

ORDINANCE NO. 570

AMENDING CHAPTER 6

AN ORDINANCE LICENSING AND REGULATING MASSAGE PARLORS,  
HEALTH SALONS AND SIMILAR ESTABLISHMENTS.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. Chapter 6 of the Code of the City of Charlotte is hereby amended by adding a new article, to be designated Article V, as follows:

"ARTICLE V. MASSEURS, MASSAGE PARLORS, HEALTH SALONSSec. 6-45. Purpose of article.

To protect the general health, safety, welfare and morals, the following licensing provisions hereinafter specified are ordained for the privilege of carrying on the business, trade or profession of masseur or masseuse and for the operation or carrying on of the businesses, trades or professions commonly known as massage parlors, health salons, physical culture studios, clubs or establishments, or similar establishments wherein physical culture, massage, hydrotherapy or other physical treatment of the human body is carried on or practiced. The provisions of this article shall not apply to a regularly established and licensed hospital, sanitarium, nursing home or medical clinic, nor to the office or clinic operated by a duly qualified and licensed medical practitioner in connection with his practice of medicine, provided, however, that such office or clinic is regularly used by such medical practitioner as his principal location for his practice of medicine; nor shall the provisions of this article apply to health club activities of the Young Men's Christian Association or the Young Women's Christian Association; nor shall the provisions of this article apply to duly licensed barber shops and beauty shops.

Sec. 6-46. Application for license.

Any person desiring to engage in the business, trade or profession of masseur or masseuse or the operation or carrying on of any of the businesses, trades, professions, occupations or callings mentioned in Section 6-45 shall, before engaging in such business, trade, profession, occupation or calling, file an application for a license addressed to the mayor and the city council. Such application shall be in writing and shall set forth the following:

- (a) Name and address of applicant;
- (b) Name and address of any person having previously employed the applicant for a period of two years or longer;
- (c) If such applicant be a corporation, the address or addresses of such corporation as well as the names and addresses of the agents and employees of such corporation for a period of two years immediately prior to the filing of such application;
- (d) Qualifications must be plainly stated and must be submitted together with required exhibits annexed to said application;
- (e) A certificate as to the good moral character of the applicant, signed by three currently qualified and registered voters of the city. Such letters shall not be required for annual renewals of licenses issued hereunder.
- (f) Should the applicant be a corporation, such corporation shall also submit with said application a certificate, executed as described in subsection (e) above, as to the good moral character of the employees and agents of said corporation who are actually engaged in such business for said corporation.

Sec. 6-47. Qualifications of applicant for license.

An applicant hereunder, prior to making application for a license, must have the following qualification:

- (a) The applicant may be male or female and must be of good moral character, and in case the applicant is a corporation, such corporation must be created in or domesticated by the laws of this state.
- (b) Such applicant must furnish a health certificate of a medical doctor which shall accompany such application as an exhibit. Should the applicant be a corporation, it shall furnish such certificate to cover its agents or employees who will be actually engaged and working under said license; provided further, that employees who begin work following the original issuance of license under this article shall likewise obtain such health certificates, which certificates shall be furnished to the city police department.
- (c) Such applicant must furnish a photostatic copy of a diploma of graduation from a school as an exhibit with said application. Such diploma must be representative of the fact that such applicant attended a course of study of not less than six months, wherein such course of study consisted of a curriculum of physical culture, massage, hydrotherapy, electrotherapy, hygiene, health service management and other such subjects. If such applicant should be a corporation, then the employee or agent of the corporation, who is to be the manager of the establishment, must furnish a photostatic copy of a diploma of graduation, as set forth above.
- (d) In the event such applicant should not have such diploma, then the applicant must have had an apprenticeship and practical experience for a period of not less than two years in a regularly licensed massage or physical culture studio in which the applicant has received training and experience in physical culture, massage, hydrotherapy, electrotherapy, hygiene, health service management, and other such subjects. If the applicant should be a corporation, and if the agent or employee who is to be the manager of said establishment does not have such diploma, then such manager must have had the apprenticeship and practical experience as set forth above.

The applicant, or the manager in the event the applicant is a corporation, must furnish with such application an affidavit of previous employment, together with an affidavit of the persons under whom such apprenticeship or practical experience was obtained, specifying that the applicant has satisfied the above requirements.

Sec. 6-48. Issuance of license.

If such application is submitted in proper form and is approved by the city council, then the collector of revenue is authorized to issue a business license to such applicant.

Sec. 6-49. Applicability of other licensing provisions.

The general business licensing provisions as contained in Chapter 11 shall also apply to persons or parties licensed under this article.

Sec. 6-50. Authority to employ, train personnel.

Any applicant granted a license hereunder shall have the authority to train masseurs and masseuses under their supervision in their studio or establishment, provided that the licensee shall furnish to the police department of the

city, there to be kept by such department, a health certificate of such employee from a medical doctor.

Sec. 6-51. Names of employees to be filed with chief of police.

It shall be the duty of all persons holding a license hereunder to file with the chief of police of the city the names of all employees, their home addresses, home telephone numbers and places of employment. Changes in the list of employees with the names of new employees must be filed with the chief of police within seven days from the date of any such change.

Sec. 6-52. Records to be kept by licensee.

It shall be the duty of any person granted a license hereunder to maintain correct and accurate records of the names and addresses of the persons receiving treatment at said establishment, the type of treatment administered, and the name of the person of the establishment administering said treatment. Said records shall be subject to inspection at any time by any member of the police department of the city.

Sec. 6-53. Revocation of license.

Whenever in the opinion of the chief of police of the city there is good cause to revoke a license acquired hereunder, a written notice of intention to revoke such license shall be furnished the holder thereof by registered or certified mail not less than ten days prior to the date set for hearing before the chief of police of the city, at which time the holder of the license may appear and be heard in answer to the complaint made by the chief of police. After such hearing, the chief of police shall report his recommendation to the mayor and the city council who shall thereupon be authorized to revoke such license, if in their sound discretion it is in the best interests of the health, safety, welfare or morals of the people of the city.

Sec. 6-54. Hours of operation.

No masseur or masseuse or any person or party engaging in any of the businesses licensed by this article shall engage in such business, trade, profession, occupation or calling except within and between the hours of 8:00 o'clock A.M. and 10:00 o'clock P.M.; nor shall any operator of a massage parlor or establishment or business above enumerated operate the same except within and between the aforesaid hours. Violations of this section shall be considered under this Code as an offense and persons found guilty of such violations shall be punishable within the general limits of punishments as set forth herein.

Sec. 6-55. Treatment of persons of opposite sex.

(a) Restricted. It shall be unlawful for any person holding a license under this article to treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police at any time. The requirements of this section shall not apply to treatments given in the residence of the patient, the office of a licensed physician, osteopath or registered physical therapist, or in a regularly established and licensed hospital or sanitarium.

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(b) Scope of article. A person who applies manual or mechanical massage or similar treatment to the human trunk or limbs shall be deemed, within the terms of this article, a "masseur" or "masseuse".

Sec. 6-56. Patronage of massage parlors by minors.

(a) Restricted. It shall be unlawful for any person under the age of twenty-one (21) to patronize any massage parlor or similar establishment licensed hereunder unless such person carries with him at the time of such patronage a written order directing the treatment to be given signed by a regularly licensed physician.

(b) Duty of operator. It shall be the duty of the operator of such massage parlor or similar establishment licensed hereunder to determine the age of the person patronizing such establishment and a violation of this section shall be grounds for revocation of the license of such establishment.

Sec. 6-57. Massages by unlicensed persons.

Massages may be given by persons not holding a license as masseur or masseuse provided such massages are given under the direct supervision of a person having a license as a masseur or masseuse, and further provided that a person holding a license as a masseur or masseuse shall be in the same room where the massage is being administered during the entire time of the giving of the said massage.

Sec. 6-58. Applicability.

The provisions of this article with respect to the original issuance of license shall not apply to those businesses, trades, professions, occupations, or callings enumerated above who have been regularly licensed by the city and have been engaged in business in the City for a period of three years or more prior to the adoption of this article; provided, however, that the remaining provisions of this article shall apply to all such businesses, trades, professions, occupations, or callings from and after the date of the adoption of this article."

Section 2. This ordinance shall become effective upon its adoption.

Approved as to form:

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City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 12th day of December, 1966, the reference having been made in Minute Book 48, at Page 53, and recorded in full in Ordinance Book 14, at Page 454.

Ruth Armstrong  
City Clerk

ORDINANCE NO. 571-X

AN ORDINANCE TO AMEND ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

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BE IT ORDAINED by the City Council of the City of Charlotte,  
North Carolina:

Section 1. That \$3,500 of the General Fund Contingency Appropriation is hereby transferred to the appropriations made in the 1966-67 Budget Ordinance for Engineering - Streets, said amount then to be used for the purpose of replacing the sidewalks surrounding the Edwin Towers Housing Project.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

J. W. Kiser  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 1966, the reference having been made in Minute Book 48, and recorded in full in Ordinance Book 14, at Page 458.

Ruth Armstrong  
City Clerk

ORDINANCE NO. 572-X

AN ORDINANCE TO AMEND ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE,  
AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY  
APPROPRIATION.

BE IT ORDAINED by the City Council of the City of Charlotte,  
North Carolina:

Section 1. That \$3,900 of the General Fund Contingency Appropria-  
tion is hereby transferred to the appropriations made in the 1966-67  
budget ordinance for Engineering - Streets, said amount then to be used for  
the purpose of providing a temporary sidewalk approximately 540 feet in  
length on the north side of Commonwealth Avenue between Milroy Drive and  
Briarcreek Road.

Section 2. That this ordinance shall become effective upon its  
adoption.

Approved as to form:

J. W. Kiser  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,  
North Carolina, in regular session convened on the 12th day of December,  
1966, the reference having been made in Minute Book 48, and recorded in  
full in Ordinance Book 14, at Page 459.

Ruth Armstrong  
City Clerk