

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING CHAPTER 5.52 OF THE RIVERSIDE MUNICIPAL CODE
PURSUANT TO CALIFORNIA ASSEMBLY BILL AB 1147.

The City Council of the City of Riverside does ordain as follows:

Section 1: The Table of Contents for Chapter 5.52, Massage, is amended in part to include
Section 5.52.145, Massage Establishment Land Use, as follows.

“Chapter 5.52

MASSAGE

Sections:

5.52.010 Findings and Purpose.

...

5.52.145 Massage Establishment Land Use.”

...

Section 2: Section 5.52.010, Findings and Purpose, is amended in part as follows.

“Section 5.52.010 Findings and Purpose.

The City Council finds and declares as follows.

...

E. Assembly Bill 1147 gives broad control over regulating massage establishments to local governments so that they may manage those establishments in the best interest of the individual community. The enactment of Business and Professions Code §§4600, et seq. has greatly restricted the City’s authority to regulate massage establishments and technicians. Consistent with this state law, this ordinance seeks to allow legitimate therapeutic massage services to flourish, while discouraging unlawful sexual activity and human trafficking associated with prostitution.”

Section 3: Section 5.52.020, Definitions, is amended in part to include definitions for
“Property” and “Surrender” as follows.

“Section 5.52.020 Definitions.

For the purposes of this Chapter, the following words, items and phrases shall have the meaning given herein:

...

1 “Property” means the entire parcel of property on which the massage establishment is located
2 and not just a separate unit or suite.

3 ...

4 “Surrender” also means revocation.”

5 Section 4. Section 5.52.050, Refusal to issue massage establishment permit, is amended in
6 part as follows.

7 **“Section 5.52.050 Refusal to issue massage establishment permit.**

8 A. The Chief of Police shall not issue or allow a transfer of a massage
9 establishment permit to an applicant under any of the following conditions.

10 ...

11 7. The Property has had a prior revocation of a massage establishment
permit or state massage certificate or the Property was associated with criminal
activity relating to massage establishment activity.”

12 Section 5. Section 5.52.060, Requirements for massage establishments, is amended in part as
13 follows.

14 **“5.52.060 Requirements for massage establishments.**

15 A. Every massage establishment shall:

16 ...

17 2. Display a copy of the original certificate or registration or state
18 certificate for all massage technicians employed at the massage establishment in an open and
19 conspicuous location.

20 3. Display a copy of the original, valid, massage establishment permit
21 issued by the City pursuant to this Chapter in an open and conspicuous location.”

22 Section 6. Section 5.52.070, Health and safety requirements, is amended in part as follows.

23 **“5.52.070 Health and safety requirements.**

24 No massage establishment shall engage in, conduct or carry on, or permit to be
25 engaged in, conducted or carried on, the operation of a massage establishment unless each
26 and all of the following requirements are met.

27 ...

28 D. Adequate bathing, dressing, locker, and toilet facilities shall be provided for
patrons.

1 ...

2 M. All massage technicians shall be clean and wear clean and sanitary outer
3 garments at all times. All outer garments shall be of a fully opaque, nontransparent material
4 and provide complete covering from at least the mid-thigh to two (2) inches below the
collarbone. The midriff may not be exposed.”

5 Section 7. Section 5.52.080, Prohibited conduct, is amended in part as follows.

6 **“5.52.080 Prohibited conduct.**

7 ...

8 C. No owner, massage technician, or other employee of a massage establishment,
9 or any other person shall:

10 ...

11 5. Provide a massage on a suspended certificate or permit.

12 6. Engage in sexually suggestive advertising furthering the business.

13 7. Engage in any form of sexual activity on the Property.”

14 ...

15 Section 8. Section 5.52.120, Badges, is amended in part as follows.

16 **“5.52.120 Badges.**

17 ...

18 B. The badge shall be ~~worn~~ available so as to be readily ~~visible~~ viewed at all
19 times while on the premises of the massage establishment.”

20 Section 9. Section 5.52.130, Revocation, is amended in part as follows.

21 **“5.52.130 Revocation.**

22 A. Subject to the procedures set forth in this section, the Chief of Police may
23 revoke a massage establishment permit or certificate of registration issued pursuant to this
24 Chapter whenever any of the following has occurred:

25 1. The holder of an establishment permit or certificate of registration is
26 acting in a manner contrary to, or has violated, any of the provisions of this code.

27 ...

1 C. To revoke a massage establishment permit, the Chief of Police shall serve
2 upon the holder thereof, either by personal service or by United States Mail sent to the last
3 known address, a written notice that said permit shall be revoked on a date specified in said
4 notice. The cause or causes for revocation may be appealed to the City Council's Public
5 Safety Committee pursuant the procedures set forth in Section 5.52.140 of this Chapter. All
6 massage activity at the massage establishment (in the case of an operator's permit) or work
7 activity by a massage employee (in the case of a certificate of registration) shall cease
8 following issuance of the notice of revocation and no activity for which the permit is required
9 shall be conducted ~~unless a notice of appeal is filed pursuant to Section 5.52.140 of this~~
10 ~~Chapter.~~"

11 ...

12 Section 10. Section 5.52.140, Appeal, is amended in part as follows.

13 **"5.52.140 Appeal.**

14 A. An appeal of the Chief of Police's decision to deny, revoke, or refuse to renew
15 a massage establishment permit or certificate of registration must be filed with the ~~City~~
16 ~~Council's Public Safety Committee by depositing said notice with the~~ City Clerk, in writing,
17 within ~~thirty~~ ten (10) calendar days after denial of the application or revocation of the
18 massage establishment permit has been served. The appeal shall clearly state the applicable
19 basis for the appeal.

20 ...

21 ~~C. In the event of a properly filed appeal of a revocation of a massage~~
22 ~~establishment permit, the revocation decision shall be stayed until such time as the Public~~
23 ~~Safety Committee has rendered a decision.~~

24 C. Should an appeal of a revocation of a massage establishment permit or state
25 massage certificate be filed, the revocation decision will remain in effect and no massage
26 activity may occur on the Property until such time as the Public Safety Committee has
27 rendered a decision.

28 D. Upon the filing of the appeal, the City Clerk shall set the matter for hearing
before the Public Safety Committee, which hearing ~~shall be within sixty (60) days after~~
~~receipt of said notice, and the Committee shall render its decision within ten (10) days after~~
~~the date of said hearing will be set at the next available Public Safety Committee Meeting.~~
The Committee may uphold, reverse or modify the decision of the Chief of Police.

E. Any withdrawal of an appeal or the surrender of the permit or certificate will
be deemed a revocation of that permit or certificate."

Section 11. Section 5.52.145, Massage Establishment Land Use, is added to Chapter 5.52 as
follows.

"5.52.145 Massage Establishment Land Use.

If the Property has had a massage establishment permit revoked or there was criminal
activity relating to massage activity on the Property, the Chief of Police may deny any
massage establishment permit for that Property."

1 Section 12: The City Council has reviewed the matter and, based upon the facts and
2 information contained in the staff reports, administrative record, and written and oral testimony,
3 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
4 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title
5 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change
6 in the environment nor have a significant impact on the environment.

7 Section 13: The City Clerk shall certify to the adoption of this ordinance and cause
8 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
9 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
10 adoption.

11 ADOPTED by the City Council this _____ day of _____, 20____.

12
13 _____
14 Mayor of the City of Riverside

15 Attest:

16 _____
17 City Clerk of the City of Riverside
18
19
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28

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 20____, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 20____,
5 by the following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10
11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 City of Riverside, California, this _____ day of _____, 20____.

13
14 _____
15 City Clerk of the City of Riverside
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26 CA: 15-2196
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