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## ***MASSAGE PERMIT INFORMATIONAL SHEET***

§127-2. A. Business permit required. No person shall practice massage as a masseur, employee or otherwise, unless he or she has a valid and sustaining masseur's permit issued to him by the Town pursuant to provisions of this chapter.

§127-2. B. Masseur's permit required. No person shall practice massage as a masseur, employee or otherwise, unless he has a valid and sustaining masseur's permit issued to him or her by the Town pursuant to the provisions of this chapter.

**Exemptions** – The provisions of this chapter shall not apply to:

- 1) **hospitals, nursing homes, sanatoriums or persons holding an unrevoked certificate to practice the healing arts** under the laws of the state or persons working under the direction of any such persons or in any such establishment,
- 2) **barbers or cosmetologists** lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state
- 3) **persons holding valid licenses issued under the provisions of Article 155 of the Education Law.**

In order to obtain a Massage Business Permit in the Town of Colonie, the individual must submit a completed "***Application For Massage Business Permit***" to the Colonie Police Department. This application must be accompanied by the \$50.00 permit fee as well as the following information:

- A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business. **Please Note: All masseurs must submit an "Application For Masseur's Permit", \$10 annual permit fee as well as necessary paperwork outlined on application.**
- The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
  - 1) Name, complete residence address and residence telephone numbers.
  - 2) The two previous addresses immediately prior to the present address to the applicant.
  - 3) Written proof of age.
  - 4) Height, weight, color of hair and eyes, and sex.
  - 5) Photocopy of license / photo I.D.
  - 6) Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.

- 7) The massage or similar business history and experience, 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 therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
- 8) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof.
- 9) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
- 10) Diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage business.

Upon receipt of completed application, permit fee as well as necessary paperwork, the Colonie Police Department will conduct a background investigation of the applicant which may also include an interview of the applicant. An investigation of the business premises will be conducted to ensure compliance with all of the sanitary requirements outlined in Town Code as well as the regulations of public health, safety and welfare. Approved permits will be issued within 45 days of receipt of the application packet. The permit fee will be \$50.00 annually.

Any massage business or masseur's permit issued under this chapter shall be subject to suspension or revocation by the Police Chief for violation of any provision of this chapter or for any grounds that would warrant the denial of issuance of such permit in the first place.

**Fingerprints** – Schedule an appointment with Identogo by MorphoTrust USA by visiting their website at [www.identogo.com](http://www.identogo.com) or call 1-877-472-6915. Applicants must bring two forms of identification, at least one of which must have a photo, to the appointment. A separate fingerprint fee will be charged by this authorized vendor. For scheduling purposes, you must utilize the required ORI number: **NY0015300**

### §127-1. Definitions

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter:

**Employee** - Any person over 18 years of age, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

**Massage** - Any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatever.

**Masseur** - Any person who engages in the practice of massage as herein defined. The use of the masculine gender shall include in all cases the feminine gender as well.

**Patron** - Any person over 18 years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

**Practice As A Masseur Or Masseuse** - The engaging, under such title, in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

**Recognized School** - Any school or institution of learning which has for its purposes the teaching of the theory, method, profession or work of massage, which school requires a resident course of study of not less than 70 hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study of learning.

**Use Of Title "Masseur" Or "Masseuse" Or The Term "Massage"** - Only a person licensed under Article 155 of the Education Law shall be authorized to use the title "masseur" or "masseuse." No person, firm, partnership or corporation shall describe its services in any manner under the title "massage" unless such services as defined in § 7800 of the Education Law are performed by or under the direct supervision of a person licensed under Article 155 of the Education Law.