



ADMINISTRATIVE SERVICES DEPARTMENT
REVENUE SERVICES DIVISION – BUSINESS LICENSE TAX
425 North El Dorado Street • PO Box 1570 • Stockton, CA 95201 • (209) 937-8313
www.stocktonca.gov

MASSAGE ESTABLISHMENTS

Forms Needed:

- Business license application
- Police clearance form OR copy of CA Massage Therapy License for each owner /technician
- Live scan form for each owner/technician
- Color copy of government issued identification for each owner/technician

City License Fees:

- Annual Registration Tax - \$24.00
- State Disability Act Fee - \$ 4.00
- Annual Mill Tax (nine/tenths of one mill per dollar)
- Massage Owner Police Clearance Fee - \$340.25
- Massage Technician Police Clearance Fee - \$259.25

INTENTIONALLY LEFT BLANK

FOR OFFICE USE ONLY:

 ACCOUNT # _____
 CUSTOMER ID # _____
 LICENCE REF # _____
 CLASS _____

BUSINESS LICENSE TAX APPLICATION
NEW LIC _____ Number of Employees: Full Time _____ Part Time _____ Temporary _____ Square Footage _____
CHANGE _____ Change From _____ Date of Change _____ Bus Lic # _____

NOTE: Any change in ownership, address, or business activity, requires a new application. The City of Stockton does not guarantee that information on this form will be exempt from disclosure under the Public Records Act.

BUSINESS INFORMATION:

- Business Name (DBA) _____ Phone () _____
- Business Address _____ Ste/Apt # _____ City _____ State _____ Zip _____
(Cannot be PO Box per CA Bus & Prof Code Section 17538.5) (List address where each individual consent to receive service of process AB2184 Sec 1600.)
- Business Mailing Address _____ Ste/Apt # _____ City _____ State _____ Zip _____
(If different from the service process address/Business address)
- Business Email Address _____

5. Business involved in renting residential or commercial real estate (Stockton only):
Property Address _____
Property Owner _____ **Parcel #** _____

- Detail Description of Business Activity _____
- Standard Industrial Classification (SIC): _____ Major Group: _____
- Are you Chamber of Commerce Green Certified? Yes ___ No ___ (For information contact Chamber of Commerce (209) 547-2770)
- Start date in the City of Stockton _____ Estimated **Monthly** Gross Receipts in Stockton \$ _____
- Contractor's only:** Project Amount _____ CA Contractor's License # _____
 Classification _____ Expiration Date _____ Annual Quarterly Contractors License
- Seller's Permit # _____ SS# or Tax ID # _____
- Check One: Single Owner Partnership Corporation LP LLC

OWNER(S) INFORMATION: (The following personal information is not public and will not be shared in accordance with city policy OL-103.) Proof of compliance with Business and Professions Code Section 17538.5(b)(2)(A)(B) may be submitted in lieu of home address.

- Name _____ Address _____
 City _____ State _____ Zip _____ Home Phone (____) _____
 Date of Birth _____ Driver's Lic or Other I.D.# _____ State _____
- Name _____ Address _____
 City _____ State _____ Zip _____ Home Phone (____) _____
 Date of Birth _____ Driver's Lic or Other I.D.# _____ State _____

FOR OFFICE USE ONLY:

ACCOUNT # _____
CUSTOMER ID # _____
LICENSE REF # _____

CORPORATION, LLC, or LP INFORMATION: (Must be Registered in California)

Name _____ Corp/LLC/LP # _____

Names of Officers/Members

President: _____ Secretary: _____

Vice President: _____ Treasurer: _____

Authorized Agent: _____ Contact Phone # _____

Authorized Agent: _____ Contact Phone # _____

PLEASE NOTE:

The Issuing of your Business License is for revenue purposes only. It does not relieve you from the responsibility of complying with the requirements of any other department of the City of Stockton and/or any other ordinance, law or regulation of the City of Stockton, State of California, or any other governmental agency.

Business Licenses are not transferable. It is your responsibility to renew your Business License whether or not you receive a renewal notice. If you are no longer conducting business in the City of Stockton, you must notify us in writing. To appeal a business license that has been denied see SMC 5.04.210.A.

I HAVE READ AND UNDERSTAND THE TERMS ABOVE • I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

Owner/Authorized Signature Title Date

Owner/Authorized Signature Title Date

Disability Access and Education Fee (SB 1186)

**State Mandated Disability Access and Education Revolving Fund.

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:

- o The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx.
- o The Department of Rehabilitation at www.rehab.ca.gov.
- o The California Commission on Disability Access at www.cdda.ca.gov.

BELOW IS FOR OFFICE USE ONLY: PLEASE DO NOT WRITE IN ADDITIONAL INFORMATION BELOW THIS LINE

Processed By:		Date:	Business License Taxes/Fees	Amount
Dept/Div Checked Must Approve or Deny		Authorized Signature and Date	Registration Tax	
<input type="checkbox"/> Planning	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Mill Tax/Flat Rate Tax	
<input type="checkbox"/> Building	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Penalty	
<input type="checkbox"/> Fire	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Prior Year(s) Taxes	
<input type="checkbox"/> Police	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		**State Mandated Disability Access and Education Revolving Fund	
<input type="checkbox"/> MUD/Stormwater	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Other: Adjustments/Credits	
<input type="checkbox"/> Other:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>		Total Due	
			Expiration Date	

PLEASE RETAIN A COPY FOR YOUR RECORDS

Account # _____

Customer ID # _____

License Ref # _____



Office Use Only:

- Cannabis Dispensary Emp
- Peddler
- Solicitor
- Taxi Cab Driver
- Ice Cream Vendor
- Card Room Employee
- Massage Technician
- Non Emergency Transport
- Cannabis Dispensary Owner
- Funeral Escort
- Bingo
- Transient Photographer
- Motorized Food Wagon Vendor
- Card Room Owner
- Massage Owner

POLICE CLEARANCE APPLICATION
CHIEF OF POLICE
CITY OF STOCKTON, CALIFORNIA

P # _____ Exp: _____ New Renewal

Appointment Date/Time: _____

Location: 22 E Weber Ave (Center St Entrance)

To Reschedule Call 209-937-8313

INDIVIDUAL INFORMATION REQUIRED FOR CLEARANCE - APPLICATION MUST BE COMPLETELY FILLED OUT AND SIGNED

In applying for a license in the City of Stockton, I offer the following information regarding myself:

NAME: _____ TELEPHONE: (____) _____
 LAST FIRST MIDDLE

A.K.A.(S): _____

MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

AGE: _____ DATE OF BIRTH: _____ PLACE OF BIRTH: _____

HEIGHT: _____ WEIGHT: _____ SEX: M ___ F ___ EYE COLOR: _____ HAIR COLOR: _____

(CHECK ONE) MARRIED: _____ SINGLE: _____ DIVORCED: _____ SEPARATED: _____

DRIVER'S LICENSE NUMBER OR IDENTIFICATION NUMBER: _____ STATE: _____

SOCIAL SECURITY NUMBER: _____ - _____ - _____

PREVIOUS EMPLOYERS:

COMPANY NAME	ADDRESS	CITY	STATE	COUNTRY
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____

REFERENCES:

NAME	ADDRESS	CITY	STATE	ZIP
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____

RECORD OF ARRESTS (If none, initial here _____)

DATE OF ARREST	LOCATION OF ARREST	CHARGE(S)

IMPORTANT NOTICE: I declare under penalty of perjury that the statements made on this application are true and correct to the best of my knowledge and belief. I understand that any false statements are grounds for denial or revocation of the Regulatory work permit. I also understand I will be fingerprinted upon my initial application and will be photographed annually. I am aware that all fees associated with this application are non-refundable.

SIGNATURE OF APPLICANT

DATE SIGNED

INTENTIONALLY LEFT BLANK



REQUEST FOR LIVE SCAN SERVICE

Applicant Submission

CA0390500
ORI (Code assigned by DOJ)

PERMIT
Authorized Applicant Type

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

STOCKTON POLICE DEPARTMENT
Agency Authorized to Receive Criminal Record Information

17207
Mail Code (five-digit code assigned by DOJ)

22 E MARKET ST
Street Address or P.O. Box

DIANA GONZALEZ
Contact Name (mandatory for all school submissions)

STOCKTON CA 95202
City State ZIP Code

(209) 937-8422
Contact Telephone Number

Applicant Information:

Last Name

First Name Middle Initial Suffix

Other Name (AKA or Alias) Last

First Suffix

Date of Birth Sex Male Female

Driver's License Number

Height Weight Eye Color Hair Color

Billing Number
(Agency Billing Number)

Place of Birth (State or Country) Social Security Number

Misc. Number
(Other Identification Number)

Home Address Street Address or P.O. Box

City State ZIP Code

Your Number: _____
OCA Number (Agency Identifying Number)

Level of Service: DOJ FBI

If re-submission, list original ATI number:
(Must provide proof of rejection)

Original ATI Number _____

Employer (Additional response for agencies specified by statute):

N/A
Employer Name

N/A
Mail Code (five digit code assigned by DOJ)

N/A
Street Address or P.O. Box

N/A
City State ZIP Code

N/A
Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency LSID

ATI Number Amount Collected/Billed

INTENTIONALLY LEFT BLANK

Stockton Municipal Code
Chapter 5.48
MESSAGE ESTABLISHMENTS

5.48.010 Short title.

This chapter shall be known as the “Massage Establishment Permit Ordinance.”
(Prior code § 5-500)

5.48.020 Purpose and application.

The purpose of this chapter is to require the issuance of a permit to conduct, own or operate massage establishments within the City; to require work permits for the massage technicians employed therein; to establish standards for the issuance of said permits; to establish rules and regulations under which such permits shall remain in force, be suspended or revoked; and providing penalties for violations thereof.

The provisions of this chapter which are in conflict with State law (specifically, Chapter 10.5 of the Business and Professions Code Sections 4600, et seq.) shall not apply to certified massage practitioners or certified massage therapists (as defined by State law) or massage establishments wherein all of the individuals practicing massage therapy are certified massage practitioners and/or certified massage therapists. (Ord. 014-09 C.S. § 1, eff. 11-5-09; prior code § 5-501)

5.48.030 Definitions.

For the purpose of this chapter, unless the context clearly requires a different meaning, the words, terms and phrases hereinafter set forth shall have the meanings given them in this section:

“California Massage Therapy Council” or “CAMTC” means that organization created pursuant to Section 4600 et seq., of the California Business and Professions Code.

“CAMTC certificate” means a current and valid certificate issued by the CAMTC, to a certified massage therapist or certified massage practitioner, pursuant to Section 4600 et seq., of the California Business and Professions Code.

“Massage” means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

“Massage establishment” means any premises, place of business, or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or other form of consideration, a massage, fomentation, bath, manipulation of the body, electric or magnetic treatment, alcohol rub or other similar massage service or procedure.

The words “massage establishment” and the provisions of this chapter shall not apply to any physician, surgeon, osteopath, chiropractor or other person, duly licensed by the State to treat, manipulate, operate upon, or prescribe for the persons or bodies of human beings and who are actually practicing said licensed profession, or to students of medicine, surgery, osteopathy, chiropractic or other similar professional callings actually attending accredited schools, or to trainers of any amateur, semi-professional or professional athlete or athletic team or to barbers and beauticians who are duly licensed under the laws of this State.

“Massage technician” means any person, male or female, who in connection with the activities of a massage establishment administers to another person, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the body, or any other similar procedure.

“Out call massage” means the engaging in or carrying on a massage for a fee or any consideration at a location other than a duly licensed massage establishment.

“Person” means any natural person, firm, partnership, corporation, or association.

“Recognized school of massage” means any school or institution of learning which:

1. Teaches the theory, ethics, practice, profession, and work of massage; and
2. Requires a residence course of study to be given before the student shall be furnished with a diploma or certificate of learning; and
3. Has been approved pursuant to Section 29025 of the Education Code of the State, or, if said school is not located in California, has complied with the standards commensurate with those required in said Section 29025.

Any school or institution of learning offering or allowing correspondence course credit not requiring actual attendance at class, or courses of a massage technician not approved by the California State Department of Education shall not be deemed a “recognized school of massage.” (Ord. 2019-07-16-1502 C.S. § 2; prior code § 5-502)

5.48.040 Permit required.

No person shall operate a massage establishment without first having obtained a written permit from the Director of Finance. There shall be only one (1) operator’s license for each massage establishment. (Prior code § 5-503)

5.48.050 Application.

An application for a massage establishment permit shall be filed with the Director of Finance and shall be in writing on forms provided by the City, and shall be accompanied by payment of a fee in an amount as established, from time to time, by resolution of the City Council. Any such application shall be under oath, in duplicate, and shall contain such information pertinent to the applicant and the business as the City may require. (Prior code § 5-504)

5.48.060 Documents accompanying application.

The license applicant shall accompany the application with the following documents:

- A. Two (2) identity prints of a recent passport-size photograph of the applicant;
- B. Two (2) copies of applicant's fingerprints on forms provided by the Stockton Police Department; and
- C. Written evidence that the applicant is 18 years of age or older. (Prior code § 5-505)

5.48.070 Age requirement.

A massage establishment permit shall not be issued to any person under 18 years of age or to a partnership, association, or corporation, any officer or manager of which is under 18 years of age. (Prior code § 5-506)

5.48.080 Investigation.

The Director of Finance shall refer all applications for a permit to the Police Chief, Fire Chief, and Director of Community Development for their investigation and recommendations.

- A. The Police Chief shall investigate and ascertain the following:
 - 1. Whether the applicant has within three (3) years immediately preceding the date of filing of the application, been convicted in a court of competent jurisdiction of any offense which relates directly to the operation of a massage establishment, whether as a massage establishment owner or operator, or as a massage technician, or of any felony, the commission of which occurred on the premises of a massage establishment; or

2. Whether the applicant has, within three (3) years immediately preceding the date of filing of the application, had any massage establishment operator's technician permit which has been issued within the State of California, suspended or revoked; or

3. Whether the applicant has within 10 years immediately preceding the date of the application completed a probationary period or has been released from prison (whichever period of time is longer), after being convicted in a court of competent jurisdiction of any offense, involving conduct which requires registration under Section 290 of the California Penal Code, or of any violation of Sections 314, 315, 316, 318, or 647(a), (b) or (d) of the California Penal Code, or conspiracy or attempt to commit any such offense, or any offense in a jurisdiction outside of the State which is the equivalent of any of the aforesaid offenses; or

4. Whether the applicant has within 10 years immediately preceding the date of the application completed a probationary period or has been released from prison (whichever period of time is longer), after being convicted in a court of competent jurisdiction of any felony offense specified in Division 10 of the California Health and Safety Code; or

5. Whether the applicant has knowingly made a material misrepresentation in the application for the license; or

6. Whether the applicant has within three (3) years immediately preceding the date of filing of the application been convicted in a court of competent jurisdiction of an offense involving theft or any series of petty thefts.

The Police Chief shall make a report of his or her findings to the Director of Finance together with his or her recommendations, if any.

B. The Fire Chief and Director of Community Development, within the jurisdictions and duties of their particular departments, shall ascertain whether or not the premises to be used are suitable, proper, and adequate, and comply with all applicable laws, ordinances and regulations. The Fire Chief and Director of Community Development shall make a report of their findings to the Director of Finance, together with their recommendations, if any. (Prior code § 5-507)

5.48.090 Business license.

Nothing herein shall constitute a waiver of the requirements of Title 5 of the Stockton Municipal Code requiring issuance and possession of valid business license. (Prior code § 5-508)

5.48.100 Renewal of license.

Any person who holds a valid massage establishment license may obtain a new license for the succeeding year by applying for said new license during the 30 days preceding the expiration date of their current license. (Prior code § 5-509)

5.48.110 Time within which to grant or deny license.

Within 45 days after the filing of an application for a license, the Director of Finance shall review the application, together with reports and recommendations of the Police Chief, Fire Chief, and Director of Community Development and shall grant said license or notify the applicant that he or she proposes to deny the license, together with the grounds for denial as set forth in Section 5.48.120 of this chapter. Said notice shall be in writing and sent by mail to the applicant's mailing address set forth in the application. In event of denial, the applicant may appeal such denial to the City Manager by filing notice thereof with the City Manager within 30 days of the date the notice was mailed. (Prior code § 5-510)

5.48.120 Grounds for denial of a license.

The following grounds shall constitute grounds for denial of a massage establishment permit:

- A. The establishment as proposed by the applicant does not comply with all applicable laws including but not limited to the City's building, zoning, and health regulations;
- B. The applicant has, within three (3) years immediately preceding the date of filing of the application, been convicted in a court of competent jurisdiction of any offense which relates directly to the operation of a massage establishment, whether as a massage establishment owner or operator, or as massage technician, or of any felony the commission of which has occurred on the premises of a massage establishment;
- C. The applicant has, within three (3) years immediately preceding the date of filing of the application, had a massage establishment operator's, technician's, or training license or permit which was issued within the State of California revoked;
- D. The applicant has, within three (3) years immediately preceding the date of filing of the application, been convicted in a court of competent jurisdiction of an offense involving theft or any series of petty thefts;
- E. Whether the applicant has within 10 years immediately preceding the date of the application completed a probationary period or has been released from prison (whichever period of time is longer), after being convicted in a court of competent jurisdiction of any offense, which required registration pursuant to Section 290 of the

California Penal Code; or convicted of a violation of Sections 314, 315, 316, 318, or 647(a), (b) or (d) of the California Penal Code; conspiracy or attempt to commit any such offense; or any offense in the jurisdiction outside of the State which is equivalent to any of the aforesaid offenses;

F. Whether the applicant has within 10 years immediately preceding the date of the application completed a probationary period or has been released from prison (whichever period of time is longer), after being convicted in a court of competent jurisdiction of any felony offense specified in Division 10 of the California Health and Safety Code; or

G. The applicant has knowingly made a material misstatement in the application for a license. (Prior code § 5-511)

5.48.130 Summary suspension of a license.

Any license issued hereunder may be summarily and temporarily suspended by the Police Chief or the Director of Finance in event it is determined that the holder of such permit has been arrested and charged with any offense which would constitute grounds for denial of a license pursuant to Section 5.48.120 of this chapter. Any such suspension shall be accomplished by written notification of the suspension and the reasons therefor, sent by certified mail, return receipt requested, to the licensee's business address as approved in the license.

Within 24 hours thereafter, a copy of such notice, together with the reasons for the suspension, shall be transmitted to the City Manager. The City Manager shall, within 10 days after the suspension, hear the matter pursuant to Section 5.48.160 of this chapter. (Prior code § 5-512)

5.48.140 Suspension or revocation by City Manager.

The City Manager may initiate suspension or revocation procedures by sending written notice setting forth the grounds for such suspension or revocation. Said notice shall be sent by certified mail, return receipt requested to the licensee's business address as approved in the license. (Prior code § 5-513)

5.48.150 Hearing by the City Manager required—Time limitations.

The City Manager, or designee, shall cause a hearing to be held:

A. Upon the appeal of an applicant from the decision of the Director of Finance to deny the granting of a permit;

B. Upon the summary suspension of a permit pursuant to Section 5.48.130; or

C. Upon the City Manager's determination to initiate suspension or revocation proceedings pursuant to Section 5.48.140. (Prior code § 5-514)

5.48.160 Hearing procedure.

The City Manager shall fix the time and place of the hearing which shall be held within 15 days following the filing of an appeal or from the notice of suspension or revocation. The applicant shall be given notice of said hearing at least 10 days prior to the hearing date. Said notice may be by personal service or by certified mail, return receipt requested.

At the time and place fixed in said notice, or at any time to which the matter may be continued by the mutual consent of the parties, the City Manager or designee shall hear the applicant and all witnesses together with any proper documentary evidence offered in support of or against the granting or continuation of a license. The City Manager shall, at the conclusion of the hearing, make findings of fact based upon the evidence submitted and determine whether grounds exist for denial of a license as set forth in Section 5.48.120 or for the suspension and/or revocation of the license as set forth in Section 5.48.180. If from the evidence the City Manager finds grounds exist for the denial, suspension or revocation of the license, he or she shall deny the license or order the suspension and/or revocation thereof. If following the hearing the City Manager determines that no proper grounds exist for the denial, suspension or revocation of the license, then the City Manager shall grant the appeal and cause a license to be issued or terminate any prior suspension. (Prior code § 5-515)

5.48.170 Grounds for revocation and/or suspension of massage operator's license.

Any license issued for a massage establishment may be suspended and/or revoked by the City Manager after a hearing pursuant to Section 5.48.160, where it is found that:

- A. Licensee has violated any provisions of this chapter;
- B. The licensee has been convicted in a court of competent jurisdiction of any offense constituting grounds for denial of the license pursuant to Section 5.48.120;
- C. The licensee has engaged in fraud, misrepresentation, or false statements in conducting the massage establishment;
- D. The licensee has failed to correct the violation found pursuant to Section 5.48.230;
- E. The licensee has continued to operate the massage establishment after the license has been suspended; or

- F. The licensee has allowed a person to work as a massage technician who:
1. Does not have a proper valid permit in his or her possession,
 2. Has been convicted of any offense described in Section 5.48.120 of this chapter where the licensee has actual or constructive knowledge of such conviction. (Prior code § 5-516)

5.48.180 Right of appeal from denial, suspension, or revocation of massage operator's license.

Any holder of a massage establishment license aggrieved by the action of the City Manager or other officials of the City acting under this chapter, may appeal such decision to the City Council. (Prior code § 5-517)

5.48.190 Procedure—Time limitations.

A. An appeal to the City Council shall be made by filing a petition in triplicate with the City Clerk not later than 10 days from the decision of the City Manager. The petition shall set forth the grounds of appeal and the reasons why such appeal should be granted. Upon receipt of the petition, the City Clerk shall immediately forward a copy to the City Manager and within 10 days following the filing of appeal, the petition shall be placed on the agenda of the City Council.

B. The City Council shall set the matter for hearing within 15 days and give the appellant notice of the time and place for said hearing. Said notice shall be given in person or by mail not later than 10 days prior to the hearing. (Prior code § 5-518)

5.48.200 Action by City Council.

In considering and ruling upon the appeal of the petitioner, the City Council shall judge the merits of the appeal based upon those grounds set forth in Section 5.48.170. The City Council may reverse or affirm, wholly or in part any decision, determination, or requirement of the City Manager and may make such decisions or determinations or impose such conditions as the facts warrant. The decisions of the City Council shall be final. Any hearing may be continued from time to time. (Prior code § 5-519)

5.48.210 Return of license—Closure of premises.

Upon revocation or suspension, the license shall be returned to the Director of Finance for cancellation or holding pending the period of suspension. The Director of Finance may direct or cause the premises to be closed and locked against use by the

public when deemed reasonably necessary by the Director of Finance in order to insure compliance with an order of suspension or revocation. Said closure of premises to the public shall not exceed 90 days and may be terminated prior to the expiration of such period upon request of the owner of the premises accompanied by a statement under oath that the premises will not be used as a massage establishment during the remainder of the suspension period. (Prior code § 5-520)

5.48.220 Inspection.

Any person operating a massage establishment shall during the business hours be responsible for, and provide, that any premises used for the purposes of a massage establishment shall be readily accessible and open for inspection by law enforcement officers or other employees of the City who are charged with enforcement of health and safety or penal laws of the City or State. (Prior code § 5-521)

5.48.230 Hours.

No person shall conduct or operate a massage establishment between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 2019-07-16-1502 C.S. § 3; prior code § 5-522)

5.48.240 Alcoholic beverages—Prohibited.

No alcoholic beverages shall be sold, served, furnished, kept or possessed on the premises of any massage establishment. (Prior code § 5-523)

5.48.250 Out-call massage—Prohibited.

No out-call massage service shall be performed unless authorized in writing by a State licensed physician, chiropractor, or osteopath or by the Chief of Police. (Ord. 2014-11-04-1201 C.S. § 1; prior code § 5-524)

5.48.260 Business name.

No person licensed to operate a massage establishment shall operate under any name or conduct business under any designation not specified in the license. (Prior code § 5-525)

5.48.270 Business location change.

Upon a request to change the location of a massage establishment, an application to the Director of

Finance shall be made and such application shall be granted, provided all applicable provisions of this code have been complied with and the change of location fee, in an amount established by resolution of the City Council, has been paid to the City. (Prior code § 5-526)

5.48.280 Sale or transfer of massage establishment interest.

The sale or transfer of any interest in any massage establishment shall be reported to the Director of Finance 10 days prior to such sale or transfer. A new application, pursuant to Section 5.48.050, shall be filed and an investigation conducted pursuant to Section 5.48.080 as to the person obtaining such interest. If such person satisfies the requirements related to massage establishment license applicants, the existing license shall be endorsed to include such person. A fee in the amount established by resolution of the City Council shall be paid to the City for the investigation necessitated by such sale or transfer. (Prior code § 5-527)

5.48.290 Display of permits, license.

The licensee shall display the massage establishment license, together with the permit of each massage technician employed in the establishment, in an open and conspicuous place on the premises. Passport size photographs of the licensee and permittees shall be affixed to the respective license and permits on display pursuant to this section. Residence addresses of licensee or permittees need not be displayed. (Prior code § 5-528)

5.48.300 Records.

The owner and/or operator of a massage establishment shall maintain a current file of all persons employed therein. This file shall contain true names and aliases used by such employees; the age, birth date, height, weight, color of hair and eyes, home address, phone numbers, social security number, the date of employment and termination; the name and addresses of the recognized school of massage attended, the date attended, and the written proof that the massage technician has completed a residence course of study in massage. (Such person shall make all records immediately available upon demand of any law enforcement officer.) (Prior code § 5-529)

5.48.310 Pre-existing operators and technicians.

All operators of existing massage, bath, or health treatment establishments, and all persons engaged in giving massage, bathing, and health treatments in the City, upon the effective date of the ordinance codified in this chapter, shall file an application and comply with all requirements of this chapter within 180 days. (Prior code § 5-530)

5.48.320 Massage technician's work permit required.

It is unlawful for any person to act as a massage technician as defined herein without first having acquired a valid work permit from the Director of Finance and complying with all of the regulations contained in this chapter. (Prior code § 5-531)

5.48.330 Hours of instruction—Eligibility.

Any person to be eligible for a massage technician's permit must have completed, within 60 days of the application for said permit, a residence course of study in massage, at a recognized school of massage. (Prior code § 5-532)

5.48.340 Application for a work permit.

An application for a work permit shall be filed with the Director of Finance and shall be in writing on forms provided by the City and shall be accompanied by payment of a fee in an amount as established, from time to time, by resolution of the City Council. Any such application shall be under oath, in duplicate, and shall contain such information pertinent to the applicant as the City may require. (Prior code § 5-533)

5.48.350 The following items shall accompany the permit for a massage technician's permit.

- A. Two (2) prints of a recent passport-size photograph of the applicant;
- B. Certificate from a medical doctor stating that the applicant has within 30 days immediately prior to the filing of the application been examined and found to be free from any contagious or communicable disease;
- C. Written evidence that the applicant is at least 18 years of age;
- D. Two (2) copies of applicant's fingerprints on forms provided by the Stockton Police Department;

E. The name and address of the recognized school of massage attended and/or attending and written proof that the applicant has completed/or begun the residence course of study in massage as required by Section 5.48.330 of this chapter. (Prior code § 5-534)

5.48.360 The Director of Finance's investigation.

A. The Director of Finance shall refer all applications for work permits for massage technician to the

Chief of Police for investigation and recommendation. The Chief of Police shall investigate and ascertain:

1. Whether the applicant has within three (3) years immediately preceding the date of filing of the application had any massage establishment operator's or technician's permit suspended or revoked;

2. Whether the applicant has within 10 years immediately preceding the date of the application completed a probationary period or has been released from prison (whichever period of time is longer), after being convicted in a court of competent jurisdiction of any offense, requires registration under Section 290 of the California Penal Code or any violation of Sections 314, 315, 316, 318, or 647(a), (b), or (d) of the California Penal Code, or conspiracy or attempt to commit any such offense, or any offense in the jurisdiction outside the State which is equivalent of any of the aforesaid offenses;

3. Whether the applicant has knowingly made a material misstatement in the application for a permit;

4. Whether the applicant has within three (3) years immediately preceding the date of filing of the application been convicted in a court of competent jurisdiction of an offense of theft or series of petty thefts;

5. Whether the applicant has within 10 years immediately preceding the date of the application completed a probationary period or has been released from prison (whichever period of time is longer), after being convicted in a court of competent jurisdiction of any felony offense specified in Division 10 of the California Health and Safety Code.

B. The Police Chief shall make a report of the findings to the Director of Finance together with his or her recommendations, if any. (Prior code § 5-535)

5.48.370 Time within which to grant or deny a work permit.

Within 20 days after the filing of an application for a permit, the Director of Finance shall review the application, together with the report and recommendation of the Police Chief and shall grant said permit or shall notify the applicant of the denial of the permit and the grounds for such denial. Said notice shall be in writing and sent by certified mail to the applicant's mailing address as set forth in the application. In the event of denial of the permit, the applicant may appeal said denial to the City Manager by filing notice thereof with the City Manager within 30 days of the date the notice was mailed. (Prior code § 5-536)

5.48.380 Grounds for denial of a permit.

The following shall constitute grounds for denial of a massage technician's permit:

A. The applicant has within three (3) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any offense which relates directly to the operation of a massage establishment or of any felony, the commission of which occurred on the premises of a massage establishment;

B. The applicant has within three (3) years immediately preceding the date of filing of the application had any massage establishment operator's, technician's, or training license or permit which was issued within the State suspended or revoked;

C. Whether the applicant has within 10 years immediately preceding the date of the application completed a probationary period or has been released from prison, (whichever period of time is longer) after being convicted in a court of competent jurisdiction of any offense, which required registration pursuant to Section 290 of the California Penal Code, or convicted of any violation of Section 314, 315, 316, 318 or 647(a), (b) or (d) of the California Penal Code, conspiracy or attempt to commit any such offense; or any offense in a jurisdiction outside the State which is equivalent to any of the aforesaid offenses;

D. Whether the applicant has within 10 years immediately preceding the date of the application completed a probationary period or has been released from prison (whichever period of time is longer), after being convicted in a court of competent jurisdiction of any felony offense specified in Division 10 of the California Health and Safety Code;

E. The applicant has knowingly made a material misstatement on the application for a license;

F. The applicant within three (3) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of an offense involving theft or series of petty theft offenses. (Prior code § 5-537)

5.48.390 Annual medical examination of massage technician.

A. Any person who has been issued a massage technician permit shall file with the Director of Finance each year, within 30 days of the anniversary date of the issuance of the permit, a certificate from a California duly licensed medical doctor that the permittee has within 30 days immediately prior to the filing of the certificate been examined and found to be free of any contagious or communicable disease.

B. It is unlawful for any person who has neglected, failed or refused to file a certificate required by this section to act as a massage technician. (Prior code § 5-538)

5.48.400 Massage age requirement.

A massage technician's permit shall not be issued to any person under 18 years of age. (Prior code § 5-539)

5.48.410 Summary suspension of permit.

Any massage technician's permit issued hereunder may be summarily and temporarily suspended by the Police Chief or the Director of Finance in the event that it is determined that the holder of said permit had been arrested and charged in any court of competent jurisdiction with any offense which would constitute grounds for denial of a permit pursuant to Section 5.48.380 of this chapter. (Prior code § 5-540)

5.48.420 Notice of summary suspension.

Summary suspensions shall be accomplished by written notice of the suspension and the reasons therefor sent by certified mail, return receipt requested, to the permittee's residence address as set forth in the application for a massage technician's permit. Within 24 hours thereafter, a copy of said notice, together with the reasons for suspension, shall be transmitted to the City Manager. The City Manager shall, within 10 days after suspension, hear the matter pursuant to the procedure set forth in Section 5.48.150 of this chapter. (Prior code § 5-541)

5.48.430 Suspension and revocation by City Manager.

The City Manager may initiate suspension or revocation procedures by sending written notice setting forth the grounds for such suspension or revocation. Said notice shall be sent by certified mail, return receipt requested to the permittee's residence address as set forth in the application for massage technician's permit. (Prior code § 5-542)

5.48.440 Hearing by City Manager required—Time limitations.

The City Manager or designee shall cause the hearing to be held:

- A. Upon an appeal of an applicant from a decision of the Director of Finance to deny the granting of a permit;
- B. Upon the summary suspension of a permit pursuant to Section 5.48.410 of this chapter;
- C. Upon the determination by the City Manager to initiate suspension or revocation proceedings pursuant to Section 5.48.430 of this chapter. (Prior code § 5-543)

5.48.450 Grounds for revocation or suspension of technician's permit.

Any massage technician's permit may be suspended and/or revoked by the City Manager after hearing, pursuant to Section 5.48.160, where it is found that:

- A. The permittee has violated any provisions of this chapter;
- B. The permittee has been convicted in a court of competent jurisdiction of an offense constituting grounds for denial of the permit pursuant to Section 5.48.380 of this chapter;
- C. The permittee has continued to function as a massage technician after the permit has been suspended; or
- D. The permittee has failed to complete the course of study as set forth in Section 5.48.330 of this chapter. (Prior code § 5-544)

5.48.460 Return of permit.

Upon revocation or suspension, the work permit shall be returned to the Director of Finance for cancellation or holding during the period of suspension. (Prior code § 5-545)

5.48.470 Action of City Manager as to work permits final and conclusive.

Action taken by the City Manager with respect to the granting, denial, suspension, or revocation of work permits of massage technicians shall be final and conclusive. (Prior code § 5-546)

5.48.480 Renewal of permit.

Any person who holds a valid massage technician's permit may obtain a new permit for the succeeding year by applying for said new permit during the 30 days preceding the expiration date of the current permit. (Prior code § 5-547)

5.48.490 List of services.

A list of services available and the cost of such services shall be posted in an open and conspicuous place on the premises. The services shall be described in readily understandable language, including but not limited to the type of massage, type of appliance or device to be used; supplementary aid to be used; and part of body to be massaged. (Prior code § 5-548)