



*City of Arts & Innovation*

# City Council Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL      **DATE:** FEBRUARY 21, 2017

**FROM:** RIVERSIDE POLICE DEPARTMENT      **WARD:** ALL WARDS  
CITY ATTORNEY'S OFFICE

**SUBJECT:** ADOPTION OF AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,  
AMENDING CHAPTER 5.52 OF THE RIVERSIDE MUNICIPAL CODE  
REGULATING MASSAGE ESTABLISHMENTS

## **ISSUES:**

Adopt an ordinance amending Chapter 5.52 of the Riverside Municipal Code to clarify and define certain terms and to establish requirements related to massage establishments in the City of Riverside.

## **RECOMMENDATIONS:**

That the City Council introduce and subsequently adopt the attached Ordinance (Attachment 1) amending the Chapter 5.52 of the Riverside Municipal Code regulating massage establishments.

## **COMMITTEE RECOMMENDATION:**

The Public Safety Committee met on January 18, 2017, with Chair Perry, Vice Chair Melendrez and Member Burnard present, to consider amending the Riverside Municipal Code ("RMC") to revise the regulation of massage establishments. After discussion, the Committee unanimously voted to recommend that the City Council adopt an ordinance amending the Riverside Municipal Code regulating massage establishments in the City of Riverside.

## **BACKGROUND:**

On February 23, 2016, the City Council revised Chapter 5.52 of the RMC. Since implementation, additional clarification was necessary, so the matter was placed on the Public Safety Committee agenda for consideration.

## **DISCUSSION:**

Currently, the RMC does not have a definition for the inappropriate conduct at massage establishments. Defining this term would provide for greater clarity in the enforcement of Chapter 5.52. A definition for the effective date has also been added.

Currently, the City allows massage therapists to perform massage therapy with a State or City certificate. The amendment will allow only state certified massage therapists to operate within the City. With this amendment, all City issued massage certificate therapists will have one year from the "effective date" of the ordinance to obtain a state certificate to continue to practice massage therapy in the City. As of the effective date of the ordinance, the City will no longer issue or reissue a certificate of registration to practice massage therapy.

In connection with City issued massage therapy certificates, it is up to the Chief of Police to deny or revoke the City certificate. With this amendment, the City will be relieved of that burden and it will be placed solely on the State, who already has in place procedures to handle the issuance, revocation or denial of State permits. The City will continue to have authority to revoke or deny a massage establishment permits.

The RMC currently allows a massage establishment permit to be revoked if there has been a violation under Chapter 5.52 or criminal activity relating to massages has occurred on the property. The amendment to Chapter 5.52 will allow for a denial of a massage establishment permit, at the discretion of the Chief of Police, if there has been such illegal activity on the property within the past five years and will further prohibit the property from being used for massage activity up to one year from the date of denial of an application for a massage establishment permit. In addition, Chapter 5.52 is being revised to clarify the appeal process of a denied or revoked massage establishment permit.

Finally, amending Chapter 5.52 will allow a violation of this Chapter to be prosecuted as a misdemeanor or infraction. In addition, it will allow the City to recover its attorney's fees and costs in abating such nuisance and illegal activity.

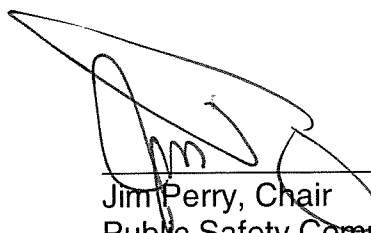
#### **FISCAL IMPACT:**

There is no fiscal impact associated with this report.

Prepared by: Gary G. Geuss, City Attorney  
Sergio Diaz, Chief of Police

Approved by: Alexander Nguyen, Assistant City Manager

Approved by:



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Jim Perry, Chair  
Public Safety Committee

Attachment:

1. Ordinance