



City of Albertville
 5959 Main Ave, P.O. Box 9
 Albertville, MN 55301-0009
 Phone: 763-497-3384 Fax: 763-497-3210

License No. _____

Date Received _____

THERAPEUTIC MASSAGE APPLICATION

What type of License are you applying for:

_____ Enterprise – Therapeutic Massage (\$300) _____ Therapist – Therapeutic Massage (\$50)

SECTION I.

Type of Business: _____ Individual _____ Partnership _____ Corporation _____ Other

Name of Business: _____

Address of Business: _____

(if the business is to be conducted under a designated name or style other than the full individual name of the applicant, attach a copy of the Certification required by MS Chapter 333 and Certified by the Clerk of the District Court.)

Name of Applicant: _____

Address: _____

Telephone No.: _____ Date of birth: _____

Place of birth: _____

Have you ever used or have you ever been known by a name other than your true name? _____

If yes, what was such name(s) and any information concerning dates and places where used:

List street addresses at which you have lived during the preceding five (5) years.

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List the kind, name, and location of every business or occupation you have been engaged in during the preceding five (5) years.

List the name and addresses of your employers and partners, if any, for the preceding five (5) years.

Have you ever been convicted of any crime? _____ Yes _____ No

If yes, give details as to type, time, place, and sentence.

Give your training and/or experience in performing massage services. (furnish name, place(s), and length of time of involvement)

Legal description of the premises to be licensed. Attach a plan or the area showing dimensions, location of buildings, street access and parking facilities. If the premises are being planned, under construction, or undergoing substantial alteration, preliminary plans showing the design of the proposed premises must be included. If the plans for design are on file with the Albertville Building Department, no plans need to be submitted.

Floor number, street number, and rooms where the massage services are to be conducted.

Are all real estate and personal property taxes that are due and payable for the premises to be licensed paid? _____ Yes _____ No

If no, list the years and amounts that are unpaid. _____



SECTION II. COMPLETE THE FOLLOWING SECTION IF THE APPLICANT IS IN PARTNERSHIP:

List names and addresses of general and limited partner below: Percent of Interest

(Note: Each partner must complete an individual Section I. A true copy of the partnership agreement must be attached to this application. A certified copy of the certificate as to a trade name under MS 333.02, if applicable, must also be attached.

Signature of Managing Partner

SECTION III. IF APPLICANT IS A CORPORATION OR OTHER ORGANIZATION, PLEASE COMPLETE THIS SECTION:

Name of Corporation: _____

State in which Incorporated: _____

(Note: this person must also complete an individual Section I.)

List all parties who control or own an interest in excess of five percent (5%) in such corporation or organization:

(remainder of page intentionally left blank)

SECTION IV. IF APPLYING FOR THERAPEUTIC MASSAGE THERAPIST LICENSE, PLEASE COMPLETE THIS SECTION:

Social Security Number: _____

Height: _____ Weight: _____ Color hair: _____ Color eyes: _____

Current Employer: _____

Address of current employer: _____

Please submit evidence of the following:

- _____ Current insurance coverage over \$1,000,000 for professional liability in the practice of massage.
- _____ Affiliation with, employment by or owner of a therapeutic massage enterprise licensed by the city.
- _____ Completion of 400 hours of Certified Therapeutic Massage training from a recognized school that has been approved by the City Council.
- _____ One year experience practicing massage as established by an Affidavit and must document within two (2) years of obtaining the license that you have completed 400 hours of Certified Therapeutic Massage training from a recognized school.

Signature of Applicant



THERAPEUTIC MASSAGE AUTHORIZATION & RELEASE

Background Check

The undersigned, having filed an application with the City of Albertville for a _____ License, realizing that the City has need to investigate the background and history of the applicant in order to better evaluate his or her application for the above license, does hereby authorize and request every law enforcement official and every other person, firm, officer, corporation, association, organization or institution having control of any documents, records, or other information pertaining to me to furnish the original or copies of such documents, records and other information to the City or any of its representatives to inspect and make copies of any such documents, records, and other information; I further authorize any such persons to answer any inquiries, questions, or interrogations concerning the undersigned, which may be submitted to them by the City or its authorized representative, I fully understand that the information so obtained by the City may be used by it in its evaluation of my application.

I hereby release and exonerate any person who shall comply with the authorization and request made herein from any and all liability of every nature and kind growing out of and in any way pertaining to the furnishing or inspection of such documents, records, and other information.

Dated this _____ day of _____, _____.

Signature of applicant

PLEASE PRINT LEGIBLY:

Name: _____
 First Middle Last

Address: _____

City/State/Zip: _____

Previous Address: _____

Date of Birth: _____

Name of Organization Associated with:

CHAPTER 5 THERAPEUTIC MASSAGE ESTABLISHMENTS

4-5-1: FINDINGS:

It is found and determined that:

- A. Persons who have recognized and standardized training in therapeutic massage, health, and hygiene provide a legitimate and necessary service to the general public;
- B. Health and sanitation regulations governing therapeutic massage enterprises and massage therapists will minimize the risk of the spread of communicable diseases and promote health and sanitation;
- C. License qualifications for therapeutic massage enterprises and massage therapists will minimize the risk that such businesses and persons may facilitate prostitution and other criminal activity in the city; and
- D. Massage services provided by persons without recognized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury. (Ord. 1999-2, 2-1-1999)

4-5-2: DEFINITIONS:

The terms defined in this section have the meanings given them:

CLEAN: The absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.

IN GOOD REPAIR: Free of corrosion, breaks, cracks, chips, pitting, excessive wear, leaks, obstructions and similar defects.

IN THE CITY: Physical presence as well as telephone referral such as phone-a-massage operations in which the business premises, although not physically located within the city, serves as a point of assignment of employees who respond to requests for services from in the city.

MASSAGE: The rubbing, stroking, kneading, tapping or rolling of the body of another person with the hands for the purpose of physical fitness, healthcare referral, relaxation and for no other purpose.

OPERATE: To own, manage or conduct, or to have control, charge or custody over.

THERAPEUTIC MASSAGE ENTERPRISES: A place of business providing massage services to the public for consideration. The term does not include a hospital, sanitarium, rest home, nursing home, boarding home or other institution for the hospitalization or care of other human beings duly licensed under the provisions of Minnesota statutes sections 144A.01 through 144A.10.

THERAPEUTIC MASSAGE THERAPIST: A person who practices or administers massage to the public for consideration. (Ord. 1999-2, 2-1-1999; amd. 2005 Code)

4-5-3: LICENSES REQUIRED; EXCEPTIONS:

- A. Therapeutic Massage Enterprise: It is unlawful to operate, offer, engage in or carry on massage services in the city without a therapeutic massage enterprise license.
- B. Therapeutic Massage Therapist: It is unlawful to practice, administer or provide massage services in the city without a therapeutic massage therapist license.
- C. Exceptions: A therapeutic massage enterprise license or massage therapist license is not required for the following persons and places:
 1. Persons licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry; provided, that the massage is administered in the regular course of the medical treatment not provided as part of a separate and distinct massage business;
 2. Persons licensed by the state as beauty culturists or barbers, provided the persons do not hold themselves out as giving massage treatments, and provided, that massage by beauty culturists is limited to the head, hand, neck and feet, and the massage by barbers is limited to the head and neck;
 3. Persons working solely under the direction and control of a person duly licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry;
 4. A place licensed or operating as a hospital, nursing home, hospice, sanitarium or group home established for hospitalization or medical care; and
 5. Athletic coaches, directors, and trainers employed by public or private schools. (Ord. 1999-2, 2-1-1999)

4-5-4: STIPULATION ON LICENSED THERAPISTS:

The owner or operator of a licensed therapeutic massage enterprise may employ only licensed therapeutic massage therapists to provide massage services. The owner or operator of a licensed therapeutic massage enterprise need not be licensed as a therapeutic massage therapist unless that owner or operator personally provides massage services. (Ord. 1999-2, 2-1-1999)

4-5-5: APPLICATIONS FOR LICENSES:

- A. Enterprise License: The application for a therapeutic massage enterprise must contain the following information:
 1. For all applicants:
 - a. Whether the applicant is an individual, corporation, partnership or other form of

organization.

b. The legal description of the premises to be licensed, together with a plan of the area showing dimensions, location of buildings, street access and parking facilities.

c. The floor number, street number, and rooms where the massage services are to be conducted.

d. Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not, the years and amounts that are unpaid.

e. If the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by preliminary plans showing the design of the proposed premises; if the plans for design are on file with the building official, no plans need be submitted.

f. The name and street address of the business if it is to be conducted under a designation, name or style other than the name of the applicant, and a certified copy of the certificate required by Minnesota statutes section 333.02.

g. Other information that the city council may require.

2. For applicants who are individuals:

a. The name and date of birth of the applicant and applicant's residence address.

b. If the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning the dates and places where used.

c. Residence addresses of the applicant during five (5) years preceding the date of application.

d. The type, name and location of every business or occupation the applicant has been engaged in during the preceding five (5) years.

e. Names and addresses of the applicant's employers for the preceding five (5) years.

f. If the applicant has ever been convicted of a felony, crime or violation of an ordinance other than a minor traffic offense; if so, the applicant must furnish information as to the time, place and offense involved in the convictions.

g. If the applicant has ever been engaged in the operation of massage services; if so, the applicant must furnish information as to the name, place and length of time of the involvement in such activity.

3. For applicants that are partnerships:

a. The names and addresses of general and limited partners and the information

concerning each general partner described in subsection A2 of this section.

b. The managing partners must be designated, and the interest of each general and limited partner in the business must be disclosed.

c. A true copy of the partnership agreement must be submitted with the application, and if the partnership is required to file a certificate as to a trade name under Minnesota statutes section 333.02, a certified copy of that certificate must be submitted. The license, if issued, will be in the name of the partnership.

4. For applicants that are corporations:

a. The name of the organization, and if incorporated, the state of incorporation.

b. A true copy of the certificate of incorporation, and if a foreign corporation, a certificate of authority as described in Minnesota statutes section 333.02.

c. The name of the general manager, corporate officers, proprietor, and other persons in charge of the premises to be licensed, and the information about those person described in subsection A2 if this section.

d. A list of the persons who own or have a controlling interest in the corporation or organization or who are officers of the corporation or organization, together with their addresses and the information regarding such persons described in subsection A2 of this section.

B. Therapist: An application for a therapeutic massage therapist license must contain the following information:

1. The applicant's name and address.

2. The applicant's current employer.

3. The applicant's employers for the previous five (5) years, including the employers' names, addresses and dates of employment.

4. The applicant's residence address for the previous five (5) years.

5. The applicant's social security number, date of birth, home telephone number, weight, height, color of eyes and color of hair.

6. If the applicant has ever been convicted of a felony, crime or violation of an ordinance other than a minor traffic offense, and if so, the time, place and offense involved in the convictions.

7. If the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.

8. a. Evidence that the applicant:

(1) Has current insurance coverage over one million dollars (\$1,000,000.00) for professional liability in the practice of massage;

(2) Is affiliated with, employed by or owns a therapeutic massage enterprise licensed by the city;

(3) Has completed four hundred (400) hours of certified therapeutic massage training from a recognized school that has been approved by the city council; or

(4) Has one year of experience practicing massage therapy as established by an affidavit and can document, within two (2) years of obtaining the license, that the person has completed four hundred (400) hours of certified therapeutic massage training from a recognized school; if such documentation cannot be established at the time of license renewal, the license will not be renewed, and the person who received the license based upon experience may not receive a license in the future unless the person has the requisite certified hours.

b. The minimum requirement of massage training specified in subsections B8a(3) and B8a(4) of this section does not apply to a massage therapist:

(1) Employed by an establishment licensed for massage on the effective date hereof; and

(2) Continuously employed since that date by the licensed establishment.

9. Other information that the city council may require. (Ord. 1999-2, 2-1-1999)

4-5-6: VERIFICATION AND CONSIDERATION OF APPLICATIONS:

A. Enterprise License: The city administrator must verify the information supplied on the license application and investigate the background, including the criminal background, of the applicant to assure compliance with this section. Within ninety (90) days of receipt of a complete application and fee for a therapeutic massage enterprise license, the city administrator must make a written recommendation to the city council as to issuance or nonissuance of the license. The city council may order additional investigation if it deems it necessary, but must grant or deny the application within one hundred twenty (120) days of receipt by the city administrator of the complete application and required fees.

B. Therapist License: Within ninety (90) days of receipt of a complete application and fee for a therapeutic massage therapist license, the city administrator must grant or deny the application. Notice will be sent to the applicant upon a denial informing the applicant of the right to appeal to the city council within twenty (20) days. If an appeal is properly made, the matter will be placed on the next available city council agenda. (Ord. 1999-2, 2-1-1999)

4-5-7: LICENSE AND INVESTIGATION FEES:

The fees for massage enterprise and therapist licenses are as established by resolution of the city council. An investigation fee as established by resolution of the city council will be charged for therapeutic massage enterprise licenses. An application for either license must be

accompanied by payment in full of the required license and investigation fees, if applicable. (Ord. 1999-2, 2-1-1999; amd. 2005 Code)

4-5-8: PERSONS INELIGIBLE FOR LICENSES:

- A. Enterprise License: A therapeutic massage enterprise license may not be issued to an individual who:
1. Is a minor at the time the application is filed.
 2. Has been convicted of any crime directly related to the occupation as prescribed by Minnesota statutes section 364.03, subdivision 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota statutes section 364.03, subdivision 3.
 3. Is not of good moral character or repute.
 4. Is not the real party in interest of the enterprise.
 5. Has misrepresented or falsified information on the license application.
- B. Therapist License: A therapeutic massage therapist license may not be issued to a person who could not qualify for a therapeutic massage enterprise license or who is not affiliated with, employed by, or does not hold a therapeutic massage enterprise license. (Ord. 1999-2, 2-1-1999)

4-5-9: LOCATIONS INELIGIBLE FOR ENTERPRISE LICENSE:

- A. Delinquent Taxes: A therapeutic massage enterprise may not be licensed if the enterprise is located on property on which taxes, assessments or other financial claims to the state, county, school district or city are due and delinquent. In the event a suit has been commenced under Minnesota statutes sections 278.01 through 278.13, questioning the amount or validity of the taxes, the city council may, on application, waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after becoming due.
- B. Improper Zoning: A therapeutic massage enterprise may not be licensed if the location of such enterprise is not in conformance with the zoning ordinance ¹³. (Ord. 1999-2, 2-1-1999)

4-5-10: TERM AND RENEWAL OF LICENSES:

Licenses expire annually on December 31. The license fee will be prorated in thirty (30) day increments for licenses issued after June 30. The city administrator must prepare an application form for the renewal of a license requiring information that the administrator determines necessary for consideration of the renewal. The renewal application must be made no later than November 30. (Ord. 1999-2, 2-1-1999)

4-5-11: NONTRANSFERABILITY OF LICENSE:

The license issued is for the person or the premises named on the approved license application. Transfer of a license from place to place or from person to person is not permitted. (Ord. 1999-2, 2-1-1999)

4-5-12: LICENSES TO BE POSTED OR IN POSSESSION:

A therapeutic massage enterprise license issued must be posted in a conspicuous place on the premises for which it is issued. A person licensed as a therapeutic massage therapist must have in possession a copy of the license when therapeutic massage services are being rendered. (Ord. 1999-2, 2-1-1999)

4-5-13: HOURS OF OPERATION:

A licensed therapeutic massage enterprise may not operate for business between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. (Ord. 1999-2, 2-1-1999)

4-5-14: AREA AND SITE RESTRICTIONS:

A therapeutic massage enterprise license is effective only for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered or extended, the licensee must inform the city administrator. A licensed therapeutic massage therapist may perform on site massage at a business, public gathering, private home or other site not on the therapeutic massage enterprise premises. (Ord. 1999-2, 2-1-1999)

4-5-15: CLOTHING AND COVERINGS; PROHIBITED MESSAGES:

- A. Clothing And Coverings: The therapist must require that the person who is receiving the massage will at all times have that person's breasts, buttocks, anus and genitals covered with nontransparent material or clothing. A therapist performing massage must have the therapist's breasts, buttocks, anus and genitals covered with a nontransparent material or clothing.
- B. Prohibited Massages: A therapist may not intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva or vaginal area of a person. (Ord. 1999-2, 2-1-1999)

4-5-16: SANITATION AND HEALTH RESTRICTIONS:

- A. Toilet Rooms: A therapeutic massage enterprise must be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet rooms must be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet rooms must be kept clean and in good repair and be fully and adequately illuminated.
- B. Paper, Linens And Sanitizing Furniture:
 1. A therapeutic massage enterprise must provide single service disposable paper or clean linens to cover the table, chair, furniture or area on which the patron receives the massage.

If the table, chair or furniture on which a patron receives the massage is made of material impervious to moisture, such table, chair or furniture must be sanitized after each massage.

2. Massage tables, chairs or furniture on which the patron receives the massage must have surfaces that can be readily disinfected after each massage.

C. Disinfection Of Therapist Hands And Arms; Clothing:

1. The therapeutic massage therapist must wash the therapist's hands and arms with water and soap, antibacterial scrubs, alcohol or other disinfectants prior to and following each massage service performed.

2. Massage therapists must wear clean clothing when performing massage services.

D. Lighting: Rooms in a therapeutic massage enterprise must be fully and adequately illuminated.

E. Storage Area: A therapeutic massage enterprise must have a janitor's closet that provides for the storage of cleaning supplies.

F. Refuse Receptacles: Therapeutic massage enterprises must provide adequate refuse receptacles that must be emptied as required by this code ¹⁴.

G. Maintenance And Repair: Therapeutic massage enterprises must be maintained in good repair and sanitary condition.

H. Clean Air: Therapeutic massage enterprises must comply with the requirements of the Minnesota indoor clean air act ¹⁵.

I. Safeguarding Against Disease Conditions: A therapeutic massage enterprise must take reasonable steps to prevent the spread of infections and communicable diseases on the licensed premises. (Ord. 1999-2, 2-1-1999)

4-5-17: TEMPORARY THERAPIST LICENSE:

A. Authority To Issue: The city administrator may issue a temporary therapeutic massage license as provided in this section.

B. Persons Eligible: A temporary massage therapist license may be issued to a person who:

1. Is qualified to hold a massage license under this section.

2. Has completed the required application and paid the license fee at least seven (7) days prior to the effective date of the license.

C. Term And Number Of Licenses: A temporary license is effective for four (4) consecutive days. A person may not be issued more than three (3) temporary licenses in any period of three hundred sixty (360) days.

D. Application Of Provisions: All other provisions of this chapter apply to temporary licenses.
(Ord. 1999-2, 2-1-1999)

4-5-18: ANNUAL INSPECTIONS:

The building official shall annually inspect the licensee's place of business within sixty (60) days prior to license renewal for compliance with this code. (2005 Code)

4-5-19: SUSPENSION OR REVOCATION OF LICENSES:

A license granted under this chapter may be suspended or revoked by the city council for the reasons and under the procedures specified by the city. (Ord. 1999-2, 2-1-1999; amd. 2005 Code)