



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: AUGUST 20, 2019
FROM: RIVERSIDE POLICE DEPARTMENT WARD: ALL WARDS
SUBJECT: ORDINANCE AMENDING CHAPTER 5.52 OF THE RIVERSIDE MUNICIPAL CODE REGULATING MASSAGE ESTABLISHMENTS

ISSUE:

Introduce and subsequently adopt an Ordinance amending Chapter 5.52 of the Riverside Municipal Code regulating massage business establishments.

RECOMMENDATION:

That the City Council introduce and subsequently adopt an Ordinance amending Chapter 5.52 of the Riverside Municipal Code regulating massage business establishments.

COMMITTEE RECOMMENDATION:

On June 19, 2019, the Public Safety Committee, with Chair Perry, Vice Chair Melendrez, and Member Adams present, unanimously recommended that the City Council adopt an Ordinance amending Chapter 5.52 of the Riverside Municipal Code relating to massage business establishments.

BACKGROUND:

On September 27, 2008, Governor Arnold Schwarzenegger signed California Senate Bill 731 into law establishing the California Massage Therapy Council ("CAMTC"). Senate Bill 731 limited the regulation of massage establishments by local agencies.

On September 18, 2014, Governor Jerry Brown signed Assembly Bill 1147 into law re-authorizing CAMTC and significantly revising the Massage Therapy Act, which effectively restored a significant amount of regulatory authority back to local agencies. AB 1147 went into effect on January 1, 2015, and substantially changed Business and Professions Code sections 460, 4600-4621, and Government Code section 51034.

On February 21, 2017, 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 on June 19, 2019.

DISCUSSION:

Assembly Bill 1147 restores broader control over regulating massage establishments to local government so that local agencies can manage massage establishments in the best interest of the individual community. The proposed ordinance will allow the City of Riverside (“City”) to ensure that Riverside Municipal Code (RMC) Chapter 5.52 relating to massage business establishments is consistent with state law, allowing legitimate therapeutic massage services to flourish, while discouraging unlawful sexual activity and human trafficking associated with prostitution.

The proposal to amend RMC 5.52 will greatly help the Riverside Police Department to clarify language and processes when conducting investigations related to massage establishments. The proposed amendments include, but are not limited to, the following: standardized hours of operation for massage establishments to follow, mandate that massage technicians display their original California Massage Therapy Council (CAMTC) certificate inside the business in a conspicuous location, require a massage technician obtain a CAMTC (State) Certificate prior to performing massage therapy services, require the owner, employee(s), and technician(s) to comply with State and Local health and safety requirements.

RMC 5.52 currently allows the Chief of Police to revoke a massage establishment permit as a form of discipline. Adopting the proposed amendments, will allow the Chief of Police to suspend a massage establishment permit as an alternative form of discipline. The amendments, upon adoption, will also outline the appeal process and clarify that appeal proceedings will be heard by an independent Administrative Hearing Officer, rather than by the Public Safety Committee.

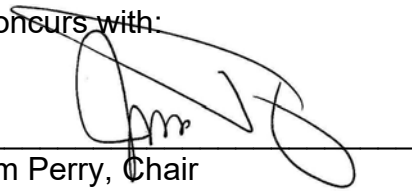
Furthermore, the proposed amendments include reasons for which a massage business establishment permit application can be denied, as well as, other minor changes, deletions, additions, and clarifications included in the attached Ordinance.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Sergio G. Diaz, Chief of Police
Certified as to
Availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by: Lea Deesing, Assistant City Manager
Approved as to form: Gary G. Guess, City Attorney

Concurs with:

A handwritten signature in black ink, appearing to be 'Jim Perry', is written over a horizontal line. The signature is stylized and somewhat cursive.

Jim Perry, Chair
Public Safety Committee

Attachment: Ordinance