



City of Minnetonka
Community Development
14600 Minnetonka Blvd.
Minnetonka, MN 55345
(952) 939-8274 Licensing
(952) 939-8280 Environmental Health

To: Message Business Applicant

From: Fiona Golden, Licensing Coordinator

Subject: Message Business Application Forms

Enclosed is the Massage Business License application. The annual fee for a massage business license is \$350 and cannot be pro-rated. In addition, there is a one-time fee of \$300 for the police investigation/background check for the owners of the business. The application period takes approximately one month to process, and will start upon receiving all required documents and fees.

New and remodeled facilities will also need to submit a set of construction plans to the Environmental Health division. A separate fee is required for the plan review. If the facility is for new construction, the fee is 100% of the license fee or \$350, or if you are remodeling a current massage business the fee is 50% of the application fee or \$175.00. Once the plans are submitted, the plan review takes approximately two weeks. See the attached *Construction Requirements for Massage Business and Massage Therapy*. If you are not making any changes to the facility, you will need to schedule a change-of-ownership inspection (no fee) with the Environmental Health division. Your license will be released upon final inspection and application processing.

The licensing period for a Massage Business License is August 1 to July 31.

If you have questions please contact:

Fiona Golden
Community Development Coordinator
952-939-8274
fgolden@minnetonkamn.gov

Environmental Health Division
(952) 939-8280
PublicHealth@minnetonkamn.gov

Massage Business License Application Part 1 – General Information

This application form requests information which may be classified as private or confidential under the Minnesota Data Practices Act. This information is required by state law or city ordinance. The information will be used to determine your eligibility for issuance of a license, permit, or identification card. Failure to provide the information will result in a denial of the license, permit, or identification card.

This form must be signed by an officer of the company.

The following items must be submitted for a Massage License to be considered complete and cannot begin until all items listed below are received.

Application Fees	\$350.00 Annual \$300.00 Police Department Background Investigation \$350.00 Plan Review for New Construction \$175.00 Plan Review for Remodeling
Property Info	Copy of lease, mortgage or property title
Narrative	Description of proposed business
Corporate Documents, if applicable	Trade Name Certificate Certificate of Incorporation Articles of Incorporation By-Laws Foreign Corporation Certificate of Authority If private corporation, disclosure of all persons holding greater than 10% ownership If public corporation, Security and Exchange Commission forms 10K & 10Q Franchise Agreement
Liability Certificate	A massage business license may be granted only to an applicant that has insurance coverage of at least \$1,000,000 for personal liability in the practice of therapeutic massage, which provides coverage for all practitioners and associates working on the business premises. City of Minnetonka must be "additional insured". A massage business may satisfy this requirement by requiring each practitioner and associate working on the business premises to provide a copy that person's own insurance coverage of at least \$1,000,000 for personal liability in the practice of therapeutic massage.
Consent for Release of Information	Included in application packet
Minnesota Workers' Compensation Insurance Law	Included in application packet
Part II – Personal Information Forms	To be filled out by the sole owner, each officer, each general and managing partner, or any person who single or together with their spouse or a parent, brother, sister of child own or control in excess of 10%. If 100% of ownership/interest is a corporation where the stock is publicly traded, a letter or chart must be included that indicates that entire ownership trail and percentages. Each individual must also include a short autobiography.

If you have any questions, please call Fiona Golden, Community Development Coordinator 952-939-8274 or fgolden@minnetonkamn.gov



Massage Business License Application

Licensing Period Aug. 1 – July 31

This application form requests information which may be classified as private or confidential under the Minnesota Data Practices Act. This information is required by State law or City ordinance. The information will be used to determine your eligibility for issuance of a license, permit, or identification card. Failure to provide the information will result in a denial of the license, permit, or identification card.

This form must be filled out by an individual, if individually owned; if by a partnership, by one of the partners; if by a corporation, by an officer of the corporation; if by an unincorporated association, by the manager or managing officer.

Section 1 — General Information			
Type of Applicant	<input type="checkbox"/> Individually Owned	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership
Legal Name of Establishment			
Establishment Name (Trade Name/DBA)			
Establishment Address			
Establishment Phone Number		Contact Name & Phone Number for application	
Are there any other properties within the City of Minnetonka that already hold a massage license that are owned or partially owned by you? <input type="checkbox"/> No <input type="checkbox"/> Yes	If yes, list the establishment name and address below.		
Section 2 — Type of Applicant			
<i>Complete only Individual, Partnership, or Corporation in this section.</i>			
Individual			
<i>If applicable, complete this question and a Part II Personal History Form</i>			
Full Name			
Residence Address & Phone No.			
Partnership			
If applicable, complete this question for general and limited partners. A Part II Personal History Form is required from each partner. Attach a copy of partnership agreement.			
Full Name		Managing Partner? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Residence Address & Phone No.			
Business Address & Phone No.			
Full Name		Managing Partner? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Massage Business License Application Part 1 – General Information

Residence Address & Phone No.						
Business Address & Phone No.						
Corporation/Other Organization						
Name				State of Incorporation/Association		
Corporate Address & Phone No.						
Officers of Corporation						
<i>A Part II Personal History Form is required from each officer.</i>						
President Name, Address & Phone Number						
Vice President Name, Address & Phone Number						
Secretary Name, Address & Phone Number						
Treasurer Name, Address & Phone Number						
List all persons who own or control an interest in said corporation/other organization in excess of five percent. A Part II Personal History Form is required from each officer.						
Name, Address & Phone Number				_____%	Owner	
Name, Address & Phone Number				_____%	Owner	
Name, Address & Phone Number				_____%	Owner	
Are there any other properties within the City of Minnetonka that already hold a massage license that are owned or partially owned by you?	<input type="checkbox"/> No <input type="checkbox"/> Yes		If yes, list the establishment name and address below.			
Section 3 — Ownership Information						
Name, Address & Phone Number of building owner, if other than applicant (<i>attach lease agreement</i>).						
Date Purchased		Purchase Price	\$	Down Payment	\$	
Purchased from Name and Address						
Mortgage or Contract for Deed (C.D.) Holder				Are mortgage payments current?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Term of Mortgage/C.D.		Interest Rate on Mortgage/C.D.		Amount of the monthly payment at which Mortgage/C.D. is being liquidated		

Massage Business License Application Part 1 – General Information

Massage Therapist Information

List below the names of those individuals who will be working as Massage Therapists for the applicant. By submitting the following names, the applicant certifies that these Massage Therapists do meet the requirements of Minnetonka City Code 810.005 (8), and as required by City Code 810.010 and 810.020.1.e.(2).

Is the applicant one of the Massage Therapists at this business?

No Yes If yes, proof must be submitted with this application that they have met the requirements listed in City Code 810.005 (8).

APPLICANT'S STATEMENT

I hereby authorize the City of Minnetonka to have access to all sources of information which may be consulted to verify the information I have provided above. This includes authorization to check criminal history records if any have been asked to provide that information.

Signature of an Officer of the Applicant

Date

Printed Name and Title



**CITY OF
MINNETONKA**

Massage Business License Application

Part II — Personal History

To be completed by the sole owner, each partner, officer, director, or any person who by combined ownership or control has in interest in the business in excess of 10%. The data on this form will be used to approve your license. Some requested data is private. You are not legally required to provide this data, but the city may not be able to approve your license if you do not provide it.

Section 1: Applicant (self)							
Name							
Address (include city, state, & zip)							
Phone		Email		County			
Legal, Maiden, or any other name other than the above name provided							
Social Security Number			Date of Birth		Place of Birth		
Driver's License Number and State Issued							
Height		Weight		Color of Hair		Color of Eyes	
Are you a US Citizen?	<input type="checkbox"/> Yes <input type="checkbox"/> No If naturalized, date and place:						
Marital Status	<input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed						
Name of spouse, if applicable:							
Is the applicant licensed in any other community?		<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, where?			
Has the applicant been denied a massage license by any licensing authority?				<input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, give the name and location of the licensing authority, approximate time period of the denial, and the reason for the denial:							
Does the applicant have any training or experience in performing massage service?						<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, specify the training or experience:							

If you have ever used or been known by a name or names other than the true name given on the preceding page, list such name(s) and information concerning dates and places used:

Address(es) at which you have lived during preceding five years (Begin with present or last address and work back.)

Kind, name and location of every business or occupation you have engaged in during preceding five years.

Names and addresses of your employers and partners, if any, for the preceding five years.

Have you ever been convicted for any crime other than a traffic offense during the past year?

Yes No

If yes, give information as to the time, place and offense for which convictions were held.

SUBMITTAL REQUIREMENTS

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If you have any questions, please call Fiona Golden at 952-939-8274.

Any falsification of answers to this application will result in denial of the application.

APPLICANT'S STATEMENT

I hereby authorize the City of Minnetonka to have access to all sources of information which may be consulted to verify the information I have provided above. This includes authorization to check criminal history records if any have been asked to provide that information.

Signature of Applicant

Date

Printed Name and Title

CITY OF MINNETONKA
14600 MINNETONKA BOULEVARD
MINNETONKA, MN 55345
952.939.8200

CONSENT FOR RELEASE OF INFORMATION

The following named individual applied to the city of Minnetonka for a _____ license.

Last Name of Applicant (please print): _____

First Name (please print): _____

Middle (full) (please print): _____

Maiden, Alias or Former (please print): _____

Date of Birth: _____ **Sex** (M or F): _____
Month/Day/Year

Social Security Number (optional): _____

I authorize the city of Minnetonka to obtain all criminal history record information about myself, and authorize all holders of such information, including the Minnesota Bureau of Criminal Apprehension to release such information to the City of Minnetonka, for the purpose of evaluating my eligibility and suitability for the license.

This authorization will be in effect for one year from the date of my signature.

Signature of Applicant

Date

Identity verified by:

- Witness: X _____
- Identification: Driver's License, State ID, Passport, other: _____
- Comparison with signature on file
- Other: _____

City representative: _____

MINNESOTA BUSINESS TAX IDENTIFICATION LAW

Pursuant to Minnesota Statute 270C.72 (Tax Clearance; Issuance of Licenses), Subd.4, the licensing authority is required to provide, upon request of the Minnesota Commissioner of Revenue, either the applicant's Minnesota business tax identification number with the business name and address – or the social security number of the primary officer, along with their complete name, home address, and home phone number.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales, employer's withholding, or motor vehicle excise taxes.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service.
3. Failure to supply this information may jeopardize or delay the processing of your license issuance or renewal application.

NAME UNDER WHICH THE MN TAX ID IS FILED (<u>licensee</u> name)			Type of license applying for:	
			Massage License	
Licensee: Address	L City	L State	L Zip	L Phone
Establishment: Name			Minnetonka License Number (completed by Minnetonka)	
Establishment: Address	E City	E State	E Zip	E Phone
Minnesota Tax Identification Number		Federal Tax Identification Number		

Signature: _____ Date: _____

INSTRUCTIONS FOR BOXES BELOW:

1. ***If all boxes above are completed***, including both the Minnesota and Federal Tax numbers, no additional information is required by the MN Department of Revenue below.
2. ***However, if all boxes above are not completed***, Minnesota law requires personal information about the primary owner or primary officer. In this case you must complete all boxes below, including the owner or primary officer's social security number, home address, and home phone. (NOTE: If the business and home address are the same, please check the box indicating this.)

Applicant's (person's) name (LAST, first, middle initial)		Social Security Number	
Home address	Home City, State, Zip code	Home Phone number	
<input type="checkbox"/> Check if address is for both home & business			

Signature: _____ Date: _____

Certificate of Compliance

Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)	LICENSE OR PERMIT NO (if applicable)
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DBA (doing business as name – local establishment name – only if different than above)

DBA/LOCAL BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIP CODE
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YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION.
You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)

WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE
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NUMBER 2 COMPLETE THIS PORTION IF YOU ARE SELF-INSURED:

I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF YOU ARE EXEMPT:

I am not required to have workers' compensation insurance coverage because:

- I have no employees.
- I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____.
- Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
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NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

CONSTRUCTION REQUIREMENTS FOR MESSAGE BUSINESS AND MESSAGE THERAPY

A plan to-scale indicating the complete layout of the facility, including floors, walls, ceiling surfaces, and equipment specifications must be provided to the Environmental Health Division and approved before a license can be issued. *Allow at least 10 working days from the time the plans and necessary information are submitted for the plan review process. Structural work should not be initiated before the plans are approved.* Call the Minnetonka Environmental Health Division at 952-939-8280 if you have any questions regarding requirements and also for an inspection before opening.

MESSAGE ROOMS

1. Floors must be of smooth, nonabsorbent, and easily cleanable materials with a coved base. Approved materials include ceramic tile, quarry tile, or commercial grade vinyl tile. Carpeting is not an approved surface.
2. Walls must be smooth, nonabsorbent and easily cleanable such as ceramic tile, fiberglass panels, or washable paint.
3. The ceilings must be capable of being cleaned.
4. Door may not be capable of being locked from either side.
5. Lighting must be adequate.

HANDSINKS

1. A separate handwash sink must be available in the massage room or immediately adjacent outside the room (within 20 feet).
2. Mounted soap and paper towel dispensers must be installed.
3. The walls behind and immediately adjacent to the handsink must be smooth, easily cleanable, and durable, such as ceramic tile or fiberglass reinforced panels.
4. Floors beneath handsinks must be capable of being kept clean.

JANITORS FACILITIES

1. A janitor sink must be available at all times for cleaning and include a faucet with a built-in vacuum breaker.
2. Floors must be of approved materials such as ceramic tile or quarry tile with a coved base.
3. Walls must be of approved materials such as ceramic tile or reinforced fiberglass panels to a minimum height of 5 feet.
4. Mechanical ventilation must be installed in janitor's room.
5. Mop holders and chemical storage racks must be provided.

TOILET ROOMS, SHOWER ROOMS & LAUNDRY ROOMS

1. Floors must be approved materials such as ceramic tile, quarry tile, or terrazzo with a coved base.
2. Walls must be approved materials from the floor to a height of five (5) feet, such as ceramic tile, fiberglass reinforced panels, or similar.
3. Ceilings must be cleanable, such as washable paint or cleanable tiles.
4. Mechanical ventilation must be provided.
5. Toilet rooms must have self-closure devices.

Note: Linens and other cloths may be washed in a commercial laundromat instead of on-site laundering.

STORAGE & LOCKERS FACILITIES

1. Adequate shelving must be available to store linens, cloths, and other supplies at least six (6) inches off the floor.
2. Shelving must be cleanable and nonabsorbent such as stainless steel, plastic, laminated wood on all sides, or similar.
3. Chemicals must be stored separate and below other supplies.
4. Lockers or other secured facilities to store personal and customer belongings must be available.

FURNITURE

1. Massage furniture must be smooth, nonabsorbent and easily cleanable, such as vinyl or plastic coated items.

Note: Persons applying for a massage business license not meeting practitioner requirements, must undergo public notification and appear before the City Council for approval.

**APPLICATION FOR MESSAGE ESTABLISHMENT
PLAN REVIEW**

RETURN TO: City of Minnetonka, Environmental Health Division,
14600 Minnetonka Blvd., Minnetonka, MN 55345 Phone: (952) 939-8280

NAME OF FACILITY: _____
(Corporate and Outlet Name Where Appropriate)

ADDRESS OF FACILITY: _____

NAME OF OWNER: _____

ADDRESS: _____

TELEPHONE: _____ **EMAIL:** _____

RESPONSIBLE AGENT IF OTHER THAN OWNER *(plan review correspondence will be sent to this person):*

NAME/TITLE: _____

CHECK MOST APPROPRIATE: Operator Contractor Architect
Supplier
Other (Specify) _____

MAILING ADDRESS: _____

TELEPHONE: _____ **FAX:** _____

BASIC FACILITY INFORMATION: New Remodeled Conversion

PLAN REVIEW FEE: _____ (New 100% of license fee; Remodel 50% of license fee)

SERVICE TYPE: Provide description of the basic type of service and nature of operation:

EMPLOYEE INVOLVEMENT: Provide information on the number and the category of workers anticipated, both total and per shift;

CONSTRUCTION: Anticipated Start Date: _____

Anticipated Completion Date: _____

SIGNATURE OF APPLICANT: _____ **DATE:** _____

NOTE: FINAL APPROVAL OF THE PLAN REVIEW WILL NOT BE ISSUED UNTIL APPROVAL IS OBTAINED FROM THE FOLLOWING DEPARTMENTS:

**Planning & Zoning
Building
Electrical**

**Plumbing
Fire
Mechanical/HVAC**

Allow at least 10 working days from the time the complete plans and information are submitted for the plan review process. Structural work should not be initiated before the plans are approved.

Minnetonka Code of Ordinances

810.070. Construction and Maintenance of Premises.

1. Massage rooms, restrooms, bathrooms, janitor rooms, laundry facilities, and similar facilities used in connection with the massage business must be constructed of smooth and easily cleanable materials that are resistant to wear, moisture, bacteria, mold or fungus growth. The floor to wall and wall to wall joints must be constructed to provide a sanitary cove with a minimum radius of one inch.
2. Restrooms used in connection with the massage business must be provided with mechanical ventilation with 2 cfm per square foot of floor area, a minimum of 20 foot candles of illumination, a hand-washing sink equipped with hot and cold running water under pressure, single-use paper towels or other approved drying device and a soap dispenser.
3. A massage business must have a janitor's closet for the storage of cleaning supplies. This closet must have mechanical ventilation with 2 cfm per square foot of floor area and a minimum of 20 foot candles of illumination. The closet must include a mop sink.
4. Floors, walls, other structures, and equipment in massage rooms, restrooms and bathrooms used in connection with the massage business must be kept in a state of good repair and sanitary at all times. Linens and other materials must be stored at least 6 inches off the floor in areas protected from contamination. Sanitary towels, wash cloths, cleaning agents and toilet tissue must be made available for each customer.
5. Individual lockers must be made available for use by patrons. These lockers must have separate keys for locking. Instead of individual lockers, massage therapist businesses may provide secure areas designated for storage of personal items belonging to employees and patrons while on the premises.
6. Doors on massage rooms must not have locks, latches or other devices that can secure a door to prevent its being opened. Massage rooms must be constructed with air space between partitions and the ceiling, and be clearly identified by signs. The requirement for an air space does not apply to massage therapist businesses.
7. A separate hand-sink must be accessible and used by a massage therapist before administering massage on each patron and when hands are soiled.
8. The furniture upon which the patron reclines while receiving a massage must either be covered with approved linen or be washed after each use with a cleaning agent sufficient to prevent the spread of disease. Linens and towels must be changed after each use and laundered by a commercial cleaning establishment or in approved laundry facilities on the premises. Single-use linens must be discarded after each use.

(Amended by Ord. 2011-25, adopted December 19, 2011)

Minnetonka Code of Ordinances

810.075. Submission of Plans and Specifications.

A person who constructs, remodels or converts a building for use as a massage business must comply with this code. The person must submit plans and specifications for the layout, arrangement, and plumbing, and construction schedules to the community development department. A building permit may not be issued for such construction, remodeling or alteration until the permit has been approved by the health authority.

810.080. Inspection of Premises.

Because of the high risk of illegal conduct in an establishment that provides massages, massage businesses must be open to inspection without a warrant by city health, building and license inspectors and police officers during business hours. The business records of the licensee, including income tax returns, must be available for inspection upon request. Upon demand by a health inspector or police officer, a person engaged in providing services in a licensed premises must identify himself/herself giving his/her true legal name and his/her correct address.

(Amended by Ord. 2011-25, adopted December 19, 2011)

SECTION 810. MASSAGE SERVICES.

810.005. Definitions.

Unless the context clearly indicates otherwise, the words below are defined for the purpose of this section as follows.

1. "Operate" means to own, manage or conduct.
2. "Within the city" includes physical presence as well as telephone referral situations, such as a "phone-a-massage" type operation, in which the business premises, although not actually located within the city, serves as a point of assignment of employees who respond to requests for services from within the city.
3. "Massage" means the method of treating the superficial parts of the human body, excluding the genitalia, pubic areas, and female breast, by rubbing, pressing, stroking, kneading, tapping, pounding, vibrating, or stimulating with the hands or an instrument for no other purpose than physical fitness, health-care referral, healing, relaxation, or beautification.
4. "Sanitary" means free from pathogenic microorganisms.
5. "Adequate" or "approved" means acceptable to the health authority following his/her determination as to conformance with public health practices and standards.
6. "Massage business" means the offering of massage services to the general public, regardless of whether the offer is limited only to select invitees or organizational members.
7. "Health care facility" means a person, association, business, organization or institution providing medical, surgical, dental, chiropractic, osteopathic or physical therapy services where practitioners are licensed by the state of Minnesota.
8. "Massage therapist" means a person administering massage who has completed either:
 - a. a minimum of 500 hours of class credits from a massage therapy school (1) that is currently in good standing and accredited by the accrediting bureau of health education schools, accrediting commission of career schools and colleges, accrediting council for independent colleges and schools, commission on massage therapy accreditation, higher learning commission, or national accreditation commission of cosmetology arts and sciences or (2) that is currently a school member in good standing of the associated bodywork and massage professionals, American massage therapy association, or national certification board for therapeutic massage and bodywork, or

Minnetonka Code of Ordinances

b. at least two years of full-time experience working as a massage therapist at a licensed massage business that is not an adult massage parlor as defined in city code section 615.015.

(Amended by Ord. 2011-25, adopted December 19, 2011; amended by Ord #2006-17, adopted Sept. 25, 2006)

810.010. Massage Business License Required.

1. A person must not operate a massage business within the city unless the business is currently licensed under this section.

2. A massage business license may be granted only to an applicant that has insurance coverage of at least \$1,000,000 for personal liability in the practice of therapeutic massage, which provides coverage for all massage therapists working on the business premises. A massage business may satisfy this requirement by requiring each massage therapist working on the business premises to provide that person's own insurance coverage of at least \$1,000,000 for personal liability in the practice of therapeutic massage.

(Amended by Ord. 2011-25, adopted December 19, 2011; amended by Ord #2006-17, adopted Sept. 25, 2006)

810.015. License Exceptions.

1. The following people and businesses are exempt from the provisions of this ordinance while performing activities covered by their professional licenses or professional affiliations:

a. a person licensed by the state of Minnesota as a medical or dental professional under chapters 147, 148, or 150A of state law, and a person who is hired or employed by, and exclusively provides treatment on the premises of, such licensed professional;

b. athletic trainers, certified by the National Association of Athletic Trainers (NAAT), when working with an amateur, semiprofessional or professional athlete or athletic team;

c. beauty culturists and barbers licensed by the state of Minnesota who do not hold themselves out to give massages, other than that customarily given in the field and limited to the face, neck and scalp for beautification purposes only; and

d. health care facilities.

2. A person or organization providing temporary massage services such as "chair massage" is not required to obtain a massage business license if the following requirements are met:

Minnetonka Code of Ordinances

- a. the massage is provided in a place of business where the massage can easily be seen by any employee or visitor on the premises;
- b. the location does not hold a license to sell alcoholic beverages;
- c. massages are offered at the location no more than ten days per calendar year;
- d. each recipient of a massage remains in an upright position, either sitting or standing; and
- e. each recipient of a massage remains in the normal, daytime attire worn when entering the business and does not remove any clothing except outerwear such as a coat or jacket.

(Amended by Ord. 2012-09, adopted August 6, 2012; Ord #2006-17, adopted Sept. 25, 2006)

810.020. License Application.

1. An application for a massage business license under this section must be filed with the community development department. The application must be made on a form supplied by the city and contain the following information:
 - a. whether the applicant is a natural person, a corporation, a partnership, or other form of organization;
 - b. if the applicant is a natural person:
 - (1) the true name, place and date of birth, resident address and phone number of the applicant;
 - (2) whether the applicant has ever used or has been known by a name other than his/her true name; and if so, what was such name or names and information concerning dates and places where used;
 - (3) the name of the business if it is to be conducted under a name other than the applicant's name; in which case, a copy of the certificate required by state law must be attached to the application;
 - (4) the street address at which applicant has lived during the preceding five years;
 - (5) the kind, name and location of every business or occupation the applicant has been engaged in during the preceding five years;
 - (6) the names and addresses of the applicant's employer(s) and partner(s), if any, for the preceding five years;

Minnetonka Code of Ordinances

(7) whether the applicant has ever been convicted of a felony or other crime. If so, the applicant must furnish information as to the time, place and offense for each conviction;

(8) the applicant's physical description; and

(9) whether the applicant has training or experience in performing massage services.

c. if the applicant is a partnership:

(1) the names and addresses of the partners and for each partner all information that is required of an individual applicant in subparagraph b, above;

(2) the name of the managing partner(s) and the interest of each partner in the business; and

(3) a true copy of the partnership agreement. If the partnership is required to file a certificate for a trade name under state law, a copy of that certificate must also be attached.

d. if the applicant is a corporation or other organization:

(1) the name; and if incorporated, the state of incorporation;

(2) a true copy of the certificate of incorporation, articles of incorporation or association agreement, and by-laws. If a foreign corporation, a certificate of authority to do business in Minnesota must also be attached; and

(3) the name of the manager or proprietor or other agent in charge of the business to be licensed and all information concerning this person(s) as is required in subparagraph b, above.

e. for all applicants:

(1) whether the applicant is licensed in other communities to run similar businesses, and if so, where;

(2) the names of the people providing massage who are or will be working for the applicant in the city of Minnetonka and certification that each meets the minimum requirements of a massage therapist contained in the definitions in section 810.005;

(3) whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was denied (either initially or upon renewal), revoked, or suspended within the last ten years;

(4) the location of the business premises;

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- (5) proof of the insurance required in section 810.010; and
- (6) other information as the city may require.

2. A licensee must promptly notify the director of community development of a change in the information or facts required to be furnished on the application for a license, even after the license has been issued.

(Amended by Ord. 2011-25, adopted December 19, 2011; amended by Ord #2006-17, adopted Sept. 25, 2006)

810.025. Execution of Application.

An application for a license must be signed and sworn to. If the applicant is a natural person, the application must be signed and sworn to by that person; if a corporation, by an officer of the corporation; if a partnership, by one of the partners; and if an unincorporated association, by the manager or managing officer of the association. The applicant must also submit a signed and notarized acknowledgement that the applicant has read and understands the requirements of this section 810.

(Amended by Ord. 2011-25, adopted December 19, 2011; amended by Ord #2006-17, adopted Sept. 25, 2006)

810.026. Plans and Specifications.

1. An application for a license must be accompanied by one set of plans and specifications for the establishment.

2. The plans must be drawn to scale, accompanied by sufficient specifications to permit a comprehensive review of the plans, and must include:

- a. the proposed layout, mechanical schematics, construction materials, and finish schedules;
- b. the proposed products and equipment to be used; and
- c. other information that may be required for the proper review of the proposed application.

(Added by Ord #2006-17, adopted Sept. 25, 2006)

810.030. Application Fees.

1. An application for a license must be accompanied by the license fee specified in section

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710. If an application is rejected, the city will refund the license fee paid. No other refunds will be made.

2. An initial application for a license must be accompanied by the investigation and plan review fees specified in section 710. No investigation or plan review fee will be refunded.

(Amended by Ord #2006-17, adopted Sept. 25, 2006)

810.035. Persons Ineligible for a License.

No license may be issued to an applicant who:

1. is under 18 years of age;
2. has been convicted of a crime directly related to the occupation and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as required by Minn. Stat. § 364.03, subd. 3.
3. is not a citizen of the United States, unless the person is a resident alien or holds a valid work permit;
4. had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was denied (either initially or upon renewal), revoked, or suspended within the last ten years;
5. is not of good moral character or repute;
6. owes taxes, assessments, or other financial claims to a governmental agency that are due and delinquent; or
7. is not the real party in interest of a massage business.

(Amended by Ord. 2011-25, adopted December 19, 2011)

810.040. Locations Ineligible for a License.

No massage business may be located on property that:

1. is zoned as a classification of residential property under the zoning ordinance, except that the community development director may allow a person with a disability as defined by the federal Americans with Disability Act to offer massage services from a separate office in the person's home, subject to appropriate conditions and subject to compliance with zoning provisions; or
2. is subject to taxes, assessments, or other financial claims from a governmental agency

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that are due and delinquent, except if a suit has been commenced and is being diligently prosecuted to question the amount or validity of taxes.

(Amended by Ord #2007-02, adopted Jan. 22, 2007)

810.045. Granting of Licenses.

1. Application process.

a. An application for a massage business license will be referred to the police department for investigation of the facts set forth in the application. The police department must prepare a written recommendation regarding issuance of the license. The community development director may conduct additional investigation as he/she deems necessary.

b. The community development director will make the determination whether to approve or deny the license. A denial must be communicated to the applicant in writing specifying the reasons for denial. The applicant may appeal this denial to the city council within 10 days of the date of the denial by submitting a request in writing.

c. Applications for license renewals must be submitted to the community development director at least 30 days before the license expiration. The director will decide whether to approve or deny the license renewal. A denial must be communicated to the applicant in writing specifying the reasons for denial. The applicant may appeal the denial following the procedure in section 700.025 of this code.

2. Grounds for denial. A license may be denied for any of the following reasons:

- a. fraud or deception in the license application;
- b. history of violations of laws and ordinances that apply to health, safety or moral turpitude;
- c. bad repute;
- d. convictions of crimes or offenses involving sexual misconduct;
- e. ineligibility for a license under section 810.035;
- f. failure to comply with any provision of this section 810; and
- g. other matters deemed to be relevant by the community development director or city council.

(Amended by Ord. 2011-25, adopted December 19, 2011; amended by Ord #2006-17, adopted Sept. 25, 2006)

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810.050. License Not Transferable.

1. A license is issued to the applicant only and is not transferable to another holder. No licensee may loan, sell, give or assign a license to another holder.
2. The license issued for a massage business is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is to be enlarged, altered, or extended, the licensee must inform the issuing authority and receive approval before doing so.

810.055. Conditions of Licenses.

1. A massage business must not employ or use a person as a massage therapist on the licensed premises unless that person meets the definition of a massage therapist in section 810.005.
 - a. When hiring or contracting with a massage therapist, the licensee must (1) document that the person meets the definition of a massage therapist in section 810.005, (2) obtain from each massage therapist a signed and notarized acknowledgement that he or she has read and understands the requirements of this section 810, and (3) obtain a list of any convictions that the massage therapist has that are related to prostitution or violations of massage regulations. The licensee must maintain this information in its records and must provide the information for all massage therapists to the city whenever it is requested and as part of its annual license renewal. Failure to provide complete and timely information will subject the licensee to the penalties provided in this code and to potential denial of a renewed license.
 - b. The director may cause an investigation of a massage therapist and may disapprove the employment of, or contracting with, the person by notice to the licensee in writing.
 - c. The licensee may appeal the director's decision to the city council by placing a request in writing to the city clerk within ten days after the issuance of the notice. A failure to request an appeal waives the licensee's ability to contest the director's decision. After the appeal period has expired without an appeal, or the city council has upheld the director's decision upon an appeal, no massage therapist who has been disapproved may operate in that capacity upon the licensed premises.
2. A massage business must have its license or a true copy of it, displayed in a prominent place on the licensed premises.
3. A massage business must not discriminate on grounds of race, color, creed, religion, national origin, sex, marital status, disability, sexual orientation, and status with regard to public

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assistance in performing services offered by the licensed establishment.

4. The person who is receiving the massage must at all times have his/her buttocks, anus and genitals covered with an appropriate non-transparent covering.
5. A male performing massages must at all times have his anus, buttocks and genitals covered with a non-transparent material.
6. A female performing massages must at all times have her breasts, buttocks, anus and genitals covered with a non-transparent material.
7. A person providing massage must not fondle or touch the genitals, pubic regions, penis, scrotum, mons veneris, vulva, vaginal area or female breasts of the person receiving the massage. A person providing massage must not touch the buttocks of the person receiving the massage, except upon the person's request and only for medical purposes, such as relieving pain or muscle soreness.
8. A licensee, or any employee of the licensee, must not solicit business or perform massage services, and must not allow, encourage or direct his/her employee to solicit business or perform massage services, while the license is under suspension or revocation.
9. A licensee must not permit the possession or consumption of alcoholic beverages or illegal controlled substances on the licensed premises.
10. The exterior windows of the licensed premises must not be covered during hours that the licensed premises is open for business, except for windows in massage rooms and restrooms.
11. Advertising for the massage business must not appear in publications or on websites, or subsections of publications or web sites, where 25% or more of the number of advertisements advertise sexually-oriented businesses, sexually-oriented uses, or specified sexual activities, as those terms are defined in city code section 615.
12. A licensee and its employees and agents must comply with all of the provisions of this section 810. A licensee is strictly responsible for the conduct of the massage business, including the actions of any employee, independent contractor, or agent of the licensee on the licensed premises.

(Amended by Ord. 2014-11, adopted April 7, 2014; amended by Ord. 2011-25, adopted December 19, 2011; Ord #2006-17, adopted Sept. 25, 2006)

810.060. Suspension or Revocation of License.

The community development director may suspend, revoke, or not renew a license upon a showing that the licensee, its owner, manager, employee, independent contractor, or agent has engaged in any of the following conduct:

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- a. failure to comply with city ordinances or state law;
 - b. control or possession of alcoholic beverages or illegal controlled substances on the premises;
 - c. conviction of any ordinance or state statute, arising on the licensed premises;
 - d. conviction of prostitution or another crime involving moral turpitude;
 - e. failure to promptly notify the community development director of a change in the information required to be submitted in a license application.
 - f. fraud, deception or misrepresentation in connection with securing the license;
 - g. other rational reasons related to public health, safety, or welfare.
2. Before taking action, the director must notify the licensee in writing by certified mail ten days in advance of his/her intended action stating the reasons for it and giving the licensee an opportunity to present evidence related to the matter. The director must notify the licensee of the final decision in writing by certified mail.
3. A licensee may appeal the community development director's action by submitting an appeal in writing to the city clerk within ten days after the date of the director's action. A hearing on the appeal must be conducted in accordance with section 700.035, subd. 2(c) and (d) of this code.
4. A license is automatically revoked if the licensee does not respond to a charge of violating a provision of this section 810 within the time established by the district court. The community development director must notify the licensee of this automatic revocation by certified mail.

(Amended by Ord. 2011-25, adopted December 19, 2011)

810.065. Duration of License.

1. Licenses issued under this chapter expire on July 31 of each year.
2. When a licensee applies for renewal license with the required fee by the deadline for submission, the licensee is authorized to operate until the license is either renewed or denied.

(Amended by Ord #2006-17, adopted Sept. 25, 2006)

810.070. Construction and Maintenance of Premises.

1. Massage rooms, restrooms, bathrooms, janitor rooms, laundry facilities, and similar

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facilities used in connection with the massage business must be constructed of smooth and easily cleanable materials that are resistant to wear, moisture, bacteria, mold or fungus growth. The floor to wall and wall to wall joints must be constructed to provide a sanitary cove with a minimum radius of one inch.

2. Restrooms used in connection with the massage business must be provided with mechanical ventilation with 2 cfm per square foot of floor area, a minimum of 20 foot candles of illumination, a hand-washing sink equipped with hot and cold running water under pressure, single-use paper towels or other approved drying device and a soap dispenser.
3. A massage business must have a janitor's closet for the storage of cleaning supplies. This closet must have mechanical ventilation with 2 cfm per square foot of floor area and a minimum of 20 foot candles of illumination. The closet must include a mop sink.
4. Floors, walls, other structures, and equipment in massage rooms, restrooms and bathrooms used in connection with the massage business must be kept in a state of good repair and sanitary at all times. Linens and other materials must be stored at least 6 inches off the floor in areas protected from contamination. Sanitary towels, wash cloths, cleaning agents and toilet tissue must be made available for each customer.
5. Individual lockers must be made available for use by patrons. These lockers must have separate keys for locking. Instead of individual lockers, massage therapist businesses may provide secure areas designated for storage of personal items belonging to employees and patrons while on the premises.
6. Doors on massage rooms must not have locks, latches or other devices that can secure a door to prevent its being opened. Massage rooms must be constructed with air space between partitions and the ceiling, and be clearly identified by signs. The requirement for an air space does not apply to massage therapist businesses.
7. A separate hand-sink must be accessible and used by a massage therapist before administering massage on each patron and when hands are soiled.
8. The furniture upon which the patron reclines while receiving a massage must either be covered with approved linen or be washed after each use with a cleaning agent sufficient to prevent the spread of disease. Linens and towels must be changed after each use and laundered by a commercial cleaning establishment or in approved laundry facilities on the premises. Single-use linens must be discarded after each use.

(Amended by Ord. 2011-25, adopted December 19, 2011)

810.075. Submission of Plans and Specifications.

A person who constructs, remodels or converts a building for use as a massage business must

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comply with this code. The person must submit plans and specifications for the layout, arrangement, and plumbing, and construction schedules to the community development department. A building permit may not be issued for such construction, remodeling or alteration until the permit has been approved by the health authority.

810.080. Inspection of Premises.

Because of the high risk of illegal conduct in an establishment that provides massages, massage businesses must be open to inspection without a warrant by city health, building and license inspectors and police officers during business hours. The business records of the licensee, including income tax returns, must be available for inspection upon request. Upon demand by a health inspector or police officer, a person engaged in providing services in a licensed premises must identify himself/herself giving his/her true legal name and his/her correct address.

(Amended by Ord. 2011-25, adopted December 19, 2011)

810.085. Hours of Operation.

No customers or patrons may be allowed to enter the licensed premises after 9:00 p.m. and before 7:00 a.m. daily. No customers or patrons may be allowed to remain on the licensed premises after 10:00 p.m. and before 7:00 a.m. daily.

(Amended by Ord #2006-17, adopted Sept. 25, 2006)

810.090. Penalty.

A person who commits or attempts to commit, conspires to commit or aids or abets in the commission of an act constituting a violation of this ordinance, whether individually or in connection with one or more other persons or as principal, agent, or accessory is guilty of a misdemeanor. A person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, permits or directs another to violate a provision of this ordinance is guilty of a misdemeanor.