



Dear Applicant,

Thank you for choosing the City of Watauga as the future location for your massage establishment! The City Secretary's Office welcomes you and hopes to make the application process clear and expedient.

Attached you will find the following: Article VI of the Code of Ordinances, fee schedule, and the Massage Therapist Application. The information provided will give you an insight to the application, licensing and registration process.

In following with the requirements set forth per Section 22-252 (b) in the Code of Ordinances, your application to operate a massage establishment in the City of Watauga will need to be placed on a city council agenda for consideration and approval by the City Council. After initial approval, the application will need to be renewed every year in December.

If your application is not approved by the City Council, then no application may be filed by the same person, firm or corporation for a period of six (6) months from the date of rejection by the City Council.

As outlined per Section 22-253 in the Code of Ordinances, the annual license fee shall be an amount as set forth in the fee schedule in section 12-22(i)(1). If said license is obtained between January 1 and June 30 of any year, the full amount of said fee shall be paid. If said license is obtained between July 1 and December 31 of any year, the fee shall be one-half of said amount. No refund shall ever be made of any such license fee.

As specified per Section 12-22(i)(1) in the Code of Ordinances, the annual license fee shall be \$250.00. If said license is obtained between January 1 and June 30 of any year, the full amount of said fee shall be paid. If said license is obtained between July 1 and December 31 of any year, the fee shall be one-half of said amount. No refund shall ever be made of any such license fee. It is further stipulated that said license fee is for a period of 12 months from January 1 to December 31, and it shall be necessary to renew said license each year at the fee established of \$250.00 per year.

Please note that City Council meetings are held once per month, therefore, your application should be submitted to the City Secretary's Office two (2) weeks before the council meeting at which you wish to have your application considered. Please review the checklist provided prior to submitting your application and fee.

Once again, thank you for your interest in being part of the City of Watauga!

Respectfully,

A handwritten signature in blue ink that reads "Zolaina R. Parker".

Zolaina R. Parker  
City Secretary



## **MESSAGE ESTABLISHMENT APPLICATION CHECKLIST**

- Written application in letter form per Section 22-252
  
- Fee per Section 12-22 (i) (1)  
(Check, cash, money order or credit/debit card is accepted)
  
- Massage Therapist Application with:
  - fingerprint card for each applicant
  - copy of valid Texas Identification Card for each applicant
  - copy of State Massage License for each applicant
  
- Proof of Zoning approval

<b>UPCOMING COUNCIL MEETINGS</b>

## ARTICLE VI. - MASSAGE ESTABLISHMENTS<sup>3</sup>

Footnotes:

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**State Law reference**— Massage therapy, V.T.C.A., Occupations Code ch. 455; local regulation of massage establishments, V.T.C.A., Occupations Code § 455.005.

### DIVISION 1. - GENERALLY

#### Sec. 22-224. - Definitions.

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

Health service officer means:

- (1) Any person, physical educator or physical director who is qualified by education and training in health services and who is approved by an education institution to give massage services in any establishment operated by a public school, private school or other educational institution approved by the chief of police and city health officer;
- (2) Any person, physical educator or physical director who is qualified by education and experience and who has passed the standards and requirements of the Health Service Operators Society of the YMCA qualifying the operator to administer massage; or
- (3) Any person qualified by education and training to give massage subject to the approval of the chief of police and city health officer.

Massage means the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage and includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics. The terms "massage," "therapeutic massage," "massage technology," "myotherapy," "body massage," "body rub," or any derivation of those terms are synonyms for "massage therapy."

Massage establishment means a place of business that advertises or offers massage therapy or other massage services. The term includes a place of business that advertises or offers any service described by a derivation of the terms "massage therapy" or "other massage services"

Physical therapist means a graduate of a school approved by the Council of Medical Education and Hospitals of the American Medical Association, or registered with the American Registry of Physical Therapists, or a member of the American Physical Therapy Association.

(Code 2001, § 4.601; Code 2010, § 4.11.001)

**State Law reference**— Similar provisions, V.T.C.A., Occupations Code § 455.001.

#### Sec. 22-225. - Registration of licensee and employees.

The chief of police shall register the name (including any assumed name used or in use), and address, place of birth, places of former residence and features of identification, including fingerprints, of the applicant of such license and all employees of such establishment.

(Code 2001, § 4.607; Code 2010, § 4.11.007)

Sec. 22-226. - Employment of persons convicted of crime involving moral turpitude.

It shall be unlawful for any person, firm or corporation operating such an establishment to employ any person who has been convicted of a criminal offense involving moral turpitude in any state, municipal or federal court. The employment of any such person shall be grounds for the revocation by the chief of police of the license hereunder.

(Code 2001, § 4.608; Code 2010, § 4.11.008)

Sec. 22-227. - Hours of operation; connection with living or sleeping quarters.

No massage establishment shall be kept or remain open for any purpose between the hours of 10:00 p.m. and 8:00 a.m., and no such establishment shall be operated or conducted in connection, either directly or indirectly, with any place used for living or sleeping quarters.

(Code 2001, § 4.609; Code 2010, § 4.11.009)

Sec. 22-228. - List of employees; posting of license.

The manager or person in charge of such establishment shall keep a list of the names and addresses of all employees, both on duty and off duty, and such list shall be shown to all proper authorities of the police and health department, upon request, and the license required herein shall be exhibited at all times in such establishment.

(Code 2001, § 4.610; Code 2010, § 4.11.010)

Sec. 22-229. - Zoning requirements.

It shall be unlawful for any massage establishment to be operated in any section of the city in violation of chapter 115, Zoning. All applications for compliance with this article shall be considered an application under a "special use" requirement of chapter 115, Zoning, at the time of making application for a license.

(Code 2001, § 4.611; Code 2010, § 4.11.011)

Secs. 22-230—22-251. - Reserved.

DIVISION 2. - LICENSE

Sec. 22-252. - Required; application for license.

(a) It shall be unlawful for any person, firm or corporation to operate a massage establishment as herein defined without first having obtained approval under chapter 115, Zoning. If zoning approval is properly secured, it shall then be necessary for the person, firm or corporation to file a formal written application, in letter form, with the city secretary. Said application shall include:

(1) Health certificate information as required herein;

- (2) Name and address of all employees;
  - (3) A statement that all zoning laws have been complied with;
  - (4) Name and address of the business establishment;
  - (5) License fee to be attached to the application;
  - (6) Approval by the chief of police indicating compliance with section 22-225; and
  - (7) Request to have the application considered by the city council at the next available regular council meeting.
- (b) Said application shall then be placed on the agenda for consideration by the city council at the next available council meeting. If approved, it shall be necessary for said application to be renewed by the applicant and approved by the council every 12 months, and failure to make application and/or secure council approval at the end of each 12-month period shall act as an automatic revocation of the applicant's right to operate a massage establishment within the city beyond the 12 months for which approval was obtained.
- (c) If council approval is not obtained, then no application may be filed by the same person, firm or corporation for a period of six months from the date of rejection by the city council. The license fee attached to the application shall be returned to the applicant upon rejection of said application.

(Code 2001, § 4.602; Code 2010, § 4.11.002)

Sec. 22-253. - License fee.

The annual license fee shall be an amount as set forth in the fee schedule in section 12-22(i)(1). If said license is obtained between January 1 and June 30 of any year, the full amount of said fee shall be paid. If said license is obtained between July 1 and December 31 of any year, the fee shall be one-half of said amount. No refund shall ever be made of any such license fee. It is further stipulated that said license fee is for a period of 12 months from January 1 to December 31, and it shall be necessary to renew said license each year at the fee as provided for in the fee schedule in section 12-22(i)(1).

(Code 2001, § 4.603; Code 2010, § 4.11.003)

Sec. 22-254. - Health certificate required; fee; duration.

- (a) At the time of making application for such license, the applicant shall furnish to the city secretary the names and addresses of all employees of such establishment. The operator and all such employees shall secure from the city health officer or the department of state health services a certificate of health stating such person does not have or is not a carrier of any contagious or communicable diseases. The operator and each employee shall have in his possession at all times said certificate of health. Health certificates shall be renewed semi-annually. No person who operates any massage establishment shall employ any person to work in such massage establishment who does not have in his possession a certificate of health issued by the city health officer or department of state health services, said certificate having been issued within the six months next preceding.
- (b) Every person who operates a massage establishment and who is required to have a certificate of health, when issued by the city health officer, shall pay the sum as set forth in the fee schedule found in section 12-22(i)(2) for the issuance of such certificate of health.
- (c) All such certificates shall be valid for a period of six months from the date of issuance of same, unless sooner revoked.

(Code 2001, §§ 4.604—4.606; Code 2010, §§ 4.11.004—4.11.006)

Sec. 12-22. - Chapter 22, Licenses, permits and business regulations.

- (a) Fee for release of sealed coin-operated machine. A fee of \$5.00 is hereby levied for the release of any machine or table sealed as provided in chapter 22, article VIII for the nonpayment of tax.
- (b) Garage sales.
  - (1) Permit. The garage sale permit fee shall be \$5.00 per application.
  - (2) Additional signs. \$2.00 per sign.
- (c) Permit for home child care facility.
  - (1) Each permit granted pursuant to chapter 22, article III shall expire on December 31 of the year in which the permit is issued. A permit fee of \$30.00 shall be charged for each full year or a prorated fee shall be charged if less than a full year is applicable when the permit is first issued. An additional charge will be payable to cover costs of notification of property owners.
  - (2) An existing permit may be renewed by payment of the \$20.00 annual fee on or before January 15 of each succeeding year unless the permit has been otherwise cancelled by the city council. Failure to pay the annual renewal fee on or before January 15 shall act as an automatic cancellation of the permit and the permit holder shall immediately cease its operation.
- (d) Permit for child care facility in commercial zone. Said business shall be required to pay a permit fee of \$100.00 for each calendar year ending December 31 of each year or a proration thereof. Said sum is due and payable by January 15 of each year.
- (e) Itinerant vendor permit. \$100.00 itinerant vendor's filing fee for the company or individual making the request and an additional \$10.00 per employee licensed under the company name. Valid for a period of 90 days.
- (f) Door-to-door solicitor permit. For itinerant vendors limiting their operations to door-to-door solicitation of sales or orders of merchandise and services: \$30.00 filing fee for the company or individual making the request and an additional \$10.00 per solicitor licensed under the company name. Valid for a period of 30 days.
- (g) Junk dealer, secondhand dealer license. \$100.00 per application.
- (h) Flea market license. The annual license fee for license under chapter 22, article V shall be \$100.00 paid in advance.
- (i) **Massage establishment license and health certificate.**
  - (1) **The annual license fee shall be \$250.00 for each such establishment. If said license is obtained between January 1 and June 30 of any year, the full amount of said fee shall be paid. If said license is obtained between July 1 and December 31 of any year, the fee shall be one-half of said amount. No refund shall ever be made of any such license fee. It is further stipulated that said license fee is for a period of 12 months from January 1 to December 31, and it shall be necessary to renew said license each year at the fee established of \$250.00 per year.**
  - (2) **Every person who operates a massage establishment and who is required to have a certificate of health, when issued by the city health officer, shall pay the sum of \$2.00 for the issuance of such certificate of health.**
- (j) Sexually oriented business license. Each initial application for a license or a license renewal shall be accompanied by a cashier's check or money order, payable to the city, in the amount of \$2,000.00, which shall be commensurate with the cost associated with the administration and processing of the permit application. Renewal application fees are set at \$150.00. Such fees shall be nonrefundable.
- (k) Taxicab street rental fee. As compensation or a rental or license fee for the privilege of operating upon and using the public streets and thoroughfares of the city, and conducting and carrying on the business of transporting passengers for compensation on and over the streets and thoroughfares in taxicabs, each holder of a franchise granted under the terms of chapter 22, article XII shall pay to the



## Massage Therapist Application

7105 Whitley Road  
Watauga, Texas 76148  
(817) 514-5800

Name: \_\_\_\_\_

Assumed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Places of Former Residence:

From	To	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

( ) Drivers License      State/Number \_\_\_\_\_

( ) Health Certificate      State/Number \_\_\_\_\_

( ) Employee License      State/Number \_\_\_\_\_

( ) Fingerprint Card

