

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

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

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

4 "City" means City of Riverside.

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

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

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

10 ...

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

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

15 "Surrender" also means revocation.

16 ...

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

19 **5.52.060 Requirements for massage establishments.**

20 A. Every massage establishment shall:

21 ...

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

25 ...

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

28 //

1           **Section 5.52.080       Prohibited conduct.**

2           ...

3                   5.       Provide a massage on a suspended or revoked state certificate.

4           ...

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

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

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

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

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

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.       A state certificate holder shall notify the Chief of Police whenever there is a change  
28 in information which was required to be submitted in the application. Such notification shall be

1 in writing and made within ten business days of the change.

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

4 **Section 5.52.120 Badges.**

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

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

9 **Section 5.52.130 Revocation.**

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

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

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

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

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

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

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

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

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

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

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

17 **Section 5.52.140 Appeal.**

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

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

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 activity  
26 may occur on the Property until such time as the Public Safety Committee has rendered a decision.

27 D. Upon the filing of the appeal, the City Clerk shall set the matter for hearing before  
28 the Public Safety Committee, which hearing will be set at the next available Public Safety

1 Committee Meeting. The Committee may uphold, reverse or modify the decision of the Chief of  
2 Police.

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

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

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

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

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

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

17 **Section 5.52.150 Penalty.**

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

20 B. The provisions of this Chapter may be enforced through the administrative code  
21 enforcement remedies set forth in Chapter 1.17 of this Code in addition to all other proceedings  
22 authorized by this Code or otherwise by law. The prevailing party in any action, administrative  
23 proceeding, or special proceeding to abate a nuisance shall be entitled to recover their attorney's  
24 fees and costs pursuant to Chapter 1.01, 1.17, and 6.15 of this Code, and Government Code section  
25 38773.5.

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

1 date of its adoption.

2 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk  
3 this 7th day of March, 2017.  
4

5 \_\_\_\_\_  
Mayor of the City of Riverside

6 Attest:  
7  
8

9 \_\_\_\_\_  
City Clerk of the City of Riverside  
10

11 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
12 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the  
13 21st day of February, 2017, and that thereafter the said ordinance was duly and regularly  
14 adopted at a meeting of the City Council on the 7th day of March, 2017, by the following vote,  
15 to wit:

16 Ayes:

17 Noes:

18 Absent:

19 Abstain:

20 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of  
21 the City of Riverside, California, this 7th day of March, 2017.  
22

23 \_\_\_\_\_  
City Clerk of the City of Riverside  
24  
25  
26  
27

28 [16-1526]  
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