



**City of Raleigh
Massagist License Application**

Revenue Services-03
PO Box 590, Raleigh, NC 27602
(919) 996-3200

Instructions

PLEASE NOTE:

Review the attached sections of the City of Raleigh Code of Ordinances to ensure that you are familiar with the City code as it pertains to massage.

State statutes and City ordinances require Massage Therapists to hold a current North Carolina Massage Therapy License. We are unable to issue a City of Raleigh Massagist License without a copy of your current state license.

A Massage Therapist may only perform massage therapy on behalf of a business that has received a City of Raleigh Massage Business License.

Self-employed massage therapists must obtain a City of Raleigh Massage Business License in addition to a Massagist License. We cannot issue your Massagist License until your Massage Business License has been approved.

All Massagist Licenses expire on June 30 and must be renewed. Please make sure that you report any address changes or business location changes to Revenue Services.

Please include the following when applying:

- Completed application
- Copy of your North Carolina Massage Therapy License
- \$25.00 License Fee
- Massage Business Application if you are self-employed

Please keep this sheet and the attached City Code sections for future reference.

For more information, please contact Revenue Services at (919) 996-3200 or come to the Avery C. Upchurch Government Complex at 222 West Hargett Street, 1st Floor Revenue Services Lobby, weekdays from 8:30am to 5:00pm.

CITY OF RALEIGH CODE OF ORDINANCES

ARTICLE E. MESSAGES

Sec. 12-2131. MESSAGES; PURPOSE.

To protect public health, safety, welfare, and morals, and to the extent allowed under North Carolina law, the following privilege license provisions and regulations are ordained for the privilege of carrying on the business, trade, or profession of massagist and for the operation or carrying on of the businesses, trades, or professions commonly known as massage parlors, health salons, physical culture studios, or similar establishments by whatever name designated, wherein massage or other physical manipulation of the human body is carried on or practiced.

(Code 1959, §14-200)

Cross reference: Massage of private parts of another, §13-3006.

“Sec. 12-2132. EXEMPTIONS.

The following classes of *persons* are exempted from this article:

- (a) Trainers of any amateur, semiprofessional, or professional athlete or athletic team within the framework of athletic participation.
- (b) Massage practiced at any *State* accredited school, college, university, or seminary.
- (c) Massage practiced at any hospital, clinic, nursing home, convalescent home, or sanitarium established and licensed pursuant to the laws of this *State*.
- (d) Any *person* exempted from the requirement of a North Carolina massage and bodywork therapy license under G.S. §90-624.

Sec. 12-2133. DEFINITIONS.

Unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

- (a) **Massage** means any activity defined in G.S. §90-622 as “massage” or “bodywork therapy.”
- (b) **Massage business** means any establishment or business wherein *massage* is practiced including establishments commonly known as health clubs, physical culture studios, and *massage* studios.
- (c) **Business or profession of massage** includes the *massage* or treatment of any *person* for a fee or in

expectation of a gratuity from the *person* massaged, and includes the “practice of massage and bodywork therapy” as defined in G.S. §90-622.

- (d) **Massagist** means any *person* engaged in the *business or profession of massage*.
- (e) Conviction means the result of a criminal trial or plea arrangement that ends in a judgment that the defendant is guilty as charged.

Sec. 12-2134. LICENSING OF MESSAGE BUSINESS OPERATORS.

- (a) No *person*, partnership, corporation, or association shall operate a *massage business* as herein defined unless such *person*, partnership, corporation, or association shall have first applied for and received the regulatory license provided by this section.
- (b) Every application for the regulatory license prescribed herein shall be upon a form approved by the City Manager, shall be accompanied by a nonrefundable application fee of one hundred twenty-five dollars (\$125.00) to offset the cost of the investigation required, and shall be filed with the Revenue Collector. Every such application shall be made under *oath* and shall contain the following information:
 - (1) If the applicant is a *person*, the name and *residence* address of such *person*. If the applicant is a partnership, corporation or association, the name, *residence* address, and social security number of all *persons* having any legal or beneficial interest in such applicant;
 - (2) The address of the premises where the *massage business* shall be located. Nothing in this subsection shall prevent a *massagist* employed by a licensed *massage business* from performing *massages* on behalf of that business at locations removed from the physical premises where the *massage business* is licensed;
 - (3) A complete statement of all convictions of any *person(s)* whose name(s) is (are) required to be given in paragraph (b)(1) above, for any felony, for any offense involving the sale of narcotics or controlled substances, or for prostitution or any violation of any law relative to prostitution;

- (4) A complete statement of any revocation, by any governmental unit, of any license to operate a *massage business* or to engage in the *business or profession of massage* held by any *person(s)* whose name(s) is (are) required to be given in paragraph (b)(1) above;
 - (5) A complete statement of any conviction of any *person(s)* whose name(s) is (are) required to be given in paragraph (b)(1) above, for violation of any statute, law, ordinance, or regulation of any government concerning the operation of a *massage business* or the *business or profession of massage*;
 - (6) The name and address of any *massage business* or other establishment owned or operated by any *person(s)* whose name(s) is (are) required to be given in paragraph (b)(1) or profession of *massage* is carried on;
 - (7) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant;
 - (8) A list of the names, addresses, North Carolina massage and bodywork therapy license numbers, and home telephone numbers, of all employees of the establishment. The list *shall* indicate which employees will perform massage.
- (c) The Revenue Collector *shall* transmit a copy of the application to the Police Department for an investigative report; to the Inspections division to determine compliance with all zoning and building regulations and ordinances; and to the Fire Department to determine compliance with any law relating to fire protection. The Police and Fire Departments and the Inspections Division *shall*, within a reasonable time, not to exceed thirty (30) days, report the results of their examinations to the Revenue Collector. An applicant who, consistent with zoning regulations, lawfully operates the *massage business* out of the applicant's home and who signs a statement under *oath* that the applicant will not perform *massage* within the home or allow the public to enter the home in connection with the *massage business* is not required to submit to a building or fire prevention inspection.
- (d) The application *shall* be approved if it is determined that:
- (1) The application contains no misstatement of fact;
 - (2) All *persons* employed as *massagists* or who will perform *massage* hold a valid license to practice massage and bodywork therapy issued by the State of North Carolina.
 - (3) The *massage business* operator agrees to supervise adequately the activities of the *massagists* who work in the *massage business*.
 - (4) The applicant, or any *person* having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving sexual misconduct, including but not limited to a violation of: G.S. 14-177 – 14-202.4(offenses against public morality and decency); G.S. 14-203 – 14-208 (prostitution); §§13-3002 and 13-2015 of this Code; any Federal statute relating to prostitution; any crime involving the sale of narcotics or controlled substances, or any law or ordinance of any governmental unit concerning or related to the *business or profession of massage*;
 - (5) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes, unless the applicant is exempt from building and fire prevention inspections as set out above.
 - (6) The applicant or any *person* having a legal or beneficial ownership interest in the applicant has not, for the three-year period *preceding* the application, had a previously issued license for engaging in the *business or profession of massage* revoked; and
 - (7) The business, by reason of the manner or place in which it is to be conducted, will not constitute a nuisance or in any other manner amount to a menace to good order, the public health, safety or morals.
- (e) Upon approval of the application and upon receipt of a fifty-dollar license fee, the collector of revenue *shall* issue a regulatory license to applicant.
- Sec. 12-2135. REVOCATION OF MESSAGE BUSINESS OPERATOR'S LICENSE.
- (a) A license issued pursuant to §12-2134 *may* be revoked if any of the *following* is determined:
 - (1) That the licensee has violated any provision of this chapter;

- (2) That the licensee, or any agent of the licensee, employs or permits to be on the premises of the applicant's *massage business* any *person* practicing the *business* or *profession of massage* who has not been licensed by the *State* of North Carolina or who has not been issued the regulatory license required by this article, or whose license under this article or under North Carolina General Statutes has been revoked or is currently suspended;
- (3) That the licensee, or the legal or beneficial *owner* of any interest in the licensee, is convicted of any crime involving sexual misconduct, including but not limited to a violation of: G.S. 14-177 – 14-202.4 (offenses against public morality and decency); G.S. 14-203 – 14-208 (prostitution); §§13-3002 and 13-2015 of this code, a Federal prostitution statute; or any other governmental units' regulations of *massages*;
- (4) That any current employee of the licensee is convicted of any felony in connection with his or her employment, or is convicted of any crime involving sexual misconduct, including, but not limited to, a violation of G.S. 14-177 – 14-202.4 (offenses against public morality and decency); G.S. 14-203 – 14-208 (prostitution); §§13-3002 and 13-2015 of this Code; any Federal prostitution statute; or any governmental units' regulations of *massage*;
- (5) That the licensee violates any zoning, building, or fire prevention ordinance, or if exempted from building or fire prevention inspections, performs *massage* to a client or for a fee within the home or allows the public to enter the home in connection with the *massage business*;
- (6) That the licensed business is conducted or allowed to be conducted in a manner constituting a public nuisance; or
- (7) That the licensee has failed to supervise an employee and the employee has, in connection with the *massage business*, been convicted of a violation of G.S. 14-177 – 14-202.4 (offenses against public morality and decency), G.S. 14-203 – 14-208 (prostitution); §§13-3002 and 13-2015 of this Code, a Federal prostitution statute, or any other governmental units' regulations of *massages*.

(b) A license issued pursuant to this article is void if the licensee moves or ceases operating a *massage business* at the location required to be stated in the application for license pursuant to this article. A licensee *may* transfer the *massage business* license to a new location once in any calendar year upon payment of a fifty dollar (\$50.00) nonrefundable transfer fee and upon confirmation from the Inspections Division that the new location complies with all zoning and building regulations and ordinances, and from the Fire Department that the new location complies with all laws relating to fire prevention. A licensee who, consistent with zoning regulations, lawfully operates the *massage business* out of the licensee's home and who signs a statement under *oath* that the licensee will not perform *massage* within the home or allow the public to enter the home in connection with the *massage business* is not required to submit to a building or fire prevention inspection.

Sec. 12-2136. LICENSING OF MASSAGISTS.

- (a) No *person* shall engage in the *business* or *profession of massage* unless such *person* shall have first applied for and received the regulatory license provided by this section.
- (b) The application for the license required by this section shall be upon a form approved by the City Manager and shall be filed with the Revenue Collector. Such application shall be given under *oath* and shall contain the following information:
 - (1) The name, age, social security number, and current business and *residence* addresses of the applicant;
 - (2) The applicant's North Carolina Massage license number; and
 - (3) A statement that the applicant is in good standing with the North Carolina Board of Massage and Bodywork Therapy.

The applicant shall submit a copy of the applicant's current North Carolina massage license with the application.
- (c) The application shall be approved if it is determined that the applicant possesses a current, valid license to practice *massage* and bodywork therapy issued by the State of North Carolina and has not been previously convicted of any violation of any provision of this Article or misstated any information submitted in the application. Upon approval of the application and upon receipt of a twenty-five dollar license fee, the collector of revenue shall issue a regulatory license to the applicant.

Sec. 12-2137. REVOCATION OF MASSAGIST'S LICENSE

A license issued pursuant to §12-2136 *may* be revoked if any of the *following* is first determined:

- (a) That the licensee has violated any provision of this chapter; or
- (b) That the licensee's North Carolina massage and bodywork therapy license has been suspended or revoked, has expired, or for any reason is no longer valid or in effect.

Sec. 12-2138. EMPLOYER TO USE ONLY LICENSED EMPLOYEES.

It *shall* be unlawful for any *person*, corporation, partnership or association licensed under this chapter to allow or permit any *person* to *massage* or treat any *person* upon the premises operated by the licensee unless the *person* giving such *massage* or treatment has complied with all requirements of licensing under this chapter. Violation of this section *shall* also be grounds for revocation of the license issued pursuant to this chapter.

Sec. 12-2139. POSTING OF LICENSE.

- (a) It *shall* be unlawful for any *massagist* to fail to post the license required by this article in his or her work area.
- (b) It *shall* be unlawful for any *person*, corporation, partnership, or association licensed under this article not to display such license in a prominent place.
- (c) Violation of this section *shall* be grounds for revocation.

Sec. 12-2140. EMPLOYMENT OF MINORS.

It *shall* be unlawful for any *person*, corporation, partnership, or association licensed pursuant to this article to employ any *person* under the age of eighteen (18) *years* in the operation of a *massage business*. A violation of this section *shall* also be grounds for revocation of any license issued to such violator pursuant to this article.

Sec. 12-2141. HOURS OF OPERATION.

- (a) It *shall* be unlawful for any *person* licensed as a *massagist* to *massage* or treat any *person* between the hours of 11:30 p.m. and 5:00 a.m.
- (b) It *shall* be unlawful for any *person*, corporation, partnership, or association licensed under this article to admit customers or prospective customers, or remain open for business, or allow, permit, or condone any *massage* or treatment of any *person* upon the premises between the hours of 11:30 p.m. and 5:00 a.m.

- (c) A violation of this section *shall* be deemed sufficient grounds for revocation of a license.

Sec. 12-2142. APPEALS.

Anyone denied a license or anyone whose license is revoked pursuant to this article *may* file, within thirty (30) days of such final determination, an appeal to the City Council. All filings *shall* be dated and submitted to the City Clerk. The City Council *shall* consider the matter *de novo*, and if after a review of the applicable testimony, facts, and code provisions the City Council determines that proper grounds exist for the denial or revocation of the license, the appeal will not be allowed.

Sec. 12-2143. ANNUAL REGULATORY LICENSE.

The licenses required under this chapter are annual regulatory licenses. Such licenses *shall* be due and payable in the same manner as prescribed for other licenses issued by the *City* pursuant to this chapter.

Sec. 12-2144. PENALTIES.

Any *person* convicted of violating any provision of this chapter *shall* be punished by fine or imprisonment as provided by law for violation of municipal ordinances.

Sec. 12-2145 - - Sec. 12-2154. RESERVED."

Section 4. Sections 2-2017(c)(7) and 2-2017(c)(8) of the Raleigh City Code are hereby repealed.

Section 5. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. If this ordinance or application thereof to any person is held invalid, such invalidity *shall* not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance *shall* be enforced as provided in G.S. §160A-75 or as provided in the Raleigh City Code. All criminal sanctions *shall* be up to the maximum dollar amount allowed by the law.

Section 8. This ordinance *shall* become effective upon its adoption.