



City of Arts & Innovation

Public Safety Committee Memorandum

TO: PUBLIC SAFETY COMMITTEE

DATE: JANUARY 18, 2017

FROM: CITY ATTORNEY'S OFFICE

WARD: ALL

**SUBJECT: ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING
CHAPTER 5.52 OF THE RIVERSIDE MUNICIPAL CODE RELATING TO
MASSAGE ESTABLISHMENTS**

ISSUE:

The issue for consideration is whether to amend Section 5.52 of the Riverside Municipal Code to clarify and define definitions and to establish requirements related to the massage establishments in the City of Riverside.

RECOMMENDATIONS:

That the Public Safety Committee recommend to the City Council adoption of the proposed amendments to Chapter 5.52 of the RMC regulating massage establishments.

BACKGROUND:

Certain amendments are necessary to Chapter 5.52 of the Riverside Municipal Code (RMC) in order to clarify, define and establish requirements to the current massage ordinance. Currently, Section 5.52.020 does not contain language defining the "effective date" of an ordinance after it has been amended. It also does not provide a definition regarding "sex offenses" relating to massage establishments and allows massage therapists to obtain a massage certificate through the City or the State. By amending the RMC, it will allow only state certified massage therapists to operate within the City. In addition, after one year from the effective date, every person practicing massage therapy must obtain a state certificate for massage therapy. The City will no longer be required to issue or reissue a certificate of registration for massage.

Currently, the Chief of Police may deny or revoke a massage establishment permit or certificate of registration to practice massage therapy. Relieving the City of issuing certificates of registration will place the burden solely on the state, however, the City will continue to have authority to revoke or deny a massage establishment permit.

Also, the RMC currently allows a massage establishment permit to be revoked if there has been a violation under Chapter 5.52 or a criminal activity relating to massage has occurred on the property. Amending Section 5.52.145 allows for a denial of a massage establishment permit if there has been such activity on the property within the last five years and prohibits massage therapy on the premises for up to one year from the date of denial. In addition, an appeal of the denial may be made pursuant to chapter 5.52.

Lastly, Section 5.52.150 currently allows a violation of this chapter to be prosecuted as a misdemeanor. By amending this section, it would allow prosecution of a violation(s) as an infraction or a misdemeanor. In addition, this Chapter does not provide for the recovery of attorney's fees and costs for the abatement of such a nuisance. Amending this section would allow the City to recover its reasonable attorney's fees and costs for prosecuting and abating the nuisance.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Gary G. Guess, City Attorney

Consurs with:



Jim Perry, Chair
Public Safety Committee

Attachment:

1. Draft Ordinance