

**CITY OF BROOKFIELD
GENERAL INFORMATION SHEET
FOR ANNUAL MASSAGE BUSINESS LICENSE**

All questions **MUST** be answered truthfully. Read the questions carefully. The Brookfield Police Department performs a background check on all applicants. Your application will be denied for material misstatement in the license application.

Definition

"Massage Business". Any business having a permanent location where any person, firm, association or corporation engages in the practice of massage as that term is defined herein.

"Massage". Holding, positioning, rocking, kneading, compressing, decompressing, gliding or percussing the soft tissue of the human body and applying friction to soft tissue.

New Applications

1. **New applicants must apply in person** to the City Clerk's Office in the Brookfield City Hall, 2000 N. Calhoun Road.
2. Your fully completed application must contain a written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, said declaration being duly dated, signed and notarized.
3. \$150 license fee for an individual applicant, a corporation with no more than three (3) shareholders, or an applicant with no more than three (3) named lessees. An additional fee of \$50 per person shall be assessed for each additional shareholder and lessee over three (3).

RENEWALS – May be mailed

A properly completed and **NOTARIZED** renewal application shall be filed at least forty-five (45) days prior to the date of expiration. The fee for the renewal of a massage business license shall be \$150 for a one year license. **Note: There is a \$12 fee for a background check for each Massage Therapist listed on the application.** Section 3.24.050(E)(F)

The applicant shall present an application that contains: A sworn affidavit by the business applicant stating that the matters contained in the original application have not, or if they have changed, specifically stating the changes which have occurred.

MESSAGE BUSINESS ORDINANCE (in part)

5.18.030 Exemptions.

This chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

- A. Medical doctors, doctors of chiropractic medicine, doctors of osteopathy, physical therapists, physicians' assistants or nurses who are duly licensed to practice their respective professions in the state.
- B. Barbers and beauticians who are duly licensed under the laws of this state, except that this exemption shall apply solely to the massage of the neck, face, scalp, hair, hands and feet of their clients.
- C. Coaches and trainers employed by accredited high schools, colleges, or amateur, semiprofessional or professional athletic teams and acting within the scope of their employment.
- D. This chapter shall not apply to hospitals or licensed nursing homes or persons working within hospitals or licensed nursing home who administers massage therapy under the direct supervision and control of the hospital or licensed nursing home administration, as the case may be. (Ord. [2333-13](#) § 1 (part), 2013; Ord. 1664 § I (part), 1998)

5.18.050 License required for massage businesses.

It is unlawful for any person to engage in, conduct, carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operating of a massage business as herein defined,

without first having obtained an occupancy permit or any other permit required under the code and a license for a massage business from the city as provided under this chapter. (Ord. [2333-13](#) § 1 (part), 2013; Ord. 1664 § I (part), 1998)

5.18.060 License and filing fee for massage businesses.

A. Every applicant for a license to maintain, operate, or conduct a massage business shall file an application with the city clerk. The nonrefundable fee for the initial license shall be as specified in Section [3.24.050](#) for an individual applicant or an applicant corporation with no more than three shareholders or an applicant with no more than three named lessees. An additional fee as specified in Section [3.24.050](#) shall be assessed for each additional therapist over three who are sub-lessees of applicant.

B. Within ten days from the filing of an application, the city clerk shall refer copies of such application to the building inspection department and police department. The appropriate departments shall, within thirty (30) days of referral by the city clerk, inspect the premises proposed to be operated as a massage business, investigate the information contained in the application and make written recommendations to the city clerk concerning compliance with city codes and federal or state law, as may be applicable.

C. Within fourteen (14) days of receipt of the recommendation from the aforesaid departments, the city clerk shall notify the applicant in writing that the application has been granted, denied, or held for further review. The period of such additional review shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional review, the city clerk shall notify the applicant in writing whether the application is granted or denied.

D. Whenever an application is denied or held for further review, the city clerk shall advise the applicant of the reasons for such action. An application may be denied by the city clerk if it is found:

1. That the operation of the massage business, as proposed by the applicant, if permitted, would not comply with the applicable federal, state or local ordinances, rules or regulations, including but not limited to the building, fire or zoning codes of the city; or
2. That the applicant and/or any other person who will be directly or indirectly engaged in the management and operation of a massage business has been convicted of:
 - a. A felony or misdemeanor conviction for bodily harm; or any offense involving sexual misconduct including, but not limited to, prostitution, soliciting for a prostitute, keeping a place of prostitution, or other offenses involving moral turpitude; or
 - b. A misdemeanor or ordinance violation based upon conduct or involvement in the massage business or similar or related business activity within the city or any other city, village or town, or had a massage business license denied, revoked or suspended by the city, or any other jurisdiction.
3. That the applicant has made any material misstatement in the application for a license.

E. The city clerk, at his or her discretion, may issue a massage business license to any person convicted of any of the crimes enumerated in subsections (D)(2)(a) and (b) of this section, if he or she finds that such conviction occurred at least ten years prior to the date of application, the applicant has had no subsequent convictions, and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust.

F. The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or the applicant's refusal to submit to or cooperate with any inspection required by this chapter shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof. (Ord. [2333-13](#) § 1 (part), 2013; Ord. [2331-13](#) § 4, 2013; Ord. 1664 § I (part), 1998)

5.18.070 Appeal process.

The denial of the city clerk with regard to the issuance or renewal of any license under this chapter shall be reviewable by the legislative and licensing committee upon the written request of the applicant filed with the legislative and licensing committee within ten days of such denial. The legislative and licensing committee shall conduct a hearing to review the material provided the city clerk, or any other city department or employees or witnesses. The applicant may present any evidence relevant to the denial. The decision of the legislative and licensing committee shall be provided in writing to the applicant not more than fifteen (15) days after conclusion of the hearing. (Ord. [2333-13](#) § 1 (part), 2013; Ord. 1734 § 3 (part), 2000; Ord. 1664 § I (part), 1998)

5.18.120 Operating requirements.

- A. Massage therapists shall refrain from sexual conduct with a patron regardless of whether the patron initiates the action.
- B. The licensee or person designated by the licensee of a massage business shall maintain a register of all persons employed at any time as massage therapists. Said register shall be available at the massage business to representatives of the city during regular business hours.
- C. No operator of a massage business may employ or allow to operate in their premises any person as a massage therapist or bodyworker unless said employee has obtained and has in effect a massage therapist license issued by the state or who is exempted from said licensing requirements by the terms of this chapter.
- D. No massage business shall be kept open for any purpose between the hours of ten p.m. and six a.m.
- E. The doors to the business and to the individual massage therapy rooms shall not be locked or blocked or obstructed from either side during business hours.
- F. As a condition of the license the licensee must permit city employees, without notice, to inspect the premises at any time during business hours.
- G. Every massage therapist performing off-site massage therapy shall carry their license with them. (Ord. [2333-13](#) § 1 (part), 2013; Ord. 1664 § I (part), 1998)

5.18.130 Display and transfer of license.

Every licensee shall display a valid license in a conspicuous place within the massage business so that the same may be readily seen by persons entering the premises. No license for the operation of a massage business issued pursuant to the provisions of this chapter shall be transferable from one person or entity to another person or entity. Upon the sale or transfer via one or more transactions of an interest fifty (50) percent or greater from the date of application in a massage therapy business, a license shall become null and void. A new application shall be made by any person desiring to operate or maintain a massage therapy business. (Ord. [2333-13](#) § 1 (part), 2013; Ord. 1664 § I (part), 1998)

5.18.140 Public nuisance.

Any building used as a massage therapy business in violation of this chapter with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this chapter are declared to be a nuisance. (Ord. [2333-13](#) § 1 (part), 2013; Ord. 1664 § I (part), 1998)

5.18.150 Penalty.

Any person violating this chapter, or the conditions of a permit issued hereunder, shall be fined in accordance with the penalty provisions of Chapter [1.12](#). (Ord. [2333-13](#) § 1 (part), 2013; Ord. 1664 § I (part), 1998)

CITY OF BROOKFIELD

2000 N. Calhoun Road

Brookfield, WI 53005

MESSAGE BUSINESS LICENSE APPLICATION

New Applicant

Renewal **

****If this is a Renewal AND there are no changes from last year's application, fill in the asterisked areas only**

FEE: \$150 fee plus \$50 per person for each additional shareholder or lessee over three (3). This must accompany the notarized application. Make check payable to the City of Brookfield. **Note: There is a \$12 fee for a background check for each Massage Therapist listed on the application.** Section 3.24.050(E)(F)

1.** **Name of Business** _____

Individual / Sole Proprietor

Partnership / LLP

Corporation / LLC

Business Address _____

City/State/Zip _____ Phone _____

Premise Address where Massage performed at: _____

Premise Owner Contact Information

Name: _____

Address: _____

Phone # _____

2. Provide the following information for the business entity:

a) A copy of its articles of incorporation and/or authorization to do business in the State of Wisconsin.

b) The business tax identification number: _____

**c) Evidence of current malpractice liability insurance coverage in an amount that is not less than \$1,000,000.00 per occurrence and \$1,000,000.00 for all occurrences in one year.

d) Proposed Number of Massage Therapists: _____

e) Proposed Hours of Operation: _____

f) Completed questionnaire (pg 2) for each individual, partner, member, or corporate officer of the business entity.

g) Completed questionnaire (pg 3) for each licensed Massage Therapist along with a copy of their current state issued Massage Therapist certification / permit.

QUESTIONNAIRE FOR BUSINESS OWNER(S)

3. All individual persons, partners of a partnership applicant, or any officer, member or director of a corporate applicant and any stockholder holding more than seven percent (7%) of the shares of stock of a corporate applicant, shall furnish, under oath as may be applicable, the following information (attach additional sheet(s) answering questions for each additional member, officer, partner, etc):

A) Name of Business Owner Applicant: _____

Title (individual, partner, officer, stockholder, etc): _____

Sex: Male _____ Female _____ Date of Birth _____

Social Security # _____ Driver's License _____

List Address(es) lived for past three years _____

****B) Employment record for last five years - occupation, employer, dates (Attached additional sheets if necessary)**

****C) In the past 5 years, have you been convicted of any criminal or ordinance violations in any state, federal or municipal court, except for minor traffic violations? Yes _____ No _____**

If yes, name of person(s), date, charge and penalty _____

****D) In the past 5 years, have you been convicted of a crime of immorality under Chap. 944 WI Stats., subject to Sec. 111.335, WI Stats? Yes _____ No _____**

If yes, list date, charge and penalty _____

****E) Have you had a Massage Therapist Permit or License refused in this or other states within 5 years of the date of application? Yes _____ No _____**

If Yes, list _____

5.** The undersigned massage business license applicant agrees to inform the City Clerk's Office within ten (10) days of any substantial changes in the information supplied in this application.

I hereby acknowledge I have read Chapter 5.18 of the City's Municipal Code as it relates to the regulating of the permit applied for herein.

- a) I authorize the City, its agents and employees, to obtain information and to conduct an investigation concerning the statements contained in the application and qualifications of the applicant for the license.
- b) I declare under penalty of perjury and as by the applicant or its authorized agent that the information contained in the application is true and correct, said declaration being duly dated, signed and notarized.

NOTE: THIS PERMIT MAY BE REVOKED OR SUSPENDED FOR FAILURE TO COMPLY WITH ANY CITY REQUIREMENT RELATING TO MASSAGE THERAPISTS.

Subscribed and Sworn to before me this
_____ day of _____ 20____.

Signature(s) of Applicant

Notary Public, State of Wisconsin

My Commission expires: _____
