

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY, OHIO

RESOLUTION

RESOLUTION NO. 14-066

ADOPTED: 8-26-14

SUBJECT: Amendment and adoption of the Regulations Governing Massage Establishments.

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 26th day of August, 2014 with the following members present:

Todd J. Hawke
James N. Walters
John E. Pizzino

Trustee WALTERS moved for the adoption of the following resolution:

WHEREAS, the Board of Trustees of Jackson Township finds that, in order to protect the public health, safety and welfare, it is necessary to amend the regulations governing massage establishments and their employees within the unincorporated areas of the township which were previously adopted on February 8, 1994 (recorded as 2-8-9; Home Rule Legislation 3) and;

WHEREAS required by law, at least two public hearings on the proposed amendments were held pursuant to notice at regular sessions of the Board on August 12, 2014 and August 26, 2014, at which interested persons were given an opportunity to state their views.

BE IT FURTHER RESOLVED THAT, pursuant to ORC Section 503.40 through 503.50, the amendments to the Regulations Governing Massage Establishments governing massage establishments and their employees within the unincorporated areas of the township, a copy of which is attached to and made a part of this resolution, are hereby adopted. Those sections of Home Rule Legislation 3 which have not been amended as provided for herein, shall remain in full force and effect, a copy of which is attached to and made a part of this resolution. It is further resolved that:

1. The Fiscal Officer is directed to keep the regulations as amended available for public inspection and copying at the office of the Board.
2. The Fiscal Officer is further directed to cause the following notice to be published in a newspaper of general circulation in the township, within ten days after the date of this resolution.
3. We hereby adopt and authorize the placement of our signatures upon the attached Memorandum of Understanding with the Stark County Combined General Health District.
4. The Board of Trustees of Jackson Township, Stark County, Ohio has adopted regulations governing massage establishments and their employees. Such regulations and any amendments thereto are available to the public for inspection and copying at

the Jackson Township Administration Building, 5735 Wales Avenue NW, Jackson Township, Ohio from 8:00 a.m. to 4:30 p.m., Monday through Friday and a copy of the proposed Resolution will also be posted on the Board's website.

5. The amendments take effect thirty days after the date of this resolution, unless a sufficient petition is timely filed requesting the Board to submit the same to the electors for approval or rejection, as provided by Ohio Revised Code section 503.41.

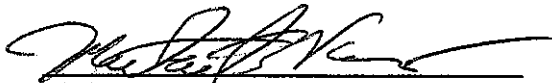
Trustee HAWKE seconded the motion and upon roll call the vote resulted as follows:

Mr. Hawke	<u>YES</u>
Mr. Walters	<u>YES</u>
Mr. Pizzino	<u>YES</u>

The foregoing is a true and correct counterpart of Resolution Number 14-066, duly adopted on August 26, 2014 and filed with me as the Township Fiscal Officer on August 27, 2014.


Randy Gonzalez, Fiscal Officer

The foregoing resolution is approved as to form:


Michael B. Vaccaro, Law Director

JACKSON TOWNSHIP, STARK COUNTY, OHIO
REGULATIONS GOVERNING MASSAGE ESTABLISHMENTS

(A) Definitions:

As used in these regulations:

- (1) "Agent" means any individual or organization that the Board of Trustees determine, through an Memorandum of Understanding (MOU), to perform the health and safety inspection as describe in section E(2) of this code.
- (2) "Employee" means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, lessee or otherwise , but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
- (3) "Massage" means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.
- (4) "Massage establishment" means any fixed place of business where a person offers massages, either in exchange for something of value, or in connection with providing another legitimate service.
- (5) "Masseur" or "Masseuse" means any person who performs massages at a massage establishment.
- (6) "Permit" means a permit to operate a massage establishment issued pursuant to these regulations.
- (7) "License" means a license to act as a masseur or masseuse at a massage establishment, issued pursuant to these regulations.

(B) Scope of regulations:

- (1) These regulations govern massage establishments within the unincorporated area of Jackson Township, and the owners, operators, persons in charge, and employees of such establishments.
- (2) The regulations regarding massage establishments do not apply to the practice of any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code Sections 4731.15 and 4731.16, or to the practice of providing therapeutic massage by a licensed physician, chiropractor, podiatrist, nurse, or other health professional licensed, certified, or registered to practice in Ohio.

(C) Permit or license required:

- (1) No person shall operate or engage in the operation of a massage establishment, or allow the operation of a massage establishment in or on premises owned or controlled by him/her, without a valid, current permit issued pursuant to these regulations. A separate permit is required for each location at which a massage establishment is operated.
- (2) No person shall act as a masseur or masseuse for a massage establishment without a valid, current license issued pursuant to these regulations.

(D) Application for permit or license:

- (1) Application for an original or renewal permit or license shall be made in writing on the application provided by the Board of Trustees of Jackson Township, Stark County, Ohio.
- (2) An application for a renewal permit or license shall be filed not later than thirty days prior to expiration of the permit or license to be renewed.
- (3) All applications shall be filed with the fiscal officer.
- (4) A nonrefundable filing fee shall be paid at the time of filing the application, as follows:
 - (a) \$250.00 for an initial permit to operate a massage establishment and health inspection fee of \$100.00;
 - (b) \$125 for a renewal permit to operate a massage establishment and health inspection fee of \$100.00;
 - (c) \$100.00 for an initial license as masseur or masseuse;
 - (d) \$50.00 for a renewal license as masseur or masseuse.
- (5) An application for an initial or renewal permit to operate a massage establishment shall contain the following:
 - (a) The address where the massage establishment is operated, or is to be operated. If the applicant is not the owner of the real estate for the proposed site of the business, applicant shall provide a written statement of the real estate owner stating the real estate owner consents to the proposed use of the property as a massage establishment. The written state shall include the real estate owners, name, address, and telephone number.
 - (b) The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;
 - (c) The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity;
 - (d) If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; the full name, residence address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner;

- (e) If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each shareholder holding more than two per cent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership;
 - (f) The full name, residence address, date of birth, and social security number of each person employed by the massage establishment or whose employment is contemplated by the establishment, and the capacity in which such person is or is to be employed;
 - (g) A statement that the applicant and, to the applicant's knowledge, the persons named in the application have never been convicted of or pleaded guilty to any offense other than a misdemeanor traffic offense, or a statement listing the offenses other than misdemeanor traffic offenses of which the applicant or any person named in the application has been convicted, including the offense, date of conviction, and the name and location of the court;
 - (h) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactments thereof.
 - (i) The application may be amended from time to time to require any additional information Jackson Township may desire. (See RC 503.45).
 - (k) The applicant shall provide the information as requested in Section C of the Permit Application.
 - (l) The applicant shall provide a interior plan drawing to scale.
- (6) An application for a license or renewal license as a masseur or masseuse shall contain the following:
- (a) The full name, residence address, date of birth, and social security number of the applicant;
 - (b) A statement of the applicant's training, experience, and other qualifications as a masseur or masseuse;
 - (c) The written report of a physical examination of the applicant by a physician licensed to practice in Ohio, stating the date of the examination and certifying that as of that date the applicant is free from communicable diseases. The date of the physical examination shall be not more than thirty (30) days prior to the date of filing the application;
 - (d) Two clear, color photographs of the applicant, taken not more than thirty days prior to the date of filing the application.
 - (e) Authorization for an investigation into the background and any criminal record of the applicant, including authorization for subsequent investigations to supplement or update the information;
 - (f) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactments thereof.
 - (g) The application may be amended from time to time to require any additional information Jackson Township may desire. (See RC 503.45).
 - (h) The applicant shall provide a copy of the Certificate of Occupancy issued by the Stark County Building Department.
 - (i) The applicant shall provide a interior plan drawing to scale.

(E) Inspection and investigation:

- (1) Upon receipt of an application for a permit or renewal permit to operate a massage establishment, the fiscal officer shall notify the Jackson Fire Department to conduct a fire safety inspections of the specified premises, and to determine compliance or noncompliance with applicable fire safety codes. Written reports of inspection shall be prepared by the inspectors and filed with the fiscal officer, and shall become part of the application for a permit.
- (2) Upon receipt and approval of an application for a permit or renewal to operate a massage establishment the fiscal officer shall notify the agent acting on behalf of the Board of Trustees to conduct a health inspection of the specified premises and determine the compliance or noncompliance with sections E(2)(a) – (b)(17) of this code. Written reports of the inspection(s) shall be prepared by the agent and filed with the fiscal officer and shall become part of the application for permit. For the health of the residents of Jackson Township, and others, the following are required of a massage establishment within the Township:
 - (a) The agent in E(2) shall review and approve Section C of the establishments permit/Plan Review application.
 - (b) The establishment shall comply with the following provisions:
 - (1) Operation Permit and individual License(s) are posted in accordance with these regulations.
 - (2) Operator/Person-In-Charge is present at time of the inspection.
 - (3) All masseurs and masseuses are licensed in accordance with these regulations.
 - (4) All toilets, bathtubs, steam baths, and showers shall be easily disinfected, and installed in compliance with county building and plumbing codes.
 - (5) All massage tables, tubs, stalls, flooring and other equipment shall be constructed of materials that are easily disinfected.
 - (6) The establishment shall have adequate cleaning equipment to disinfect all non-disposable surfaces after each use. The establishment shall have a designated service sink solely for custodial services. All cleaners/disinfectants shall be labeled to identify the proper content of each container.
 - (7) Mechanical equipment (such as linen washing machines, dryers, etc.) shall be in good working condition and in clean sanitary condition.
 - (8) Adequate bathing, dressing and locker facilities shall be provided for both male and female patrons.
 - (9) All laundered linen, towels, and massage supplies must be stored in closed cabinets if not being used. All soiled linens, towels and non-disposable supplies must be placed in covered containers separate from all cleaned/disinfected supplies, and laundered before reusing.
 - (10) The establishment shall have adequate restroom facilities and shall be accessible and in good repair. Restrooms must have a toilet, toilet paper, hot and cold running water, hand soap, single use towels, and a covered trash receptacle. Equipment and supplies used in the course of massaging or disinfection procedures shall NOT be stored or utilized within the restroom(s).

- (11) The establishment shall have a handwashing sink that is separate from the restroom(s) and service sink. Each masseur and masseuse shall wash their hands thoroughly with hot running water and soap immediately prior to massaging each client.
 - (12) All portions of the establishment (structure, flooring, cabinets, equipment, etc.) shall be kept clean, operable, and in sanitary condition.
 - (13) The establishment shall have adequate clean linens, towels, or sheets, which are stored in an enclosed cabinet to prevent becoming soiled.
 - (14) All soiled linens must be laundered after each use, and shall be separated from all clean linens, towels and supplies.
 - (15) All walls, ceilings, floors, pools, showers, soaking tubs, steam rooms, and other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Bathtubs and showers shall be disinfected after each use.
 - (16) All oils, creams, or lotions shall be containerized, and kept in clean enclosed containers or cabinets when not in use.
 - (17) Eating, drinking, and tobacco use is prohibited in the massage work areas.
- (3) Upon receipt of an application for a permit or renewal permit to operate a massage establishment, or an application for a license or renewal license as a masseur or masseuse, the fiscal officer shall refer the applicant to the Stark County Sheriff's Department to be fingerprinted and for a civilian background check, and, in the case of a permit, into the background of other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the investigating officer or agency and filed with the fiscal officer and shall become part of the application for a permit.

(F) Action on application:

- (1) The Board of Trustees shall act on the application within thirty (30) days after the filing of the reports required in section (D). If the Board finds that additional information, inspections, or investigations are reasonably necessary to evaluate the application properly, it may order the applicant to file supplemental information or order supplemental inspections and investigations and postpone action on the application pending receipt of the supplemental information or reports.
- (2) The application will be denied if: (see RC 503.44 and RC 503.46)
- (a) The application is incomplete, contains any false information, or fails to comply with these regulations;
 - (b) The applicant is a limited partnership, corporation, or other entity that is not in good standing in the jurisdiction where organized or is not authorized to do business in Ohio;
 - (c) Any one of the persons named on the application is under the age of eighteen;
 - (d) The operation of a massage establishment at the specified premises would violate existing zoning restrictions;
 - (e) The report of the health and safety inspections conducted pursuant to section (E)(1) reveal any unsanitary, unsafe, or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health or safety codes;

- (f) The applicant for a permit or renewal permit to operate a massage establishment has failed to cooperate with any required health or safety inspection or background investigation;
- (g) The applicant for a license or renewal license as a masseur or masseuse has failed to cooperate with any required background investigation;
- (h) The report of the physical examination filed with the application for a license or renewal license as masseur or masseuse reveals that the applicant suffers from a communicable disease;
- (i) The applicant or any person named in the application for a permit or renewal permit to operate a massage establishment is under age eighteen;
- (j) The applicant for a license or renewal license as a masseur or masseuse is under age twenty-one;
- (k) The applicant or any person named in the application for an initial or renewal permit to operate a massage establishment, or the applicant for a license or renewal license as a masseur or masseuse, within the past five years has been convicted of or pleaded guilty to an offense under Ohio Revised Code Chapter 2907 or a substantially equivalent offense under a municipal ordinance in Ohio, or under the laws of another state or territory or of the United States, or under a municipal ordinance in any such jurisdiction;
- (l) Any masseur or masseuse employed by the massage establishment for which a renewal permit is sought, or the applicant for a license or renewal license as a masseur or masseuse, has been convicted of or pleaded guilty to a violation of Ohio Revised Code section 503.42;

(3) If the application is denied, the fiscal officer shall promptly notify the applicant in writing of the order denying the application. If the Board approves the application, the fiscal officer shall promptly issue to the applicant a permit or license, as the case may be.

(4) A permit or renewal permit to operate a massage establishment shall contain the address of the permit premises, the name and address of the permit holder, and the date of issuance and date of expiration of the permit.

(5) A license or renewal license as a masseur or masseuse shall contain the name, address, date of birth, physical description, and a clear, color photograph of the licensee, and the date of issuance and date of expiration of the license.

(G) Expiration of permit or license:

A permit to operate a massage establishment, or a license as a masseur or masseuse, is valid for one year, and expires on the anniversary of the date of issuance, unless sooner revoked as provided in these regulations.

(H) Display of permit or license:

The permit to operate a massage establishment shall be prominently displayed in an area of the premises open to the public. The license of a masseur or masseuse shall be prominently displayed in the area where the licensee provides massages.

(I) Denial or Revocation of permit or license:

The Jackson Township Board of Trustees may at any time revoke a permit or license issued pursuant to these regulations, on any of the same grounds listed in sections (F)(2), (K) and (L) for denial of the permit or license, including any such ground arising or discovered after issuance of a permit or license. The fiscal officer shall promptly notify the permit holder or license holder in writing of the order of revocation. The Jackson Township Board of Trustees need not hold any hearing in connection with an order denying or revoking a permit to operate a massage establishment or masseur or masseuse license. Any person adversely affected by an order of the Jackson Township Board of Trustees denying or revoking a permit to operate a massage establishment or masseur or masseuse license may appeal from the order of the board to the Stark County Court of Common Pleas, the place of business of the permit holder is located, or the person is a resident. The appeal shall be in accordance with Chapter 2506 of the Revised Code.

(J) Inspections, investigations, and physical examinations:

(1) Health, Fire safety inspections, and Police back ground investigations of permit premises shall be conducted at concurrent issuance or renewal of the permit, to insure continued compliance with health and safety codes. In addition, the Jackson Township Board of Trustees may order health and safety inspections at any time there is reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises. The fiscal officer shall notify the appropriate authorities or agencies to make such inspections at the designated times. Written reports of inspections shall be filed with the fiscal officer.

(2) Jackson Township personnel or agents may at all reasonable times inspect permit premises to insure continued compliance with the laws of Ohio and these regulations.

(3) At any time there is reasonable cause to do so, the Jackson Board of Trustees may order a background investigation, including the criminal record, if any, of any permit holder, person named in the application for a permit, employee of a permit holder, or a licensee. Written reports of investigation shall be filed with the fiscal officer.

(4) Every six months after issuance of a license as masseur or masseuse, the licensee shall undergo a physical examination by a physician licensed to practice in Ohio to determine that the licensee remains free of communicable diseases. The Jackson Township Board of Trustees may also order a licensee to undergo a physical examination at any time there is reasonable cause to believe the licensee has a communicable disease. The fiscal officer shall notify the licensee when an examination is ordered, but no notice is required in the case of a periodic six month examination. The licensee is responsible for obtaining any examination and the costs associated therewith. The physician's report shall be filed with the fiscal officer.

(K) Rules governing operation of massage establishments:

- (1) Massage establishments shall be closed and shall not be operated between the hours of 12:00 A.M. and 6:00 A.M.
- (2) All parts of the establishment shall at all times be maintained in a neat, clean, sanitary, and safe condition.
- (3) The owner, operator, or person in charge of the establishment shall allow township, agent(s) for the Board of Trustees, county, state or federal authorities, including law enforcement officers and Fire Department personnel, access to any and all parts of the premises for the purpose of making any health or safety inspection pursuant to these regulations, and shall cooperate in any background investigation.
- (4) No person under age eighteen shall be employed by or in the massage establishment in any capacity, whether full-time or part-time, and with or without remuneration or compensation in any form.
- (5) No massage establishment shall employ a masseur or masseuse who does not have a valid, current license issued pursuant to these regulations.
- (6) The permit holder shall file a list of employees with the fiscal officer, and shall file an amended list at any time there is a change in personnel. The list shall state the name, address, date of birth, and position of each employee.
- (7) The owner, operator, or person in charge of the massage establishment shall exercise adequate supervision to insure that the employees comply at all times with these regulations and the laws of Ohio.

(L) Rules governing conduct of employees:

- (1) A person under age eighteen shall not accept or continue employment by or in a massage establishment, in any capacity, whether full-time or part-time, and with or without remuneration or compensation in any form.
- (2) No person shall accept or continue employment by any massage establishment that does not have a valid, current license issued pursuant to these regulations.
- (3) Any masseur or masseuse shall cooperate with any background investigation under these regulations.
- (4) A masseur or masseuse shall obtain a physical examination whenever required to do so under these regulations.
- (5) No employee of a massage establishment, in the performance of his/her duties, shall do any of the following:

- (a) Knowingly touch or fondle, or offer or agree to touch or fondle, the genitalia, pubic area, rectal area, or perineum of any person, or the breast of any female person, whether such touching or fondling is with part of the actor's body or with a mechanical or electrical apparatus or appliance;
- (b) Knowingly engage, or offer or agree to engage, in sexual conduct or sexual contact as defined in Ohio Revised Code section 2907.01, whether such sexual conduct or sexual contact is with part of the actor's body or with a mechanical or electrical apparatus or appliance;
- (c) Commit, or offer or agree to commit any offense under Ohio Revised Code Chapter 2907;
- (d) When providing massage, knowingly allow the pubic or genital area or buttocks of the client, or the breasts of a female client, to be uncovered;
- (e) Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the pubic or genital area or buttocks or, if the person is a female, the breast;
- (f) Wear unclean clothing, or fail to wash the hands or bathe when reasonably necessary, or otherwise fail to observe reasonable standards of personal cleanliness and hygiene.

(M) Records:

The fiscal officer shall keep a complete record of all documents and proceedings under these regulations, including without limitation applications, reports, copies of permits and licenses issued, notices, correspondence, permit holder's employee lists, Jackson Township Board of Trustees proceedings, resolutions and orders, and petitions. All documents shall be endorsed by the fiscal officer with the date of filing.

(N) Deposit and use of fees:

Fees collected by the township for permits and licenses under these regulations shall be deposited in the township general fund, and first applied to the cost of administering and enforcing these regulations.

(O) Penalties:

- (1) Whoever violates division (1) or (2) of section C of these Regulations is guilty of a misdemeanor of the first degree. (See O.R.C 503.42)
- (2) Whoever violates sections K and L of these Regulations is guilty of a misdemeanor of the third degree, unless charged under Ohio Revised Code Chapter 2907, et al. (See O.R.C 503.42)

APPLICATION/PLAN REVIEW FOR MASSAGE ESTABLISHMENT PERMIT
JACKSON TOWNSHIP

(check one: original or renewal)

Section A

Owner : _____
(Print)

Aliases: _____

Address: _____

Social Security Number: _____ Date of birth: _____

Cell Phone: _____ Home Phone: _____

Email: _____ Fax: _____

Driver License Number: _____

Name of Business _____

Address of Business _____

Section B

Business location must comply with Zoning Regulations: Zoning classification: _____

Name of person responsible for day-to-day operations: _____

Business Cell Phone: _____ Business Phone: _____

Business Email: _____ Fax: _____

Business EIN (if applicable): _____

Number of Masseurs/Masseuses: _____ **Each Masseur/Masseuse must be individually licensed as required by O.R.C. 503.45.**

For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed massage business. _____

Has the applicant(s) been convicted of a felony? No Yes, explain (provide date, place and jurisdiction of conviction): _____

Has the applicant(s) previously applied for massage establishment license in this township or any other jurisdiction and been denied, suspended and/or revoked? No Yes, explain: _____

Does the applicant hold any other licenses under this legislation or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses? No
 Yes, explain: _____

Section C

WATER SUPPLY

Source of Water Supply:

Municipal

Private Well

***If private, please note that the system must be inspected and approved prior to issuance of a Permit. Please contact the Ohio EPA at 1-800-686-6330.**

SEWAGE DISPOSAL

Type of Sewage Disposal:

Municipal

Private System

***If private, please note that the system must be inspected and approved prior to issuance of a Permit. Please contact the Ohio EPA at 1-800-686-6330.**

HAND WASHING FACILITIES

Are hand washing facilities provided in each restroom and massage area?

Yes

No

***All sinks must be equipped with hot and cold running water supplies through a mixing valve or combination faucet. Soap, paper towels, trash receptacles, and sign promoting hand washing must be provided.**

GENERAL PREMISES

Is a mop sink provided for filling and emptying mop buckets?

Yes

No

Is there an area to hang up cleaning equipment?

Yes

No

Is sketch provided per Section "D(5)(I)" of the application instructions?

Yes

No

Will laundry facilities be provided on the premises?

Yes

No

If NO laundry facilities, please explain how soiled laundry will be cleaned: _____

SURFACE FINISHES USED

	FLOOR	COVING	WALLS	CEILING

Massage Room(s)				
Restroom(s)				
Locker Room(s)				
Shower Area				
Service Sink Area				

----- FOR OFFICE USE ONLY -----

Review Date _____	Approved	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not approved, deficiencies noted _____					

Reviewed By _____					Date _____

ACKNOWLEDGEMENT: As the applicant I agree to abide by these regulations and the laws of Ohio, and the Jackson Township, Stark County, Ohio Regulations Governing Massage Establishments, and any amendments, additions, or reenactments thereof.

Signature: _____ **Date:** _____

Return Application To: Jackson Township Administration Department
 5735 Wales Avenue NW
 Massillon, OH 44646
 Phone: 330-832-7416
 Fax: 330-832-5936

AUTHORIZATION

I, _____ the applicant, authorize the Board of Trustees of Jackson Township,
 (Print)

Stark County and the Jackson Police to conduct a criminal record check. I agree to cooperate and answer all questions and produce any other information the Board of Trustees of Jackson Township, Stark County and the Jackson Police and Fire Departments deem necessary. Further, I agree to make the business premises available for a health and safety inspection within thirty (30) days of submission of a complete application.

Date

Signature of Applicant

Instructions for Completing Permit Application/ Plan Review

1. Name of Applicant:

- (A) If the business entity is owned by an individual, that individual.
- (B) If the business entity is owned by a corporation, the name of each Officer or Director of the corporation, the name of any individual owning or controlling more than two (2) percent of the stock of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed massage establishment.
- (C) If the business entity is owned by a partnership (general or limited), a limited liability company, joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, the name of each partner (other than limited partners); and the name of any person(s) entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed massage establishment.
- (D) An application for a massage establishment license must designate one or more individuals who are to be principally responsible for the operation of the proposed massage establishment, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed massage establishment on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee pursuant to Jackson Township legislation, and shall be considered a licensee if a license is granted.
- (E) Each applicant whether an individual, corporate officer, director, stock holder, managing member and/or partner must provide a mailing address and residential address for each applicant and for each person signing the application.
- (F) Each applicant whether an individual, corporate officer, director, stock holder, managing member and/or partner must consent to a criminal record investigation and list all aliases. Additional authorization statements are available upon request.
- (G) Each applicant who is a natural person must submit two passport size photographs, that clearly shows the applicant's face.
- (H) For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed massage business.
- (I) Each applicant must submit to a civilian background check of each applicant who is a natural person at the Stark County Sheriff's Department and submit the results of the check to the Jackson Township Police Department. The cost associated with the civilian background check shall be the applicant's responsibility.
- (J) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.
- (K) Submit proof that each applicant who is a natural person is at least eighteen (18) years old. Attach copy of driver's license, state identification card or passport.

- (L) If the applicant intends to operate the business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
- (M) A roster of employees' names, addresses, and dates of birth must be submitted with completed application.
- (N) Fees: An initial, nonrefundable filing fee of two hundred fifty (\$250.00) dollars and an annual nonrefundable renewal fee of one hundred twenty-five (\$125.00) dollars shall be submitted concurrently with the completed application. Additionally, a non-refundable health inspection fee of \$100.00 will be due with each initial and renewal.
- (O) Submit a sketch or diagram showing the configuration of the premises of the massage establishment. The diagram shall also designate the place at which the massage license and employees' individual licenses will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- (P) Complete section "C" of the application for establishment's construction materials and infrastructure.
- (Q) Applicant is responsible for full compliance with the Jackson Township Zoning Resolution.

Exemption

Those practicing a limited branch of medicine specified in section 4731.15 of the Revised Code or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other licensed health professional are exempt from the application process and fees associated therewith. As used in this division, "licensed" means licensed, certified, or registered to practice

PUBLIC RECORDS DISCLOSURE

The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

PERMIT TO OPERATE MASSAGE ESTABLISHMENT

JACKSON TOWNSHIP, STARK COUNTY, OHIO

With the approval of the Board of Trustees of Jackson Township, and subject to Ohio Revised Code sections 503.40 to 503.50 and the Regulations of the Board of Trustees, the permittee named below is authorized to operate a massage establishment at the stated address of the permit premises.

Name of Permit Holder

Address of Permit Holder

Address of permit premises

Date of Issuance

Date of Expiration

Randy Gonzalez
Fiscal Officer
Jackson Township Board of Trustees

THIS PERMIT SHALL BE PROMINENTLY DISPLAYED IN AN AREA OF THE PERMIT PREMISES OPEN TO THE PUBLIC.

APPLICATION FOR MASSEUR OR MASSEUSE LICENSE
JACKSON TOWNSHIP

(check one: original or renewal)

Name: _____

Aliases: _____

Address: _____

Social Security Number: _____ Date of birth: _____

Cell Phone: _____ Home Phone: _____

Email: _____ Fax: _____

Driver License Number: _____ Eye color: _____

Race: _____ Hair color: _____

Height: _____ Weight: _____

For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed massage business. _____

Has the applicant(s) been convicted of a felony? No Yes, explain (provide date, place and jurisdiction of conviction): _____

Has the applicant(s) been previous applied for massage establishment license in this township or any other jurisdiction and been denied, suspended and/or revoked? No Yes, explain: _____

Does the applicant hold any other licenses under this legislation or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses? No Yes, explain: _____

I have I have not submitted the results of a physical examination performed by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within thirty days of the application certifying that the applicant is free from communicable diseases.

Signature: _____ Date: _____

Return Application To: Jackson Township Administration Department

5735 Wales Avenue NW
Massillon, OH 44646
Phone: 330-832-7416
Fax: 330-832-5936

AUTHORIZATION

I, _____ the applicant, authorize the Board of Trustees of Jackson Township, Stark County and the Jackson Police to conduct a criminal record check. I agree to cooperate and answer all questions and produce any other information the Board of Trustees of Jackson Township, Stark County and the Jackson Police and Fire Departments deem necessary.

Date

Signature of Applicant

Instructions for Completing License Application for Masseur OR Masseuse

- (1) State the applicant's name and any other names or aliases used by the applicant.
- (2) State the applicant's date and place of birth.
- (3) State the applicant's height, weight, and hair and eye color.
- (4) Each applicant must submit two passport size photographs who is a natural person, taken by that clearly shows the applicant's face.
- (5) Each applicant must submit their fingerprints of each applicant who is a natural person, recorded by the Jackson Township Police Department.
- (6) Describe and identify the location of any tattoos on the applicant's face, arms, legs, or hands, or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed massage establishment.
- (7) State the applicant's present residence address and telephone number.
- (8) State the applicant's present or intended business address and telephone number.
- (9) State the applicant's driver's license number and Social Security number.
- (10) Submit proof that the applicant is at least eighteen (18) years old. Attach copy of driver's license, state identification card or passport.
- (11) Submit the results of a physical examination performed by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within thirty (30) days of the application certifying that the applicant is free from communicable diseases.
- (12) Provide a statement detailing the massage establishment related license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously worked or is seeking to work in a massage establishment, in this or any other jurisdiction, and whether the applicant has ever had a massage-related license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation, or suspension. Attach a copy of any order of denial, revocation, or suspension.
- (13) State whether the applicant has been convicted of a specified criminal activity as defined in the Ohio Revised Code and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.
14. If the applicant intends to operate the business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
15. A roster of employees' names, addresses, and dates of birth must be submitted with completed application.

16. Fees: An initial, nonrefundable filing fee of one hundred (\$100.00) dollars and an annual nonrefundable renewal fee of fifty (\$50.00) dollars shall be submitted concurrently with the completed application.

Exemption

Those practicing a limited branch of medicine specified in section 4731.15 of the Revised Code or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other licensed health professional are exempt from the application process and fees associated therewith. As used in this division, "licensed" means licensed, certified, or registered to practice

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LICENSE AS MASSEUR OR MASSEUSE

JACKSON TOWNSHIP, STARK COUNTY, OHIO

With the approval of the Board of Trustees of Jackson Township, Stark County, Ohio and subject to Ohio Revised Code sections 503.40 to 503.50 and the Regulations of the Board of Trustees, the person named below is authorized to act as masseur or masseuse in any massage establishment in the unincorporated area of the township, provided such establishment has a valid, current permit.

Name of License Holder

Address of License Holder

Date of birth: _____

[Attach color photo

Male:

Female:

Race: _____

Height: _____ Weight: _____

of licensee here]

Color eyes: _____

Color hair: _____

Distinguishing marks or characteristics: _____

Date of Issuance

Date of Expiration

Randy Gonzalez
Fiscal Officer
Jackson Township Board of Trustees

THIS LICENSE SHALL BE PROMINENTLY DISPLAYED IN THE AREA WHERE THE LICENSEE PROVIDES MESSAGES.

Jackson Township, Stark County, Ohio

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE STARK COUNTY COMBINED GENERAL HEALTH DISTRICT
AND THE
JACKSON TOWNSHIP BOARD OF TRUSTEES**

THIS AGREEMENT IS MADE this _____ day of _____, 2014 by and between The Stark County Combined General Health District (hereinafter Board) and Jackson Township Board of Trustees (hereinafter Township) to provide activities related to Regulations Governing Massage Establishments, as adopted by the Township.

A. DUTIES AND RESPONSIBILITIES.

1. The Board will conduct health inspections consistent with the Township's Regulations Governing Massage Establishments as contained in Section E(2) of the regulations. Additionally, the Board will report its findings to the Township.
2. The Board will provide an annual report to the Township of the educational activities conducted under this contract.
3. The Township will timely notify the Board of application submission.
4. The Township will notify the Board of any changes to the Township's Regulations Governing Massage Establishments during the pendency of this agreement.
6. The Board and Township agree to meet as necessary to discuss any contract modifications and to execute and addendum incorporating any changes made.

B. COMPENSATION

1. The Township will charge a fee of \$100.00 for the health inspection services with each original and renewal application. The Township shall disburse the health inspection fees semi-annually to the Board.

C. TERM

1. The term of this Agreement shall be from _____, 2014 to January 1, 2016. Either party may cancel this Agreement with sixty (60) day's written notice to the other party of such intent. Prior to cancellation of this Agreement, if either the progress or results achieved under this Agreement are unacceptable to either party, a meeting will be held by the parties to discuss issues of concern and seek resolution. In the event that the Township's funding source for compliance with this contract ceases for any reason, the Township shall immediately notify the Board of said lack of funds, and the contract is terminated. The Board will not be responsible for performing any further inspections and the Township shall pay the Board for the inspections completed to that date.
2. This Agreement may not be modified except in writing, approved by the Board and the County with the same formalities.

D. MISCELLANEOUS PROVISIONS.

1. The Township is authorized to regulate massage establishments in the unincorporated territory of the township in accordance with sections 503.40 to 503.49 of the Ohio Revised Code. The Board, as another governmental agency, in accordance with Ohio Revised Code 3709.282 and 3709.283, is contracting for services which it is not required to perform. The Board is performing its duties and obligations under this Agreement as an independent contractor and is not an agent or employee of the Township.
2. This Agreement shall be binding upon and inure to the benefit of the parties, their agents, servants, officials, trustees, employees, representatives, assigns, and successors.

D. AUTHORIZATION.

1. Copies of the authorizing ordinance or resolution by each party hereto are attached as EXHIBITS A and B.

Stark County Combined General Health District

By: _____

Kirkland K. Norris
Health Commissioner

Date: _____

Jackson Township Board of Trustees

Stark County, Ohio

By: _____

Commissioner

By: _____

Commissioner

By: _____

Commissioner

Date: _____

Stark County, Ohio

By: _____

Todd J. Hawke, President

By: _____

Jamie N. Walters, Vice President

By: _____

John E. Pizzino, Trustee

Date: _____

Approved as to legal form and sufficiency

By: _____

Michael B. Vaccaro, Law Director

Date: _____

Approved as to legal form and sufficiency

By: _____

Assistant County Prosecutor

Date: _____