

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING
CHAPTER 5.52 THE RIVERSIDE MUNICIPAL CODE REGARDING
MASSAGE BUSINESSES

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

Section 1: Chapter 5.52 of the Riverside Municipal Code entitled Massage is hereby
amended in part as follows:

Sections:

- 5.52.020 Definitions.
- 5.52.030 Exceptions.
- 5.52.040 Massage establishment permit required.
- 5.52.050 Refusal to issue massage establishment permit.
- 5.52.060 Requirements for massage establishments.
- 5.52.070 Health and safety requirements.
- 5.52.080 Prohibited conduct.
- 5.52.090 Valid State Certificate required.**
- Reserved**
- 5.52.110 Registration for State certificate holders.
- 5.52.120 Badges.
- 5.52.130 Revocation.
- 5.52.140 Appeal.
- 5.52.145 Massage Establishment Land Use.
- 5.52.150 Penalty.
- ...

Section 2: Section 5.52.020 of the Riverside Municipal Code entitled Definitions is
amended in part 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:

“Accredited Recognized School” means an “approved school” or “approved massage
school” as defined in California Business and Professions Code Section 4600(a).

“California Massage Therapy Council” means the organization that provides voluntary
statewide certification of Massage Therapists pursuant to California Business and Professions

Code Section 4601(c), and to Massage Practitioners pursuant California Business and Professions Code Sections 4601(b), 4604(a), and 4604(c).

"Chief of Police" means the Chief of Police of the City of Riverside or his/her designee.

"City" means City of Riverside.

"Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange or gift or money, or anything of value.

"Crime" means a crime or public offense as defined under Penal Code Section 15 and 16 or offense under a local ordinance.

"Effective Date" means thirty (30) after the second reading of this Chapter by City Council.

...

"Sex Offenses" means an offense involving unlawful sexual conduct, such as prostitution, indecent exposure, pimping, sexual assault, sexual battery, and other similar offenses.

"State certificate" means a massage therapist certificate or massage practitioner certificate issued by the California Massage Therapy Council ("CMTC").

"Surrender" also means revocation.

...

Section 3: Section 5.52.060 of the Riverside Municipal Code entitled Requirements for massage establishments is hereby amended in part as follows:

5.52.060 Requirements for massage establishments.

A. Every massage establishment shall:

...

7. Provide the Chief of Police with a copy of a valid state certificate for every person who is employed or retained by the massage establishment to provide massage within thirty (30) calendar days of the commencement of such person's period of employment.

...

Section 4: Section 5.52.080 of the Riverside Municipal Code entitled Prohibited conduct is hereby amended in part as follows:

Section 5.52.080 Prohibited conduct.

1 ...

2 5. Provide a massage on a suspended or revoked state certificate -

3 ...

4 Section 5: Section 5.52.090 of the Riverside Municipal Code entitled Certificate of
5 registration required is hereby amended in part as follows:

6 **Section 5.52.090 Valid State Certificate required.**

7 A. No person, other than those holding valid state certificates, shall practice massage
8 therapy in a massage establishment in the City of Riverside.

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10 B. Upon the effective date of this Chapter, every person must obtain a valid state
11 certificate to practice massage therapy. If, on the effective date of this Chapter, a person is in
12 possession of a Certificate of Registration to provide massage therapy issued by the City of
13 Riverside, that person shall have one year from the effective date of this Chapter to obtain a valid
14 state certificate to provide massage therapy, failing to do so, the person must cease any massage
15 therapy in the City of Riverside and comply with the requirements of this Chapter.

16
17 C. A valid state certificate can be obtained through the California Massage Therapy Council.

18 Section 6: Section 5.52.100 of the Riverside Municipal Code entitled Refusal
19 to issue certificate of registration is hereby deleted in its entirety. ~~-RESERVED-~~

20 Section 7: Section 5.52.110 of the Riverside Municipal Code entitled Registration for
21 state certificate holder is hereby amended in part as follows:

22 **Section 5.52.110 State certificate holder requirements.**

23 A. - Every state certificate holder seeking to practice massage in the City must:

24 1. Fourteen days prior to providing massage, provide the Chief of Police the
25 following information:

26 ...

27 D.——

28 ~~E.D.~~ A state certificate holder shall notify the Chief of Police whenever there is a change

1 in information which was required to be submitted in the application. Such notification shall be
2 in writing and made within ten business days of the change.

3 Section 8: Section 5.52.120 of the Riverside Municipal Code entitled Badges is hereby
4 amended in part as follows:

5 **Section 5.52.120 Badges.**

6 ~~B.~~ The CMTC badge shall be available so as to be readily viewed at all times while
7 on the premises of the massage establishment.

8 Section 9: Section 5.52.130 of the Riverside Municipal Code entitled Revocation is
9 hereby amended in part as follows:

10 **Section 5.52.130 Revocation.**

11 A. Subject to the procedures set forth in this section, the Chief of Police may revoke a
12 massage establishment permit issued pursuant to this Chapter whenever any of the following has
13 occurred:

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

16 2. The holder of an establishment permit is acting in a manner that constitutes
17 a public nuisance.

18 3. The holder of an establishment permit is acting in a manner that is
19 detrimental to the health, safety or welfare of the city or its inhabitants.

20 4. The holder of an establishment permit or their agents, contractors or
21 employees has violated any laws in connection with the operation of this business or failed to
22 cooperate with the Riverside Police Department.

23 5. The Chief of Police makes any of the findings that would have justified
24 denying the application in the first instance.

25 B. If, in the discretion of the Chief of Police, the violation is capable of correction,
26 then prior to revocation a written notice shall be given to the permittee or certificate holder of the
27 violation(s) involved to allow a period of time to correct the violation(s), which period shall not
28 exceed five business days, at the end of which period, the police department shall conduct an

1 inspection to determine whether the violation(s) has been corrected. If the Chief of Police
2 determines that the violation is not capable of correction or finds that the violation(s) continues
3 without correction, then the Chief of Police may issue a notice of revocation. Examples of a
4 violation that will be determined by the Chief of Police to be not capable of correction include but
5 are not limited to substantial evidence of prostitution activity on the massage establishment
6 premises or an immediate threat to health, safety or welfare.

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

15 D. A revoked permit shall be immediately surrendered to the Chief of Police.

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19 Section 10: Section 5.52.140 of the Riverside Municipal Code entitled Appeal is hereby
20 amended in part as follows:

21 **Section 5.52.140 Appeal.**

22 A. An appeal of the Chief of Police's decision to deny or revoke a massage
23 establishment permit must be filed with the City Clerk, in writing, within ten (10) calendar days
24 after denial of the application or revocation of the massage establishment permit has been served.
25 The appeal shall clearly state the applicable basis for the appeal.

26 B. The scope of the appeal hearing pursuant to this Section shall be limited to those
27 issues raised by appellant in the written appeal, as submitted pursuant to subdivision (A) above.

28 C. Should an appeal of a revocation of a massage establishment permit or state

1 message certificate be filed, the revocation decision will remain in effect and no massage activity
2 may occur on the Property until such time as the Public Safety Committee has rendered a decision.

3 D. Upon the filing of the appeal, the City Clerk shall set the matter for hearing before
4 the Public Safety Committee, which hearing will be set at the next available Public Safety
5 Committee Meeting. The Committee may uphold, reverse or modify the decision of the Chief of
6 Police.

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

9 Section 11: Section 5.52.145 of the Riverside Municipal Code entitled Massage
10 Establishment Land Use is hereby amended in part as follows:

11 **Section 5.52.145 Massage Establishment Land Use.**

12 A. If, within the past five (5) years, the Property had a massage establishment permit
13 revoked under this Chapter or there was criminal activity relating to massage activity, including
14 sex offenses as defined in this Chapter, on the Property, the Chief of Police may deny any
15 subsequent massage establishment permit for that Property up to one year from the date of denial
16 of the massage establishment permit application

17 B. An appeal of a denial of a massage establishment permit under this section may be
18 made pursuant to the appeal provision of this Chapter.

19 Section 12: Section 5.52.150 of the Riverside Municipal Code entitled Penalty is hereby
20 amended in part as follows:

21 **Section 5.52.150 Penalty.**

22 A. Violation of this Chapter is an infraction or misdemeanor. Revocation of a permit
23 shall not be a defense against prosecution.

24 B. The provisions of this Chapter may be enforced through the administrative code
25 enforcement remedies set forth in Chapter 1.17 of this Code in addition to all other proceedings
26 authorized by this Code of otherwise by law. The prevailing party in any action, administrative
27 proceeding, or special proceeding to abate a nuisance shall be entitled to recover their attorney's
28

1 fees and costs pursuant to Chapter 1.01, 1.17, and 6.15 of this Code, and Government Code section
2 38773.5.

3 Section 12: The City Clerk shall certify to the adoption of this ordinance and cause
4 publication once in a newspaper of general circulation in accordance with Section 414 of the
5 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the
6 date of its adoption.

7 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk
8 this day of January, 2017.

9
10 _____
Mayor of the City of Riverside

11 Attest:

12
13
14 _____
City Clerk of the City of Riverside

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 and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the day of January, 2017, by the
5 following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

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

12
13 _____
14 City Clerk of the City of Riverside
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28 [16-1526]
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