



City of Del Mar

January 2012

Dear Holistic Health Practitioner Applicant:

The attached application packet has been put together to assist you in obtaining your Holistic Health Practitioner Exemption with the City. Please refer to the Checklist for Required Attachments to assist you in submitting a complete application.

The City will submit your application to the San Diego County Sheriff's Department for a background check unless you submit a copy of a current California Massage Therapy Council Card.

If you have any questions please contact Les Middleton at (858) 755-9354.

Sincerely,

City of Del Mar Finance Department





CITY OF DEL MAR

1050 Camino Del Mar • Del Mar, CA 92014-2698
Telephone (858) 755-9354 • Fax (858) 755-2794

Please Check One:

- NEW BUSINESS
- CHANGE OF OWNER
- CHANGE OF ADDRESS
- CHANGE OF BUSINESS NAME
- HOME OCCUPATION BUSINESS

BUSINESS LICENSE APPLICATION

PLEASE TYPE OR PRINT CLEARLY: • FOR CITY USE ONLY •

Business Name _____
(Include DBA)

Business Location _____
City _____ State _____ Zip _____

Mailing Address _____
(If Different)
City _____ State _____ Zip _____

Bus. Phone () _____ **Bus. Fax** () _____

E-Mail Address _____

BUSINESS LICENSE NO. _____

AMOUNT PAID \$ _____

DATE PAID _____ **CASH** **CHECK**

RECEIPT NO. _____

CITY APPROVALS • SIGN & DATE

PLANNING DEPT: _____
Date: _____ APPROVED DENIED

FIRE DEPT: _____
Date: _____ APPROVED DENIED

Business Start Date: _____	Description of Business: _____
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Wastes expected to be generated on site (e.g., food wastes, coolant, heavy metals.) _____

Ownership: Corporation Limited Liability Corp. Partnership Sole Proprietor Trust Limited Partnership

State Contractor Lic. No. _____ **License Type** _____ **Expiration Date** _____

Board of Equal. Sales No. _____ **Federal I.D. No.** _____ **State I.D. No.** _____

ENTER BELOW NAMES OF OWNERS, PARTNERS, OR CORPORATE OFFICERS - Attach additional page if necessary

Owner Name _____	Title _____	Phone () _____
Home Address _____	Cell Phone () _____	
City _____	State _____	Zip _____
Driver's License No./State _____	Social Security No. _____	

Owner Name _____	Title _____	Phone () _____
Home Address _____	Cell Phone () _____	
City _____	State _____	Zip _____
Driver's License No./State _____	Social Security No. _____	

EMERGENCY CONTACT: (Person with building access)

Name _____ **Title** _____ **Phone ()** _____

Address _____ **Cell Phone ()** _____

ALARM COMPANY: (If applicable)

Name _____ **Contact** _____ **Phone ()** _____

Address _____ **License No.** _____

NEW BUSINESS OPERATING IN DEL MAR:

Estimated Del Mar Gross Receipts from _____
Opening Date through end of Calendar Year \$

EXISTING DEL MAR BUSINESS:

Total Gross Receipts from _____
Jan. 1, _____ through Dec. 31, _____
(year) (year) \$

PLEASE CALCULATE TAX DUE USING WORKSHEET ON REVERSE SIDE, AND ENTER AMOUNTS BELOW:

License Tax	\$ <input type="text"/>
Employee / Units / Vehicle Tax	\$ <input type="text"/>
State Fee	\$ <input type="text"/>
TOTAL AMOUNT DUE	\$ <input type="text"/>

Business Hours of Operation: _____

No. of Units: _____ **Business Square Feet:** _____

No. of Employees: _____ **No. of Parking Spaces:** _____

No. of Vehicles: _____ **Vehicle License No.** _____
(Attach additional page if necessary)

I declare, under penalty of perjury, that the information in this application is true and correct to the best of my knowledge. I certify that I will operate my business in accordance with all applicable federal, state and city laws and regulations. I further understand that any false statements made above are grounds for denial or revocation of the business license.

Signature: _____

Date: _____

PLEASE SEE REVERSE SIDE FOR TAX SCHEDULE ➔



CITY OF DEL MAR

Business License Tax Schedule

Every person conducting or carrying on a commercial business activity within the City of Del Mar shall pay an annual license tax according to the categories below. (Del Mar Municipal Code, Title 5)

Notice: The issuance of a business license does not supersede the zoning, planning, or operating regulations found in the City of Del Mar Municipal Code (DMMC). Please check City regulations before applying for a business license. It is the business owner's responsibility to obtain all required permits. Conducting business without the required permits may result in a citation and/or fine. Please contact City Hall for more information regarding applicable regulations. The DMMC can also be found at www.delmar.ca.us.

Operations Permit: Use of Public Property
Community Services Department (858) 755-1556

Planning Regulations and Zoning
Planning Department (858) 755-9313

Operations Permit: Taxicab, Massage, and Holistic Health Practitioner
Finance Department (858) 755-9354

Gross Receipts Worksheet

Step 1: Enter amount of Gross Receipts. This amount must be entered before we can process application.

Step 2: Calculate amount due. See example below or call us for assistance at (858) 755-9354.

➔ **REMINDER:** *Estimated Gross Receipts must be filled out before we can process application.*

Estimated Gross Receipts \$ _____

Annual Gross Receipts	Annual License Tax
First \$ 15,000.00 = \$ 30.00 _____	
Next 10,000.00 x 1.20/1,000 = _____	
Next 300,000.00 x .90/1,000 = _____	
Next 100,000.00 x .80/1,000 = _____	
Next 100,000.00 x .70/1,000 = _____	
Next 100,000.00 x .50/1,000 = _____	
Balance of receipts x .30/1,000 = _____	
Total License Tax \$ _____	

EXAMPLE FOR CALCULATING AMOUNT DUE:

Estimated Gross Receipts \$	_____ 300,000.00
First \$15,000 =	\$ _____ 30.00
+ \$10,000 (10,000 x \$1.20/1,000) =	\$ _____ 12.00
+ \$275,000 (275,000 x \$.90/1,000) =	\$ _____ 247.50
Total License Tax \$	_____ 289.50

Businesses in the following categories pay a flat tax:

<p>CATERERS \$100.00 per year</p> <p>DANCE PERMIT \$100.00 per year</p> <p>FAIRGROUNDS Individual Vendors \$6.00 first day \$4.00 each day after (maximum of \$40.00)</p> <p>Horse Information \$1,200.00 per year</p> <p>Promoters \$100.00 plus 10% deposit on admissions tax</p>	<p>SERVICE BY VEHICLE \$100.00 first vehicle \$50.00 each additional vehicle</p> <p>SOLICITOR'S PERMIT \$20.00 per day / per person</p> <p>FILMING Up to 10 cast and crew \$100.00 per day Over 10 cast and crew \$250.00 per day</p> <p>STILL PHOTOGRAPHY Up to 10 cast and crew \$50.00 per day Over 10 cast and crew \$100.00 per day</p>
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Businesses in the following categories pay for an Operations Permit plus a Business License:

<p>CERTIFICATE OF REGISTRATION: MASSAGE TECHNICIAN No Fee plus a Business License (see Gross Receipts worksheet above) Annual No Fee Renewal Required plus Business License</p> <p>HOLISTIC HEALTH PRACTITIONER Operations Permit (no fee) plus a Business License (see Gross Receipts worksheet above)</p> <p>MASSAGE ESTABLISHMENT OPERATIONS PERMIT \$440.00 plus a Business License (see Gross Receipts worksheet above) Renewal \$375.00</p>	<p>TAXI STICKER \$ 118.00 Administrative Fee (New Applications) \$ 98.00 Administrative Fee (Renewals) \$ 50.00 Per Sticker Plus Business License (Gross Receipt Worksheet Above)</p>
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Applications are available by mail, fax, or on our web site, www.delmar.ca.us
Office hours: Monday - Thursday, 7:30 a.m. to 5:30 p.m., Friday 7:30 a.m. to 4:30 p.m.
1050 Camino Del Mar, Del Mar, CA 92014-2698 • (858) 755-9354

Chapter 6.61

CERTIFICATE OF REGISTRATION: MASSAGE TECHNICIAN

6.61.010 Purpose. [Ord. 661, 672, 862]

A. It is the purpose of this Chapter to provide for the orderly regulation of massage technicians.

B. It is unlawful for any person to give or administer, or offer to give or administer, a massage in violation of any of the provisions of this Chapter.

6.61.020 Exemption for Individuals

A. An exempt individual may personally give or administer, or personally offer to give or administer, a massage without having complied with this Chapter or Chapter 6.60, so long as all massages that are part of the individual's massage business are given or administered while engaging in practices within the scope of the exempted individual's applicable State license or holistic health practice.

B. Exempt Individuals. So long as the requirements of Subsection A are being met, for purposes of this Chapter, an "exempt individual" is one who is within one or more of the following categories:

1. Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective professions in the State of California;

2. Registered Nurses, Practical Nurses and Licensed Vocational Nurses who are licensed to practice under the laws of this state;

3. Trainers of any amateur, semiprofessional or professional athlete or athletic team;

4. Barbers and beauticians who are duly licensed under the laws of this State;

5. Holistic health practitioners, while engaging in practices within the scope of their practice. "Holistic health practitioner" is a non-medical health care therapist who uses massage in a therapeutic approach to caring for patrons. The practice of such health care therapist may include other services such as nutritional assistance or counseling as long as all massage activities are directed toward health care. To qualify for this exemption, the person, prior to initiating the conduct of a massage business within the City, must first present themselves to the Issuing Authority to be registered and provide proof of:

a. Satisfactory completion of no less than one thousand hours of instruction in such specialty or therapeutic approach at a school whose curriculum is accredited by the State of California; and

b. Membership in a State or nationally chartered organization devoted to the specialty of therapeutic approach whose members are subject to a code of behavior that is effectively enforced against members by the organization and which requires participation in continuing education;

c. Evidence of passing a qualified written examination prepared by the Health Department and administered by the Sheriff establishing competency and ability of the applicant to engage in the practice of massage; and

d. Evidence of passing an examination prepared and conducted by the Health Department wherein the applicant shall be required to demonstrate a basic knowledge of anatomy, physiology, hygiene, and manual and mechanical massage.

6. Hospitals, nursing homes, sanitariums, or other health care facilities duly licensed by the State of California, while engaging in practices within the scope of their licenses; or

7. Employees of an accredited high school, junior college or college, while engaging in practices within the scope of their employment.

6.61.030 Denial/Revocation of Exempt Status

A. Upon giving the individual notice, and an opportunity to be heard, an exemption specified in this Chapter may be denied or revoked by the City if the individual:

1. Loses the license required to qualify for the exemption; or

2. There is a criminal conviction that, in accordance with the express provisions of this Chapter, authorizes the denial or revocation of an operations permit.

B. An exemption, which is denied or revoked due to a loss of a qualifying license, shall not be reinstated until 1 year after the full, unconditioned license is reobtained.

C. An exemption, which is revoked due to a criminal conviction, shall not be reinstated for a period of 10 years.

D. An individual whose exemption is denied or revoked is subject to all of the regulations in this Chapter.

6.61.040 Definitions. The definitions found at Section 6.60.040 of this Code apply to this Chapter 6.61.

6.61.050 Issuing Authority. The City's Director of Finance is the Issuing Authority for the Certificate of Registration: Massage Technician.

6.61.060 Application.

A. An application shall be filed with the Issuing Authority no less than 45 days prior to the proposed date for the commencement of the giving or administering of massages.

B. If, during the processing of the application, there is any change in information contained in the application, the applicant shall notify the Issuing Authority, in writing, within two days of such change.

6.61.070 Contents of Application. The applicant for a Certificate of Registration: Massage Technician shall furnish the following information:

- A. Name, residence address and telephone number;
- B. The previous addresses of applicant, if any, for a period of three years immediately prior to the date of the application and the inclusive dates of residence at each;
- C. Social Security number and driver's license number, if any;
- D. Applicant's sex, weight, height, color of hair and eyes;
- E. Written evidence that the applicant is at least 18 years of age;
- F. Identification of the existing Operations Permit: Massage Business issued pursuant to Chapter 6.60 for the business at which the applicant will provide massage services or, identify a pending application for such Permit;
- G. Business, occupation or employment of the applicant for the five years immediately preceding the date of application;
- H. State whether the applicant has ever been convicted of any crime, except misdemeanor traffic violations. If the applicant has been so convicted, a statement giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained, the sentence imposed as a result of such conviction, and the circumstances surrounding the crime for which convicted;
- I. The business license or permit history of the applicant; whether the applicant, is previously operating in this or another county, city or state under license or permit, has had such license or permit suspended or revoked, the reason therefore, and the business activity or occupation subsequent to such suspension or revocation;
- J. Two portrait photographs, at least two inches by two inches, taken within the six (6) month period immediately preceding the date of application;
- K. The name and address of the massage establishment, if any, at which the applicant expects to be employed; and

L. The applicant's original State Massage License as well as a photocopy of the State Massage License, both to be provided by the applicant. Upon verifying the photocopy as an accurate copy of the original State Massage License, the Issuing Authority will return the State Massage License to the applicant.

6.61.080 Fees. There is no fee for a Certificate of Registration: Massage Technician.

6.61.090 Issuance of Certificate of Registration: Massage Technician. The Certificate of Registration: Massage Technician shall:

1. Identify the permittee;
2. Identify the permittee's State Massage License;
3. Identify the Massage Business for which the permittee will work;
4. Identify the massage establishment and the establishment's Operations Permit: Massage Business issued pursuant to Chapter 6.60;
5. Specifically permit off-premises massage service, if appropriate;
6. Impose conditions that are reasonable and necessary to the massage technician's compliance with the regulations of this Code;
7. Specify a permit expiration date, one year from the date of issuance;
8. Expressly state that while the Certificate of Registration: Massage Technician authorizes the person to give or administer massages, each person who gives or administers a massage must be part of a massage business which possesses and is in full compliance with the terms of, a validly issued, unexpired, and unrevoked Operations Permit: Massage Business;
9. Have affixed to the permit a photograph of the permittee; and

10. If appropriate, expressly note that the permittee is in a trainee status.

6.61.100 Denial of Application / Revocation of Certificate of Registration: Massage Technician. The Issuing Authority shall issue a Massage Certificate of Registration unless the Issuing Authority determines:

A. A State license is not authentic, valid or has expired;

B. In applying for the Massage Certificate of Registration, the applicant provided false or materially misleading information or concealed relevant information;

C. The applicant or permittee is not in compliance with the regulations of this Code; or

D. The applicant has not provided the information required by Section 6.61.070.

6.61.110 Regulations: Giving/Administering Massage. It is unlawful for a massage technician to give or administer, for commercial purposes, a massage unless such massage technician is in possession of, and is in full compliance with the terms of, a validly issued, unexpired, and unrevoked Certificate of Registration: Massage Technician and in full compliance with the following regulations:

A. It is unlawful for a massage technician to give or administer a massage unless the patron's Specified Anatomical Areas are fully covered;

B. No massage technician, while performing any task or service associated with the business of massage, shall massage or intentionally touch a Specified Anatomical area of another person; and

C. All massage must be provided in full compliance with the regulations provided in section 120 of Chapter 6.60, "Regulations: Massage Establishments."

6.61.120 Regulations: Off-Premises. It is unlawful for a massage technician to provide, or offer to provide, an off-premises massage unless:

A. The massage is to be given or administered between the hours of 7:00 a.m. and 12:00 a.m., midnight;

B. The massage technician is working as part of a massage business which is in possession of, and is in full compliance with the terms of, a validly issued, unexpired, and unrevoked Operations Permit: Massage Business and possesses a validly issued, unexpired, and unrevoked Certificate of Registration: Massage Technician;

C. It is unlawful for a massage technician to give or administer a massage unless the patron's Specified Anatomical Areas are fully covered;

D. No massage technician, while performing any task or service associated with the business of massage, shall massage or intentionally touch a Specified Anatomical Area of another person;

E. The massage is offered to be given or administered in full compliance with the regulations of this Title;

F. The massage is given or administered in full compliance with the regulations of this Title; and

G. Before the massage is given or administered, the massage technician presents to the patron a written document which lists the services available and the cost of such services. The services shall be described in readily understandable language.