



Massage Clinic Permit Application

Business Information

Provide information about the massage clinic for which you are making application.

Business Name:		
Business Street Address:		
City:	State:	Zip Code:
Business Telephone Number:		

Applicant Identifying Information

Last Name:	First Name:			
Middle Name:				
Other Names Used (include maiden):				
Home Street Address:				
City:	State:	Zip Code:		
Sex:	Height:	Weight:	Hair Color:	Eye Color:
Date of Birth:		Age:		
Social Security Number:				
Phone Number:				

Residence History – Past Ten Years

Previous Address:	
From (month / year):	To (month / year):
Previous Address:	
From (month / year):	To (month / year):
Previous Address:	
From (month / year):	To (month / year):
Previous Address:	
From (month / year):	To (month / year):

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Employment / Business History- Past Five Years

Provide all Massage Clinic related experience for the five years proceeding the date of this application.
Include all experience as a massage clinic operator, massage practitioner or certified massage therapist.

Current Employer/ Business Name:

Employer Address:

Occupation: Title / Rank:

Supervisor Name: Supervisor Title:

Employer Telephone Number: ()

From: (month / year): To (month / year):

Previous Employer / Business Name:

Employer Address:

Occupation: Title / Rank:

Supervisor Name: Supervisor Title:

Employer Telephone Number: ()

From: (month / year): To (month / year):

Previous Employer / Business Name:

Employer Address:

Occupation: Title / Rank:

Supervisor Name: Supervisor Title:

Employer Telephone Number: ()

From: (month / year): To (month / year):

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Criminal History

Provide all arrests and / or criminal convictions of the applicant and, if applicable, the applicant's owners, officers, directors, partners and managers.

Have you or any applicant owner, officer, director, partner or manager ever been arrested or convicted of a criminal offense :

NO YES

[If you answered "YES", provide the following information]

Name of person convicted:	Date of Birth:	Social Security Number:
Offense Location: (City / State)		
Date of Arrest:		
Criminal Charge(s):		
Convicted: YES NO		
Sentence Imposed:		
<hr/>		
Name of person convicted:	Date of Birth:	Social Security Number:
Offense Location: (City / State)		
Date of Arrest:		
Criminal Charge(s):		
Convicted: YES NO		
Sentence Imposed:		
<hr/>		
Name of person convicted:	Date of Birth:	Social Security Number:
Offense Location: (City / State)		
Date of Arrest:		
Criminal Charge(s):		
Convicted: YES NO		
Sentence Imposed:		

If the person arrested and / or convicted was someone other than the applicant, provide the persons relationship to the applicant (applicant's owner, officer, director, partner or manager):

Name: Relationship to Applicant:	Name: Relationship to Applicant:	Name: Relationship to Applicant:
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Professional Licenses

**List all professional licenses held by the applicant from any jurisdiction
[Include permit type, jurisdiction and date of issuance]**

Permit Type:

Jurisdiction:

Date of Issuance:

Permit Type:

Jurisdiction:

Date of Issuance:

Permit Type:

Jurisdiction:

Date of Issuance:

Do you now or have you ever held a license, permit or certification that has been suspended or revoked?

NO YES

If "YES" Provide details:

**Business
Owners, Officers, Directors, Partners, Managers**

If applicable, list all of the applicant's owners, officers, directors, partners and managers of the business for which you are seeking a permit.

A written authorization for the release of information and a current portrait photograph must be submitted for each of the below listed persons.

Last Name:

First:

Middle:

Relationship to Business (owner, officer, director, partner, manager):

Date of Birth:

Social Security Number:

Last Name:

First:

Middle:

Relationship to Business (owner, officer, director, partner, manager):

Date of Birth:

Social Security Number:

Last Name:

First:

Middle:

Relationship to Business (owner, officer, director, partner, manager):

Date of Birth:

Social Security Number:

Last Name:

First:

Middle:

Relationship to Business (owner, officer, director, partner, manager):

Date of Birth:

Social Security Number:

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Proposed Business Location Description

Attach a sketch of the interior portion of the building to be used as a massage clinic, including the location of all massage rooms .

Proposed Massage Clinic Street Address:		
City:	State:	Zip Code:
Business Hours of Operation:		
Number of Rooms in the business to be used for Massage:		

Certified Massage Therapists

List all Certified Massage Therapists to be employed.

Total Number of Certified Massage Therapists:
Therapist Name:

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Applicant Photograph

All applicants are required to provide a portrait photograph, which gives a clear view of the face.

Attach a current photograph here.



Applicant Signature and Certification

I affirm that the information provided in this application, including all attachments, is true and correct. I understand that a material omission or misstatement of fact in this permit application is grounds for denial, suspension or revocation of a massage therapist permit.

Applicant Signature: _____

Date: _____ / _____ / _____
MM DD YYYY

Attachments:

_____ **Written authorization for release of information (3)**



Colonial Heights Police Department

Authorization for Release Information

As an applicant for a Massage Clinic or Massage Therapist permit from the City of Colonial Heights, Virginia, I am required to furnish information for use in the determination of my qualifications and eligibility for the said permit.

I authorize the release of any and all information of a confidential or privileged nature to the City of Colonial Heights and its employees/agents, in connection with my application for a Massage Clinic or Massage Therapist Permit. Furthermore, I consent to a criminal background check, to be conducted by the Colonial Heights Police Department.

I hereby release you, your organization and others from liability or damage, which may result from furnishing the information requested.

I, the undersigned, have read and understand this release

Applicant Signature _____ Date _____

The foregoing was subscribed before me, the undersigned Notary Public in and for the City of Colonial Heights, Virginia, on this _____ day of _____, 20 __, by _____.

(Printed name of applicant)

**_____
Notary Public**

My commission expires _____.

Chapter 193: MASSAGE CLINICS

[HISTORY: Adopted by the City Council of the City of Colonial Heights 8-12-1997 by Ord. No. 97-21. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 109.
Zoning — See Ch. 286.

§ 193-1. Definitions. [Amended 11-12-2003 by Ord. No. 03-29]

For the purposes of this chapter, the following words and phrases shall have the following meanings:

BARBERSHOP — An establishment which provides one or more of the following services in exchange for consideration: hair care, makeovers, facials, manicures, pedicures, or body waxing.

BEAUTY SALON — An establishment which provides one or more of the following services in exchange for consideration: hair care, skin care, makeovers, facials, manicures, pedicures or body waxing.

CARE FACILITY — A hospital, nursing home, convalescent care facility, assisted living facility, life care facility, or group care facility.

CERTIFIED MASSAGE THERAPIST — Any person who administers a massage to another person, in exchange for consideration, and who has qualified as a certified massage therapist pursuant to the requirements of §§ 54.1-3000 and 54.1-3029 of the Code of Virginia (1950), as amended, including, but not limited to, a massage clinic operator.

CHIEF OF POLICE — The City of Colonial Heights Police Chief or his designee.

CLIENT — A person receiving a massage.

CONSIDERATION — Anything of value given in exchange for services rendered, including, but not limited to, money, goods, services or advertising.

HEALTH CLUB — An establishment which provides health and fitness equipment and programs for its client's use in exchange for any form of consideration. A health club may be located in a hotel or motel but not in a guest room in a hotel or motel.

MASSAGE — The treatment of soft tissues for therapeutic purposes by the application of massage and body work techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. Massage shall not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic therapy, physical therapy, occupational therapy, acupuncture or podiatry is required by law.

MASSAGE CLINIC — A fixed place of business where a certified massage therapist gives a

client a massage. A massage clinic shall either be freestanding or located within a health club, tanning salon, hotel or motel (but not in a guest room in a hotel or motel), beauty salon or barbershop.

MASSAGE CLINIC OPERATOR — The person who files and signs the application for a massage clinic permit and who is responsible for the day-to-day operation of the clinic. The massage clinic operator need not qualify as a certified massage therapist if he or she does not intend to administer massage.

PUBLIC GATHERING — Any event occurring in the City that is open to the general public and involves more than 50 persons.

SEATED MASSAGE — A massage of the upper body or feet when the massage client is fully clothed and seated in a chair.

TANNING SALON — An establishment that has as its primary business the provision of tanning services in exchange for consideration.

§ 193-2. Permit required. [Amended 11-12-2003 by Ord. No. 03-29]

No person shall administer or perform or permit to be administered or performed a massage in exchange for consideration in or upon any premises within the City unless:

- A. The massage is performed for medical, relaxation, remedial or hygienic purposes; and
- B. The person performing the massage is a certified massage therapist and holds a valid City permit;
- C. If a massage is performed in a massage clinic, a valid City massage clinic permit has been issued for the premises.

§ 193-3. Exclusions.

Section 193-2 shall not apply to massages administered for medical, relaxation, remedial or hygienic purposes by a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the Commonwealth of Virginia; a licensed nurse acting under the prescription or direction of any such physician, surgeon, chiropractor, osteopath or physical therapist; or a certified massage therapist acting on the premises of any such physician, surgeon, chiropractor, osteopath or physical therapist and under his prescription or direction. Section 193-2 shall not apply to barber shops or beauty salons in which massage is given to the scalp, face, neck or shoulders only.

§ 193-4. Permit application. [Amended 11-12-2003 by Ord. No. 03-29]

- A. No person shall operate a massage clinic or act as a certified massage therapist in the City without having obtained a permit from the City. Permit applications shall be made to the Chief of Police, who shall investigate all permit applications. **Applicants shall pay to the City Treasurer \$300 for a massage clinic permit and \$150 for a certified massage therapist permit, to cover the costs of investigation by the police, health and other departments, as needed.** **The Treasurer's receipt of payment shall accompany the permit application.** All permits shall expire annually on the anniversary date of the issuance of the original permit. Failure to file a renewal application at least 30 days prior to the expiration date of the permit shall be grounds for revoking or suspending the permit. A renewal application shall be completed and filed as required below. Renewal applicants shall pay \$50 to the City Treasurer to cover the costs of investigation by the police, health, fire and other departments, as needed. The Treasurer's receipt of payment shall accompany the renewal application. A permit application shall not be considered within 12 months of denial of a substantially similar permit request.
- B. The certified massage therapist permit application shall include, but not be limited to, the following:
 - (1) The full name, age and present address of the applicant.

- (2) The applicant's social security number.
- (3) The applicant's addresses for the 10 years immediately preceding the date of the application.
- (4) The applicant's height, weight, sex and eye and hair color.
- (5) The applicant's portrait photograph, which gives a clear view of the applicant's face.
- (6) The applicant's business, occupation or employment for the five years immediately preceding the date of the application.
- (7) The applicant's previous experience as a massage clinic operator, a massage practitioner or a certified massage therapist.
- (8) The applicant's criminal convictions, other than traffic offenses, and the date and place of the applicant's conviction.
- (9) A list of all other professional licenses held by the applicant from any jurisdiction and whether or not the applicant has had any such license suspended or revoked.
- (10) Written proof that the applicant meets the requirements contained in Virginia Code §§ 54.1-3000 and 54.1-3029 for a certified massage therapist.
- (11) Written authorization for the City, its agents and employees to conduct a background investigation of the applicant, including a criminal records check, and to investigate whether the information provided by the applicant is true.
- (12) Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct.

C. The application for a massage clinic permit shall contain:

- (1) The full legal name and any trade name of the applicant and the applicant's business address and telephone number.
- (2) The applicant's social security or employer identification number.
- (3) The applicant's related employment or business experience for the five years immediately preceding the date of the application, including all previous experience as a massage clinic operator, massage practitioner or certified massage therapist.
- (4) All criminal convictions, other than traffic offenses, of the applicant and, if applicable, the applicant's owners, officers, directors, partners and managers and the date and place of the conviction.
- (5) A list of all other professional licenses held by the applicant from any jurisdiction and a statement of whether or not the applicant has ever had any such license suspended or revoked.
- (6) Written authorization for the City, its agents and employees to conduct a background investigation, including a criminal records check, of the applicant and, if applicable, the applicant's owners, officers, directors, partners and managers and to investigate whether the information provided by the applicant is true.
- (7) Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct.
- (8) The address for and a description of the massage clinic, including the number and location of rooms to be used, the number and names of certified massage therapists to be employed and the hours of operation.
- (9) If applicable, a list of the applicant's owners, officers, directors, partners, and managers, including the name, address and title of the person filing the application on the applicant's behalf.

D. A renewal application for a massage therapist permit and a massage clinic permit shall contain:

- (1) The full name, age and present address of the applicant or, for a massage clinic, the full

legal name and any trade name of the applicant, the applicant's business address and telephone number, and the address of the massage clinic.

- (2) The applicant's social security number or employer identification number.
- (3) The applicant's existing permit number.
- (4) All criminal convictions, other than traffic offenses, of the applicant and, if applicable, the applicant's owners, officers, directors, partners and managers and the date and place of the conviction.
- (5) Written authorization for the City, its agents and employees to conduct a background investigation, including a criminal records check, of the applicant and, if applicable, the applicant's owners, officers, directors, partners and managers and to investigate whether the information provided by the applicant is true.
- (6) Written declaration, dated and signed by the applicant, certifying that the information contained in the renewal application is true and correct.

§ 193-5. Referral of application. [Amended 11-12-2003 by Ord. No. 03-29]

The Chief of Police shall refer permit applications, as needed, to the City departments charged with enforcing the business license, zoning, building, plumbing, utility, health, electric and fire prevention codes for their recommendations.

§ 193-6. Granting of permit. [Amended 11-12-2003 by Ord. No. 03-29]

Within 60 days of the date of the permit application, the Chief of Police shall issue the permit if he shall find all the following:

- A. Any massage clinic to be used or constructed meets all the zoning, building, plumbing, utility, health, electric and fire prevention codes, as reported by the applicable departments.
- B. The applicant complies with all requirements of this chapter.
- C. The applicant is of good moral character and reputation in the community and does not pose any threat to the community's health and safety. Any past felony or misdemeanor convictions of the applicant, including a conviction pursuant to this chapter, shall be considered in making this determination.
- D. The applicant is at least 18 years old and complies with the requirements of Virginia Code §§ 54.1-3000 and 54.1-3029.
- E. The applicant has not made any false, misleading or fraudulent statements in the permit application nor in any other related document required by the City.

§ 193-7. Display of permit. [Amended 11-12-2003 by Ord. No. 03-29]

Every person who receives a massage clinic permit shall display the permit in a conspicuous place so that it may be seen by anyone entering the massage clinic premises. Each certified massage therapist shall post his or her current certificate issued by the State Board of Nursing in a public area at the massage clinic premises.

§ 193-8. Necessary facilities. [Amended 11-12-2003 by Ord. No. 03-29]

- A. Each massage clinic shall have and maintain the following facilities or equipment in a clean, sanitary and workable condition:
 - (1) Equipment for disinfecting and sterilizing nondisposable instruments and materials if used in performing massage.
 - (2) Hot and cold water and soap, which shall be provided at all times.
 - (3) Towels and linens for each of the clinic's clients or each client receiving massage services. Common use of towels or linens shall not be permitted.
 - (4) A custodial service sink located in the building in which the massage clinic quarters are located.

- B. Each massage clinic operator shall maintain any walls, ceilings, floors, pools, showers, bathtubs, steam rooms and any other physical facilities for the clinic in good repair and in a clean and sanitary condition. Any heat, steam or vapor rooms or cabinets shall be cleaned each day the clinic is in operation. Bathtubs shall be thoroughly cleaned after each use.
- C. Massage tables, bathtubs, shower stalls and steam or bath areas shall have nonporous surfaces which may be readily disinfected.

§ 193-9. Individual health requirements. [Amended 11-12-2003 by Ord. No. 03-29]

- A. No massage clinic operator or certified massage therapist shall be permitted to give massage or come in contact with a massage clinic client unless the operator or certified massage therapist shall be free of any contagious or communicable disease. The Director of Public Health or his designee may, for cause, prohibit an operator or certified massage therapist from giving massage unless and until the person provides him with a certificate from a licensed physician that the person has been examined within the previous 10 days and found to be free of all contagious or communicable diseases.
- B. No certified massage therapist shall knowingly serve any client infected with any fungus or other skin infection; nor shall massage be performed on any client exhibiting skin inflammation or eruption unless a licensed physician has certified that any such person may be safely served and has prescribed any necessary conditions on the service.

§ 193-9.1. Permissible locations for massage. [Added 11-12-2003 by Ord. No. 03-29]

A certified massage therapist may give a massage in the City only at the following locations and under the following conditions:

- A. At a permitted massage clinic;
- B. At the regular place of business, not located in a residence, of the massage client during the regular hours of such business; provided that a certified massage therapist may only give a seated massage at such location;
- C. At a care facility;
- D. At a public gathering; provided that a certified massage therapist may only give a seated massage at such location.

§ 193-10. (Reserved) Editor's Note: Former § 193-10, Records of treatment, was repealed 11-12-2003 by Ord. No. 03-29.

§ 193-11. Unlawful acts by massage therapists, massage clinic owners and operators or clients. [Amended 11-12-2003 by Ord. No. 03-29]

- A. It shall be unlawful for a certified massage therapist to:
 - (1) Place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital part of a client;
 - (2) Expose his or her sexual or genital parts or any portion thereof to a client;
 - (3) Expose the sexual or genital parts or any portion thereof of a client; or
 - (4) Fail to conceal with a fully opaque covering the sexual or genital parts of his or her body while in the presence of a client.
- B. It shall be unlawful for a client to:
 - (1) Place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital part of a certified massage therapist;
 - (2) Expose his or her sexual or genital parts or any portion thereof to a certified massage therapist;
 - (3) Expose the sexual or genital parts or any portion thereof of a certified massage therapist; or
 - (4) Fail to conceal with a fully opaque covering the sexual or genital parts of his or her body

while in the presence of a certified massage therapist.

- C. It shall be unlawful for any person owning, operating or managing a massage clinic, knowingly or having knowledge of such facts as are sufficient to give him constructive knowledge, to cause, allow or permit, in or about such massage clinic or place of service, any agent, employee or any other person under his control or supervision to perform such acts prohibited in Subsections A and B herein.
- D. The words "sexual or genital parts" shall include the genitals, pubic area, buttocks or anus of any person and the breasts of a female person.

§ 193-12. Massage clinic and therapist responsibilities.

- A. A massage clinic shall not be operated under any name or at any location except the name and location specified in the permit. A massage clinic shall only be located within the following zoning districts: B-1 General Business District; B-2 Shopping Center District; B-3 General Business (High Density) District. A massage clinic shall not be located in any residentially zoned district or residence.
- B. The massage clinic operator shall be responsible for maintaining the premises in accordance with this chapter's requirements and for insuring that all agents and employees comply with this chapter's requirements. No person granted a certified massage therapist permit shall operate under any name except the name specified in the permit.
- C. No massage clinic operator shall allow on his premises any activity or behavior prohibited by the laws of the United States, the Commonwealth of Virginia, or this City relating to gambling, prostitution, sodomy, adultery, fornication, lewd and lascivious cohabitation, controlled substances or any other laws relating to obscenity or moral turpitude, and no certified massage therapist shall engage in any such behavior.

§ 193-13. Revocation and suspension of permit.

The Chief of Police may revoke or suspend any permit upon the violation of this chapter. No permit shall be revoked until the Chief of Police holds a hearing to determine just cause for the revocation or suspension. At the hearing, the permittee shall be able to present evidence and argument against revocation or suspension. The permittee shall be provided with notice of the hearing by mail, at least five days prior to the hearing, to the address on the permit. Notice shall include a written statement setting forth the grounds for revocation or suspension. After the hearing, the Chief of Police shall determine whether a violation has occurred and, if so, whether the permit should be suspended or revoked. Upon finding a violation, the Chief of Police may suspend the permit for not more than 60 days or revoke the permit. The Chief of Police's decision shall be final.

§ 193-14. Transferability of permit.

If a massage clinic is sold or transferred to a new owner, the clinic's permit shall no longer be valid. Unless prior approval shall have been obtained from the Chief of Police, the enlargement or alteration of the massage clinic's business structure shall automatically revoke the permit.

§ 193-15. Right of inspection.

The Police or Health Department may inspect those areas of each massage clinic which are open to the public for the purpose of determining compliance with this chapter. Inspections shall be made at reasonable times and in a reasonable manner.

§ 193-16. Penalty.

Any person who violates this chapter shall, in addition to being subject to the provisions of § 193-13 and to the provisions of any other applicable ordinance or statute, be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$1,000 or by confinement in jail for a period not exceeding one year, either or both.