



Legislation Details (With Text)

| | | | |
|------------------------|---|----------------------|---|
| File #: | 2011-1635 | Version: | 1 |
| Type: | Ordinance | Status: | Died due to expiration of legislative council session |
| File created: | 4/19/2011 | In control: | Committee on Public Safety Services |
| On agenda: | | Final action: | |
| Enactment date: | | Enactment #: | |
| Effective date: | | | |
| Title: | Ordinance Supplementing the City Code at Title Seven: Business Licensing; Article VII: Service Businesses, By Adding Chapter 768, entitled "Massage Establishment and Practitioner Licensing" to eliminate sex trafficking in massage establishments in the City of Pittsburgh. | | |
| Sponsors: | Douglas Shields, Darlene M. Harris, Natalia Rudiak | | |
| Indexes: | PGH. CODE ORDINANCES TITLE 07 - BUSINESS LICENSING | | |
| Code sections: | | | |
| Attachments: | 1. 2011-1635.doc | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------------|--------------------------------|--------|
| 5/2/2011 | 1 | Post Agenda | Post Agenda Held | |
| 4/20/2011 | 1 | Standing Committee | Held for Cablecast Post Agenda | Pass |
| 4/19/2011 | 1 | City Council | Waived under Rule 8 | Pass |
| 4/19/2011 | 1 | City Council | Read and referred | |

Ordinance Supplementing the City Code at Title Seven: Business Licensing; Article VII: Service Businesses, By Adding Chapter 768, entitled "Massage Establishment and Practitioner Licensing" to eliminate sex trafficking in massage establishments in the City of Pittsburgh.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code is hereby supplemented at Title Seven, Business Licensing, Article VII, Service Businesses, by adding Chapter 768 as follows:

CHAPTER 768: MESSAGE ESTABLISHMENT AND PRACTITIONER LICENSING

768.1 PURPOSE

The purpose of this ordinance is to prevent sex trafficking and sexual exploitation through regulating and licensing massage establishments and massage practitioners.

768.2 DEFINITIONS

1) The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) *Law enforcement* means an appropriate local law enforcement agency in charge of investigation and enforcement of regulatory violations.
- b) *Regulatory agency* means a local department or agency that is designated to regulate the massage industry and to administer and enforce this regulation.
- c) *Employee* means any person other than massage practitioners who renders any service in a massage establishment, but who has no physical contact with customers or clients.
- d) *Manager* means the person or persons designated by the owner of the massage establishment to act as the representative or agent of the owner in managing day-to-day operations with the same liabilities and responsibilities. Evidence of management includes, but is not limited to, evidence that the individual has power to direct or hire and dismiss massage practitioners and employees control hours of operations, create policy of rules or purchase supplies. A manager may also be an owner.
- e) *Massage* means the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, adjusting, compressing, or tapping with the hand or hands or other parts of the body, or with any instrument, whether electric, magnetic, mechanical, or otherwise, or bathing device, with or without supplementary aids, using techniques that include but not limited to Swedish massage, acupressure, reflexology or deep tissue therapy.
- f) *Massage establishment* means any business where any individual, partnership firm, association, joint-stock company, corporation, or combination of individuals engages in, conducts, carries on or permits to be conducted or carried on, for money or any other consideration, administration to another person of a massage. The term "massage establishment" is intended to include any enterprise which has or purports to have as a principle business activity the providing of massage services, regardless of its trade name.
- g) *Massage practitioner* means any person, male or female, who administers to another person a massage, for any form of consideration or expectation of gratuity. The terms "massage therapist" and "massage technician" are included within this definition for purposes of this ordinance.
- h) *Owner* means any person having an ownership interest in the massage establishment.
- i) *Person* means any individual, partnership, firm, association, joint-stock company, corporation or combination of individuals of whatever form or character.
- j) *License Officer* means the Director of the Bureau of Building Inspections of the City of Pittsburgh.

768.3 LICENSING OF MASSAGE ESTABLISHMENT WITHIN THE CITY OF PITTSBURGH

1) MESSAGE ESTABLISHMENT LICENSE REQUIREMENT

- a) Massage Establishment may not engage in performing massages within the City of Pittsburgh without having first obtained a City of Pittsburgh Massage Establishment License from the License Officer.

2) QUALIFICATIONS OF APPLICANT BUSINESS

- a) The Applicant Business must be a Massage Establishment that performs regular or occasional massage practices within the political boundaries of the City of Pittsburgh. The applicant business must meet the license application requirements as more fully set forth elsewhere in this chapter.

3) LICENSE FEES FOR MASSAGE ESTABLISHMENT APPLICANTS

- a) The fee for a new City of Pittsburgh Massage Establishment license shall be \$100.00.
- b) The fee for renewal of the City of Pittsburgh Massage Establishment license shall be \$50.00.
- c) The fee for a replacement of a City of Pittsburgh Massage Establishment License shall be \$75.00 (A sworn statement must be provided to the license officer with a satisfactory explanation regarding the loss of the original Massage Establishment License.)
- d) There shall be no fee to amend the City of Pittsburgh Massage Establishment license provided that no additional massage practitioners are added.
- e) If a license is revoked by the License Officer, the Massage Establishment shall pay the same fee as a new Massage Establishment License applicant, once the Massage Establishment is eligible for reinstatement.

4) TERM OF MASSAGE ESTABLISHMENT LICENSE

- a) The term for a City of Pittsburgh Massage Establishment Licenses is the later of November 1st of the prior year of licensure or the actual date of license issuance by the License Officer. All licenses shall expire on December 31st of the applicable license year.

5) RENEWAL OF LICENSE

- a) The City of Pittsburgh Massage Establishment License shall be renewed annually. The applicable renewal period is November first (1st) through December thirty-first (31st) during normal business hours.

6) APPLICATION FOR MASSAGE ESTABLISHMENT PERMIT

- a) Any person desiring a massage establishment permit shall file a written application with the regulatory agency, who shall authorize the law enforcement to conduct an investigation once the application is complete. The applicant shall submit a tender of the permit fee required by this ordinance, and shall, in addition, furnish the following:
 - i) The type of ownership of the business, whether individual, partnership, corporation or otherwise;
 - ii) The name, style and designation under which the business or practice is to be conducted;
 - iii) The business address and all telephone numbers where the business is to be conducted;
 - iv) A complete list of the names and residence addresses of all massage practitioners and employees in the business and the name and residence of the manager or other person principally in charge of the operation of the business;
 - v) The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten (10) percent of the stock of the corporation, each officer and director, if the applicant is a corporation; and concerning each partner, including limited partners, if the applicant is a partnership; and the holder of any lien, of any nature, upon the business and/or the

equipment used therein; and concerning the manager or the person principally in charge of the operation of the business:

- vi) The names, complete residence addresses and residence telephone numbers:
 - vii) The two (2) previous addresses immediately prior to the present address of the applicant;
 - viii) Written proof of age 18 or over;
 - ix) Height, weight, color of hair and eyes, and sex;
 - x) Two (2) front face portrait photographs taken within thirty (30) days of the date of application and at least two (2) by two (2) inches in size;
 - xi) The message or similar business history and experience ten (10) years prior to the date of application, including but not limited to whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefore, and the business activities or occupations subsequent to such action of denial, suspension or revocation;
 - xii) All criminal convictions, including pleas or *nolo contendere*, within the last ten (10) years, excluding minor traffic infractions, and the date and place of each such conviction and reason and sentence therefore;
 - xiii) A complete set of fingerprints taken and to be retained on file by the law enforcement;
 - xiv) Such other information and identification of the person as shall be deemed necessary by the law enforcement to discover the truth of the matters hereinabove required to be set forth in the application;
 - xv) Authorization for the city, its agents and employees to seek information and conduct on investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;
 - xvi) The names and addresses of two (2) adult residents of the city who will serve as character references. The references must be persons other than relatives and business associates;
 - xvii) A statement in writing, and dated, by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct.
- b) If, during the term of a permit, any of the information submitted on the original or renewal application changes, the permit holder shall notify the regulatory agency or such change within ten (10) business days thereafter, in writing.

7) DISPLAY OF LICENSE

- a) Every licensee shall display the license in a conspicuous place upon the business premises. A recent photograph of the licensee shall be attached to the license.

8) REVOCATION OR SUSPENSION

- a) Grounds for suspension and revocation - Violation of any provisions of this ordinance through acts or omissions constitutes grounds for suspension or revocation of a license issued under this ordinance

768.04 LICENSING OF MASSAGE PRACTITIONER WITHIN THE CITY OF PITTSBURGH

1) MASSAGE PRACTITIONER LICENSE REQUIREMENT

- a) No person, including an owner, manager or employee of a massage establishment, shall engage in the practice of massage without first having obtained a massage practitioner license from the regulatory agency.

2) QUALIFICATIONS OF APPLICANT

- a) The Applicant must be a Massage Practitioner that performs regular or occasional massage practices within the political boundaries of the City of Pittsburgh. The Applicant must meet the license application requirements as more fully set forth elsewhere in this chapter.

3) LICENSE FEES FOR MASSAGE PRACTITIONER APPLICANTS

- a) The fee for a new City of Pittsburgh Massage Practitioner license shall be \$100.00.
- b) The fee for renewal of the City of Pittsburgh Massage Practitioner license shall be \$50.00.
- c) The fee for a replacement of a City of Pittsburgh Massage Practitioner license shall be \$75.00 (A sworn statement must be provided to the license officer with a satisfactory explanation regarding the loss of the original Massage Practitioner License.)
- d) If a license is revoked by the License Officer, the Massage Practitioner shall pay the same fee as a new Massage Practitioner License applicant, once the Massage Practitioner is eligible for reinstatement.

4) TERM OF MASSAGE PRACTITIONER LICENSE

- a) The term for a City of Pittsburgh Massage Practitioner Licenses is the later of November 1st of the prior year of licensure or the actual date of license issuance by the License Officer. All licenses shall expire on December 31st of the applicable license year.

5) RENEWAL OF LICENSE

- a) The City of Pittsburgh Massage Practitioner License shall be renewed annually. The applicable renewal period is November first (1st) through December thirty-first (31st) during normal business hours.

6) APPLICATION FOR MASSAGE PRACTITIONER PERMIT

- a) Any person desiring a massage practitioner license shall file a written application with the regulatory agency, who shall authorize the law enforcement to conduct an investigation once the application is complete. The application shall be accompanied by the appropriate filing fee as established by the City Council. The application shall be deemed complete if it contains or is accompanied by the following

information:

- b) A statement of the exact location at which the applicant will be working as a massage practitioner, including the full street address and all telephone numbers associated with said location, and the following personal information concerning the applicant:
 - i) The name, complete residence address and residence telephone number;
 - ii) The two (2) previous addresses immediately prior to the present address of the applicant;
 - iii) Written proof of age 18 or over;
 - iv) Height, weight, color of hair and eyes, and sex;
 - v) Two (2) front face portrait photographs taken within thirty (30) days of the date of application and at least two (2) by two (2) inches in size;
 - vi) The business, occupation, and employment history of the applicant for the ten (10) years immediately preceding the date of the application;
 - vii) The complete license history of the applicant and whether such person has ever had any license or permit, issued by any agency, board, city, or other jurisdiction, denied, revoked or suspended and the reasons therefore.
 - viii) All criminal convictions, including pleas or *nolo contendere*, within the last ten (10) years, excluding minor traffic infractions, and the date and place of each such conviction and reason and sentence therefore;
 - ix) A complete set of fingerprints taken and to be retained on file by the law enforcement;
 - x) The names and addresses of two (2) adult residents of the city who will serve as character references. The references must be persons other than relatives and business associates;
 - xi) Such other information and identification as shall be deemed necessary by the law enforcement to discover the truth of the matters hereinabove required to be set forth in the application;
 - xii) Authorization for the city, 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 license;
 - xiii) A statement in writing, and dated, by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct.

7) TRAINING REQUIREMENTS

- a) Each applicant must further an original or certified copy of a diploma or certificate and certified transcript of graduation for completion of two hundred (200) hours of instruction from an approved or recognized school of massage, wherein the method, practice, profession, theory, ethics, anatomical and physiological knowledge and practice of massage is taught by nationally certified instructors. The

applicant must also supply a course description, an outline of material covered, and a letter to the city from the school administrator verifying completion and providing evidence of the accreditation or other certification, approval or recognition of the school.

- b) If, during the term of a permit, any of the information submitted on the original or renewal application changes, the permit holder shall notify the regulatory agency or such change within ten (10) business days thereafter, in writing.

8) ISSUANCE OF LICENSE

- a) The regulatory agency shall issue a massage practitioner license within thirty (30) days of receipt of the application unless the regulatory agency or the law enforcement finds that:
- b) The correct permit fee has not been tendered to the city, and in the case of check or bank draft, honored with payment upon presentation;
- c) The applicant has been convicted of a felony or misdemeanor involving sexual misconduct with minors, keeping or residing in a house of ill-fame, solicitation of a lewd or unlawful act, prostitution or pandering, unless such conviction occurred at least five (5) years prior to the date of application.
- d) The applicant has knowingly made any false, misleading or fraudulent statements of fact in the license application or in any document required by the city in conjunction therewith;
- e) The applicant has had a massage business, massage practitioner or other similar permit or license denied, revoked or suspended by the city or any other state or local agency within five (5) years prior to the date of application.

9) DISPLAY OF LICENSE

- a) Every licensee shall display the license in a conspicuous place upon the business premises. A recent photograph of the licensee shall be attached to the license.

10) REVOCATION OR SUSPENSION

- a) Grounds for suspension and revocation - Violation of any provisions of this ordinance through acts or omissions constitutes grounds for suspension or revocation of a license issued under this ordinance

768.05 OPERATIONAL REQUIREMENTS

1) EMPLOYMENT OR CONTRACTING OF MASSAGE PRACTITIONERS

- a) It shall be unlawful for the owner, proprietor, manager, or person in charge of a massage establishment to allow any person to practice massage in the massage establishment without having obtained a massager practitioner's license pursuant to this ordinance.

2) HOURS

- a) No massage establishment shall operate or provide massage services during the hours between 10:00 p.m. and 6:00 a.m.

3) UNLAWFUL TO ADMIT INTOXICATED PERSONS

- a) It shall be unlawful for the owner, proprietor, manager or person in charge of a massage establishment to harbor, admit, receive or permit to be or remain in or about any such place, any drunken person or any person under the influence of intoxicating liquor or narcotic drugs.

4) INDECENT CONDUCT

- a) It shall be unlawful for any person in a massage establishment to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.
- b) It shall be unlawful for any person in a massage establishment to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in a massage establishment to expose the sexual or genital parts, or any portions thereof, of any other person.
- c) It shall be unlawful for any person, while in the presence of any other person in a massage establishment to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.
- d) It shall be unlawful for any person owning, operating, or managing a massage establishment knowingly to cause, allow or permit in or about such massage establishment any agent, massage practitioner, employee or any other person under his or her control or supervision to perform such acts prohibited in subsections i, ii, or iii of this section

5) RESTRICTIONS ON OUTCALL MESSAGE

- a) It shall be unlawful for any person, including licensees under this ordinance, to administer massage on an outcall basis unless:
- b) Outcall massage is administered in the residence of a customer or client. "Residence" means one (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation.
- c) A customer or client, due to physical defects or incapacities or due to illness, is physically unable to travel to the massage establishment.
- d) If any outcall massage is performed under these exceptions, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the message practitioner administering a massage shall be kept by the massage establishment.

6) NO-LOCK REQUIREMENT FOR MESSAGE ROOMS

- a) It shall be unlawful for any massage service to 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.

7) REGISTER OF MESSAGE PRACTITIONERS

- a) An owner or manager of a massage establishment must maintain a register of names of all persons who practice massage in the massage establishment and their massage practitioner license numbers. Such register shall be available for inspection by any person authorized under this ordinance to perform inspections at all times during regular business hours.

8) BUSINESS RECORDS

- a) An owner or manager of a massage establishment shall keep a record of the date and hour of each massage, the name and address of the customer or client receiving the massage and the name of the massage practitioner practicing or administering the massage. Such record shall be maintained for a minimum period of one (1) year and shall be open to inspection by any person authorized under this ordinance to perform inspections. Information furnished or secured as a result of such inspection shall be confidential.

9) UNLAWFUL ADVERTISEMENT

- a) A person who is not duly licensed or a massage establishment that has not obtained a permit under this ordinance may not use the word "massage" on any form of advertisement unless the person or the organization is expressly exempt from this ordinance.

10) ENTRANCES AND EXITS

- a) It shall be unlawful for any massage establishment to have any entrance or exit way providing a direct passageway to any other type of business, residence, or living quarters.

11) SIGNAGE

- a) A massage establishment shall affix an exterior sign stating its trade or business name as appears on its permit application near its main entrance. The sign shall be erected facing a street or highway that is not a private lane, in a conspicuous location within ten (10) feet of the property line. The sign shall be visible from the nearest public street or highway and clearly indicate that the said premise is a massage establishment.

12) WINDOWS

- a) It shall be unlawful to cause complete obstruction of the passage of light through any windows of the massage establishment premise by means including but not limited to affixing plywood, paper, or taping other opaque materials over the windows. This restriction does not apply to the standard use of curtains or blinds.

768.06 INSPECTIONS

- 1) The **Law Enforcement** shall from time to time, but at least once a year, make an inspection of each massage establishment in the City for purposes of determining that the provisions of this ordinance or other applicable laws or regulations are met.

- 2) Such inspections shall be conducted in a reasonable time, in a reasonable manner.
- 3) The premises may be inspected outside of business or operating hours, as necessary in any situation which poses an immediate threat to life, property, or public safety, or for the purpose of preventing trafficking in persons and commercial sex activities in massage establishments.
- 4) An establishment claiming to be exempt from the provisions of this ordinance under 768.07 may be inspected as well. The owner or manager of an establishment, or an individual who claims to be exempt from this ordinance, shall produce, on demand of a person authorized under this section to perform inspections, documentation sufficient to show that the establishment or the individual is exempt.
- 5) It shall be unlawful for any person to fail to allow a person authorized under this section to perform inspections access to the premises immediately or to hinder such person in any manner.
- 6) A person authorized under this section to perform inspections may enter a room or cubicle in which a customer or client is or is presumed to be currently receiving a massage only after knocking on the door, if there is a door, and verbally identifying himself or herself by name and job title and announcing he or she is about to enter for the purpose of inspecting the room or cubicle.
- 7) This section does not restrict or limit the right of entry vested in any law enforcement agency.
- 8) During an inspection, the persons authorized under this section to perform inspections shall verify the identity of all on-duty massage practitioners by checking a photo identification and a massage practitioner license.

768.07 EXEMPTIONS

- 1) The provisions of this ordinance shall not apply to the following while they are engaged in the performance of the duties of their respective professions:
 - a) Physicians, surgeons, chiropractors, osteopaths, or physical therapy practitioners who are duly licensed to practice their respective professions in this state;
 - b) Nurses who are registered under the laws of this state;
 - c) Barbers and beauticians who are duly licensed under the laws of this state [or under the local regulation], except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client for cosmei or beautifying purposes;
 - d) Trainers or any professional sports franchise or educational institution athletic team;
 - e) Any organization which is exempt from taxation as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization under the internal revenue laws of the United States.
- 2) The exemption under subsection (a) of this section applies to any individual, and not to the establishment in which the individual works. An establishment shall be exempt from the permit requirement of this ordinance only if each individual otherwise required to be licensed under this ordinance is exempt under subsection (a) of this section.

768.08 ENFORCEMENT AND PENALTIES

- 1) Anyone who is found to be operating a Massage Establishment that engages in massage activities within the City of Pittsburgh without the required Massage Establishment License shall pay a fine of Five Hundred Dollars (\$500.00) per each violation and is ineligible to obtain a City of Pittsburgh Massage Establishment License for a period of one (1) year from the conviction of this offense.
- 2) Anyone who is found to be operating a Massage Establishment that engages in massage activities within the City of Pittsburgh, within the same period of time in which a license would be in effect if it had been obtained, without the required license shall pay a fine of \$1,000.00 for each subsequent offense after the first documented offense.
- 3) Anyone who is found to be operating a Massage Establishment that engages in massage activities within the City of Pittsburgh without displaying a Massage Practitioner License shall be fined Fifty Dollars (\$50.00)
- 4) Anyone who is found to be working at a Massage Establishment that engages in a second or later offense of massage activities without displaying a valid City of Pittsburgh Massage Practitioner License within the City of Pittsburgh, within the same period of time in which a license would be in effect if it had been obtained, shall be fined One-Hundred Dollars \$100.00 for each subsequent offense after a first documented offense.

768.09 PROCEDURE FOR LOSS OF MASSAGE ESTABLISHMENT OR PRACTITIONER LICENSE

- 1) If the Massage Establishment or Massage Practitioner is in violation of any of the provisions of this ordinance the License Officer or the License Officer's designee will provide (10) days written notice of intent to terminate the City of Pittsburgh Massage Establishment/Massage Practitioner License. The written notice shall provide the reasons for termination and set forth information pertaining to appeal of the termination. The Massage Establishment License/Massage Practitioner shall have thirty (30) days from the date of mailing in which to request a hearing in writing, then the License Officer shall schedule a hearing within thirty (30) days of the request for a hearing.
- 2) In the event of imminent threat to public safety, the License Officer or a designee may immediately revoke a City of Pittsburgh Massage Establishment License or Massage Practitioner License. Notice of revocation in the event of imminent threat to public safety will take effect from the date of the Bureau of Building Inspection Director's signing-off on a Notice of Revocation of the applicable license. The written notice shall provide the reasons for termination and set forth information pertaining to appeal of the thirty (30) days from the date of mailing in which to request a hearing in writing. If hearing is requested in writing, then the License Officer shall schedule a hearing within thirty (30) days of the date of request.

768.10 FAILURE TO RETURN MASSAGE ESTABLISHMENT OR MASSAGE PRACTITIONER LICENSES

- 1) City of Pittsburgh Massage Establishment and Massage Practitioner Licenses remain the property of the City of Pittsburgh.
- 2) Failure to return a revoked, expired or improperly issued City of Pittsburgh Massage Establishment License, within 48 hours of a request by the License Officer or the License Officer's designee shall result in a \$500.00 fine. Any business or individual who fails to return a revoked, expired, or improperly issued City of Pittsburgh Massage Establishment License, within 48 hours of a request by the License Officer or the License Officer's designee shall result in a \$500.00 fine. Any business or individual who fails to return a

City of Pittsburgh Massage Establishment may be barred from further issuance of a license, under this Chapter, for a period of three (3) years.

- 3) Failure to return a revoked, expired or improperly issued City of Pittsburgh Massage Practitioner License, within 48 hours of a request by the Director of Bureau of Building Inspections or the Director of Public Safety or their designees shall result in a \$100.00 fine. Any Massage Practitioner who fails to return a City of Pittsburgh Massage Practitioner License may be barred from further issuance of a City of Pittsburgh Massage Practitioner License for a period of one (1) year.
- 4) Any Massage Establishment or Massage Practitioner who wishes to appeal the denial of an application for a new City of Pittsburgh Massage Establishment License or Massage Practitioner License may appeal the denial to the Hearing Board that adjudicates matters pertaining to the revocation of the applicable licenses.

768.11 HEARING BOARD PERTAINING TO THE REVOCATION OF MASSAGE ESTABLISHMENT & MASSAGE PRACTITIONER LICENSES

- 1) A Hearing Board shall be formed to adjudicate appeals pertaining to the revocation of City of Pittsburgh Massage Establishment and Massage Parlor Licenses

2) COMPOSITION OF THE HEARING BOARD

- a) The hearing board shall consist of six (6) persons:
 - b) The Director of Public Safety or the Director's designee
 - c) The City Solicitor or the City Solicitor's designee
 - d) Three (3) peer reviewers (with professions such as doctors, physical therapists, etc.), appointed by the Mayor and approved by Council

3) TERM OF THE THREE (3) PEER REVIEWERS OF THE HEARING BOARD

- a) A citizen of the City of Pittsburgh appointed by the Mayor and approved by Council. If a citizen is appointed for one (1) of the three (3) peer reviewer positions on the Board, the term of the incumbent member shall continue until:
 - i) The Mayor appoints a different person for the position
 - ii) The peer reviewer resigns
 - iii) The peer reviewer ceases to be a resident of the City of Pittsburgh
 - iv) The peer reviewer fails to appear for a scheduled hearing.
- b) If the peer reviewer of the Hearing Board resigns, ceases to be a resident of the City of Pittsburgh, or fails to appear for a scheduled hearing, the President of City Council or the President of Council's designee will fill the position on the Board until the Mayor makes a new appointment that is approved by Council.
- c) All decisions of the Hearing Board shall be in writing and be final.

768.12 NOTICE OF HEARING

- 1) No license or permit issued under this ordinance may be suspended or revoked until after due notice and hearing before the regulatory agency to determine if grounds for such revocation exist. Notice of such hearing shall be in writing and served at least fourteen (14) days prior to the date of the hearing by registered mail or personal service.
- 2) The notice shall state the ground of the complaint against the licensee and shall designate the time and place where the hearing will be held. The licensee shall have the right to appear at such hearing and to produce evidence.
- 3) Discretionary action by the regulatory agency
- 4) If, after holding the hearing, the regulatory agency determines that the massage practitioner has violated the provisions of this ordinance, then the regulatory agency may either:
- 5) Suspend the license for a period not to exceed ninety (90) days if it is charged and proved that the licensee has violated any of the provisions of this ordinance; or
- 6) Revoke the license if it is charged and proved that the licensee has violated the operational requirements and requirements of the license holders and may be removed or revoked or suspended license from the business location.