

## Chapter 112

### MASSAGE PARLORS

- § 112-1. Definitions.
- § 112-2. Permit required.
- § 112-3. Application for permit.
- § 112-4. Application for masseur's permit.
- § 112-5. Approval by Police Chief.
- § 112-6. Issuance or denial of massage business permit.
- § 112-7. Display of permit.
- § 112-8. Permit fees.
- § 112-9. Revocation or suspension of permit.
- § 112-10. Keeping of records.
- § 112-11. Permits not transferable.
- § 112-12. Sanitation and safety requirements.
- § 112-13. Supervision of business.
- § 112-14. Exclusion of certain minors.
- § 112-15. Alcoholic beverages excluded.
- § 112-16. Exceptions.
- § 112-17. Violations and penalties.

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 10-8-1979 as a portion of Ch. 3 of the Code of Ordinances. Section 112-17 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### § 112-1. Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meanings and application of words and phrases used in this chapter.

**EMPLOYEE** — Any person over eighteen (18) years of age, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

**MASSAGE** — The method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatever.

**MASSEUR** — Any person who engages in the practice of massage as herein defined. The use of the masculine gender shall include in all cases the feminine gender as well.

**PATRON** — Any person over eighteen (18) years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

**RECOGNIZED SCHOOL** — Any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires a resident course of study of not less than seventy (70) hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning.

### **§ 112-2. Permit required.**

- A. Business permit required. No person shall engage in or carry on the business of massage unless he has a valid massage business permit issued by the borough pursuant to the provisions of this chapter for each and every separate office or place of business conducted by such person.
- B. Masseur's permit required. No person shall practice massage as a masseur, employee or otherwise unless he has a valid and subsisting masseur's permit issued to him by the borough pursuant to the provisions of this chapter.

### **§ 112-3. Application for permit.**

Any person desiring a massage business permit shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided and shall, in addition, furnish the following".

- A. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.
- B. The name, style and designation under which the business or practice is to be conducted.
- C. The business address and all telephone numbers where the business is to be conducted.
- D. A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business.
- E. The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten percent (10%) of the stock of the corporation and each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
  - (1) Name, complete address and residence telephone numbers.
  - (2) The two (2) previous addresses immediately prior to the present address of the applicant.
  - (3) Written proof of age.
  - (4) Height, weight, color of hair and eyes and sex.
  - (5) Two (2) front face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size.
  - (6) The massage or similar business history and experience, including but not limited to whether or not such person in previously operating in this or another borough or state under license or

- permit has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action of denial, suspension or revocation.
- (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof.
  - (8) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
  - (9) A diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage business.
- F. Such other information, identification and physical examination of the person as shall be deemed necessary by the Police Chief to discover the truth of the matters hereinbefore required to be set forth in the application.
  - G. Authorization for the borough, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
  - H. The names and addresses of three (3) adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.
  - I. A written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the borough.

#### **§ 112-4. Application for masseur's permit.**

Any person desiring a masseur's permit shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The applicant shall tender with the application the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

~~a~~A. The business address and all telephone numbers where the massage is to be practiced.

~~A~~B. \_\_\_\_\_ The following personal information concerning the applicant:

- (1) Name, complete residence address and residence telephone numbers.
- (2) The two (2) previous addresses immediately prior to the present address of the applicant.
- (3) Written proof of age.
- (4) Height, weight, color of hair and eyes and sex.
- (5) Two (2) front face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size.
- (6) The massage or similar business history and experience, including but not limited to whether or not such person in previously operating in this or another borough or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor

- and the business activities or occupations subsequent to such action of denial, suspension or revocation.
- (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offenses for which convicted and the circumstances thereof.
  - (8) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
  - (9) A diploma, certificate or other written proof of graduation from a recognized school where the theory, method, profession or work of massage is taught.
  - (10) A statement, in writing, from a licensed physician in the commonwealth that he has examined the applicant and believes the applicant to be free of all communicable diseases.
- C. Such other information, identification and physical examination of the person deemed necessary by the Police Chief in order to discover the truth of the matters hereinbefore required to be set forth in the application.
  - D. Authorization for the borough, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
  - E. A written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the borough.

#### **§ 112-5. Approval by Police Chief.**

Upon receiving the application for a massage business or masseur's permit, the Police Chief shall conduct an investigation into the applicant's moral character and personal and criminal history. The Police Chief may, in his discretion, require a personal interview of the applicant and such other information, identification and physical examination of the person as shall bear on the investigation. In the case of applications for massage business permits, the Police Chief shall cause to be conducted an investigation of the premises where the massage business is to be carried on for the purposes of assuring that such premises comply with all the sanitation requirements as set forth in this chapter and with the regulations of public health, safety and welfare. Before any permit shall be issued under this chapter, the Police Chief shall first sign his approval of the application.

#### **§ 112-6. Issuance or denial of massage business permit.**

The Police Chief shall issue a massage business permit within forty-five (45) days of receipt of the application unless he finds that:

- A. The correct permit fee has not been tendered to the borough and, in the case of a check or bank draft, honored with payment upon presentation.
- B. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the borough's building, zoning and health regulations.
- C. The applicant, if an individual; or any of the stockholders holding more than ten percent (10%) of the stock of the corporation and any of the officers and directors, if the applicant is a corporation;

or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business have been convicted of any crime involving dishonesty, fraud or deceit, unless such conviction occurred at least five (5) years prior to the date of the application.

- D. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the borough in conjunction therewith.
- E. The applicant has had a massage business, masseur or other similar permit or license denied, revoked or suspended for any of the above causes by the borough or any other state or local agency within five (5) years prior to the date of the application.
- F. The applicant, if an individual; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.
- G. The manager or other person principally in charge of the operation of the business has not successfully completed a resident course of study or learning of not less than seventy (70) hours from a recognized school where the theory, method, profession or work of massage is taught.

#### **§ 112-7. Display of permit.**

The massage business permittee shall display his permit and that of each and every masseur employed in the establishment in an open and conspicuous place on the premises of the massage business.

#### **§ 112-8. Permit fees.**

The permit fee for a massage business shall be as designated by Council pursuant to §1-16 herein.

#### **§ 112-9. Revocation or suspension of permit.**

Any massage business or masseur's permit issued under this chapter shall be subject to suspension or revocation by the Police Chief for violation of any provision of this chapter or for any grounds that would warrant the denial of issuance of such permit in the first place. The Chief, upon such revocation or suspension, shall state his reasons, in writing, specifying the particular grounds for such revocation or suspension.

#### **§ 112-10. Keeping of records.**

Every person who operates a massage business or practices or provides a massage shall at all times keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service and the service provided. Such appointment book shall be available at all times for inspection by the Police Chief or his authorized representatives.

#### **§ 112-11. Permits not transferable.**

No massage business and masseur permits are transferable, separate or divisible, and such authority as a permit confers shall be conferred only on the permittee named therein.

### **§ 112-12. Sanitation and safety requirements.**

All premises used by permittees hereunder shall be periodically inspected by the Police Chief or his authorized representatives for safety of the structure and adequacy of plumbing, ventilation, heating and illumination. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patients shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one (1) patron. Heavy, white paper may be substituted for sheets, provided that such paper is changed for every patron. No massage service or practice shall be carried on within any cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof.

### **§ 112-13. Supervision of business.**

A permittee shall have the premises supervised at all times when open for business. Any business rendering massage services shall have one (1) person who qualifies as a masseur on the premises at all times while the establishment is open. The permittee shall personally supervise the business and shall not violate or permit others to violate any applicable provision of this chapter. The violation of any such provision by any agent or employee of the premises shall constitute a violation by the permittee.

### **§ 112-14. Exclusion of certain minors.**

No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage business establishment as masseur, employee or patron unless such person is on the premises on lawful business.

### **§ 112-15. Alcoholic beverages excluded.**

No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverage on the premises of any massage business.

### **§ 112-16. Exceptions.**

The provisions of this chapter shall not apply to hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts under the laws of the commonwealth or persons working under the direction of any such persons or in any such establishment, nor shall this chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.

### **§ 112-17. Violations and penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not more than six hundred dollars (\$600.) and costs of prosecution for each offense or, upon default in payment of the fine and costs, shall be imprisoned for not more than thirty (30) days for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

