



<i>Please Complete:</i>	
Business Name:	_____
Location Address:	_____
Mailing, if different:	_____
Contact Phone:	_____

Massage License Application

Applicants for massage licenses must complete this application to perform such work in the City of Merced.

I am applying for: (please check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> School of Massage
<i>(Must complete sections A, B, & E only)</i> | <input type="checkbox"/> Massage Establishment
<i>(Must complete sections A, C, & E only)</i> |
| <input type="checkbox"/> Masseur/Masseuse/Instructor
<i>(Must complete sections A, D, & E only)</i> | <input type="checkbox"/> Massage Trainee
<i>(Must complete sections A, E, & F only)</i> |
| <input type="checkbox"/> Massage Technicians (New)
<i>(Must complete all sections except B)</i> | <input type="checkbox"/> Massage Technicians (<u>Renewal only</u>)
<i>(Complete sections A & E only)</i> |

NOTE: Both new and renewal applications must be accompanied by two (2) new 1½” x 2”-sized photographs for use in making your identification badge, along with Merced County Public Health documentation certifying that you have completed the required Tuberculosis (TB) screening.

Application Routing:

After completing the application, return it to the Planning Department at 678 W. 18th Street, 2nd floor, for further processing. Your application will be forwarded to the Police Department, where you will be contacted for an appointment to complete the Police Department portion of the process.

In addition, you will need to call the Merced County Sheriff’s Dept. to request an appointment to have your fingerprints taken. Please call 385-7616 or 385-7446 for an appointment. You must come to your appointment with the following materials:

1. Request for Live Scan Service (three-part form available at the Planning Department)
2. \$52.00 cash for the County of Merced and Department of Justice fingerprint fee.
3. Valid California drivers license or identification.

Section A: Personal Information

Name (including all aliases): _____
Last
First
M.I

Current Residence Address _____
No. and Street
Apt. #.
City, State, Zip Code

Mailing (if different than above) _____
P.O. Box #
City, State, Zip Code

Phone #: (_____) _____ - _____ Date of Birth: ____/____/____
mm/dd/yyyy

Drivers License #: _____ Social Security #: _____ - _____ - _____

Two Previous Residence Addresses:

No. and Street
Apt #
City, State, Zip Code

Physical Description:

Height: _____ Weight: _____ lbs Age: _____ yrs

Hair Color: _____ Eye Color: _____

Other Information:

(initial) Written proof applicant is at least eighteen (18) years of age.

Business, occupation, or employment for the last three (3) years immediately preceding the date of this application:

Employed by:

Date:

From:

To:

History of massage or similar business license or permit:

Has applicant previously operated in this or another city or state under another license or permit? Has such license ever been revoked or suspended? State reason(s) therefore.

Section B: School of Massage

(initial) Proof of approval pursuant to Section 29025 of the Education Code of the State of California.

Address of Business: _____

Names and Residence Addresses of all Directors, Administrators, and Instructors:

Name & Title

Address

Educational and Experience Qualifications of the Above:

(initial) Attach copy of course outline, schedule of tuition fee and other charges, regulations pertaining to tardiness and absence, grading policy, and rules of operation and conduct.

Section C: Massage Establishments**Describe exact nature of massage or bath to be administered:**

Address of Business: _____

Type of Facilities: _____

Type and Name of Organization:

- Individual
- Partnership
- Corporation

NOTE: If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown on its Articles of Incorporation, together with the names and addresses of each of the officers, directors, and each stockholder holding more than ten percent (10%) of the stock in the corporation. If the applicant is a partnership, the application shall set forth the names and residence addresses of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions pertaining to a corporate applicant apply.

Section D: Masseur/Masseuse/Instructor

- (initial) Applicant has attended not less than one hundred eighty (180) hours of instruction in not less than three (3) months at a recognized school.

Name of School: _____

- (initial) Applicant has two (2) or more years of bona fide experience as a masseur or masseuse in a massage establishment, attested to in writing by someone other than applicant.

Section E: Police Department Approval

NOTE: A felony conviction or a conviction for a crime of moral turpitude is grounds for denial of a massage license. The issuance of a massage license is conditional and may be revoked in the event you fail any portion of this process.

Yes **No**

_____ _____ Is or has the applicant ever been licensed or registered as a prostitute or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction?

If yes: Place of Registration: _____

Licensing or legal authorization: _____

Inclusive dates of registration: from _____ to _____

Yes **No** **Has the applicant ever been arrested for or convicted of:**

_____ _____ An offense involving conduct which requires registration pursuant to Section 290 of the California Penal Code?

___ ___ An offense involving the use of force or violence upon the person of another that amounts to a felony?

___ ___ An offense involving sexual misconduct with children?

___ ___ An offense as defined in California Penal Code Sections 311, 315, 316, 318, 266a, 266b, 266e, 266f, 266g, 266h, 647 subdivision (a), 647 subdivision (b), 647 subdivision (d), 647a, or any violation of Penal Code Section 182?

___ ___ Conspiracy to violate any of the aforesaid Section of the California Penal Code?

___ ___ The commission of the equivalent of any of the aforesaid crimes in a jurisdiction outside the State of California?

For Police Department use only

_____	Alpha Check	_____	Finger Prints
_____	Warrants Check	_____	License
_____	Drivers License	_____	Payment of Amount \$ _____
_____	NCIC, CII		

_____ **APPROVED** _____ **DENIED**

BY: _____ DATE: _____

Authorized Police Department Signature

Section F: Trainee (3 month term)

Name of School Attending: _____

Address of School: _____

Expected Date of Completion: _____ Check if you are applying to extend an existing trainee permit

Other Department Approvals: (for office use only)

Fire Department: _____ Date: _____

Building Department: _____ Date: _____

Planning Department: _____ Date: _____

Merced Co. Public Health: _____ Date: _____
(260 E. 15th St., Merced)

Filing fees are nonrefundable

Massage Establishment \$100.00 fee Paid: _____ Received by: _____

Massage Technician \$25.00 fee Paid: _____ Received by: _____

Annual Renewal \$10.00 fee Paid: _____ Received by: _____

Permit Issued:

Permit (1 year) _____ Trainee Permit (3 months) _____

Date Issued: _____ Expires: _____

that said person has a valid bond filed with, and a valid license issued by the Bureau of Private Investigators and Adjusters of the state as required by Chapter 11 of Division 3 of the Business and Professions Code of the state. (Prior code § 21.14.1).

5.40.140 Revocation or suspension of permit.

A. The business of private patrol service regulated by this chapter, is one which is affected with the public interest and therefore requires the certificate of public convenience and necessity and other regulations in this chapter set forth. Such business is one requiring honesty, trustworthiness, dependability, proper conduct and loyalty between it and the public it serves. The business is under the general supervision of the chief of police of the city. If such honesty, trustworthiness, dependability, proper conduct and loyalty as above indicated are not maintained in the highest degree, it is the declared position of the city council that the public interest, the city government and its police department are adversely affected. This is the intent and policy of the city council in enacting this section.

B. The city council may suspend or revoke the permit to engage in such business if in the judgment of the city council any person engaged in the business under the provisions of this chapter:

1. Violates, or causes or permits to be violated any of the provisions of this chapter or fails to comply with any ordinance, state or federal law, or suspends or discontinues service;

2. In any manner or by any means, directly or indirectly, harasses, annoys, molests, bothers or interfere with any other person lawfully engaged in such business;

3. Makes untrue or unfounded statements or reports concerning any other person lawfully engaged in such business;

4. Becomes involved in any altercations of any kind with any other person lawfully engaged in such business;

5. Engages in any conduct which may bring discredit upon the city or its police department;

6. Commits any act which is a ground for refusal to issue a certificate of public convenience and necessity. (Prior code § 21.15).

Chapter 5.44

MESSAGE ESTABLISHMENTS

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- 5.44.020 Massage or bodywork techniques.
- 5.44.030 Massage/bodywork establishment.
- 5.44.040 On-site therapy.
- 5.44.045 Outcall massage.
- 5.44.050 Masseur or masseuse—Massage/bodywork practitioner.
- 5.44.060 Public bath house.
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Article I. Definitions

5.44.010 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this article. (Ord. 1150 § 1 (part), 1975: prior code § 15.200).

5.44.020 Massage or bodywork techniques.

“Massage or bodywork techniques” means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of another human

body with the use of the hands, arms, or other portions of the body, or with the aid of any mechanical or electrical apparatus or appliances 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 or bodywork techniques should also include the giving of any baths as listed under this section. (Ord. 2316 § 1, 2008: Ord. 1150 § 1 (part), 1975: prior code § 15.200.1).

5.44.030 Massage/bodywork establishment.

“Massage/bodywork establishment” means any establishment having a fixed place of business where any person, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on or permits to be engaged in, conducted or carried on, any of the massage/bodywork services or techniques mentioned in Section 5.44.020 or 5.44.060 for compensation. Any establishment engaged in or carrying on, or permitting any combination of massage and bath house is a massage/bodywork establishment. (Ord. 2316 § 2, 2008: Ord. 2093 § 1, 2002: Ord. 1150 § 1 (part), 1975: prior code § 15.200.2).

5.44.040 On-site therapy.

“On-site therapy” means any method of pressure on, or friction against, or stroking, kneading, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations, when the client remains fully clothed and at a location other than a massage/bodywork establishment, and is limited to business offices, sports complexes, convention centers, and public events. (Ord. 2316 § 3, 2008).

5.44.045 Outcall massage.

“Outcall massage” means the engaging in or carrying on of massage/bodywork for a fee or consideration at a location other than a duly licensed massage/bodywork establishment. (Ord. 2316 § 4, 2008).

**5.44.050 Masseur or masseuse—
Massage/bodywork practitioner.**

“Masseur or masseuse—massage/bodywork practitioner” means any natural person, other than a medical practitioner licensed by the state of California, who practices or administers any massage/bodywork technique as defined in this article in exchange for a fee, income, or anything of any value whatsoever within the city of Merced unless otherwise excepted. (Ord. 2316 § 5, 2008; Ord. 1150 § 1 (part), 1975: prior code § 15.200.4).

5.44.060 Public bath house.

“Public bath house” means any place, including a private club or organization, except as otherwise provided, wherein any person, firm, association, corporation, or partnership engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, or the giving or furnishing of Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation or electric baths or baths of any kind whatever excluding ordinary tub baths or showers where an attendant is not required. (Ord. 1150 § 1 (part), 1975: prior code § 15.200.5).

5.44.070 Person.

“Person” means any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character. (Ord. 1150 § 1 (part), 1975: prior code § 15.200.6).

5.44.080 Health officer.

“Health officer” means that person designated by the city of Merced as health officer or his authorized representative. (Ord. 1150 § 1 (part), 1975: prior code § 15.200.7).

5.44.090 Recognized school of massage.

“Recognized school of massage” means any school or institution which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than one hundred eighty class hours

to be given in not less than three calendar months, before the student is furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved pursuant to Section 29025 of the Education Code of the state. (Ord. 1150 § 1 (part), 1975: prior code § 15.200.8).

5.44.100 Bona fide nonprofit club.

“Bona fide nonprofit club” means any fraternal, charitable, religious, benevolent, or any other nonprofit organization having a regular membership association primarily for mutual social, mental, political, and civic welfare to which admission is limited to the members and guests and revenue accruing therefrom is to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States as a bona fide fraternal, charitable, religious, benevolent, or nonprofit organization and in which massage or bath services are provided incidental to its primary operation. (Ord. 1150 § 1 (part), 1975: prior code § 15.200.9).

Article II. Permits

5.44.110 Permit required.

Except as provided by Sections 5.44.040 and 5.44.390 of this chapter, no person shall perform massage/bodywork for a fee or any other consideration at a location outside a massage establishment or a school of massage as defined in this chapter. It is unlawful and a misdemeanor subject to punishment in accordance with Chapter 1.12 of this code for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the city the operation of a massage establishment as defined in this article without first having obtained a permit from the city after approval by the requisite city officers. It is unlawful and a misdemeanor subject to punishment in accordance with Chapter 1.12 of this code for any person to act as a masseur, masseuse, bodywork practitioner, instructor, trainee, or to take any other

position of employment involving the performance of massages, with a massage establishment or school of massage, without first having obtained a permit from the city after approval by the requisite city officers. (Ord. 2316 § 6, 2008; Ord. 2093 § 3, 2002; Ord. 1150 § 1 (part), 1975: prior code § 15.201).

5.44.120 Application fee—Operator.

Every applicant for a permit to maintain, operate, or conduct a massage establishment or a school of massage shall file an application with the finance officer upon a form provided and shall pay a filing fee of one hundred dollars which shall not be refundable. "Applicant" includes an individual owner, managing partner or corporate manager. (Ord. 1150 § 1 (part), 1975: prior code § 15.202 (part)).

5.44.130 Application fee—Employee.

Every person employed by a massage establishment, including any person who engages in the practice of massage as defined in this article, and every instructor and trainee in a school of massage shall file an application with the finance officer upon a form provided and shall pay a filing fee of twenty-five dollars which shall not be refundable. (Ord. 1150 § 1 (part), 1975: prior code § 15.202 (part)).

5.44.140 Application—General information.

Applications for permits shall be submitted to the finance officer. Every application shall furnish the following information:

- A. The type of permit applied for;
- B. The name and residence address including all aliases by which the applicant has been known;
- C. The two previous residence addresses immediately prior to the present residence address of the applicant;
- D. Written proof that the applicant is at least eighteen years of age;
- E. The applicant's height, weight, color of eyes and hair;
- F. Two recent portrait photographs of the applicant, which photographs shall not exceed two inches

square in size and shall be full front views of the face and head only;

G. Business, occupation or employment of the applicant for the three years immediately preceding the date of application;

H. The applicant's social security number and driver's license number, if any;

I. The massage or similar business license or permit history of the applicant; whether such person has previously operated in this or another city or state under license or permit; whether such person has had such license or permit revoked or suspended and the reason therefor; and the business activity or occupation subsequent to such action of suspension or revocation;

J. Whether the applicant has ever been arrested for or convicted of:

1. An offense involving conduct which required registration pursuant to Section 290 of the Penal Code,

2. An offense involving the use of force and violence upon the person of another that amounts to a felony,

3. An offense involving sexual misconduct with children,

4. An offense as defined in California Penal Code Sections 311, 315, 316, 318, 266a, 266b, 266d, 266e, 266f, 266g, 266h, 647 subdivision (a), 647 subdivision (b), 647 subdivision (d), 647a, or any violation of Penal Code Section 182,

5. Conspiracy to violate any of the aforesaid sections of the California Penal Code, or

6. The commission of the equivalent of any of the aforesaid crimes in a jurisdiction outside the state of California;

K. Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement must be made giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such

person was so licensed, registered, or authorized to engage in prostitution;

L. The location at which the permittee is to be employed;

M. Such other identification and information necessary to discover the truth of matters specified in this section as required to be set forth in the application. (Ord. 1534 § 6, 1984; Ord. 1150 § 1 (part), 1975; prior code § 15.203).

5.44.150 Application—Masseuse, masseur or instructor.

A. An applicant for a permit as a masseur, masseuse, or instructor must furnish a diploma or certificate of graduation from a recognized school of massage where in the method, profession, and work of massage is taught.

B. The finance officer shall accept as meeting the training requirements of this article satisfactory evidence that the applicant has attended not less than one hundred eighty hours of instruction in not less than three months at a

recognized school within or without this state or in any foreign country that provides education substantially equal to or in excess of the educational requirements of this chapter.

C. Two years' bona fide experience as a masseur or masseuse in a massage establishment attested to in writing by a person other than the applicant may be substituted for the requirement of a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method and work of massage is taught. (Ord. 1150 § 1 (part), 1975 prior code § 15.204).

5.44.160 Application—Massage Establishment.

A. An application for a permit to operate a massage establishment shall set forth the exact nature of the massage or baths to be administered and the proposed place of business and facilities therefor.

B. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown on its articles of incorporation together with the names and addresses of each of the officers, directors, and each stockholder holding more than ten percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the names and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant apply. (Ord. 1150 § 1 (part), 1975: prior code § 15.205).

5.44.170 Application—Health Certificate.

Every application filed by a natural person shall be accompanied by a certificate from a physician licensed to practice medicine in the state that the applicant has been tested within the previous thirty days in a manner to be approved by the health officer and has been found to be free of all contagious, infectious

and communicable disease. (Ord. 1150 § 1 (part), 1975: prior code § 15.206).

5.44.180 School of massage.

Every application for a school of massage shall be accompanied by:

A. Proof of approval pursuant to Section 29025 of the education code of the state;

B. A statement of the educational and experience qualifications and the names and residence addresses of all directors, administrators and instructors;

C. A copy of the course outline, schedule of tuition fee and other charges, regulations pertaining to tardiness and absence, grading policy, and rules of operation and conduct. (Ord. 1150 § 1 (part), 1975: prior code § 15.207).

5.44.190 Verification.

Every application for a permit under this article shall be verified by affidavit or by declaration, or certification under penalty of perjury as provided in the California Code of Civil Procedure. (Ord. 1150 § 1 (part), 1975: prior code § 15.208).

5.44.200 Referral to chief of police.

The application shall be referred to the chief of police who shall take the fingerprints and confirm the height and weight of the applicant. Nothing contained in this article shall be construed to deny the right of the chief of police to require additional photographs, information or identification of the applicant. (Ord. 1150 § 1 (part), 1975: prior code § 15.209).

5.44.210 Referral to other departments.

A. Copies of an application for a massage establishment or school of massage permit shall be referred to the building inspection superintendent, the fire chief, the health officer, the planning director and the chief of police, who shall inspect the premises proposed to be operated as a massage establishment and shall

make written recommendations to the finance officer concerning compliance with the codes that they administer.

B. All other applications shall be referred to the health officer and the chief of police for their approval or written recommendations. (Ord. 1150 § 1 (part), 1975: prior code § 15.210).

5.44.220 Trainee permit.

A. The finance officer shall issue a massage trainee permit to any person who qualifies for such a permit who files an application under Section 5.44.140 and who is currently registered and attending a recognized school of massage in the city of Merced, except that the finance officer may refuse, revoke or suspend a permit for the reasons set forth in Section 5.44.230. No trainee shall perform any of the services enumerated in Sections 5.44.020, 5.44.040, or 5.44.060, except that such trainee may engage in massage services within the school premises under the direction of a qualified instructor and in his presence.

B. Such trainee permit shall be valid for a period of three months and shall not be renewed or extended except for a delay of requisite training due to accident, illness or other valid reason.

C. The applicant for a trainee permit must submit a letter signed by the owner, manager or director of the recognized school showing that the applicant is currently accepted for or enrolled in a course of study leading to a degree or certificate of graduation.

D. The trainee permit may be extended by the finance officer for a period of three months or until the trainee has completed at least one hundred eighty hours of instruction in a recognized school of massage upon a showing of good cause by the trainee contained in a written application to the finance officer. (Ord. 1150 § 1 (part), 1975: prior code § 15.211).

5.44.230 Issuance, refusal, revocation or suspension of permit.

The finance officer shall issue all other permits after the application has been reviewed and approved, except that for good cause the finance officer may refuse, revoke or suspend a permit for a massage establishment, a school of massage or for any other applicant or permittee for any of the following reasons to be set forth in writing and delivered to the applicant or permittee:

A. That the operation as proposed by the applicant if permitted will not or does not comply with all applicable laws including but not limited to ordinances relating to building, health, planning, housing, zoning and fire protection, and other applicable codes which the city has a responsibility to administer including the regulations adopted by the health officer;

B. That the applicant or any other person who will be directly engaged in the management and operation of a massage establishment or school of massage has been arrested or convicted of any of the offenses enumerated in subsection 5.44.140 (J) or convicted of an offense outside the state that would have constituted any of the described offenses if committed within the state;

C. A permit may be issued to any person arrested or convicted of any of the crimes described if such arrest or conviction occurred more than seven years prior to the date of the application and the applicant has had no subsequent felony arrests or convictions of any nature and no subsequent misdemeanor arrests or convictions for crimes mentioned in subsection 5.44.140 (J);

D. That the applicant has been licensed or registered in any state as a prostitute;

E. That the character of the neighborhood or district is not a proper or suitable place in which to conduct or maintain such business or calling;

F. In any case where any of the provisions of this chapter are violated or where the permittee or any employee including a masseur, a masseuse, instructor, or trainee is engaged in any conduct at a massage establishment or school of massage which violates any state or local law or ordinances, or where the permittee of a massage establishment or school of massage has actual or constructive knowledge of such violations, or where any such permittee by the exercise of due diligence should have had actual or constructive knowledge of any such violation, or in any case where such permittee or any other person whatever acting on his behalf refuses to allow any duly authorized building inspector, police officer, or health officer of the city to inspect the premises or the operations therein;

G. Upon the recommendation of the Merced County health officer that such business is being managed, conducted, or maintained without regard for the public health, or for the health of patrons or customers, or without due regard to proper sanitation or hygiene.

Any refusal to issue a permit, suspension or revocation under the provisions of this section is appealable to the city council as provided by law. (Ord. 1150 § 1 (part), 1975: prior code § 15.212).

5.44.240 Specific permit issued.

The permit when issued shall state whether it is for a massage establishment, for a school of massage, for a masseur or masseuse, for a massage establishment employee who is not authorized to perform a massage, or for an instructor or trainee in a school of massage. (Ord. 1150 § 1 (part), 1975: prior code § 15.202 (part)).

5.44.250 Term of permit.

A. Permits issued under the provisions of Section 15.212 shall be valid for a period of one year from the date of issuance and shall be renewable annually.

B. Application for the renewal of a masseur or masseuse permit shall be accompanied by a nonrefundable ten dollar filing fee, and shall contain the

same information as in Section 5.44.140, excluding therefrom subsections (D), (G), (H), and (I).

C. The application shall be referred to the chief of police who shall have the right to confirm the identity of the applicant by taking fingerprints and additional photographs and shall have the right to confirm the height and weight and criminal record of the applicant.

D. The application of a natural person shall be accompanied by a certificate from a physician licensed to practice medicine in the state that the applicant has been tested within the previous thirty days in a manner to be approved by the health officer and has been found to be free of all contagious, infectious and communicable disease. (Ord. 1150 § 1 (part), 1975: prior code § 15.213).

5.44.260 Sale, transfer, or change of location.

Upon sale, transfer or relocation of a massage establishment or school of massage the permit therefor shall be null and void; provided, however, that upon the death or incapacity of the permittee the massage establishment may continue in business for a reasonable period of time, not to exceed three months, to allow for an orderly transfer of the permit. No such permittee shall operate under any name or conduct his business under any designation or at any location not specified in the permit. Any masseur, masseuse, instructor, trainee, or other employee may continue to use a valid and unexpired permit at any other massage establishment or school of massage as authorized upon written notice to the city. (Ord. 1150 § 1 (part), 1975: prior code § 15.214).

Article III. Requirements and Restrictions

5.44.270 Massage establishment— Generally.

A. No permit to conduct a massage establishment shall be issued until an inspection has been made by a building inspector, fire chief, health officer, and chief of police of the city.

B. Construction of rooms used for toilets, tubs, steam baths, and showers shall be made in accor-

dance with the state and city building codes. Plumbing fixtures shall be installed in accordance with said codes.

C. Toilet facilities shall be provided in convenient locations. Separate toilet facilities shall be provided for male and female and shall be designated as to the sex accommodated therein.

D. Lavatories or wash basins provided with both hot and cold running water shall be installed in either room or the vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

E. All portions of massage establishments and baths shall be provided with adequate light and ventilation as approved by the public health officer. When windows or skylights are used for ventilation, at least one-half of the total required window area shall be openable.

F. To allow for adequate ventilation, cubicles, rooms and areas provided for patrons' use not served directly by a required window, skylight, or mechanical system of ventilation shall be constructed so that the height of partitions does not exceed seventy-five percent of the floor-to-ceiling height of the area in which they are located.

G. No cubicle, room, booth or any area within a massage establishment which is used for giving massages shall be fitted with a door capable of being locked.

H. All electrical equipment shall be installed in accordance with the requirements of the city electrical code. (Ord. 1150 § 1 (part), 1975: prior code § 15.215).

5.44.280 Massage establishment—Hours.

No person shall conduct or operate a massage establishment or service between the hours of two a.m. and six a.m. of the same day. (Ord. 1150 § 1 (part), 1975: prior code § 15.217).

5.44.285 Outcall prohibition.

Outcall massage/bodywork shall not be performed unless authorized in writing by a physician, surgeon, chiropractor, or osteopath duly licensed to practice in the state of California. Violation of this section shall

be unlawful and a misdemeanor, subject to punishment in accordance with Chapter 1.12 of this code. (Ord. 2316 § 7, 2008).

5.44.290 School of massage.

A. A school of massage shall have the same facilities as required of a massage establishment.

B. A school of massage permit shall not be issued for the same location as a massage establishment. (Ord. 1150 § 1 (part), 1975: prior code § 15.216).

5.44.295 Locations—Prohibited.

Outcall massage or on-site therapy shall not be conducted in the following locations:

A. A hotel/motel room or any other similar location used primarily for transitory habitation purposes.

B. The residence of the outcall or on-site massage/bodywork practitioner.

C. A private residence, apartment, or similar living facility.

D. Any location not otherwise specifically authorized by this chapter.

Violation of this section shall be unlawful and a misdemeanor subject to punishment in accordance with Chapter 1.12 of this code. (Ord. 2316 § 8, 2008).

5.44.300 Operating requirements.

A. Every portion of a massage establishment or school of massage including appliances, apparatus, and personnel shall be kept clean and operated in a sanitary condition.

B. All masseurs, masseuses, instructors and trainees shall be clean and wear clean outer garments, the use of which is restricted to the massage establishment. A separate dressing room for each sex must be maintained on the premises with individual lockers for each employee or trainee. Doors to such dressing rooms shall be open inward and shall be self-closing.

C. Each massage establishment and school of massage shall be provided with clean, laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in an

approved and sanitary manner. Each massage table shall be provided with clean sheets and towels prior to each use. No towels or sheets shall be laundered or dried in any massage establishment. Approved receptacles shall be provided for the storage of soiled linen and paper towels.

D. Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and shower compartments shall be thoroughly cleaned with a disinfectant after each use.

E. No massage establishment or school of massage, whether located in any building originally constructed for residential or sleeping purposes or not, shall be used for residential or sleeping purposes. (Ord. 1150 § 1 (part), 1975: prior code § 15.218).

5.44.305 Off-premises massage/bodywork.

No person shall perform or administer massage or bodywork techniques as either on-site therapy or outcall massage/bodywork, as those terms are defined herein, for money or other consideration, without obtaining a massage/bodywork practitioner license pursuant to the provisions of this chapter in conjunction with a valid city of Merced business license. (Ord. 2316 § 9, 2008).

5.44.310 Register and permit number of employees.

A. The operator of a massage establishment must maintain a register of all persons employed on the premises and their permit numbers. Such register shall be available for inspection during regular business hours by any city police officer or county health officer.

B. The operator of a school of massage must maintain a register of all persons employed on the premises and of all trainees or students. Such register shall be available for inspection during regular business hours by any city police officer or county health officer. (Ord. 1150 § 1 (part), 1975: prior code § 15.219).

5.44.320 Identification cards.

A. The finance officer shall provide each masseur, masseuse, instructor or trainee, or other employee granted a permit with an identification name plate which shall contain a photograph of and the first name and permit number of said masseur, masseuse, instructor or trainee which must be worn on the front of the outermost garment at all times during the hours of employment or training.

B. Every permit which shall have been granted pursuant to the provisions of this chapter to a massage establishment or school of massage shall be displayed in a conspicuous place so that the name may be readily seen by persons entering the premises. (Ord. 1150 § 1 (part), 1975: prior code § 15.220).

5.44.330 Persons employed under age eighteen not permitted.

It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment or school of massage to employ any person who is not at least eighteen (18) years of age. (Ord. 1150 § 1 (part), 1975: prior code § 15.221).

5.44.340 Daily register.

Every permittee of a massage establishment or school of massage shall keep a daily register, approved as to form by the police department, of all patrons or customers with names, addresses and hours of arrival and the rooms or cubicles assigned, if any, or of location of any massage given under the direction of a practitioner of the healing arts, chiropractic or physical therapy and with the name of the employee providing any such massage services. The daily register shall at all times during business hours be subject to inspection by a health officer or a police officer and shall be kept on file for one (1) year. (Ord. 1150 § 1 (part), 1975: prior code § 15.222).

5.44.350 Notices.

Every permittee of a massage establishment or school of massage shall post the following signs in a conspicuous place printed in bold letters not less than one (1) inch in height:

A. A statement of the rates to be charged for all massage services to be performed. No sum shall be charged for such massage services greater than that shown on the rate card;

B. A statement that the premises are subject to inspection without notice by authorized officials of the city. (Ord. 1150 § 1 (part), 1975: prior code § 15.223).

5.44.360 Inspection.

The police department, building inspection and the health department shall from time to time, but not less than twice a year, make an inspection of each massage establishment in the city for the purpose of determining that the provisions of this chapter are being complied with. (Ord. 1150 § 1 (part), 1975: prior code § 15.224).

5.44.370 Persons employed without permits not allowed.

It shall be the responsibility of the permittee for the massage establishment or school of massage to insure that each person employed shall first have obtained a valid permit pursuant to this chapter. (Ord. 1150 § 1 (part), 1975: prior code § 15.225).

5.44.380 Time limit for filing application.

All persons who possess an outstanding business license heretofore issued for the operation of a massage establishment or school of massage and all employees thereof must file for a permit on or before December 31, 1975, if they qualify under the provisions contained in this chapter. Failure to do so and continued operation of said place of business or continued employment without a permit shall constitute a violation of all applicable provisions of this chapter. (Ord. 1150 § 1 (part), 1975: prior code § 15.226).

5.44.390 Exceptions.

A. This chapter shall not apply to hospitals, nursing homes, sanitariums, hospices, retirement or rest homes, community care facilities, and the like, or to any person holding a valid certificate, that has not been revoked or suspended, to practice the healing arts, chiropractic, or physical therapy under the laws of the state when lawfully carrying out their particular profession, or persons working under the direction of any persons in any such establishments, nor shall this chapter apply to barbers or cosmetologists when lawfully carrying out their particular profession or business and holding a valid license or certificate of registration, that has not been revoked or suspended, issued by the State of California.

B. This chapter shall not apply to any massage therapist, massage practitioner, bodywork therapist, massage and bodywork therapist, bodyworker, bodywork practitioner, or massage and bodywork practitioner who holds a valid certificate issued by the massage therapy organization created pursuant to California Business and Professions Code Section 4600 et seq. and who is practicing consistent with the qualifications established by that certificate.

C. This chapter shall not apply to massage establishments or businesses, as those terms are defined in California Business and Professions Code Section 4612, subd. (b)(1), except that such establishments or businesses shall not be exempt from this chapter to the extent Section 4612 expressly permits the regulation of such businesses or establishments by a city.

D. A bona fide nonprofit club or organization as defined in Section 5.44.100 or its employees shall be required to obtain a permit, and must conform to all applicable building, health, fire, and zoning laws and regulations of the city. The fees for the permits may be waived by the finance officer. (Ord. 2316 § 10, 2008: Ord. 1150 § 1 (part), 1975: prior code § 15.227).
(Ord. No. 2343, § 13, 10-19-2009)

5.44.400 Alcoholic beverages.

No massage establishment, school of massage or any employee or trainee thereof shall sell, serve,

furnish, keep or possess any alcoholic beverage on the premises. (Ord. 1150 § 1 (part), 1975: prior code § 15.228).

5.44.410 Violation—Penalty—Permitless employees.

Any owner, operator, manager, or permittee in charge of or in control of a massage establishment or school of massage who knowingly employs any person who is not in possession of a valid, unrevoked permit or who allows such a person to practice within such a place of business is guilty of a misdemeanor and upon conviction such person shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for a period not to exceed six (6) months, or by both such fine and imprisonment. (Ord. 1150 § 1 (part), 1975: prior code § 15.229(b)).

5.44.420 Violation—Penalty—Generally.

Every person who violates any provisions of this chapter is guilty of a misdemeanor, and upon conviction such person shall be punished in accordance with Chapter 1.12 of this code. (Ord. 2316 § 11, 2008: Ord. 1150 § 1 (part), 1975: prior code § 15.229(A)).

Chapter 5.48

DANCES

Sections:

- 5.48.010 Permit required.**
- 5.48.020 Application for permit.**
- 5.48.030 Contents of permit.**
- 5.48.040 Refusal or revocation of permit.**
- 5.48.050 Permit fee.**



BUSINESS LICENSE APPLICATION

Finance Department
(209) 385-6843

City of Merced
678 W. 18th St.
Merced, CA 95340

Application Date: _____

- Please Check All That Apply: New Application Change of Owner
- Change of Address - Previous Address: _____
- Change of Business Name Home Occupation (please complete a Home Occupation Certificate)
- Add/Delete Partner Temporary Business From _____ to _____
- New Business Operating Within an Existing Business
(provide name of existing business) _____

Business Name (Include DBA, if applicable)

**State licensed care facilities, must use the same name as listed on the state license.

Business Address and Telephone Information:

Address (Home-based businesses must use the <u>home</u> address as the business address):			Suite/Apt #:
City:	State:	Zip Code:	Telephone: ()

Mailing Address: Same as Business Address?

Address:			Suite/Apt. No.:
City:	State:	Zip Code:	E-Mail Address:

Business Activity (Provide a detailed description of all proposed business activities):

Business Start Date:

Licensed Contractor?	Y	N	License #:	Classification:	Expiration:
Contractor's License Verified By (<i>official use</i>):					

Check Cashing Business?	Y	N	Permit #:
Number of Employees/Professionals:		Number of Rental Units:	

Tax Identification Numbers:

Federal Tax ID #/SSN:	State Tax ID #/SSN:	State Sales Tax #:
<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Owner <input type="checkbox"/> Non-profit		Non-profit #:

Owner's Information

(If more than 2 owners please attach a separate sheet of paper)

1) First Name:	Middle Initial:	Last Name:	Suffix (Jr./Sr./III):
Home Address (No P.O. Boxes):	Apt. #:	City:	State: Zip Code:
Home Telephone: ()	Date of Birth:	Driver's License #: (The Finance Dept. will make a copy of your license)	

2) First Name:	Middle Initial:	Last Name:	Suffix (Jr./Sr./III):
Home Address (No P.O. Boxes)	Apt. #:	City:	State: Zip Code:
Home Telephone: ()	Date of Birth:	Driver's License #: (The Finance Dept. will make a copy of your license)	

Corporate Information (If Applicable)

Person/Agent for Service of Process (First and Last Name):	Telephone: ()			
Home Address (No P.O. Boxes):	Apt. #:	City:	State:	Zip Code:

Emergency Contact Information (Provide two names):

Emergency Contact:	Telephone Number: ()
Emergency Contact:	Telephone Number: ()

Please answer ALL of the following questions:

What was the building last used for?		
Was the space vacant prior to you occupying it? If so, for how long?	Y	N
Is the building or space you are occupying newly constructed? If so, are you the first tenant to occupy this building or space?	Y	N
Is the space you are occupying on the second floor or higher?	Y	N
Are there other businesses or tenants in the building you are occupying?	Y	N
Will you be making any changes to the building or space you are occupying (i.e. plumbing, electrical, mechanical or structural changes, including new walls, doors, windows, etc.)?	Y	N
Does your business involve the rental of residential units? If so, how many units?	Y	N
Will you require a sign for your business?	Y	N
Are you planning to install any temporary signs or banners?	Y	N
Are you working from your home? If yes, please complete a Home Occupation Certificate (available at the Planning Dept. or on-line at www.cityofmerced.org).	Y	N

Please answer ALL of the following questions:

Will your business involve the use of any hazardous materials including aerosols, combustibles, compressed gases, or other hazardous materials?	Y	N
Is your business a carnival, circus, or other similar type of amusement activity?	Y	N
Will your business involve cutting metals or welding?	Y	N
Will your business involve the use of explosives?	Y	N
Is your business a dry cleaning operation?	Y	N
Will your business involve the use of any type of open flame?	Y	N
Will your business involve any auto repair, dismantling, or storage of autos, tires, batteries, or other auto parts?	Y	N
Will your business involve the use of temporary tents or canopies?	Y	N
Will your business require the use of a spray booth or dipping booth?	Y	N
Will your business involve the use or storage of wood products such as wood chips, lumber, plywood, etc.?	Y	N

If you answered “yes” to any of the above questions, you may be required to obtain a Construction and/or a Fire Permit. These Permits may be obtained at the Inspection Services Department. 209-385-6861

Will your business involve any of the following (please answer All questions):

Firearms or Gunpowder (if gunpowder is used a fire permit may be required)	Y	N
Dancing open to the general public	Y	N
Pool Tables or Billiards	If yes, how many tables?	Y
Taxi Cab Services *Requires City Council Approval		N
Card Room	If yes, how many tables?	Y
Alcohol Sales On-Sale <input type="checkbox"/> Off-Sale <input type="checkbox"/>		N
Private Security Guard/Company *Requires City Council Approval		Y
Bingo or other games open to the general public		N
Daycare	If yes, how many children?	Y
Renting or Selling Adult Videos?		N
Tattooing		Y
Door to door soliciting of goods or services		N

If you answered “yes” to any of the above questions, your license may be subject to Police Department review.

Please read the information below before signing on the following page.

The payment of a license tax required by the provisions of the Merced Municipal Code and its acceptance by the City, and the issuance of such license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all the requirements of the Merced Municipal Code, California Fire Code, California Building Code, and all other applicable laws, nor to carry on any business in any building or on any premises designated on such license in the event that such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law.

Please read

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx.

The Department of Rehabilitation at www.rehab.cahwnet.gov.

The California Commission on Disability Access at www.cdda.ca.gov.

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge. I certify that I will operate my business in accordance with all applicable Federal, State, and City laws and regulations, including the requirements of the California Fire Code and California Building Code. I also certify that I am aware that a physical inspection may be performed of my business and I am required to correct any violations found during this inspection. I further understand that any false statements made herein are grounds for denial or revocation of my business license.

Signature:

Date:

Select a billing method: CPI Base Rate Gross Receipts

I understand that this selection shall remain in effect for a minimum of four (4) consecutive quarters.

Falsification of this statement is a misdemeanor. () Initial

****OFFICIAL USE****

PLANNING DEPARTMENT

678 W. 18TH St., 2ND Floor (209) 385-6858

APN:

ZONING:

CUP REQUIRED?

Y

N

SIGN PERMIT REQUIRED?

Y

N

PARKING REQUIREMENTS MET?

Y

N

HOME OCCUPATION?

H. O. NUMBER:

Y

N

OTHER REQUIREMENTS:

The business listed on this application is approved for this location.

Approved by:

Date:

INSPECTION SERVICES DEPARTMENT 678 W 18TH St., 2ND Floor – (209) 385-6861

APPROVAL REQUIRED:

Y

N

An on-site inspection to review actual conditions is required prior to final approvals.

Y

N

The business listed on this application is approved for this location.

Approved by:

Date:

FIRE DEPARTMENT

99 E. 16th St. – (209) 385-6830

APPROVAL REQUIRED:	Y	N
An on-site inspection to review actual conditions is required prior to final approvals.	Y	N
The business listed on this application is approved for this location.		
Approved by:	Date:	

POLICE DEPARTMENT

611 W. 22nd St – (209) 385-6912

APPROVAL REQUIRED:	Y	N
The business listed on this application is approved for this location.		
Approved by:	Date:	

MERCED COUNTY ENVIRONMENTAL HEALTH DEPT.

260 E. 15th St. – (209) 381-1100

APPROVAL REQUIRED:	Y	N
The business listed on this application is approved for this location.		
Approved by:	Date:	

*****MASSAGE LICENSES ONLY*****

MERCED COUNTY PUBLIC HEALTH DEPT.

260 E. 15th St. – (209) 381- 1023

APPROVAL REQUIRED:	Y	N
The business listed on this application is approved for this location.		
Approved By:	Date:	

FOR FINANCE USE ONLY

Date Billed:	Classification:	
Additional Fee \$	Gross Receipts <input type="checkbox"/>	CPI Base Rate <input type="checkbox"/>
License Fee \$	License Number Issued:	
Total Due \$	Initial:	

