

# Chapter 51. Regulations of Travis County Massage Parlors<sup>1</sup>

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<sup>1</sup> Chapter 51 was adopted by the Travis County Commissioners Court 3/28/1995 (Item 3).

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## ***Subchapter A. In General***

### **51.001 Authority**

These regulations are adopted by the Commissioners' Court of Travis County, Texas, acting in its capacity as the governing body of Travis County, Texas. Authority of Travis County to adopt these Regulations is House Bill No. 34, enacted by the 65th. Legislature of the State of Texas and signed by the Governor on or about May 25, 1977.

### **51.002 Administration**

The Commissioners' Court hereby designates the Sheriff as the inspection and licensing officer pursuant to the above authority. The administration of these Regulations, including, but not limited to, licensing and inspecting hereunder, shall be performed by the Sheriff or his duly authorized deputy. Any peace officer certified by the State of Texas, having jurisdiction in the unincorporated areas of Travis County may enforce these Regulations.

### **51.003 Area Covered By Regulations**

These Regulations apply in the unincorporated territory in Travis County, Texas.

### **51.004 Definitions**

As used in these Regulations, the following words and phrases have the following meanings, unless context clearly demonstrates otherwise:

- (a) "Commissioners Court" means the Commissioners' Court of Travis County, Texas.
- (b) "County" means Travis County, Texas.
- (c) "Employee" means any individual who renders any service in connection with the operation of a massage establishment and received compensation therefore including but not limited to massagers.
- (d) "Massage" means the rubbing, kneading, tapping, compression, vibration, application of friction, or percussion of the human body or parts of it by hand or with and instrument or apparatus.
- (e) "Massager" means an individual who administers massages for compensation.

- (f) "Massage Establishment" means a business establishment where massagers practice massage.
- (g) "Massage Parlor" means Massage Establishment.
- (h) "Masseur" means massager.
- (i) "Patron" means any individual who receives a massage.
- (j) "Person" means an individual, partnership, corporation, or other entity.
- (k) "Regulations" means the Regulations of Travis County, Texas for Massage Parlors.
- (l) "Sheriff" means the Sheriff of Travis County, Texas.
- (m) "State" means the State of Texas.
- (n) "Unincorporated territory" means the territory outside the corporate limits of an incorporated city or town.

**51.005 Licensed Physical Therapist, etc. Excepted**

- (a) These regulations do not apply to a licensed physical therapist, a licensed athletic trainer, a licensed cosmetologist, or a licensed barber performing functions authorized under the license held, nor do these Regulations apply to a licensed physician or chiropractor, or any individual working under the direct supervision of a licensed physician or chiropractor, while engaged in practicing the healing arts.
- (b) These regulations do not apply to the administration of massage for therapeutic purposes in a hospital, nursing home, or other health care facility.

**51.006 Licenses and Certificates Required**

- (a) It shall be unlawful for any person to operate a massage establishment with a valid Massage Parlor License therefore issued by the Sheriff in accordance with the provisions of these Regulations.
- (b) It shall be unlawful for any person to operate a massage establishment unless each and every massager thereof has a valid Massager's License issued by the Sheriff in accordance with the provisions of these Regulations.
- (c) It shall be unlawful for any individual to work as a massager without having a valid Massager's License issued by the Sheriff in accordance with the provisions of these Regulations.
- (d) It shall be unlawful for any person to operate a massage establishment unless each and every employee thereof has a valid health certificate issued in accordance with the provisions of these Regulations.

**51.007 Licenses Displayed**

- (a) A Massage Parlor License issued under these Regulations shall be displayed at all times in an open and conspicuous place in the massage establishment for which it was issued.
- (b) It shall be unlawful for any massager to work in, on or about any massage establishment unless there shall be displayed in an open and conspicuous place in said massage establishment, a Massager's License issued to said massager pursuant to these Regulations.

**51.008 Responsibility of Employer**

It shall be unlawful for any person operating a massage establishment to permit or allow an employee, agent or massager thereof, or any person whatsoever, to violate these Regulations on the premises of the massage establishment.

**51.009 Alcoholic Beverages Prohibited**

No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage establishment.

**51.010 Entrances, Exits**

No massage establishment shall have an entrance or exit way providing a direct passageway to any other type of business, residence or living quarters, or may not also serve as a residence or living quarters.

**51.011 Access**

All massage establishments operating under the authority of these Regulations are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishments locked or obstructed in any way so as to prevent free ingress and egress of persons; provided however, such doors may be closed.

**51.012 Closing Hours**

No massage establishment shall be kept open for any purpose between the hours of 10:00 o'clock p.m. and 8:00 o'clock a.m.

**51.013 Maintenance of Premises; Sterilization and Cleaning Equipment**

It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition, as determined by the Austin/Travis County Health Officer. All instruments and mechanical, therapeutic, and bathing devices or parts thereof that come into contact with the human body shall be sterilized by a modern and approved method of sterilization, before initial use, and any

such instruments and devices or parts thereof, after having been used upon one patron, shall be sterilized before being used upon another. Towels and linens furnished for use of one patron shall not be furnished for use of another until thoroughly laundered.

**51.014 Cleanliness and Health of Employees Generally; Diseased Patrons to be Accommodated**

All massagers in a massage establishment shall wash their hands thoroughly before administering a massage to each patron accommodated. No individual suffering from a communicable disease shall work or be employed in a massage establishment. No individual suffering from communicable disease to the knowledge of the owner, custodian, or employees of a massage establishment shall be accommodated as a patron therein.

**51.015 Massage Tables**

The massage shall be performed on a massage table or treatment table. No beds, water mattresses, cots or other equipment designed for sleeping shall be permitted at the massage establishment.

**51.016 List of Employees**

The massage establishment shall keep a list of the names and addresses of all employees, both on duty and off duty, and such list shall be shown to the Sheriff or his duly authorized deputy upon request.

**51.017 Clothing of Massagers**

Said clothing shall at least cover the massager's pubic area, perineum, buttocks, natal cleft and entire chest to four inches below the collar bone and legs not exposed more than six inches above the knees. The massager's clothing shall be kept clean at all times, and soiled clothing shall not be worn during the treatment of a patron. The massager's clothing shall be opaque. No massager shall massage a patron whose genitals are exposed during the treatment; and no patron of a massage establishment shall knowingly expose his genitals during a massage to a massager.

**51.018 Doors, Openings, Locks**

No massage shall be performed within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked. Exterior doors may have locks, but such exterior doors shall not be locked while the massage establishment is open for business or while any massage is being performed herein. Toilets and cubicles used solely for the application of liquid and vapor baths shall be clearly marked as to purpose to the exterior door or curtain of said cubicle, room or booth. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude

authorized inspection thereof, whenever such inspection is deemed necessary by the Sheriff or his duly authorized deputy.

#### **51.019 Supervision**

A massage parlor licensee shall have the premises supervised at all times when open for business. Any massage establishment shall have one individual who qualifies as a massager on the premises at all times while the massage establishment is open for business. The massage parlor licensee shall personally supervise the massage establishment, and shall not violate, or permit others to violate, any provisions of these Regulations.

#### **(51.020 - 51.029 Reserved for Expansion)**

### ***Subchapter B. Licenses***

#### **51.030 Application for Massage Parlor License**

Any person desiring a Massage Parlor License shall file a written application, with the Sheriff on a form to be furnished by the Sheriff, and attached hereto as Appendix A.

- (a) The application shall set forth the following:
- (1) The name of the applicant and whether individual, partnership, corporation, or otherwise, and if a corporation, the state of incorporation;
  - (2) The name, style, and designation under which the massage establishment is to be operated;
  - (3) The business address where the massage establishment is to be operated;
  - (4) The name, residence addresses and telephone numbers of the manager or other individual to be principally in charge of the operation of the massage establishment;
  - (5) The following personal information concerning the applicant, if an individual, and concerning each stockholder holding more than ten percent (10) of the stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limiting partners, if the applicant is a partnership; and the holder of any lien, of any nature, upon the massage establishment and/or the equipment used therein; and concerning the manager or other individual principally in charge of the operation of the massage establishment:
    - (A) Name, complete residence address and residence telephone numbers.

- (B) All addresses used during the five year period immediately prior to the date of the application, and the period of time each was used.
  - (C) Written proof of age, by showing a valid drivers license, voter registration certificate, or similar identification.
  - (D) Height, weight, color of hair and eyes, and sex.
  - (E) The massage or similar business history and experience five (5) years prior to the date of application, including, but not limited to, whether or not such individual is 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 therefore, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
  - (F) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted.
- (6) Authorization for the County, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license;
  - (7) Written declaration by the applicant, given under oath or affirmation, under penalty of perjury, that the information contained in and attached to application is true and correct, said declaration being duly dated and signed in the County.
- (b) The application shall be accompanied by the following:
    - (1) A tender of the correct license fee as thereafter provided.
    - (2) Proof that an assumed name certificate has been filed with the County Clerk, if the applicant is to operate the massage establishment under an assumed name.
    - (3) Proof that applicant is authorized to do business in the State, if applicant is a foreign corporation.
    - (4) Two (2) front-face portrait photographs taken within thirty (30) days of the date of the application and at least two (2) inches by two (2) inches in size, for each individual listed above in subsection a(5) of this Section.
    - (5) A completed and approved form by the City/County Health Department assuring that the massage establishment premises comply with all sanitation requirements.
    - (6) A complete set of fingerprints taken by the Sheriff or his designate.
  - (c) If any of the information described in paragraphs (a)(1) through (b)(6) above changes during the period covered by the permit, the applicant shall have no

more than 10 days to inform the Sheriff in writing of such changes. Failure to comply with this provision shall be grounds for revocation or suspension of the permit.

**51.031 Application for Massager's License**

Any individual desiring a Massager's License shall file a written application with the Sheriff on a form to be furnished by the Sheriff and attached hereto as Appendix B.

- (a) The application shall set forth the following:
  - (1) The business name, address and all telephone numbers where the massage is to be practiced if known. If not known, the applicant shall so state.
  - (2) The following personal information concerning the applicant:
    - (A) Name, complete residence address and residence telephone number;
    - (B) All addresses used during the five year period immediately prior to the date of the application, and the period of time each was used;
    - (C) Written proof of age, by showing a valid driver's license, voter registration certificate, or similar identification;
    - (D) Height, weight, color of hair and eyes, and sex;
    - (E) The massage or similar business history and experience five (5) years prior to the date of application, including, but not limited to, whether or not such individual is previously operating in this or another county or state under license or permit has had such license or permit denied, revoked, or suspended and the reasons therefore, and the business activities or occupations subsequent to such action of denial, suspension or revocation;
    - (F) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted;
  - (3) Authorization of the County, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.
  - (4) Written declaration by the applicant, given under oath or affirmation, under penalty or perjury, that the information contained in and attached to the application is true and correct, said declaration being duly and signed by the County.
- (b) The application shall be accompanied by the following, which shall be taken to the City/County Health Departments for review.

- (1) Two (2) front-face portrait photographs of the applicant taken within thirty (30) days of the date of application and at least two (2) inches by two (2) inches in size.
  - (2) Effective June 1, 1981, each application must include a photocopy of applicant's grade record, reflecting successful completion of three (3) semester hours of human anatomy and physiology at an institution of higher education which is accredited by a recognized accrediting agency as defined in Chapter 61 of the Texas Education Code.
  - (3) A certificate executed by a licensed practicing physician in the County within two (2) months of the date of application, showing that the applicant is not afflicted by an active venereal or other communicable disease.
- (c) The application shall be reviewed by the City/County Health Department to see that all the requirements as set forth in these Regulations have been fulfilled. After such determination, the City/County Health Department will provide applicant with an approved Massage Application form, and attached hereto as Exhibit C, duly signed by the health director or his designate, so that the Sheriff's department may issue the license.
- (d) A completed application with its accompaniments from the City/County Health Department shall be presented to the Sheriff and shall include:
- (1) A tender of the correct license fee as hereinafter provided.
  - (2) A complete set of fingerprints taken by the Sheriff or his designate.
- (e) The applicant shall provide such other information and identification, as deemed necessary by the Sheriff in order to determine the truth of the matters hereinbefore required to be set forth in the application.
- (f) If any of the information described in paragraphs (a)(1) through (e) above changes during the period covered by the permit, the applicant shall have no more than 10 days to inform the Sheriff in writing of such changes. Failure to comply with this provision shall be grounds for revocation or suspension of the permit.

#### **51.032 Investigation by Sheriff**

- (a) Upon receiving the application for a Massage Parlor or Massager's License, the Sheriff shall conduct an investigation into the moral character of the applicant, if an individual or of the stockholders holding at least ten (10) percent of the stock of the corporation, and of the officers and directors, if the applicant is a corporation, or of the partners, including limited partners, if the applicant is a partnership, or the holder of any lien, of any nature, upon the massage establishment and personal and criminal history. The Sheriff may, in his discretion, require a personal interview of the applicant and such further information or identification of the applicant as shall bear on the investigation.

- (b) In the case of the applications for Massage Parlor Licenses, the Sheriff shall cause to be conducted an investigation by the City/County Health Department of the premises where the massage establishment is to be carried on for the purposes of assuring that such premises comply with all the sanitation requirements as set forth in these Regulations and with the regulations of public health, safety, and welfare. Each application to the Sheriff shall have attached the approved Physical Premises Inspection Form, duly executed by the health officer or his designate, and attached hereto as Exhibit D.

**51.033 Issuance of Massage Parlor License**

The Sheriff shall issue a Massage Parlor License within thirty (30) days of receipt of the application unless he finds that:

- (a) The correct license fee has not been tendered to the County, and in the case of a check, or bank draft, honored with payment upon presentation;
- (b) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws;
- (c) The applicant, if an individual, or any other stockholders holding at least ten (10) percent of the stock of the corporation, or any of the officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the holder of any lien, of any nature, upon the massage establishment and/or the equipment used therein the manager or other individual principally in charge of the operation of the massage establishment has been convicted of any felony or a misdemeanor involving moral turpitude within five (5) years immediately prior to the date of the application;
- (d) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the license application or in any document required by the County in conjunction therewith;
- (e) The applicant has had a massage establishment, massager, or other similar license or permit revoked or suspended by any state or local agency within five (5) years immediately prior to the date of the application;
- (f) The applicant, if an individual, or any of the officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other individually principally in charge of the operation of the massage establishment, is not over the age of eighteen (18) years.
- (g) The applicant and/or application does not meet all other requirements of these Regulations.

#### **51.034 Issuance of Massager's License**

The Sheriff shall issue a Massager's License within (30) days of receipt of the application unless he finds that:

- (a) The correct license fee has not been tendered to the County, and, in the case of a check or bank draft, honored with payment upon presentation;
- (b) The applicant has been convicted of a crime involving moral turpitude, within five (5) years immediately prior to the date of the application;
- (c) The applicant has knowingly made any false, misleading, or fraudulent statements of fact in the license application or in any document required by the County in conjunction therewith;
- (d) The applicant has had a massage establishment, massager, or other similar license or permit revoked or suspended by any state or local agency within five (5) years prior to the date of application;
- (e) The applicant is not over the age of eighteen (18) years;
- (f) The applicant has not successfully completed three (3) semester hours of human anatomy and physiology at an institution of higher education which is accredited by a recognized accrediting agency as defined in Chapter 61 of the Texas Education Code. This requirement will not be effective before June 1, 1981;
- (g) The applicant does not have a valid health certificate issued pursuant to these Regulations;
- (h) The applicant and/or application does not meet all other requirements of these Regulations.

#### **51.035 Fees**

The fee for a Massage Parlor License shall be one hundred fifty dollars (\$150.00). The fee for a Massager's License shall be twenty-five dollars (\$25.00).

#### **51.036 Return of Fee**

No portion of any fee collection under these Regulations shall be returned after a license has been issued.

#### **51.037 Transfer Prohibited**

Massage Parlor Licenses or Massager's Licenses are not transferable, separate or divisible, and such authority as a license confers shall be conferred only to the licensee named therein.

**51.038 License Valid for One Year**

Each license issued under these Regulations shall be valid for one (1) year only from the date of its issuance as shown thereon.

**51.039 Obtaining Permit within Limited Time**

Massage Parlors existing upon the effective date of this regulation will be given no more than 30 days within which to make application for the necessary permit. Massage Parlors which fail to make the necessary application with the 30 day period will be prohibited from further operation until such permit is obtained.

**51.040 Renewal of Licenses**

Any time after the expiration of eleven months of the term of a license required by these Regulations, the Licensee thereof may file with the Sheriff a written application to renew such license on the original application form furnished by the Sheriff. Such application shall contain the information required herein for an original license to the extent that such information would not be duplicative and such application shall be accompanied by a tender of the correct fee as herein provided. The Sheriff shall renew such license unless he find that the requirements of these Regulations for the issuance of a license are not met.

**51.041 Obtaining License by Fraud**

It shall be unlawful for any person to knowingly make any false, fraudulent or untruthful statement, either written or oral, or in any way knowingly to conceal any material fact, or to give or use any fictitious name in order to secure or aid in securing a license required by these Regulations and any such license so secured shall be void.

**51.042 Fraudulent Use of License**

It shall be unlawful for any person to fraudulently make use of, in any manner of his own or another's benefit, a Massage Parlor License or a Massager's License which has not been duly issued to him in accordance with the provisions of these Regulations.

**51.043 Counterfeiting, Changing, Defacing License**

It shall be unlawful for any person to counterfeit or forge, or to change, deface or alter a license required or issued under the provisions of these regulations.

**51.044 Suspension**

- (a) Any license issued under these Regulations may be suspended for a period not to exceed ninety (90) days by the Sheriff for a violation of these Regulations by the licensee thereof.
- (b) Any Massage Parlor License issued under these Regulations may be suspended for a period not to exceed ninety (90) days by the Sheriff for a

violation of these Regulations by an agent or employee of the massage establishment provided such violation occurred on the massage establishment premises.

- (c) Such suspension shall be effective ten (10) days after written notice thereof is given to the licensee. Such notice shall inform the licensee of the reason(s) for such suspension, the duration of such suspension, the beginning of such suspension, and the right to appeal under the provisions of these Regulations.
- (d) Such notice may be given by delivering the same to the licensee or by depositing the same in the United States Mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the licensee at the address stated on the license application and such notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.
- (e) This Section is cumulative of all other rules, regulations and laws. An appeal, as provided herein, from any suspension hereunder, shall automatically stay such suspension pending such appeal. (1) After the effective date of the suspension and if an appeal is not made or (2) If an appeal is made and the suspension is upheld in whole or in part, then in either of these events, the Sheriff shall have the authority to take possession of the license wheresoever it may be found and hold the same until the suspension period has expired.

**51.045 Revocation**

- (a) Any Massager's License issued under these Regulations may be revoked by the Sheriff for a violation of any of these Regulations concerning the application for an issuance of licenses or certificates hereunder or upon final conviction of the licensee of an offense defined in Chapter 43 of the Texas Penal Code or an offense involving moral turpitude. In construing and applying this Section, a final conviction of any individual designated in subsection a(5) of Section 30 of these Regulations shall be deemed to be a final conviction of the licensee. Any Massage Parlor License issued under these Regulations may be revoked by the Sheriff for a violation of these Regulations by an agent or employee of the massage establishment provided such violation occurred on the massage establishment premises.
- (b) Such revocation shall be effective (10) days after written notice thereof is given to the licensee. Such notice shall inform the licensee of the reason(s) for such revocation, the beginning of such revocation, and the right to appeal under the provisions of these Regulations. Such notice may be given by delivering the same to the licensee or by depositing the same in the United States Mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the licensee at the address stated on the license application and such notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

- (c) This Section is cumulative of all other rules, regulations, and laws. An appeal, as provided herein, from any revocation hereunder, shall automatically stay such revocation pending such appeal.
- (1) After the effective date of the revocation and if an appeal is not made or
  - (2) If an appeal is made and the revocation is upheld, then and in either of these events, the Sheriff shall have the authority to take possession of the license wheresoever it may be found.

**51.046 Physician's Certificate**

The applicant must provide certification from a legally licensed physician practicing in Travis County which attests to the fact that the bearer has been actually and thoroughly examined by such physician including specifically a test for tuberculosis and standard blood test for syphilis, and that such examination and tests disclosed the fact that such person was free from any infections or contagious disease in a transmittable condition. All of the information and tests and results thereof and the dates shall be placed on paper displaying the physicians letterhead by the physician issuing the examination. Such certification from the physician shall only be valid if within two (2) months of the date of application.

**51.047 Health Certificate and Signature Form**

The health certificate shall be issued by the City/County Health Director or his designate. All of the information required on the health certificate except the applicant's signature, shall be placed by the health director or his designate, and no such health certificate shall be valid unless it contains all of the information shown to be required thereon. The health certificate required by these Regulations shall bear the signature of the individual named thereon and the signature of the City/County Health Director.

**51.048 Health Certificate Valid for One Year**

Each health certificate issued under these Regulations shall be valid only for the current year and shall expire on December 31.

**51.049 Obtaining Health Certificate by Fraud**

It shall be unlawful for any person to knowingly make any false fraudulent, or untruthful statement, either written or oral, to any examining physician, or to give or use any fictitious name in order to secure a health certificate required by these Regulations, and any such health certificate so secured shall be void.

**51.050 Fraudulent Use of Health Certificate**

It shall be unlawful for any individual to fraudulently make use of in any manner to his own or another's benefit or advantage, a health certificate which has not been duly issued to him in accordance with the provisions of these Regulations.

**51.051 Unlawful Issuance**

It shall be unlawful for any individual who is not a legally licensed physician practicing in Travis County, and who has not registered his license with the District Clerk of Travis County, to certify the absence of any venereal or other communicable disease of said applicant as required under the provisions of these Regulations.

**51.052 Counterfeiting, Changing, Defacing, Health Certificate**

It shall be unlawful for any person to counterfeit or forge, or to change deface or alter a health certificate required by or issued under the provisions of these Regulations.

**51.053 Obtaining New Health Certificate upon Request of Employer**

- (a) Every individual required by these Regulations to have a health certificate shall, upon the request of an employer or the Sheriff or his duly authorized deputy, secure an adequate physical examination of himself by a duly licensed physician of Travis County, in the manner provided in these Regulations, and secure, in evidence thereof, a valid health certificate meeting the requirements of these Regulations. The fact that an individual who is requested to secure such an examination has at the time of the request a valid health certificate will not relieve such individual of the duty to secure another such physical examination by a licensed physician, upon request of the Sheriff, his deputy, and Austin/Travis County Health Officer before commencing or continuing in such employment or working in any such capacities.
- (b) Upon the refusal or failure of any such individual to comply with the request of his employer or the Sheriff or his duly authorized deputy, to secure an examination and health certificate, as provided in subsection (a), if the individual so refusing has, at the time of such refusal or failure to comply with such request, a valid health certificate, the same shall immediately be surrendered to the Sheriff or his duly authorized deputy for cancellation, and it shall be unlawful for any such individual to fail to refuse to so surrender such license to the Sheriff or his duly authorized deputy for cancellation. If the health certificate of an individual so refusing to secure another examination and health certificate is in the custody of the individual's employer or the agent or representative of such employer, such custodian of such health certificate shall, upon such failure or refusal by such individual, immediately forward the same to the Sheriff or his duly authorized deputy for cancellation, and thereafter such individual shall not be allowed or permitted to work or continue working in any of the capacities for which a health certificate is

required by these Regulations until such time as such individual shall present his employer a valid health certificate bearing a date of issue subsequent to the cancellation date of such individual's canceled health certificate.

**(51.054 - 51.064 Reserved for Expansion)**

***Subchapter C. Appeals, ETC.***

**51.065 Appeals**

- (a) Any person aggrieved by an action or decision of the Sheriff or his duly authorized deputy or the City/Council Health Department regarding the issuance, suspension or revocation of a license required hereunder or the cancellation of a health certificate required hereunder may, within thirty (30) days thereafter, appeal to a Hearing Examiner appointed by the Commissioners' Court.
- (b) The appeal to the Hearing Examiner shall be initiated by filing a written objection with the Hearing Examiner. The written objection shall state what the action or decision of the Sheriff and the City/County Health Department should have been and why. A copy of the document containing the notice of the action or decision complained of shall be attached to said written objection. Upon receipt of said written objection and attachment the Hearing Examiner shall set the same down for a hearing to be held within the next thirty (30) days and advise all parties of the date, time and place of hearing. The person aggrieved shall bring to the hearing all licenses issued to him pursuant to these Regulations.
- (c) At hearings before the Hearing Examiner all witnesses will be sworn. The Hearing Examiner will hear the testimony of the Sheriff or duly authorized deputy or the City/County Health Department and/or each individual as will be called by the Sheriff or his duly authorized deputy, additionally, the Hearing Examiner will hear the testimony of the persons aggrieved along with any witnesses the person aggrieved may call. Additionally, the Hearing Examiner will review all documents and exhibits submitted to him by the parties. The Hearing Examiner will not be bound by formal rules of evidence and will control the evidence, reserving to himself the power to exclude testimony exhibits he does not consider relevant.
- (d) The Hearing Examiner will maintain an accurate record of the evidence adduced at the hearing.
- (e) Within forty-eight (48) hours of the close of the hearing the Hearing Examiner will reduce to writing his report, which will consist of a finding of facts and his decision. The Hearing Examiner will file the original of his report with the Clerk of Commissioners' Court, and will keep one copy for himself, will send one copy to the person aggrieved and will send one copy to the Sheriff.

- (f) If the Sheriff or the City/County Health Department or the person aggrieved is dissatisfied with the Hearing Examiner's decision, he may, within five (5) days from the date the Hearing Examiner files his report, file a written objection with the clerk of Commissioners' Court. When such objection is filed, the Clerk will notify the County Judge, who will place the matter on the Agenda of Commissioners' Court for review at the next meeting of Commissioners' Court which is at least five (5) days after the date of the filing of the objection. If the objection is filed by the Sheriff or the City/County Health Department, notice that the matter is on the Agenda will be sent to the applicant by mail. The person aggrieved shall bring to the Commissioners' Court hearing all licenses issued to him pursuant to these Regulations. When the matter comes before Commissioners' Court, the Commissioners' Court will review the matter, considering such information as is in the Hearing Examiner's file and report along with such other evidence as Commissioners' Court may deem relevant and as may be offered by the Sheriff or the City/County Health Department or the person aggrieved. The Commissioners' Court will either affirm, reverse, or modify the decision of the Hearing Examiner.

**51.066 Misdemeanor**

Any person who violates any provision of these Regulations commits a Class B Misdemeanor.

**51.067 Severability**

In case of any one or more of the sections, provisions, clauses, or words, of the Regulations or the application of such sections, provisions, clauses, or words to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not effect any other sections, provisions, clauses, or words of these regulations or the application of such sections, provisions, clauses, or words to any other situation or circumstance, and it is intended that these Regulations shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

**51.068 Effective Date**

These Regulations shall be effective October 1, 1980, upon approval of the Commissioners Court.

**51.069 Appendix A Application to Operate A Massage Establishment**

[Note: Please contact Travis County Commissioners Court Minutes for copy of form adopted with this chapter. Please contact the Travis County Sheriff's Office for current application.]

**51.070 Appendix B Application to Operate As A Massager**

[Note: Please contact Travis County Commissioners Court Minutes for copy of form adopted with this chapter. Please contact the Travis County Sheriff's Office for current application.]

**51.071 Appendix C Massager License Checklist**

[Note: Please contact Travis County Commissioners Court Minutes for copy of form adopted with this chapter. Please contact the Travis County Sheriff's Office for current application.]

**51.072 Appendix D Physical Premises Inspection Form**

[Note: Please contact Travis County Commissioners Court Minutes for copy of form adopted with this chapter. Please contact the Travis County Sheriff's Office for current application.]