

Police Code Article 27

REGULATIONS FOR MESSAGE ESTABLISHMENTS AND MESSAGE SERVICES

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SEC. 2700. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) "Massage." Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft pads of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

(b) "Massage Establishment." Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in Section 2700 (a) of this Article. Any establishment engaged in or carrying on, or permitting any combination of massage and bath house shall be deemed a massage establishment.

(c) "Out Call Massage Service." Any business, not licensed as a massage establishment under the provisions of this Article, wherein the primary function of such business is to engage in or carry on massage, not at a fixed location but at a location designated by the customer or client.

(d) "Masseur or Masseuse." Any person, including a trainee, who, for any consideration whatsoever, engages in the practice of massage as herein defined.

(e) "Public Bath House." Any place, including a private club or organization, except as provided in Section 2700 (b), wherein any person, firm, association, corporation or partnership engages in, conducts or carries on or permits to be engaged in, conducted or carried on, the business of giving or furnishing Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation or electric baths or baths of any kind whatever, excluding ordinary tub baths where an attendant is not required.

(f) "Person." Any individual, copartnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(g) "Employee." Any and all persons, other than the masseurs or masseuses, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with the customers and clients.

(h) "Director." Director of Public Health or his authorized representative.

(i) "Recognized School." Any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than 70 hours to be given in not more than three calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of

study or learning, and which school has been approved pursuant to Section 29007.5 of the Education Code of the State of California.

(j) "Permittee." The operator of a massage establishment and out call massage service.

(k) "Motel." Any building containing six or more guest rooms or apartments or combinations thereof, each of which has a separate individual entrance leading directly to the outside of the building, and is designed, used or intended wholly or in part for the accommodation of transients.

(l) "Hotel." Includes rooming house, lodging house or other building or structure advertising or held out to the public as a place where sleeping accommodations may be obtained, and is designed, used or intended wholly or in part for the accommodation of transients.

(m) "Bona Fide Nonprofit Club." Any fraternal, charitable, religious, benevolent or any other nonprofit organization having a regular membership association primarily for mutual social, mental, political and civic welfare, to which admission is limited to the members and guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

SEC. 2701. PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City and County of San Francisco, the operation of a massage establishment or an out call massage service as herein defined, without first having obtained a permit from the Police Department after approval of the Director of Public Health, provided, however, that a bona fide nonprofit club or organization as defined herein, shall not be required to obtain a permit from the Chief of Police but must conform to all applicable building, health, fire and zoning laws.

SEC. 2702. FILING AND FEE PROVISION.

Every applicant for a permit to maintain, operate or conduct a massage establishment or out call message service shall file an application with the Chief of Police upon a form provided by said Chief of Police and pay a filing fee, which shall not be refundable.

In calculating the fees earned herein by the Department of Public Health pursuant to the provisions of Section 6.402 of the Charter of the City and County of San Francisco, a percentage of the permit application fee shall be credited to the Department of Public Health pursuant to the annual determination by the Controller as provided by Section 2.21 of this Code.

SEC. 2703. APPLICATION FOR MASSAGE ESTABLISHMENT OR OUT CALL MESSAGE SERVICE.

The application for a permit to operate a massage establishment or an out call massage service shall set forth the exact nature of the massage to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant.

In addition to the foregoing, any applicant for a permit shall furnish the following information:

(a) The two previous addresses immediately prior to the present address of the applicant.

(b) Written proof that the applicant is at least 18 years of age.

- (c) Applicant's height, weight, color of eyes and hair.
- (d) Two portrait photographs at least 2" x 2".
- (e) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application.
- (f) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (g) All criminal convictions except minor traffic violations.
- (h) Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught, provided, however, that if the applicant will have no physical contact with his customer or clients he need not possess such diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught.
- (i) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.
- (j) Nothing contained herein shall be construed to deny to the Chief of Police the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm the height and weight of the applicant.
- (k) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.

SEC. 2704. CORPORATE APPLICANTS; EXEMPTION.

The provisions of Section 2703 (a), (b), (c), (d), and (g), entitled "Application for Permit" relating to requirements for corporate applicants shall not apply to any of the following:

- (1) A corporation, the stock of which is listed on a stock exchange in the State of California or the City of New York, State of New York.
- (2) A bank, trust company, financial institution or title company to which application is made or to whom a license is issued in a fiduciary capacity.
- (3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

SEC. 2705. MASSEUR OR MASSEUSE PERMIT.

Any person who engage in the practice of massage as herein defined, including a trainee, shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee which shall not be refundable.

SEC. 2706. OPERATOR OF MESSAGE ESTABLISHMENT — EXCEPTION.

A diploma from a recognized school as defined herein will not be required by the operator of a massage establishment or for any employee where such operator or employee does not give a massage as defined herein.

SEC. 2707. APPLICATION FORM FOR MASSEUR OR MASSEUSE.

The application for a masseur or masseuse permit shall contain the following:

- (a) Name and residence address.
- (b) Social Security number and driver's license number, if any.
- (c) Applicant's weight, height, color of hair and eyes.
- (d) Written evidence that the applicant is at least 18 years of age.
- (e) Business, occupation or employment of the applicant for the three years immediately preceding the date of application.
- (f) Whether such person has ever been convicted of any crime, except misdemeanor traffic violations. If any person mentioned in this Subsection has been so convicted, a statement must be made giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained and the sentence imposed as a result of such conviction.
- (g) The name and address of the recognized school attended, the date attended and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than 70 hours of instruction.
- (h) The Chief of Police shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

SEC. 2708. FACILITIES NECESSARY.

No permit to conduct a massage establishment shall be issued unless an inspection by the Director reveals that the establishment complies with each of the following minimum requirements:

- (a) Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the San Francisco Building Code. Plumbing fixtures shall be installed in accordance with the San Francisco Plumbing Code.
 - (1) For toilet rooms, toilet room vestibules and rooms containing bathtubs, there shall be a waterproof floor covering, which will be carried up all walls to a height of at least six inches. Floor shall be covered up on base with at least 3/4 inch cover. The walls of all toilet rooms and rooms containing bathtubs shall be finished to a height of six feet with a smooth, nonabsorbent finish surface of Keene cement, tile, or similar material.
 - (2) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the Director.
 - (3) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.)
 - (4) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.
- (b) Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet

facilities shall be provided. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. All toilet rooms shall be equipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.

(c) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

(d) All portions of massage establishments and baths shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than 1/8 of the total floor area, or shall be provided with approved artificial light and a mechanical operating ventilating system. When windows or skylights are used for ventilation, at least 1/2 of the total required window area shall be operable.

To allow for adequate ventilation, cubicles, rooms, and areas provided for patrons' use not served directly by a required window, skylight, or mechanical system of ventilation shall be constructed so that the height of partitions does not exceed 75 per cent of the floor-to-ceiling height of the area in which they are located.

(e) All electrical equipment shall be installed in accordance with the requirements of the San Francisco Electrical Code.

(f) Nothing contained herein shall be construed to impose new requirements to existing massage establishments under the Building, Health, City Planning, Housing and Fire Codes of the City and County of San Francisco.

SEC. 2709. OPERATING REQUIREMENTS.

(a) Every portion of a massage establishment, including appliances, apparatus, and personnel shall be kept clean and operated in a sanitary condition.

(b) All employees shall be clean and wear clean outer garments whose use is restricted to the massage establishment. Provision of a separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(c) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in approved, sanitary manner. No towels or sheets shall be laundered or dried in any massage establishment unless such establishment is provided with approved laundry facilities for such laundry and drying. Approved receptacles shall be provided for the storage of soiled linens and paper towels.

(d) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(e) If the massage establishment is in any building used for residential or sleeping purposes, any room in which the services enumerated in Section 2700 (a) are provided, is to be used for massage and shall not be used for residential or sleeping purposes, provided, however, that the Director may allow such room to be used for residential or sleeping purposes if he finds that the health and safety of the patrons of such establishment will not be jeopardized.

(f) Advertising. No massage establishment or out call massage service granted a permit under the provisions of this Article shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in Section 2700 of this Article, nor shall any massage establishment or out

call massage service indicate in the text of such advertising that any service is available other than those services as described in Section 2700 of this Article.

(g) Out Call Massage Service at Hotel or Motel. Any person granted a permit pursuant to the provisions of this Article who provides any of the services in Section 2700 of this Article at any motel or hotel, must first notify the owner, manager, or person in charge of the hotel or motel, by a suitable notation, including the registration number of the out call message permittee or out call masseur or masseuse on the patron's registration that such permittee intends to provide a massage service to the person registered at the hotel or motel.

(h) No service enumerated in Section 2700 (a) of this Article may be carried on within any cubicle, room, booth or any area within a massage establishment, which is fitted with a door capable of being locked.

SEC. 2710. VERIFICATION OF APPLICATION.

Every application for a permit under this Article shall be verified as provided in the California Code of Civil Procedure for the verification of pleadings.

SEC. 2711. NOTICE OF HEARING.

When an application is filed for a license under this Article, the Chief of Police shall fix a time and place for a public hearing thereon. Not less than 10 days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed massage establishment is to be operated. Such posting of notice shall be carried out by the Chief of Police, and the applicant shall maintain said notice as posted for the required number of days.

SEC. 2712. REFERRAL OF APPLICATION TO OTHER DEPARTMENTS.

The Chief of Police, upon receiving an application for a massage establishment permit, shall refer the application to the Bureau of Building Inspection, the Fire Department, the Health Department and the City Planning Department, which departments shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the Chief of Police concerning compliance with the codes that they administer.

SEC. 2713. ISSUANCE OF PERMIT FOR A MASSAGE ESTABLISHMENT.

The Chief of Police may issue a permit within 14 days following a hearing if all requirements for a massage establishment described in this Article are met and may issue a permit to all persons who apply to perform massage services unless he finds:

(1) That the operation as proposed by the applicant if permitted would not have complied with all applicable laws including but not limited to, the Building, Health, City Planning, Housing and Fire Codes of the City and County of San Francisco or regulations adopted by the Chief of Police or the Director of Public Health.

(2) That the applicant and any other person who will be directly engaged in the management and operation of a massage establishment or out call massage service has been convicted of any of the following offenses or convicted of an offense without the State of California that would have constituted any of the following offenses if committed within the State of California:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code;

(b) An offense involving the use of force and violence upon the person of another that amounts to a felony;

(c) An offense involving sexual misconduct with children;

(d) An offense as defined in Sections 311, 647(a), 647a, 647b, 315, 316 or 318 of the Penal Code of the State of California.

The Chief of Police may refuse to issue any permit if it shall appear that the character of the business is not a proper or suitable place in which to conduct or maintain such business or calling or the applicant requesting such permit does not warrant the issuance thereof.

The Chief of Police may issue a permit to any person convicted of any of the crimes described in Subsections (a), (b), (c) or (d) of this Section if he finds that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

SEC. 2714. ISSUANCE OF MASSEUR OR MASSEUSE PERMIT.

The Chief of Police may issue a masseur or masseuse permit within 21 days following a hearing unless he finds:

(1) That the applicant for a masseur or masseuse permit has been convicted of:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code;

(b) An offense involving the use of force and violence on the person of another that amounts to a felony;

(c) An offense involving sexual misconduct with children;

(d) An offense as defined under Sections 311, 647(a), 647a, 647b, 315, 316 or 318 of the Penal Code of the State of California; provided, however, that the Chief of Police may issue a permit to any person convicted of any crimes described in (a), (b), (c) or (d) of this Section if he finds that such conviction occurred at least five years prior to the date of application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

SEC. 2715. TRAINEE PERMIT.

The Chief of Police may issue a massage trainee permit to any person who qualifies for a permit under Section 2714 of this Article and is currently registered in a recognized school. Such trainee may perform any of the services enumerated in Section 2700 of this Article except such trainee may not engage in out call massage services, after compliance with Subsections (b), (c) and (e) of this Section. The Chief of Police may, upon good cause shown, immediately issue a trainee permit prior to confirmation of the information required in Section 2707 of this Article.

(a) Such trainee permit shall be valid for a period of three months and shall not be renewable except for delay of requisite training due to accident or other valid reason.

(b) The applicant for a trainee permit must submit a letter signed by the owner, manager, or director of the recognized school showing that the applicant is currently enrolled in a course of study leading to a degree or certificate of graduation.

(c) The applicant for a trainee permit must submit a letter signed by the owner or director of a massage establishment stating his willingness to employ the applicant during the period of time when the applicant is attending the recognized school.

(d) The trainee permit shall be valid for a period of three months or until the trainee has completed at least 70 hours of instruction in a recognized school, whichever event first arises.

(e) When satisfactory evidence that the applicant for a trainee permit is unable to register at a recognized school in the City and County of San Francisco or within 20 airline miles of San Francisco because of the nonavailability of such a recognized school or because the facilities of the recognized school will not permit present enrollment, the Chief of Police may waive the provisions of Subsection (b) of this Section. Should Subsection (b) of this Section be waived, the applicant at the conclusion of every three month period, and each subsequent three month period thereafter, must submit a letter to the Chief of Police stating the applicant has attempted to comply with Subsection (b) of this Section and was unable to do so because of the lack of a recognized school in San Francisco or because the facilities in the recognized school will not permit present enrollment.

SEC. 2716. WAIVER OF APPLICATION REQUIREMENTS. The Chief of Police may waive the requirements of Section 2707 (g) of this Article if the applicant presents satisfactory evidence that he has attended not less than 70 hours of instruction in a school within or without this state or in any foreign country that provides education substantially equal to or in excess of the educational requirements of this Article. **SEC. 2718. REGISTER OF EMPLOYEES.** The

operator of a massage establishment or an out call massage service must maintain a register of all persons employed as masseurs or masseuses and their permit numbers. Such register shall be available for inspection at all times during regular business hours. **SEC. 2719.**

IDENTIFICATION NAME PLATE. The Chief of Police shall provide each masseur and masseuse granted a permit with an identification name plate which shall contain a photograph of the masseur or masseuse or trainee and the first name and permit number assigned to said masseur or masseuse, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant of this Article. A fee shall be charged for each identification name plate issued. **SEC. 2720. REVOCATION OR**

SUSPENSION OF PERMIT. Any permit issued for a massage establishment or out call massage service may be revoked or suspended by the Chief of Police, after a hearing, for good cause, or in any case where any of the provisions of this Article are violated or where any employee of the permittee, including a masseur and masseuse, is engaged in any conduct which violates any of the state or local laws or ordinances at permittee's place of business and the permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or in any case, where the permittee or licensee refuses to permit any duly authorized Police Officer or Health Inspector of the City and County of San Francisco to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Chief of Police, after hearing, upon the recommendations of the Director of Public Health that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation and hygiene. **SEC. 2721. REVOCATION OF MASSEUR OR MASSEUSE PERMIT.**

A masseur or masseuse permit issued by the Chief of Police to any employee may be revoked or suspended after a public hearing on any of the following grounds: (a)

Violation of any of the provisions of this Article. (b) Conviction of any crime requiring registration under Section 290 of the Penal Code. (c) Violation of Sections 311, 647, 647a, 647b, 650-1/2, 315, 316 and 318 of the Penal Code of the State of California.

SEC. 2722. EMPLOYMENT OF PERSONS UNDER THE AGE OF 18 PROHIBITED. It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment or out call massage service to employ any person who is not at least 18 years of age. **SEC. 2723. SALE OR TRANSFER.** Upon sale, transfer or relocation of a massage

establishment or an out call massage service, the permit and license therefor shall be null and void unless approved as provided in Section 2729 herein; provided, however, that upon the death or incapacity of the permittee the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit. **SEC. 2724. NAME AND**

PLACE OF BUSINESS — CHANGE OF LOCATION. No person granted a permit pursuant to this ordinance shall operate under any name or conduct his business under any designation for any location not specified in his permit. **SEC. 2725. DAILY REGISTER.** Every person who engages in or conducts a massage establishment or out call massage service shall keep a daily register, approved as to form by the Police Department, of all patrons, with names, addresses and hours of arrival and the rooms or cubicles assigned, if any. Said daily register shall at all times during business hours be subject to inspection by Health Department officials and by the Police Department and shall be kept on file for one year. **SEC. 2726. DISPLAY OF PERMIT.**

Every person to whom or for whom a permit shall have been granted pursuant to the provisions of this Article shall display said permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises. Persons engaged in an out call massage service must have their permit available for inspection at all times while providing out call massage services. **SEC. 2727. INSPECTION.** The Police Department and the Department of Public Health shall from time to time and at least twice a year, make an inspection of each massage establishment in the City and County of San Francisco for the purposes of determining that the provisions of this Article are complied with. **SEC. 2728.**

LICENSE FEES. Every permittee who conducts or assists in conducting or permitting any massage establishment or out call massage service as defined herein shall pay to the Tax Collector an annual license fee, payable in advance; provided, however, that the license fee for any permittee who is over 60 years in age and does not employ others and whose gross receipts, as defined in the Business Tax, Article 12B, Part III of the San Francisco Municipal Code, from the massage establishment operated under the authority of said permit is less than \$1,000 per year shall be \$10. In calculating the fees earned herein by the Department of Public Health pursuant to the provisions of Section 6.402 of the Charter of the City and County of San Francisco, a percentage of the license fee shall be credited to said Department pursuant to the annual determination by the Controller as provided by Section 2.21 of this Code. The license fee prescribed in this Section is due and payable on a calendar year basis starting 30 days after the first day of January 1975, or in any subsequent calendar year and shall be prorated with regard to the calendar year on a monthly basis. **SEC. 2728.1. MASSEUR OR MASSEUSE LICENSE.**

Every person who engages in the practice of massage who requires a permit from the Police Department pursuant to the provisions of Section 2705 of this Article shall pay an annual license fee. **SEC. 2729. TRANSFER OF PERMIT.** No permit shall be transferable except with the written consent of the Chief of Police and the approval of the Department of Public Health. An application for such a transfer shall be in writing and shall be accompanied by the same filing fee as for an initial application. The written application for such transfer shall contain the same information as requested herein for initial application for such a permit. In calculating the fees earned herein by the Department of Public Health pursuant to the provisions of Section 6.402 of the Charter of the City and County of San Francisco, the same percentage of the filing fee for a transfer of license shall be credited to said department as for an initial application. **SEC. 2730. UNLAWFUL ACTIVITIES.** It shall be unlawful for any person to massage any other person or give or administer any of the other things mentioned in this Article which violate the provisions of this Article or which violate any Municipal or State law or ordinance. Any violation of this provision shall be deemed grounds for revocation of the permit granted hereunder. **SEC. 2731. EMPLOYMENT OF MASSEURS AND MASSEUSES.** It shall be the responsibility of the permittee for the massage establishment or the employer of any persons purporting to act as masseurs and masseuses, to insure that each person employed as a masseur or masseuse shall first have obtained a valid permit pursuant to this Article. **SEC. 2732. APPLICABILITY OF REGULATIONS TO EXISTING BUSINESSES.** Permittees who have already paid the license fees for the current calendar year shall not be required to pay an additional fee hereunder. Holders of outstanding massage permits heretofore issued by the Police Department are required to comply with all provisions of this Article except that they may substitute two years' experience in the operation of a massage establishment or out call massage service for the requirement of a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method and work of massage is taught. Applicant for a masseur or masseuse permit may substitute one year's experience for the same requirement. (Added by Ord. 300-72, App. 10/19/72) **SEC. 2733. TIME LIMIT FOR FILING APPLICATION FOR PERMIT.** All persons who

possess an outstanding permit heretofore issued by the Police Department as either the operator of a massage establishment or an outcall massage service or as a masseur or masseuse must file for a new permit and shall be issued a new permit within 90 days of the effective date of this Article if they qualify under the provisions of Section 2706 or Section 2732 of this Article. Failure to do so, and continued operation of said place of business, shall constitute a violation of Section 2736 hereof. (Added by Ord. 300-72, App. 10/19/72)

SEC. 2734. EXCLUSIONS. This Article shall not include hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice the healing arts under the laws of the State of California, or persons working under the direction of any such persons or in any such establishments, nor shall this Article apply to 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 of California. (Added by Ord. 300-72, App. 10/19/72)

SEC. 2735. RULES AND REGULATIONS. The Chief of Police or the Director of Public Health may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this Article. (Added by Ord. 300-72, App. 10/19/72)

SEC. 2736. VIOLATION AND PENALTY. (a) Every person, except those persons who are specifically exempted by this Article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives massages or conducts a massage establishment or who in conjunction with the massage establishment gives or administers, or practices the giving or administering of baths as defined herein or any of the services defined in Section 2700 (e) of this Article without first obtaining a permit and paying a license so to do from the City and County of San Francisco or shall violate any provisions of this Article shall be guilty of a misdemeanor. (b) Any owner, operator, manager or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a masseur or masseuse, as defined in this Article, who is not in possession of a valid, unrevoked permit or who allows such a masseur or masseuse to perform, operate or practice within such a place of business is guilty of a misdemeanor, and upon conviction such person shall be punished by a fine not to exceed \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment. (Added by Ord. 300-72, App. 10/19/72)

SEC. 2737. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraph, sentences, clauses or phrases be declared unconstitutional invalid or ineffective. (Added by Ord. 300-72, App. 10/19/72)