

## 5.20.150 Massage Business Commissioner; Massage Business Commission; Suspension, Revoca

### **5.20.150 – Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs**

- A. The Local Liquor Control Commissioner shall serve as the massage commissioner and shall be charged with the administration of this article and of such other ordinances relating to massage sales and licensing as may be from time to time enacted by the city council. A massage commission is created, which shall be composed of the same five members of the city's local liquor commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this article as though fully set forth in this article, as being specifically applicable to the creation, enforcement, and administration of this article.
- B. The massage commissioner, after a hearing conducted by the massage commission, may suspend or revoke any license issued under the provisions of this article if they determine that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of the license, the massage commissioner may instead levy a fine on the licensee. The fine imposed shall not exceed \$500.00 for each violation. Each day on which a violation continues shall constitute a separate violation.
- C. No license issued under this article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the massage commission affording the licensee an opportunity to appear and defend against the charges
- D. If the Massage Commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the Massage Commission shall recommend to the Massage Commissioner either the amount of the fine, the period of suspension or that the license be revoked.
- E. Any licensee determined by the massage commissioner to have violated any of the provisions of this article shall pay to the city the costs of the hearing before the massage commission on such violation. The massage commissioner shall determine the costs incurred by the city for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the local Liquor Control Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the massage commissioner may allow.

The licensee shall pay such costs to the City within thirty (30) days of notification of the costs by the massage commissioner. Failure to pay such costs within thirty (30) days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.

- F. All decisions of the massage commissioner are appealable in the manner provided by law.

(2020-M-41 : § 2)