

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING
CHAPTER 5.52 OF 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** ~~Certificate of registration~~ Valid State Certificate required.
- ~~5.52.100 Refusal to issue certificate of registration.~~ 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 the or City of Riverside certificate of registration or valid~~ 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:

1 **Section 5.52.080 Prohibited conduct.**

2 ...

3 5. Provide a massage on a suspended ~~certificate or~~ or -revoked state
4 certificate permit.

5 ...

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

8 **Section 5.52.090 ~~Certificate of registration~~ Valid State Certificate required.**

9 A. No person, other than those holding valid state certificates, shall practice massage
10 therapy in a massage establishment in the City of Riverside. ~~without first having applied for and~~
11 ~~having obtained a certificate of registration.~~

12 ~~B.——Any person desiring a certificate of registration shall file, under penalty of perjury,~~
13 ~~a written application on forms provided by and submitted to the Chief of Police accompanied by~~
14 ~~a non-refundable application fee in such amounts established by resolution of the City Council.~~

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

21 ~~C.——The application shall be completed and signed by the applicant. The application~~
22 ~~shall be deemed complete if it contains or is accompanied by the following information regarding~~
23 ~~the applicant:~~

24 1. ~~Full complete name and all aliases used and California driver's license~~
25 ~~number or California identification number.~~

26 2. ~~Current residence address and residential addresses for five (5) years~~
27 ~~immediately preceding the present address, and the inclusive dates for each such address.~~

28 3. ~~Acceptable proof that the applicant is at least eighteen (18) years of age.~~

1 4. ~~Date of birth and original documentation to verify both identity and~~
2 ~~employment authorization (if applicable), as listed under 8 U.S.C. Section 1324a(b)(1) and 8~~
3 ~~C.F.R. Section 274a.2(b)(1).~~

4 5. ~~The complete permit history including, but not limited to, massage or~~
5 ~~similar business; whether the applicant has ever had any permit or license issued by any agency;~~
6 ~~board, city, county, territory or state; the date of issuance of such a permit or license; whether the~~
7 ~~permit or license was denied, revoked or suspended; or whether a vocational or professional license~~
8 ~~or permit was denied, revoked or suspended, and the reason (s) therefore.~~

9 6. ~~All criminal convictions, including pleas of nolo contendere, within the last~~
10 ~~ten (10) years, including those dismissed pursuant to Penal Code Section 1203.4, and the date and~~
11 ~~place of each such conviction and reason and sentence therefore.~~

12 7. ~~All pending criminal charges for which the applicant is currently out on bail~~
13 ~~or on his/her own recognizance pending trial.~~

14 8. ~~Complete occupation and employment history for five (5) years preceding~~
15 ~~the date of application, including, but not limited to, the massage or similar business history and~~
16 ~~experience.~~

17 9. ~~A complete set fingerprints taken by the Riverside Police Department. The~~
18 ~~applicant shall be responsible for payment of any fingerprinting fee.~~

19 10. ~~The name and address of the establishment where the applicant will be~~
20 ~~working and, if the applicant is claiming to be an employee of the establishment, proof of bona~~
21 ~~fide employment by the massage establishment.~~

22 11. ~~A photograph taken by the Riverside Police Department.~~

23 12. ~~Applicant's height, weight, color of eyes and hair.~~

24 13. ~~Either (1) a diploma or certificate of graduation from an accredited~~
25 ~~recognized school wherein the theory, method, profession and work of massage is taught together~~
26 ~~with a certified transcript of the applicant's school records showing completion of a course of at~~
27 ~~least five hundred hours or (2) written proof that the applicant has been lawfully employed as a~~
28 ~~massage technician for at least two years prior to the filing of the application. Schools identified~~

1 by the California Massage Therapy Council as requiring state applicants to provide additional
2 evidence of education beyond just the transcript will be required to provide documents, letters,
3 receipts, statements, or other documents that might provide evidence of education; such evidence
4 will be reviewed by the Chief of Police to determine whether the applicant received an adequate
5 education.

6 14. — Verification from a physician stating that the applicant has been found to be
7 free from Tuberculosis and Hepatitis A, B and C. However, if a person with a communicable
8 disease wishes to be considered for licensing by the City, such individual must provide a report
9 from an appropriate medical specialist concluding that, based upon a recent physical and review
10 of medical records, allowing such individual to practice massage therapy would not interfere with
11 the individual's treatment or health and that the individual's practice of massage would not create
12 a risk to massage customers, including customers with compromised immune systems.

13 15. — Such other identification and information as the Chief of Police may require
14 to verify the truth of the matters set forth in the application.

15 16. — A statement in writing and dated by the applicant certifying under penalty
16 of perjury that all information contained in the application is true and correct.

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

19 D. — Each certificate of registration issued under this Section shall expire one year from
20 the date of issuance.

21 E. — An unrevoked certificate of registration may be renewed for one year by filing,
22 under penalty of perjury, a written application on forms provided by and submitted to the Chief of
23 Police, accompanied by a non-refundable renewal fee in such amounts established by resolution
24 of the City Council.

25 F. — A certificate of registration required under this section shall be in addition to any
26 license, permit or fee required under any other Chapter of this Code.

1 G. ~~The holder of a certificate of registration shall notify the Chief of Police whenever~~
2 ~~there is a change in information that was required to be submitted in the application. Such~~
3 ~~notification shall be in writing and made within ten business days of the change.~~

4 ~~H. The Chief of Police shall complete an investigation of the qualifications and moral~~
5 ~~character of the applicant and either grant or deny the permit within ninety (90) days after the~~
6 ~~submission of the completed application; provided, however, if good cause exists, the Chief of~~
7 ~~Police may extend the period of investigation for an additional thirty (30) days, provided the~~
8 ~~applicant is mailed notification or verbally notified that the investigation has not been completed.~~

9 Section 6: Section 5.52.100 of the Riverside Municipal Code entitled Refusal to issue
10 certificate of registration is hereby deleted in its entirety.

11 **5.52.100 Refusal to issue certificate of registration. RESERVED**

12 A. ~~The Chief of Police shall not issue a certificate of registration to an applicant under~~
13 ~~any of the following conditions:~~

14 1. ~~The applicant fails to or refuses to furnish the information or documents~~
15 ~~required by this Chapter or submits false, misleading, or incomplete information on the~~
16 ~~application.~~

17 2. ~~The applicant has been convicted of any of the following offenses, unless~~
18 ~~the Chief of Police finds the offense was so remote in time and that the applicant has been~~
19 ~~rehabilitated:~~

20 a. ~~A sexually related crime, including but not limited to California Penal Code~~
21 ~~Sections 266h, 266i, 314, 315, 316, 318, 647(a), 647(b), and 647(d);~~

22 b. ~~A crime involving dishonesty, fraud, deceit, or moral turpitude;~~

23 c. ~~A crime committed while engaged in the ownership or operation of a~~
24 ~~massage establishment or the practice of massage;~~

25 d. ~~Health and Safety Code Section 11550 or any crime involving the illegal~~
26 ~~sale, distribution or possession of a controlled substance specified in Health and Safety Code~~
27 ~~Section 11054, 11055, 11056, 11057 or 11058;~~

1 e. ~~Any crime involving conduct reasonably related to the occupation being~~
2 ~~regulated;~~

3 f. ~~Attempt to commit or conspiracy to commit any of the above mentioned~~
4 ~~offenses; or~~

5 g. ~~Any crime in any other state that is the equivalent of or substantially similar~~
6 ~~to any of the above mentioned offenses.~~

7 3. ~~The applicant has had a certificate of registration or other similar license or~~
8 ~~permit denied, suspended or revoked for cause by any city, county, state, local agency, or other~~
9 ~~licensing authority, or has had to surrender a permit or license as a result of pending criminal~~
10 ~~charges or in lieu of said permit or license being suspended or revoked.~~

11 4. ~~The applicant does not possess a sufficient educational training at an~~
12 ~~approved school.~~

13 5. ~~The issuance of a certificate of registration will not comport with the peace,~~
14 ~~health, safety, convenience, good morals, and general welfare of the public.~~

15 B. ~~Denial of certificate of registration shall be given to the applicant in writing and~~
16 ~~shall specify the grounds for such denial. Notice of the denial shall be deemed to have been served~~
17 ~~upon personal service or when deposited in the United States Mail with postage prepaid and~~
18 ~~addressed to the applicant at the address listed on the application. Such refusal to issue a permit~~
19 ~~may be appealed to the City Council's Public Safety Committee pursuant to Section 5.52.140 of~~
20 ~~this Chapter.~~

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

23 **Section 5.52.110** ~~Registration for~~ **State certificate holder** requirements.

24 A. ~~Although exempted from the application process under Section 5.52.090,~~ Every
25 state certificate holder seeking to practice massage in the City must:

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

28 . . .

1 ~~D. Registration renewals shall be required every year but such renewals shall be~~
2 ~~automatic and no fees shall be required as long as the applicant maintains a valid state certificate.~~

3 E.D. A state certificate holder shall notify the Chief of Police whenever there is a change
4 in information which was required to be submitted in the application. Such notification shall be
5 in writing and made within ten business days of the change.

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

8 **Section 5.52.120 Badges.**

9 ~~A. The Chief of Police shall issue an identification badge to every person properly~~
10 ~~registered to practice massage pursuant to this Chapter shall be issued an identification badge. This~~
11 ~~badge shall contain the person's name, photograph, expiration date and any other information~~
12 ~~deemed necessary by the Chief of Police.~~

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

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

17 **Section 5.52.130 Revocation.**

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

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

23 2. The holder of an establishment permit ~~or certificate of registration~~ is acting
24 in a manner that constitutes a public nuisance.

25 3. The holder of an establishment permit ~~or certificate of registration~~ is acting
26 in a manner that is detrimental to the health, safety or welfare of the city or its inhabitants.

1 4. The holder of an establishment permit ~~or certificate of registration~~ or their
2 agents, contractors or employees has violated any laws in connection with the operation of this
3 business or failed to cooperate with the Riverside Police Department.

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

6 B. If, in the discretion of the Chief of Police, the violation is capable of correction,
7 then prior to revocation a written notice shall be given to the permittee or certificate holder of the
8 violation(s) involved to allow a period of time to correct the violation(s), which period shall not
9 exceed five business days, at the end of which period, the police department shall conduct an
10 inspection to determine whether the violation(s) has been corrected. If the Chief of Police
11 determines that the violation is not capable of correction or finds that the violation(s) continues
12 without correction, then the Chief of Police may issue a notice of revocation. Examples of a
13 violation that will be determined by the Chief of Police to be not capable of correction include but
14 are not limited to substantial evidence of prostitution activity on the massage establishment
15 premises or an immediate threat to health, safety or welfare.

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

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

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27 //

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

3 **Section 5.52.140 Appeal.**

4 A. An appeal of the Chief of Police's decision to deny or revoke, ~~or refuse to renew~~ a
5 massage establishment permit ~~or certificate of registration~~ must be filed with the City Clerk, in
6 writing, within ten (10) calendar days after denial of the application or revocation of the massage
7 establishment permit has been served. The appeal shall clearly state the applicable basis for the
8 appeal.

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

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

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

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

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

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

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

28 B. An appeal of a denial of a massage establishment permit under this section may be

1 made pursuant to the appeal provision of this Chapter.

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

4 **Section 5.52.150 Penalty.**

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

7 B. The provisions of this Chapter may be enforced through the administrative code
8 enforcement remedies set forth in Chapter 1.17 of this Code in addition to all other proceedings
9 authorized by this Code of otherwise by law. The prevailing party in any action, administrative
10 proceeding, or special proceeding to abate a nuisance shall be entitled to recover their attorney's
11 fees and costs pursuant to Chapter 1.01, 1.17, and 6.15 of this Code, and Government Code section
12 38773.5.

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

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

19
20 _____
Mayor of the City of Riverside

21 Attest:

22
23
24 _____
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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