safety, Health. No service shall be given which is clearly dangerous or harmful in the opinion of the Director of the County Department of Health to the safety or health of any person, and after such notice in writing has been delivered to the licensee from such director.

(i) Alcoholic Beverages. No alcoholic beverages or cereal malt beverages, nor the consumption thereof, shall be allowed or permitted in or upon any premises licensed under the provisions of this Article.

(j) Sanitary Conditions. Every portion of a licensed establishment shall be kept clean and operated in a sanitary condition. Clean, laundered sheets and towels shall be available in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(k) Attire. All employees shall be clean, wear clean outer garments and be modestly attired, with clothing covering their chests at all times. Diaphanous or transparent clothing is prohibited.

(l) Covering of Private Parts. The private parts of patrons must be covered by towels, cloths, or undergarments when in the presence of the Licensee or any employee. Any contact with a patron's genital area is strictly prohibited.

(m) Locked Premises. No Massage Therapy may be offered or provided within any cubicle, room, booth or other area within the licensed premises which is fitted with a door that can be locked.

(n) Minors. No licensee shall permit Massage Therapy to be provided to any person under the age of eighteen (18) years of age unless accompanied by his or her parent or legal guardian and said parent or legal guardian has provided written authorization for such Massage Therapy.

(o) Employee Register. The licensee shall keep and maintain on the licensed premises a current register of all employees, including each employee's name, address and Massage Therapist license numbers. Such register shall be open to inspection at all reasonable times by any City code officer or members of the Police department.

(p) Advertising. No licensee shall place, publish, or distribute or cause to be placed, published or distributed any advertising that depicts any activity or any portion of the human body that would reasonably suggest to a reasonable person who viewed such advertising that the business provides any service other than those permitted under this Article, or that employees of the business will be dressed in any manner inconsistent with the regulations set forth in this Article, nor shall any Massage Therapy Establishment indicate in the text of any advertising promulgated by that business that any service is available other than those services permitted under this Article.

5-319. RIGHT OF ENTRY AND INSPECTION. Members of the Police Department and City code officers may, from time to time, make an inspection of each licensed Massage Therapy Establishment in the City, including locations where Client-Office Massages are provided, for the purposes of determining that the provisions of this Article are being complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such officer immediate access to the premises or to hinder such officer in any manner. Provided further, that any failure on the part of any Licensee, agent or employee thereof to permit immediate access to such officer shall be grounds for revocation or suspension of a license issued pursuant to this Article.

5-320. SUSPENSION OR REVOCATION OF MASSAGE THERAPY ESTABLISHMENT LICENSE.

(a) A Massage Therapy Establishment license issued by the City may be suspended or revoked by the Police Chief where it appears that the Massage Therapy Establishment licensee has been convicted of any offense which would make the licensee ineligible to receive a license or for violation of any of the provisions of this Article, including application standards.

(b) All revocations or suspensions by the Police Chief are appealable to the City Council within ten (10) days of the revocation or suspension, provided said appeal must be in writing and delivered to the City Clerk. The City Council may uphold or rescind the suspension or revocation, and if applicable specify certain conditions and stipulations associated therewith.