

**AN ORDINANCE BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS
MODIFYING FORSYTH COUNTY MASSAGE AND SPA ESTABLISHMENT
ORDINANCE, ORDINANCE 124, AS CODIFIED AS ARTICLE 6 OF
CHAPTER 22 OF THE CODE OF FORSYTH COUNTY**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations, and

WHEREAS, O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the public health, safety, and welfare, and to adopt appropriate measures to enforce those ordinances; and

WHEREAS, Section 12.1 of the County's codified local laws authorizes the County to adopt ordinances exercising the police powers of the State of Georgia; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to adopt the amendment attached hereto as Exhibit A; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains as follows:

1. The text of Sections 22-226, 22-227, 22-229, 22-230, 22-232 of the Forsyth County Code of Ordinances are hereby replaced in their entirety by the text attached hereto as Exhibit A;
2. This Ordinance shall become effective immediately upon the date of adoption.

BE IT RESOLVED this _____ day of _____, 2017.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Todd Levent, Chairman

Rick Swope, Vice-Chairman

Laura Semanson, Secretary

Cindy J. Mills, Member

Ralph (Pete) Amos, Member

Attest:

Clerk to the Board

Exhibit A

Sec. 22-226. - Scope of regulations.

- a. All licenses and work permits issued under this article shall constitute a mere privilege to operate or work at the establishment specified in the license or work permit during the term of the license or work permit only, and shall be subject to all terms and conditions imposed by the County and state.
- b. This article shall not be enforced against:
 1. Any natural person who is a physician, chiropractor, physical therapist, massage therapist, or similar professional licensed and regulated by or through the state while engaged in the practice of the profession for which the person is licensed by the state;
 2. Any hospital or other professional health care establishment, including a physician's, physical therapists, or chiropractor's office, separately licensed as such by the state;
or
 3. Any other individual or entity expressly exempted from local legislation by the laws of the state.
- c. Licenses and work permits issued before the adoption of this article shall continue in effect for their original terms, subject to the regulations herein, including the provisions in section 22-232 as amended.
- d. All massage establishments, spa establishments, and their employees shall comply with this article upon its adoption, including those that hold a license or a work permit issued before the adoption of this article.
- e. The Sheriff may exempt a massage establishment or a spa establishment owned or operated by a licensed massage therapist and its employees and licensed contractors from the licensing requirements of sections 22-227, 22-228, and 22-229 for a specified calendar year. An exemption under this subsection expires on December 31 of the year for which it was granted. Upon the expiration of an exemption, the establishment and its employees are subject to all requirements of sections 22-227, 22-228, and 22-229. Any request for an exemption shall be submitted in writing to the Sheriff. The request for an exemption is automatically rejected unless the Sheriff grants the exemption. An exemption, if granted by the Sheriff,

shall be issued in writing and shall be based upon the following, non-exhaustive list of considerations:

1. Whether the establishment is part of a chain that operates in multiple locations under common ownership, franchise agreements, or a similar arrangement that involves centralized control or corporate supervision;
2. Whether all persons employed or working at the establishment are licensed massage therapists;
3. The establishment's, its owners', and its managers' histories relative to compliance with massage establishment or spa establishment licensing requirements;
4. Whether the location used by the establishment has been free from association with unlawful activity for the last 36 months; and
5. Whether the establishment is operated by a person who has been continually licensed pursuant to the Georgia Massage Therapy Practice Act for at least four years. The four-year consideration evidences that a licensed individual has secured and maintained the license for a reasonable duration. However, possessing a license for less than four years shall not automatically preclude receipt of an exemption.

Sec. 22-227. - Massage/spa establishment license required; application.

- a. Massage/spa establishment license required. It shall be unlawful for any person or legal entity to operate a massage establishment or a spa establishment in the County without a valid massage/spa establishment license or exemption therefrom. This license requirement is in addition to obtaining an occupation tax certificate pursuant to chapter 22, article II, pertaining to taxation.
- b. Application. An applicant for a massage/spa establishment license shall file in person at the Forsyth County Sheriff's Office, a completed application made on a form provided by the Sheriff. The application must be executed by the person primarily responsible for the operation of the establishment. If the applicant is a partnership, limited liability company, corporation, or other legal entity, the application must also be executed by an officer, member, partner or shareholder, as applicable. Signatures on the application shall be notarized. An application shall be considered complete when it contains the information

and/or items required in this subsection (b), accompanied by the annual regulatory fee:

1. The applicant's full legal name and any other names used by the applicant in the preceding five years.
2. A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1. If the applicant is a partnership, limited liability company, corporation, or other legal entity, a signed and sworn affidavit verifying the lawful presence of each person that executes the application on behalf of the applicant.
3. A signed and sworn affidavit attesting that the applicant either uses the federal work authorization program in accordance with federal regulations or that the applicant employs fewer than 11 people or otherwise does not fall within the requirements of O.C.G.A. § 36-60-6.
4. Current business address and residential mailing address for the applicant.
5. The business name, location, legal description, mailing address and phone number of the establishment.
6. If the applicant is a sole proprietor, written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
7. If the applicant is not a sole proprietor, then the partnership, limited liability company, corporation, or other legal entity shall submit a complete list of the legal entity's:
 - a. Officers;
 - b. Directors;
 - c. Partners, members, or shareholders (natural persons) holding a ten percent or greater ownership interest in such legal entity, or if there is no shareholder (natural person) with at least a ten percent interest, the ten shareholders with the greatest ownership interest;
 - d. Employee or agent primarily responsible for operation of the massage or spa establishment; and
 - e. Written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an

agency of a state or of the federal government for each person listed in subparts a. through d. above.

8. A statement of whether the applicant or any person listed in response to subsection (b)(7) has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has (at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
9. A statement of whether the applicant or any person listed in response to subsection (b)(7) has been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.
10. A statement of whether the applicant or a person listed in response to subsection (b)(7) has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has (at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
11. If the applicant is a partnership, limited liability company, corporation or other legal entity required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, such corporation must be chartered under the laws of the state or authorized by the secretary of state to do business in the state and must submit copies of the certificate of organization or incorporation, as applicable, and articles of organization or incorporation, as applicable.
12. A sworn and notarized statement of a registered agent who is a resident of Forsyth County, Georgia and at least 18 years of age, required to be designated by a licensee to receive any process, notice or demand required or permitted by law or under

this article to be served upon the applicant.

13. A statement whether the applicant is the owner of the premises wherein the establishment will be operated or the holder of a lease thereon for the period to be covered by the license. If the applicant is a lease holder, a copy of the lease shall be submitted with the license application.
14. [purposefully omitted].
15. For every person on the premises who offers, or will offer, services for which a license under O.C.G.A. §§ 43-24A-1, et seq. is required, a copy of the state license for each such person as well as a color photograph, no smaller than two inches by two inches, showing the face, neck, and shoulders of each such person; or, if there are none, a statement certifying that no person on the premises offers, or will offer, services for which said person is required to be licensed by the State of Georgia pursuant to O.C.G.A. §§ 43-24A-1, et seq.
16. As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the Georgia Bureau of Investigation and to the Federal Bureau of Investigation, as specified under Georgia law. Once an application, accompanying documents, and the required investigative and license fees are filed with the Forsyth County Sheriff's Office, the Sheriff's Office shall conduct a criminal investigation of the applicant and prepare a written criminal investigation report detailing all information relating to fingerprinting, criminal history, arrest data, and other matters pertinent to law enforcement. Upon receipt of the fingerprints and the appropriate fees, the Forsyth County Sheriff's Office will transmit both sets of fingerprints [and appropriate fees (unless a satisfactory billing arrangement has been entered into between the county/municipality and the state identification bureau)] to the Georgia Bureau of Investigation. The Georgia Bureau of Investigation will compare the subject's fingerprints against its criminal file and, [(1) if no disqualifying conduct is found therein (or) (2) if necessary], submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Georgia Bureau of Investigation, which will disseminate the state and national results to the Forsyth County Sheriff's

Office. Upon completion of the criminal investigation report, the Sheriff's Office shall assemble the tendered application forms and accompanying documents relating to investigation and processing of the application.

The information provided pursuant to this subsection (b) shall be supplemented in writing by certified mail, return receipt requested, to the Forsyth County Sheriff's Office within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- c. The information provided by an applicant in connection with an application for a license under this article shall be maintained on a confidential basis, and such information may be disclosed to the public only as required under governing law. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to any required disclosure under the Georgia Open Records Act or other applicable law.
- d. Issuance of license. Upon the filing of a completed massage/spa establishment license application, the Sheriff shall cause to be conducted a criminal background investigation, as set forth above, of the applicant. Within 60 days of the filing of the application, the Sheriff or his or her designee shall either issue a license to the applicant or issue a written notice of denial of the license to the applicant. The Sheriff or his or her designee shall issue the license unless:
 1. The applicant or a person listed in response to subsection (b)(7) is less than 21 years of age.
 2. The applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.
 3. The applicant is neither the owner of the premises wherein the establishment will be operated, nor the holder of a lease thereon for the period to be covered by the license.
 4. The annual regulatory fee required by this article has not been paid.
 5. [purposefully omitted]
 6. The County has revoked a massage/spa establishment license at the premises within the previous 36 months.
 7. The applicant or a person listed in response to subsection (b)(7) has been an owner,

director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has (at a time during which the person was so related to the establishment):

- a. Been declared by a court of law to be a nuisance; or
- b. Had its license to operate a massage establishment or a spa establishment revoked.

8. The applicant or a person listed in response to subsection (b)(7) has been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this article.

9. The establishment does not comply with all applicable building, health, and life safety codes, or the building to be occupied does not have a valid, current certificate of occupancy.

10. The applicant or a person listed in response to subsection (b)(7) has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has (at a time during which the person was so related to the establishment):

- a. Been declared by a court of law to be a nuisance; or
- b. Had its license to operate a massage establishment or a spa establishment revoked.

11. [purposefully omitted]

12. The applicant is a partnership, limited liability company, corporation or other legal entity that is required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, but is not so chartered or authorized.

e. A license, if issued, shall be issued in the name of the applicant. The license shall be posted in a conspicuous place at or near the entrance to the establishment so that it may be read at any time that the establishment is occupied by patrons or is open to the public.

f. Massage establishments and spa establishments shall post each employee's work permit issued by the County in a conspicuous place at or near the entrance to the establishment so that it may be read at any time that the establishment is occupied by patrons or is open to the public.

Sec. 22-228. -Regulatory fee; expiration.

- a. There shall be an annual regulatory fee, consisting of a nonrefundable investigative fee and a license fee, for each massage and spa establishment licensed within the County. The investigative and license fees shall be set by resolution of the Board of Commissioners and shall remain in effect until modified or amended by subsequent resolution adopted by the Board of Commissioners. The full regulatory fee shall be paid with the license application and shall not be prorated under any circumstances. If the applicant withdraws the application or the license is denied, the applicant shall be refunded the full license fee paid. No refund shall be allowed once the license has been issued.
- b. All licenses granted hereunder shall be for the calendar year and expire on December 31 of each year. Each subsequent application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. Existing licensees shall file applications by November 1 of each year for the following license year. Applications received after November 1 shall be subject to a ten percent late fee.
- c. No license issued pursuant to this article shall be transferable.

Sec. 22-229. - Employee work permits required.

- a. Massage/spa establishment work permit required. It shall be unlawful for any person to be an "employee," as defined in this article, of a massage establishment or a spa establishment in the County without a valid massage/spa establishment work permit, except that a person who holds a valid massage/spa establishment license, satisfies the criteria of subsection 22-226(b)(1), or who is listed in response to subsections 22-227(b)(7)(a.-c.) in relation to a valid massage/spa establishment license shall not be required to also obtain a massage/spa establishment work permit to be an "employee" at that particular licensed establishment. A person who works at more than one establishment shall obtain a separate work permit for each establishment. No applicant for a massage/spa establishment work permit shall work at a massage establishment or a spa establishment in the County until the applicant receives, and the establishment posts, the employee's work permit as required by this article. A receipt

issued by the County is not a valid massage/spa establishment work permit and does not authorize the person to work in a massage establishment or spa establishment.

- b. Application. An applicant for a massage/spa establishment work permit shall file in person at the Forsyth County Sheriff's Office, a completed application made on a form provided by the Sheriff. The application must be signed and notarized. Applicants shall make themselves available for photographing. An application shall be considered complete when it contains the information and/or items required in this subsection (b), accompanied by the work permit fee:
1. The applicant's full legal name and any other names used by the applicant in the preceding five years.
 2. Current business address or another mailing address for the applicant.
 3. Written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
 4. A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1.
 5. The name and address of the massage establishment or spa establishment for which the applicant seeks to obtain the work permit.
 6. A statement of whether the applicant has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has (at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
 7. A statement of whether the applicant has been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.

The information provided pursuant to this subsection (b) shall be supplemented in writing by certified mail, return receipt requested, to the Forsyth County Sheriff's Office within ten working days of a change of circumstances which would render the

information originally submitted false or incomplete.

- c. The information provided by an applicant about an application for a work permit under this article shall be maintained on a confidential basis, and such information may be disclosed to the public only as required under governing law. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to any required disclosure under the Georgia Open Records Act or other applicable law.
- d. Issuance of work permit. Upon the filing of a completed massage/spa establishment work permit application, the Sheriff shall cause to be conducted a criminal background investigation of the applicant. Within 15 days of the filing of a completed massage/spa establishment work permit application, the Sheriff or his or her designee shall either issue a work permit to the applicant or issue a written notice of denial of the work permit to the applicant. The Sheriff or his or her designee shall issue the work permit unless:
 1. The applicant is less than 18 years of age.
 2. The applicant has failed to provide information required by this article for issuance of a work permit or has falsely answered a question or request for information on the application form.
 3. The work permit fee required by this article has not been paid.
 4. The establishment for which the applicant seeks a work permit does not have a valid massage/spa establishment license from the County.
 5. The applicant has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has (at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
 6. The applicant has been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this article.
- e. The work permit, if issued, will be valid for a period of one year from the date it is issued. Replacement and additional work permit(s) shall be issued upon payment of one-half of the fee charged for a work permit and will expire the same date as the then-current work permit. A massage establishment or spa establishment employee shall provide the employee's work

permit to the establishment for which it was issued to be posted on the premises pursuant to this article.

- f. It shall be unlawful for an employee whose work permit has been revoked to refuse to return the work permit to the Forsyth County Sheriff's Office or to alter, conceal, deface, or destroy the work permit.
- g. The work permit fee for a massage/spa establishment work permit shall be set by resolution of the Board of Commissioners and shall remain in effect until modified or amended by subsequent resolution adopted by the Board of Commissioners.

Sec. 22-230. - General operating provisions.

- a. Massage establishments and spa establishments shall keep on file, on the premises of the establishment, a list of all persons who perform any service on the premises of the establishment, their home addresses and home or mobile telephone numbers, their duties and services performed for the massage or spa establishment, whether such person has a massage/spa establishment work permit issued by the County, and whether such person has a license or provisional permit issued by the state pursuant to the Georgia Massage Therapy Practice Act. The holder of a massage/spa establishment license must also keep on file, on the premises of the establishment, a copy of the establishment's two most recent license applications.
- b. Massage establishments and spa establishments shall maintain correct and accurate records of each instance that a service is provided, the type of service provided, and the name of the person at the establishment who provided the service. The records shall be subject to inspection by the County Manager, the Sheriff, and their designees during those times when the establishment is occupied by patrons or is open to the public.
- c. No massage establishment or spa establishment shall allow any person required to have any state mandated licenses, or a massage/spa establishment work permit pursuant to this article, to perform any service on the premises until such person has procured such license or work permit. Licensees and all managers and/or supervisors of any massage or spa establishment are required by this article to inspect and verify that each person who performs services on the premises who is required to have a valid state license or County work permit,

has the required license or work permit on the establishment premises at all times, and failure to do so shall be a violation of this article. No person on the premises engaging in massage for which a state license is required shall refuse to provide a copy of the person's state massage therapy license upon request by any customer or County official.

- d. Each massage establishment and spa establishment shall have, at a minimum, a licensed massage therapist, on the premises at all hours that the establishment is occupied by patrons or is open to the public. If during an inspection there is no licensed massage therapist on the premise, the establishment must cease operations and close until a licensed massage therapist is on the premises.
- e. Records required to be maintained under this article shall be kept for a minimum of two years. Records shall be made available to the County Manager, the Sheriff, or their designee, during business hours, at the establishment's business location in the County. County officials shall use reasonable efforts under the circumstances to minimize business interruption when seeking records under this sub-paragraph and will otherwise comply with all applicable State or federal laws with respect to health-related protected information.
- f. All employees and other persons on the premises, with the exception of customers receiving a massage from a state licensed massage therapist, shall be completely clothed. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body appropriate undergarments and either blouse or shirt which shall cover all the upper body save the arms and neck, and shall mean having on the lower body appropriate undergarments plus either pants or skirt, and said pants or skirt must cover from the waist down to a point at least two inches above the knee. No bras, bikini tops, bustiers, or like clothing may be exposed. All clothes worn in compliance with this article shall be entirely non-transparent.
- g. No employee may disrobe or in any way expose his or her genitals, pubic area, anus, or the areola or nipple of the female breast on the premises of a massage establishment or spa establishment.
- h. No customer receiving a massage from a state licensed massage therapist shall expose his or her genitals, pubic area, anus, or the areola or nipple of the female breast to another person on the premises of a massage establishment or spa establishment. The prohibition against a customer exposing the areola or nipple of the female breast while receiving a

massage from a state licensed massage therapist shall not apply when the massage therapist is certified to provide oncology massage or manual lymphatic drainage massage.

- i. No massage establishment or spa establishment shall be or remain open for business between the hours of 10:00 p.m. and 7:00 a.m. No person shall be or remain inside a massage establishment or spa establishment between the hours of 11:00 p.m. and 6:00 a.m. No massage establishment or spa establishment shall hold itself out as open at a time that the establishment is prohibited, under this subsection, from being open for business.
- j. A readable sign shall be posted at the main entrance identifying the establishment. Signs shall comply with the sign requirements of this Code.
- k. Minimum lighting shall be provided in accordance with the building code, as adopted by the Board of Commissioners, and at least one artificial light of not less than 40 watts (or equivalent illumination) shall be provided in each enclosed room or booth.
- l. Ordinary beds or mattresses shall not be permitted in any massage establishment or spa establishment.
- m. No massage establishment or spa establishment shall knowingly allow any minor (i.e., a person under the age of 18) to be or remain inside the massage establishment or spa establishment unless the minor is accompanied by his or her parent, legal guardian, or a person who is at least 21 years of age and has been entrusted with the minor by the minor's parent or legal guardian.
- n. No person shall knowingly touch, manipulate, fondle, or handle in any manner the sexual organs, genital area, or anus of any other person on the premises of a massage establishment or spa establishment.
- o. [purposefully omitted].
- p. [purposefully omitted].
- q. It shall be unlawful to operate a massage establishment or spa establishment with storefront windows that have material and glazing applied or affixed that reduces light transmission through the windows to less than 32 percent, plus or minus three percent, or increase light reflectance to more than 20 percent.
- r. Massage establishments, spa establishments, and their employees shall ensure that storefront windows are not blocked by curtains, blinds, or any other screening material during those times when the establishment is occupied by patrons or is open to the public.

- s. All patrons of massage and spa establishments shall be required to enter and exit the establishment via the establishment's front door. For purposes of this paragraph, the front door of the establishment shall be that door along the store-front portion of the establishment where signage announcing the business is placed and where the primary pedestrian or vehicular traffic occurs.
- t. No employee may assist any customer in showering, nor shall any employee make any physical contact with a customer while the customer is showering.

Sec. 22-232.- Revocation of license or work permit.

- a. No license or permit issued under this article shall be suspended (except as provided for in subsection (b)), revoked, or placed on probation, except for due cause as defined in subsection (c) hereof, and after a hearing before the board of commissioners upon reasonable notice to the licensee or permittee of the time, place, and purpose of such hearing and of the reason why the permit should be suspended or revoked. At least 15 days written notice shall be deemed reasonable.
- b. The chairman of the board of commissioners may suspend a license or permit issued under this article immediately or give 15 days' written notice that such license or permit is subject to suspension when there is cause to believe that grounds exist for suspending the license or permit prior to the conduct of a hearing before the board of commissioners. This action shall be reviewed by the board of commissioners at its next regular meeting, or, at the request of the licensee or permittee, a special meeting of the board of commissioners may be called within 15 days after such request is filed with the sheriff's office, and the board of commissioners may either affirm or overturn the suspension after the hearing of evidence. A license or permit issued under this article shall not be revoked or placed on probation except upon action by the board of commissioners.
- c. "Due cause" for the suspension, revocation, or placement on probation of a license or permit issued under this article shall include any of the following:
 - 1. The licensee or work permit holder has failed to maintain the qualifications for holding a license or work permit;
 - 2. The licensee or work permit holder has given false information in the application for

- the license or the employee work permit or has failed to supplement the application information as required by section 22-227(b) or section 22-229(b) after a change of circumstances that rendered the information originally submitted false or incomplete;
3. The licensee or work permit holder has failed to maintain correct and accurate records as required by this article;
 4. The licensee or work permit holder has engaged in or allowed possession, use, or sale of controlled substances on the premises of the establishment;
 5. The licensee or work permit holder has engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment;
 6. The licensee or work permit holder has knowingly allowed a person under the age of 21 years to consume alcohol on the premises of the establishment;
 7. The licensee or work permit holder has violated section 22-230(c);
 8. The licensee or work permit holder has knowingly allowed any minor (i.e., a person under the age of 18) to be or remain inside the massage establishment or spa establishment unless the minor is accompanied by his or her parent, legal guardian, or a person who is at least 21 years of age and has been entrusted with the minor by the minor's parent or legal guardian; or
 9. The licensee or work permit holder has allowed three or more violations of this article within a twelve-month period; or
 10. The licensee or work permit holder has been convicted of any specified criminal activity.
- d. The board of commissioners may specify conditions of operation of the permit holder during any period of probation. Such conditions shall be on file with the sheriff's office. No probation shall extend over a period of more than 36 consecutive calendar months.
 - e. When any person listed on a massage/spa establishment license application, any employee of the establishment, or any person who performs massage at the establishment, is arrested for unlawful sexual conduct of any kind alleged to have occurred at the massage establishment or spa establishment, no person listed on the establishment's license application and no employee of the establishment may apply for or be issued any new license or permit for that location

under Code of Forsyth County, Georgia, chapter 6, chapter 74, or chapter 22, articles II through V, until the arrestee is cleared or until 90 days following the arrest have passed, whichever occurs sooner. If a conviction occurs as a result of the arrest, then such conviction shall serve as a disqualifying event as set forth in sections 22-227 and 22-229.