



COMMUNITY DEVELOPMENT DEPARTMENT  
"Promoting and Sustaining Quality Development"

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~NOTICE~

**CITY OF CORONA REVISES CORONA MUNICIPAL CODE CHAPTER 5.28, *MASSAGE ESTABLISHMENTS*, TO REQUIRE AN OPERATOR OF A MASSAGE ESTABLISHMENT TO OBTAIN A MASSAGE ESTABLISHMENT PERMIT FROM THE CORONA POLICE DEPARTMENT.**

The recent passage of Assembly Bill (AB) 1147 became effective on January 1, 2015, and reinstated the city's authority to regulate the business of massage establishments. Chapter 5.28 of the Corona Municipal Code (CMC) governs massage establishments within the city and was amended on January 21, 2015, to require an operator of a massage establishment to obtain a *massage establishment permit* from the Corona Police Department. The revised ordinance requires existing massage establishments in operation on or before January 21, 2015 to submit for a massage establishment permit on or before April 20, 2015. The information required at the time of application for a permit is described in CMC Section 5.28.035 of the attached ordinance. As required by CMC Section 5.28.035(B), each operator and any manager or managing employee of a massage establishment will be required to pass a written exam dealing with the requirements of Chapter 5.28. Additionally, commercial storefront massage establishments that have made interior changes to the building without first obtaining a building permit will be required to submit tenant improvement plans to the Community Development Department Building Division for review for compliance with the California Building Code and applicable municipal codes. Massage establishments will be subject to the operating requirements listed in CMC Section 5.28.050 and establishments operating as a home occupation are subject to the criteria described in CMC Section 5.28.080. Establishments are required to be in compliance with the city's ordinance by August 15, 2015.

The city's application for a massage establishment permit can be obtained from the Corona Police Department located at 730 Public Safety Way, Corona. The department's lobby hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. An application can also be downloaded from the city's website at [www.discovercorona.com](http://www.discovercorona.com) from the Police Department's homepage.

Existing massage establishments that have not submitted an application for a massage establishment permit and continue to operate after April 20, 2015, will be issued a Notice of Violation by the city's Code Enforcement Division. Once a notice of violation is issued the operator of the establishment will only have 10 days to submit an application for a permit to the Police Department. Failure to submit an application by the deadline will result in the city being able to issue the operator of a massage establishment administrative citations for Corona Municipal Code violations. This means that each and every day the business remains in violation of the CMC is a separate offense, subject to the issuance of a new administrative citation for each section violated. Massage establishments in violation of CMC Chapter 5.28 would result in a \$250 fine the first day, a \$350 fine the second day, and each and every day thereafter would result in a \$500 fine. Furthermore, establishments that are not granted a permit by August 17, 2015 and continue to operate will be subject to the aforesaid fines.

A copy of CMC Chapter 5.28 is attached for your reference. If you have questions on the permit application, please contact the Police Department at (951) 736-2414.

Respectfully submitted by,  
Corona Police Department and Corona Community Development Department

**EXHIBIT "A"**

**"CHAPTER 5.28  
MESSAGE ESTABLISHMENTS**

Sections

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**5.28.010 Title.**

This chapter shall be known as the City of Corona's Massage Establishment Regulations.

**5.28.015 Findings and purpose.**

The City Council finds and declares as follows:

(A) Businesses regulated by this chapter involve significant intimate contact between persons, which creates opportunities for injury or other harm to persons, acts of prostitution, and other unlawful sexual or other activity to occur, thus the permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the public peace, health, safety and welfare of the citizens of the City of Corona, as well as those who frequent or are involved with the businesses regulated by this chapter;

(B) The City of Corona is authorized, by virtue of the State Constitution and Cal. Gov't Code § 51030 *et seq.*, to regulate massage establishments by imposing certain minimum building sanitation and operation standards for such establishments;

(C) There is a significant risk of injury to massage clients by improperly trained and/or educated massage therapists and this chapter provides reasonable safeguards against

injury and economic loss by prohibiting any person from performing massage services unless such person is certified by the California Massage Therapy Council;

(D) There is opportunity for acts of prostitution and other unlawful sexual or other activity to occur in massage establishments. Courts have long recognized massage as a pervasively regulated activity and that massage establishments are often brothels in disguise. The establishment of reasonable standards for issuance of permits to operate a massage establishment and restrictions on operations would serve to reduce the risk of illegal activity;

(E) The restrictions and requirements contained in this chapter reduce the burdens on the Police Department and permit the deployment of the police personnel such that more serious crimes may be prevented and more important laws enforced;

(F) The regulations and restrictions contained in this chapter tend to discourage massage establishments from degenerating into houses of prostitution and the means utilized in this chapter bear a reasonable and rational relationship to the goals sought to be achieved.

(G) The regulations and restrictions contained in this chapter are consistent with all of the objectives, policies, general land uses, programs and actions of all elements of the Corona General Plan, and none of the proposed regulations conflict with current General Plan.

(H) The regulations and restrictions contained in this chapter are not detrimental to, and are instead necessary to preserve and protect, the public peace, health, safety and general welfare of the City, its residents and businesses.

#### **5.28.020 Definitions.**

Unless the particular provision of the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter.

(A) **“California Massage Therapy Council.”** The non-profit organization created pursuant to Chapter 10.5 of Division 2 of the Business and Professions Code of the state (commencing with Section 4600).

(B) **“Chief of Police.”** The Chief of Police of the City of Corona or his or her designated representative.

(C) **“City Manager.”** The City Manager of the City of Corona or his or her designated representative.

(D) **“City Council.”** The City Council of the City of Corona.

(E) **“Conviction”** or **“Convicted.”** A plea or verdict of guilty or a conviction following a plea of nolo contendere.

(F) “**Employ.**” The term “employ” shall include contracting with independent contractors.

(G) “**Employee.**” The term “employee” shall include independent contractors.

(H) “**Health Department.**” The Health Services Agency of the County of Riverside.

(I) “**Manager or “Managing employee.”** The person(s) designated by the operator of the massage establishment to act as the representative and agent of the operator in managing any or all day-to-day operations of the massage establishment. Evidence of management includes, but is not limited to, evidence that the individual has power to direct or hire and dismiss employees, control hours of operation, create policies or rules or purchase supplies. A manager or managing employee may also be an owner. A manager or managing employee need not have any particular title, including the title of manager, so long as he or she is principally in charge of any or all day-to-day operations of the massage establishment.

(J) “**Massage.**” Any method of treating the external parts of the body for remedial, hygienic, relaxation or any other reason or propose, whether by means of pressure on, friction against or stroking, kneading, tapping, pounding, vibrating, rubbing or other manner of touching external parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powders, creams, ointment or other similar preparations commonly used in this practice.

(K) “**Massage establishment.**” Any business conducted within the City of Corona where any person, firm, association, partnership, corporation or combination of individuals engages in, conducts, carries on or permits to be conducted or carried on, for money or any other consideration, administration to another person of a massage, bath or health treatment involving massages or baths.

(L) “**Massage establishment permit.**” The permit required pursuant to the provisions of this chapter to operate or manage a massage establishment.

(M) “**Massage therapist.**” Any person who is certified by the California Massage Therapy Council as a Certified Massage Practitioner or a Certified Massage Therapist pursuant to California Business and Professions Code sections 4600 *et seq.*

(N) “**Operator.**” All persons who have an ownership interest in the massage establishment or home occupation massage business and are responsible for its day-to-day operations.

(O) “**Owner.**” The person(s) whose name appears on the city business license for a massage establishment.

(P) “**Person.**” Any individual, or corporation, partnership, association or other group or combination of individuals acting as an entity.

(Q) **“Police Department.”** The Police Department of the City of Corona.

**5.28.030 Message establishments - permit required.**

No person shall operate a massage establishment within the city without first obtaining a massage establishment permit pursuant to §§ 5.28.035 and 5.28.040 of this chapter, securing the necessary business license as required by this code and complying with Title 5 of this code. Permits are in effect when approved by the Chief of Police and shall be for a uniform period of time. The length or applicable dates of permits may be periodically and uniformly changed by the Chief of Police prospectively.

**5.28.035 Message establishments – application for permit.**

(A) Any person desiring a massage establishment permit (including a renewal of an existing permit) shall file a written application on the required form with the Chief of Police who shall conduct an investigation. The application shall be accompanied by the appropriate filing fee established by resolution of the City Council. The application shall be completed and signed by the operator of the proposed massage establishment, if a sole proprietorship; one general partner, if the operator is a partnership; one officer or one director, if the operator is a corporation; and one participant, if the operator is a joint venture. The application for permit does not authorize operation of a massage establishment unless and until such permit has been properly granted pursuant to this chapter. The application shall contain or be accompanied by the following information:

(1) Five (5) folded (8 ½" x 14") copies of a full size site plan drawn to scale showing the building, parking and access, as well as five (5) folded (8 ½" x 14") copies of the floor plan showing the square footage of the building area or tenant space. The areas on the floor plan shall be drawn to scale and properly labeled with the accurate square footage (example: reception area, massage treatment rooms, bathroom, utility room, etc.). An operator of a massage establishment shall also comply with the city’s building permit requirements as provided in § 5.28.050(A)(1), as no massage establishment permit will be issued unless and until such requirements are satisfied and any needed building permits have been issued and final approval obtained.

(2) The type of ownership of the business; for example, whether by individual, partnership, corporation or otherwise. If the operator is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than 5% of the stock of that corporation. If the operator is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If the operator is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The corporation or partnership shall designate one of its officers or general partners

to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required under this chapter, but only one application fee shall be charged;

(3) The precise name under which the massage establishment is to be conducted;

(4) The complete address and all telephone numbers of the massage establishment;

(5) A complete current list of the names and residence addresses of all proposed massage therapists and employees in the massage establishment and the name and residence addresses of the manager or managing employee;

(6) A copy of the massage therapist or massage practitioner certification issued by the California Massage Therapy Council for each person proposed to perform or administer massage services in the massage establishment.

(7) A description of any other business operated on the same premises or within the City of Corona or the State of California which is owned or operated by the operator;

(8) The following personal information concerning the operator and, where indicated, the manager or managing employee:

(a) Full complete name and all aliases used by the operator;

(b) Current address and all previous residential addresses for eight years immediately preceding the present address of the operator;

(c) Acceptable proof that the operator is at least 18 years of age;

(d) Height, weight, color of hair, eyes and gender;

(e) Two front faced portrait photographs at least two inches by two inches in size;

(f) The operator's complete business, occupation and employment history for eight years preceding the date of application, including, but not limited to, the massage or similar business history and experience of the applicant;

(g) The complete massage permit history of the operator, whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state; the date of issuance of such a permit or license, whether the permit or license was denied, revoked or suspended; and the reason therefor;

(h) All criminal convictions, including pleas of nolo contendere, within the last ten years, including those dismissed or expunged pursuant to Penal Code §

1203.4, but excluding minor traffic violations, and the date and place of each such conviction and reason therefor;

(i) A complete set of fingerprints taken by the Police Department for the operator and any manager or managing employee;

(9) The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property;

(10) Authorization for the city, its agents and employees to seek verification of the information contained in the application;

(11) Such other identification and information as the Chief of Police may require in order to discover the truth of the matters herein specified and as required to be set forth in the application;

(12) A statement in writing and dated by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct;

(13) Statements in writing and dated by the operator and any designated manager(s) certifying under penalty of perjury that they:

(a) Have received a copy of this chapter;

(b) Understand its contents; and

(c) Understand the duties of an operator or manager, as the case may be, as provided in this chapter;

(14) If, during the term of a permit, the permit holder has any change in information submitted on the original or renewal application, the permit holder shall notify the Police Department of such change in writing, within ten business days of such change.

(B) Prior to the issuance of a massage establishment permit, each operator and any manager or managing employee shall pass a written examination dealing with the requirements of this chapter. Following the issuance of a massage establishment permit, if the operator wishes to appoint a new manager or managing employee, such person shall not assume the role unless and until he or she passes the written examination dealing with the requirements of this chapter. The examination shall be prepared, conducted and graded by the city. The Chief of Police shall establish standards and procedures governing the administration and grading of all examinations and shall exercise such supervision as may be necessary to ensure compliance therewith. A score of 70% or better is required on each section of the written examination. An operator, manager or managing employee who fails to pass the examination shall not be eligible to take another

examination until 60 days after the previous examination. Any person who then fails to pass upon a second attempt shall not again be eligible until six months thereafter. An additional processing fee shall be required to be filed with the Chief of Police prior to each re-examination, if the city has adopted such a fee. The examination will be administered in the English language. In the event an operator, manager or managing employee requires that the examination be given in another language, he or she must, on his or her own, make arrangements with a court-certified and Corona Police Department-approved interpreter to interpret the examination. Proof of court certification must be provided to the Chief of Police no less than five days prior to the administration of the examination. An operator whose massage establishment permit has been suspended or revoked for a violation of this chapter, as well as any other manager or managing employee of such massage establishment, shall be required to pass the written examination described in this section prior to reinstatement or reissuance of the permit.

#### **5.28.040      **Massage establishments - permit issuance and denial.****

(A) Upon receipt of a written application for a massage establishment permit, the Chief of Police shall conduct an investigation to ascertain whether such permit should be issued. The Chief of Police shall, approve, conditionally approve or deny the application within 60 days of the applicant's passing of the examination set forth in § 5.28.035(B). The 60 day period may be extended by the Chief of Police for up to 30 additional days, if necessary, to complete the investigation. The Chief of Police shall issue such permit, unless he or she makes any of the following findings:

(1) The operator, if an individual, or any of the officers or directors of the corporation, if the operator is a corporation; or a partner, if the operator is a partnership, or any person directly engaged or employed in the massage establishment, has within eight years preceding the date of the application:

(a) Been convicted of a violation of California Penal Code §§ 266h, 266i, 314, 315, 316, 318, 647(a) or (b) or any other provision of law pursuant to which a person is required to register under the provisions of Penal Code § 290 or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of California Penal Code § 415 or any lesser included or lesser related offense in satisfaction of, or as a substitute of, any of the previously listed crimes;

(b) Been convicted of a violation of Health and Safety Code § 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code §§ 11054, 11055, 11056, 11057 or 11058;

(c) Been convicted of any offense in any other state which is the equivalent of any of the above-mentioned offenses;

(d) Been engaged in conduct in another jurisdiction which, if it had occurred within the city, would constitute grounds for denial, suspension or revocation under this chapter;

(e) Been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal Code §§ 11225 through 11235 or any similar provisions of law in a jurisdiction outside the State of California;

(f) Engaged in conduct which would constitute an offense as described in subsection (a);

(g) Committed an act in another jurisdiction which, if committed in this state, would have been a violation of law and which, if done by an operator under this chapter, would be grounds for denial, suspension or revocation of the permit;

(h) Been convicted of an act involving dishonesty, fraud, deceit or moral turpitude or an act of violence, which act or acts are related to the qualifications, functions or duties of an operator of a massage establishment;

(i) The operator has had a license or permit to operate a massage establishment or provide massage services denied, suspended or revoked for cause by a licensing authority, including the California Massage Therapy Council, or by any city, county or state;

(2) The operator has made a false, misleading or fraudulent statement or omission of fact to the city in the permit application process;

(3) The application does not contain all of the information required by § 5.28.035;

(4) The massage establishment, as proposed by the applicant, does not comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards;

(5) The applicant has not satisfied the requirements of this chapter in the time specified;

(6) The operator does not possess a valid business license issued pursuant to this Code.

(B) If the application is denied for failure to comply with subsections (A)(2) or (A)(3) above, the operator may not reapply for a period of six months from the date the application was denied.

**5.28.050 Massage establishments - facility and operating requirements.**

(A) No massage establishment permit shall be issued unless an inspection by the City reveals that the massage establishment complies with each of the following minimum requirements, and every massage establishment shall comply with the following requirements, and no person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, any massage establishment unless each of the following requirements are met, and no person shall perform or administer a massage or advertise to provide massage services in an establishment unless each of the following requirements are met:

(1) **Structure; building and inspection requirements.** Massage establishments shall be located in a zoning district which permits such use and shall be operated within a structure for which the City has issued all necessary building and other permits for occupancy and operation. When a new massage establishment is constructed, five (5) folded (8 1/2" x 14") copies of a full size floor plan shall be submitted to the City of Corona and the Health Services Agency of Riverside County for approval, and shall be accompanied by the appropriate plan check fee. If an operator intends on occupying a structure previously used as a massage establishment, a copy of the approved building permit shall be submitted to the Police Department along with the site plan required by § 5.28.035. The City shall not issue a massage establishment permit for a massage establishment unless and until all tenant and other improvements within the massage establishment have been properly permitted as required by the Corona Municipal Code and state law. The massage establishment shall comply with all applicable building and site development standards of the Corona Municipal Code and state law, including, but not limited to, the California Building Codes, the California Fire Code and the health and safety requirements of the Corona Municipal Code. The massage establishment shall also comply with all applicable city permit and inspection procedures.

(2) **Signs; display of permits.** Each operator shall post and maintain, in compliance with existing state and city laws, a readable sign identifying the premises as a massage establishment. The sign and the front of the business shall not be illuminated by strobe or flashing lights. Each operator and/or on-duty manager shall display the massage establishment permit in a conspicuous public place in the lobby of the massage establishment. In addition, as indicated in § 5.28.050(A)(34), each operator and/or on-duty manager shall ensure that the current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council for each massage therapist employed at the establishment (whether on-duty or not) is conspicuously displayed in a public place in the lobby, and that each massage therapist is wearing or has in their possession the identification required by § 5.28.050(A)(28) at all times when in the massage establishment. The operator and/or on-duty manager must also post, on a daily basis in a conspicuous public place in the lobby, the name of the operator and/or on-duty manager, as well as all on-duty massage therapists. Finally, the hours of operation must be posted in the front window and clearly visible from the outside.

(3) **Services list.** Each operator shall post and maintain a list of services available and the cost of such services in a conspicuous public place within the massage establishment. No operator and/or on-duty manager shall permit, and no massage therapist shall offer or perform, any service other than those posted.

(4) **Lighting.** Each operator shall provide in each room where massage is given sufficient lighting and ventilation that complies with the California Building Code. The lighting in each massage room shall be activated at all times while the patron is in such room or enclosure.

(5) **Bath facilities.** A minimum of one toilet and one separate wash basin shall be provided for patrons in each massage establishment, which basin shall provide soap or detergent and hot running water at all times and shall be located within close proximity to the area devoted to the performing of massage services. A permanently installed soap dispenser, filled with soap, and a single service towel dispenser shall be provided at the restroom handwash sink. No bar soap can be used. A trash receptacle shall be provided in each toilet room. Showers may be provided at the operator's option. Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each business day.

(6) **Separate rooms.** If male and female patrons are to be treated simultaneously at the same massage establishment, separate massage rooms shall be provided for male and female patrons.

(7) **Maintenance.** All facilities, including appliances and apparatus, for the massage establishment must be in good repair and shall be thoroughly cleaned and sanitized each day the business is in operation. All walls, floors and ceilings of each restroom and shower area shall be made smooth and easily cleanable. No carpeting shall be installed in any of these areas.

(8) **Massage table.** A massage table shall be provided in each massage room and the massage shall be performed on this massage table. The tables should have a minimum height of 18 inches. Two inch thick foam pads with maximum width of four feet may be used on a massage table and must be covered with durable, washable plastic or other waterproof material. Beds, floor mattresses, waterbeds and shower tables are not permitted on the premises.

(9) **Equipment.** Each operator and/or on duty manager shall provide and maintain on the premises adequate equipment for disinfecting and sterilizing instruments used in massage.

(10) **Inspections.** The operator and/or on-duty manager consents to the inspection of the massage establishment by the city's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are met.

(a) The city's Building and Safety Division, Code Enforcement Division, Fire Department, Police Department and the County Health Department may, from time to time, make an inspection of each massage establishment for the purpose of determining that the provisions of this chapter, state law or other applicable laws or regulations are met. Routine inspections shall not occur more than twice a year, unless violations are found or complaints are received. Criminal investigations may be conducted as directed by the Chief of

Police. The Police Department may inspect the occupied massage rooms for the purpose of determining that the provisions of this chapter are met upon occurrence of any of the conditions described in division (A)(25) which would require the posting of the Notice To All Patrons. During an inspection, the Police Department may verify the identity of all on-duty employees.

(b) Inspections of the massage establishment shall be conducted during business hours.

(c) An operator of a massage establishment or his or her agent, servant or employee commits an offense if he or she refuses to permit a lawful inspection of the premises by a representative of the Police Department at any time it is occupied or open for business.

(11) **Linen.** Common use of towels or linen shall not be permitted. Towels and linen shall be laundered or changed promptly after each use. Separate cabinets or containers shall be provided for the storage of clean and soiled linen.

(12) **Living prohibited.** No person or persons shall be allowed to live inside the massage establishment at any time. All living quarters shall be separate from the massage establishment. No food of any kind shall be prepared for sale or sold in the establishment unless an appropriate food vending permit is granted by the County of Riverside. (See Riverside County Ordinance No. 492.8, § 4.)

(13) **Alcoholic beverages/drugs.** No person shall enter, be in, or remain in any part of a massage establishment licensed under this chapter while in possession of, consuming, using or under the influence of any alcoholic beverage or controlled substance. The owner, operator and manager shall be responsible to ensure that no such person shall enter or remain upon the massage establishment. Service of alcoholic beverages is prohibited.

(14) **Recordings.** No electrical, mechanical or artificial device shall be used by the operator or any employee of the massage establishment for audio and/or video recording or for monitoring the performance of a massage or the conversation or other sounds in the massage rooms without the knowledge or consent of the patron.

(15) **Roster.** The operator and/or on-duty manager shall maintain a register of all employees showing the name, nicknames and aliases used by the employee, home address, age, birth date, gender, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, if any, duties of each employee and a copy of each massage therapist's current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council. The above information on each employee shall be maintained in the register on the premises for a period of two years following termination; provided, however, that the Chief of Police may establish a policy that would allow for the safeguarding of social security numbers on the premises, while making the full social security numbers available for inspection within 24 hours of demand as provided for herein. The operator and/or on-duty manager shall make the register of employees immediately available for inspection upon demand of a representative of the Police Department at all reasonable times.

(16) **Coverings.** Each massage establishment shall provide to all patrons clean, sanitary and opaque coverings capable of covering the patrons specified anatomical areas, including the genital area, anus and female breast(s). No common use of such coverings shall be permitted, and re-use is prohibited unless adequately cleaned.

(17) **Records.** Every person operating a massage establishment shall keep a record of the dates and hours of each treatment or service, the name and address of the patron, the name of massage therapist administering such service and a description of the treatment or service rendered. A short medical history form shall be completed by the patron to determine if the patron has any communicable diseases, areas of pain, high blood pressure or any physical condition which may be adversely affected by massage. These records shall be prepared prior to administering any massage or treatment and shall be retained for a period of 24 months after such treatment or service. These records shall be open to inspection upon demand only by officials charged with enforcement of this chapter and for no other purpose. The Police Department shall periodically inspect the records to ensure compliance with this section. The records shall be kept on the premises of the massage establishment for a period of two years. The information furnished or secured as a result of any such records should be used only to ensure and enforce compliance with this chapter or any other applicable state or federal laws and shall remain confidential. Any unauthorized disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor.

(18) **Hours of operation.** The owner must advise the city, in writing, at the time of application for a permit of the business hours and any changes in hours. No person shall operate a massage establishment or administer a massage in any massage establishment or at an outcall location booked by that massage establishment pursuant to § 5.28.050(A)(37) between the hours of 10:00 p.m. and 7:00 a.m. A massage begun any time before 10:00 p.m. must nevertheless terminate at 10:00 p.m. All customers, patrons and visitors shall be excluded from the massage establishment between the hours of 10:00 p.m. and 7:00 a.m. and be advised of these hours. The hours of operation must be displayed in a conspicuous public place in the lobby within the massage establishment and in the front window clearly visible from the outside.

(19) **Advertising.** No massage establishment granted a permit under this chapter shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services described in this chapter or otherwise permitted by state law. Nor shall any massage establishment employ language in the text of such advertising that would reasonably suggest to a prospective patron that any service is available other than those services authorized by this chapter or state law.

(20) **Insurance.** No person shall engage in, conduct or carry on the business of a massage establishment unless there is on file with the City Clerk, in full force and effect at all times, documents issued by an insurance company authorized to do business in the State of California evidencing that the operator is insured under a liability insurance policy providing minimum coverage of \$500,000 for injury or death to one person arising out of the operation of any massage establishment and the administration of a massage. Each operator shall provide the

Chief of Police with evidence of the insurance required by this subsection within 45 days of the date of issuance of a massage establishment permit.

(21) **Handicapped areas.** All massage establishments must comply with all state and federal laws and regulations for handicapped customers.

(22) **Compliance.** Proof of compliance with all applicable provisions of the Corona Municipal Code shall be provided.

(23) **Doors.** All front, reception, hallway or front exterior doors (except back or exterior doors used solely for employee entrance to and exit from the massage establishment) shall be unlocked during business hours, except as may be permitted by applicable law (such as the California Fire Code which allow for safety doors which may be opened from the inside when locked). Notwithstanding the foregoing, the exterior doors to the massage establishment may be locked during business hours if the massage establishment is owned by one person with one or no employees or independent contractors. Whenever the establishment is open, staff shall be available to assure security for clients and employees who are behind closed/unlocked doors. No massage may be given within any cubicle, room, booth or any area within a massage establishment which is fitted with a lock of any kind (such as a locking door knob, padlock, dead bolt, sliding bar or similar device), unless the only door is an exterior door.

(24) **Access.** No person(s) other than massage therapists with current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council and customers will be allowed anywhere in the massage establishment other than the lobby/reception area during hours of operation. Entry doors to any room shall not be obstructed by any means.

(25) **Notices.** The Chief of Police may require that the following notice be posted in the event that any employee of the massage establishment or any person who has been aided and abetted by an employee of the massage establishment has been found, after full hearing by administrative proceeding or state court, to have violated or failed to comply with any of the operating requirements listed in § 5.28.050:

#### NOTICE TO ALL PATRONS

THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY THE CORONA POLICE DEPARTMENT WITHOUT PRIOR NOTICE.

(a) The notice set forth above shall be prepared and issued by the Chief of Police.

(b) The notices shall be conspicuously posted in a location within the massage establishment that are easily visible to any person entering the premises and in each massage room. The notice shall be so posted for 12 months following the violation of or failure to comply with any of the operating requirements set forth in § 5.28.050.

(c) The requirement for posting the notice described in this subsection is cumulative and in addition to all other remedies, violations and penalties set forth in this chapter or in the ordinances, laws, rules or regulations of the City of Corona, County of Riverside and the State of California.

(26) **Prohibited massage areas.** Except to the extent required, in writing, by a state licensed medical practitioner, no massage therapist or other person shall massage the genitals or anus of any patron or the breast(s) of any female patron. No massage therapist or other person, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's genitals, anus or, in the case of a female, her breast(s), are fully covered.

(27) **Covering.** No massage therapist shall massage any patron unless the person's genitals, anus and, in the case of a female, her breast(s), are fully covered at all times while the massage therapist or other employee is present in the same room as the patron.

(28) **Identification cards.** All massage therapists must carry identification and proof of California Massage Therapy Council certification at all times while present in the massage establishment. Such identification and proof of certification shall be provided to city regulatory officials upon demand.

(29) **Massage locations.** Unless performing a massage pursuant to home occupation massage permit, massage therapists shall not perform any massage at any location other than a massage establishment or at an outcall location booked by a massage establishment pursuant to § 5.28.050(A)(37).

(30) **Names.** While on duty, the massage therapist shall not use any name other than that specified on the certification issued by the California Massage Therapy Council.

(31) **Clothing.** Massage therapists and other persons shall be fully clothed at all times. While engaged in performing or administering massage services, massage therapists shall wear clothing that is fully opaque, made of non-transparent material, provides complete covering of their genitals, pubic area, buttocks, anal area and chest area and does not otherwise violate Penal Code section 314. Massage therapists shall not dress in swim attire unless providing a water-based massage modality approved by the California Massage Therapy Council.

(32) **Manager on premises.** A manager shall be on the premises at all times the massage establishment is open. The operator of each massage establishment shall file a statement with the Chief of Police designating the person or persons with power to act as a manager. The operator shall also file with the Chief of Police a statement, as required by § 5.28.035(A)(13) above, signed and dated by each such designated manager certifying under penalty of perjury that they:

(a) Have received a copy of this chapter;

(b) Understand its contents; and

(c) Understand the duties of a manager as provided in this chapter.

The operator and/or on-duty manager shall post, on a daily basis, the name of each on-duty manager in a conspicuous public place in the lobby of the massage establishment. The operator, or the manager in the operator's absence, shall be responsible for ensuring compliance with this chapter.

(33) **Certified massage therapist on premises.** At least one massage therapist holding a current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council shall be on the premises and on duty at all times when the massage establishment is open.

(34) **Display of permits and identification cards.** The operator and/or designated manager(s) shall ensure the massage therapist or massage practitioner certification issued by the California Massage Therapy Council for each massage therapist employed at the massage establishment (whether on-duty or not) is conspicuously displayed in a public place in the lobby and that each massage therapist is wearing or has in their possession the identification required by § 5.28.050(A)(28) at all times when in the massage establishment. Such identification shall be provided to city regulatory officials upon demand.

(35) **Operator/manager responsibility.** An operator and/or on-duty manager shall be responsible for the conduct of all massage therapists and other employees while on the premises of the massage establishment. Any act or omission of any massage therapist or other employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the massage establishment permit shall be revoked, suspended, denied or renewed.

(36) **Certified massage therapists.** No operator or manager shall employ any person as a massage therapist who does not have a current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council. Every operator or manager shall report to the Chief of Police any change of massage therapists or other employees, whether by new or renewed employment, discharge or termination, on the form and in the manner required by the Chief of Police. The report shall contain the name of the massage therapist or employee and the date of hire or termination. The report shall be submitted to the Chief of Police within five days of the date of hire or termination.

(37) **Outcall massages.** Incidental to the operation of a massage establishment, the operator and/or on-duty manager may allow massage therapists to perform massage services at a residence, business or other location occupied by the patron.

(38) **Sterilizing equipment.** Each massage therapist shall provide and maintain at the location where the massage is performed adequate equipment for disinfecting and sterilizing instruments used in massage.

(39) **Discrimination.** No operator or massage therapist may discriminate or exclude patrons on the basis of their race, sex, religion, age, disability or any other classification protected under federal or state laws, rules or regulations.

(40) **Name of massage establishment.** No massage establishment shall use any name or conduct business under any designation not specified in the massage establishment permit granted pursuant to this chapter.

**5.28.070 Massage therapists – certification by California Massage Therapy Council required.**

On and after January 21, 2015, it shall be unlawful for any person to perform or administer a massage or advertise to provide massage services in the City of Corona, unless such person possesses and maintains a current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council. A massage therapist shall provide his or her full name and certificate number to any representative of the Police Department or any member of the public upon request.

**5.28.080 Home occupations - massage permit.**

(A) A massage therapist who holds a current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council may conduct massages pursuant to a home occupation massage permit, so long as he or she complies with the requirements of Chapter 17.80 of this code, secures the necessary business license as required by this code, complies with Title 5 of this code and complies with the requirements of this section.

(B) Any person desiring a home occupation massage permit shall file a written application on the required form with the Chief of Police who shall conduct an investigation. The application shall be accompanied by the appropriate filing fee established by resolution of the City Council. The application shall be completed and signed by the operator of the proposed home occupation massage business. The application for permit does not authorize operation of a home occupation massage business unless and until such permit has been properly granted. The application shall contain or be accompanied by the following information:

(1) The type of ownership of the business; for example, whether by individual, partnership, corporation or otherwise. If the operator is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors and of each stockholder holding more than 5% of the stock of that corporation. If the operator is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If the operator is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required under this chapter, but only one application fee shall be charged;

(2) The precise name under which the home occupation massage business is to be conducted;

(3) The complete address and all telephone numbers of the home occupation massage business;

(4) A complete current list of the names and residence addresses of all proposed massage therapists who will operate under the home occupation massage business. As indicated in § 17.80.020, there shall be no more than one full-time employee at the residence or dwelling out of which the home occupation massage business is conducted other than the members of the resident family;

(5) A description of any other business operated on the same premises or within the City of Corona or the State of California which is owned or operated by the applicant;

(6) The following personal information concerning the applicant:

(a) Full complete name and all aliases used by the applicant;

(b) Current address and all previous residential addresses for eight years immediately preceding the present address of the applicant;

(c) Acceptable proof that the applicant is at least 18 years of age;

(d) Height, weight, color of hair, eyes and gender;

(e) Two front faced portrait photographs at least two inches by two inches in size;

(f) The applicant's complete business, occupation and employment history for eight years preceding the date of application, including, but not limited to, the massage or similar business history and experience of the applicant;

(g) The complete massage permit history of the applicant; whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state; the date of issuance of such a permit or license; whether the permit or license was denied, revoked or suspended; and the reason therefore;

(h) All criminal convictions, including pleas of nolo contendere, within the last ten years, including those dismissed or expunged pursuant to Penal Code § 1203.4, but excluding minor traffic violations, and the date and place of each such conviction and reason therefore;

(i) A complete set of fingerprints taken by the Police Department;

(7) The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a residence or dwelling out of which the home occupation massage business is conducted will be located on his or her property;

(8) Authorization for the city, its agents and employees to seek verification of the information contained in the application;

(9) Such other identification and information as the Chief of Police may require in order to discover the truth of the matters therein specified and as required to be set forth in the application;

(10) A statement in writing and dated by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct;

(11) Statements in writing and dated by the applicant certifying under penalty of perjury that he or she:

(a) Has received a copy of this chapter;

(b) Understands its contents; and

(c) Understands the duties of an operator as provided in this chapter;

(12) If, during the term of a permit, the permit holder has any change in information submitted on the original or renewal application, the permit holder shall notify the Police Department of such change within ten business days thereafter, in writing.

(C) Upon receipt of a written application for a permit, the Chief of Police shall conduct an investigation to ascertain whether such permit should be issued as requested. The Chief of Police shall, within 60 days of receipt of an application, approve, conditionally approve or deny the application. The 60 day period may be extended for up to 30 additional days, if necessary, to complete the investigation. The Chief of Police shall issue such permit as requested, unless he or she makes any of the following findings:

(1) The operator, if an individual, or any of the officers or directors of the corporation, if the operator is a corporation; or a partner, if the operator is a partnership, or any person directly engaged or employed in the massage establishment, has within eight years preceding the date of the application:

(a) Been convicted of a violation of California Penal Code §§ 266h, 266i, 314, 315, 316, 318, 647(a) or (b) or any other provision of law pursuant to which a person is required to register under the provisions of Penal Code § 290, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of California Penal Code §

415 or any lesser included or lesser related offense, in satisfaction of, or as a substitute of, any of the previously listed crimes;

(b) Been convicted of a violation of Health and Safety Code § 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code §§ 11054, 11055, 11056, 11057 or 11058;

(c) Been convicted of any offense in any other state which is the equivalent of any of the above-mentioned offenses;

(d) Been engaged in conduct in another jurisdiction which, if it had occurred within the city, would constitute grounds for denial, suspension or revocation under this chapter;

(e) Been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal Code §§ 11225 through 11235 or any similar provisions of law in a jurisdiction outside the State of California;

(f) Engaged in conduct which would constitute an offense as described in subsection (a);

(g) Committed an act in another jurisdiction which, if committed in this state, would have been a violation of law and which, if done by an operator under this chapter, would be grounds for denial, suspension or revocation of the permit;

(h) Been convicted of an act involving dishonesty, fraud, deceit or moral turpitude or an act of violence, which act or acts are related to the qualifications, functions or duties of the operator;

(i) The operator has had a license or permit to operate a massage establishment or provide massage services denied, suspended or revoked for cause by a licensing authority, including the California Massage Therapy Council or by any city, county or state;

(2) The operator has made a false, misleading or fraudulent statement or omission of fact to the city in the permit application process;

(3) The application does not contain all of the information required by this section;

(4) The operator has not satisfied the requirements of this chapter in the time specified;

(D) If the application is denied for failure to comply with subsections (C)(2) or (C)(3) above, the operator may not reapply for a period of six months from the date the application was denied.

(E) Operators of home occupation massage businesses shall comply with the following conditions and any other conditions specified by the Chief of Police.

(1) **Location of massages.** A home occupation massage business operator shall fully comply with the provisions of Chapter 17.80 of this code, including, but not limited to, the following:

(a) The home occupation massage business shall be a use which is purely incidental and secondary to principal use of the dwelling as a residence;

(b) No more than one full-time employee shall be employed other than the members of the resident family;

(c) No material or mechanical equipment shall be used which is not recognized as being part of normal household or hobby use;

(d) No sales of products or services not produced on the premises shall be conducted;

(e) The use shall not generate pedestrian or vehicular traffic beyond that normal to the zone in which the dwelling is located; and

(f) No signs or structures other than those permitted in the zone in which the dwelling is located shall be permitted.

(2) **Prohibited massage areas.** Except to the extent required in writing by a state licensed medical practitioner, no massage therapist or other person shall massage the genitals or anus of any patron or the breast(s) of any female patron, nor shall any operator or manager of a home occupation massage business allow or permit such massage. No home occupation massage business operator, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's genitals, anus or, in the case of a female, her breast(s), are fully covered.

(3) **Name of massage business.** No home occupation massage business shall use any name or conduct business under any designation not specified in the home occupation massage permit granted pursuant to this chapter.

(4) **Display of permits and identification cards.** The home occupation massage business operator shall ensure that, at all times while conducting business for the home occupation massage business, each massage therapist has his or her current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council in their possession and wears or has in their possession the identification required by § 5.28.050(A)(28). Such identification shall be provided to city regulatory officials upon demand.

(5) **Operator responsibility.** The home occupation massage business operator shall be responsible for the conduct of all employees while they are acting on behalf of the business or performing under the home occupation massage permit. Any act or omission of

any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the home occupation massage permit shall be revoked, suspended, denied or renewed.

(6) **Certified massage therapists.** No operator shall employ any person to perform or administer massage services who does not have a current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council. Every operator shall report to the Chief of Police any change of massage therapists or other employees, whether by new or renewed employment, discharge or termination, on the form and in the manner required by the Chief of Police. The report shall contain the name of the massage therapist or employee and the date of hire or termination. The report shall be submitted to the Chief of Police within five days of the date of hire or termination.

(7) **Clothing.** All persons employed by the home occupation massage business shall be fully clothed at all times while acting on behalf of the business or performing under the home occupation massage permit. While engaged in performing or administering massage services, massage therapists shall wear clothing that is fully opaque, made of non-transparent material, provides complete covering of their genitals, pubic area, buttocks, anal area and chest area, and does not otherwise violate Penal Code section 314. Massage therapists shall not dress in swim attire unless providing a water-based massage modality approved by the California Massage Therapy Council.

(8) **Roster of workers.** The operator shall maintain a register of all employees, showing the name, nicknames and aliases used by the employee, home address, age, birth date, gender, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, if any, duties of each employee and a copy of each massage therapist's current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council. The above information on each employee shall be maintained in the register on the premises of the dwelling or residence out of which the home occupation massage business is conducted for a period of two years following termination. The operator shall make the register of employees immediately available for inspection upon demand of a representative of the Police Department at all reasonable times.

(9) **Conformance with code.** The operator shall comply with all provisions of this chapter and any applicable provisions of the Corona Municipal Code.

(10) **Inspections and searches.** The operator shall consent to the inspection and search of the premises out of which the home occupation massage business is conducted by the city's Building and Safety Division, Code Enforcement Division, Fire and/or Police Departments, as well as the County Health Department, for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are met. The inspections and searches shall include, but shall not be limited to, the records of the business.

(11) **Services list.** The massage technician shall carry an updated list of services available and the cost of such services and shall provide it to the potential patron for their review. No massage therapist shall offer or perform any service other than those posted.

(12) **Lighting.** If massages are provided in an enclosed location, the operator shall ensure that each room or enclosure in which a massage is given has lighting and ventilation that complies with the California Building Code. The lighting in each room or enclosure shall be activated at all times while the patron is in such room or enclosure.

(13) **Massage tables and chairs.** Proper massage tables or massage chairs, which have at least two inch thick foam pads covered with durable, washable plastic or other waterproof material, shall be utilized. Beds, floor mattresses and waterbeds are prohibited.

(14) **Sterilizing equipment.** Each massage therapist shall provide and maintain at the location where the massage is performed adequate equipment for disinfecting and sterilizing instruments used in massage.

(15) **Linen.** Common use of towels or linen shall not be permitted. Towels and linen shall be laundered or changed promptly after each use. Separate cabinets or containers shall be provided for the storage of clean and soiled linen.

(16) **Alcoholic beverages/drugs.** No person shall enter, be in or remain in any place where massages are being performed while in possession of, consuming, using or under the influence of any alcoholic beverage or controlled substance. The massage therapist shall be responsible to ensure that no such person shall enter or remain in the massage area. Service of alcoholic beverages shall not be permitted.

(17) **Recordings.** No electrical, mechanical or artificial device shall be used by the massage technician, massage technician aide or other person for audio and/or video recording or for monitoring the performance of a massage or the conversation or other sounds in the massage rooms without the knowledge or consent of the patron.

(18) **Coverings.** The massage therapist shall provide to all patrons clean, sanitary and opaque coverings capable of covering the patrons specified anatomical areas, including the genital area, anus and female breast(s). No common use of such coverings shall be permitted, and re-use is prohibited unless adequately cleaned.

(19) **Records of treatment.** The operator of the home occupation massage business shall keep a record of the dates and hours of each treatment or service, the name and address of the patron, the name of massage therapist administering such service and a description of the treatment or service rendered. A short medical history form shall be completed by the patron to determine if the patron has any communicable diseases, areas of pain, high blood pressure or any physical condition which may be adversely affected by massage. These records shall be prepared prior to administering any massage or treatment and shall be retained for a period of 24 months after such treatment or service. These records shall be open to inspection upon demand only by officials charged with enforcement of this chapter and for no other purpose. The Police Department shall periodically inspect the records to ensure compliance with this section. The records shall be kept at the premises out of which the home occupation massage business is conducted. The information furnished or secured as a result of any such records

should be used only to ensure and enforce compliance with this chapter or any other applicable state or federal laws and shall remain confidential. Any unauthorized disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor.

(20) **Hours of operation.** The operator shall ensure that massages are offered only during the times indicated on the application for the home occupation massage permit. No person shall administer a massage pursuant to home occupation massage permit between the hours of 10:00 p.m. and 7:00 a.m. A massage begun any time before 10:00 p.m. must nevertheless terminate at 10:00 p.m. All customers, patrons and visitors shall be advised of these hours.

(21) **Advertising.** No operator granted a permit under this chapter or any massage therapist operating under the permit shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services described in this chapter or otherwise permitted by state law. Nor shall any operator or massage technician employ language in the text of such advertising that would reasonably suggest to a prospective patron that any service is available other than those services authorized by this chapter or state law.

(22) **Discrimination.** No operator or massage therapist may discriminate or exclude patrons on the basis of their race, sex, religion, age, disability or any other classification protected under federal or state laws, rules or regulations.

#### **5.28.090 Changes of business and non-transferability of permits.**

(A) Every massage establishment operator and home occupation massage business operator shall report immediately to the Police Department any and all changes of ownership or management of the massage establishment or business, including, but not limited to, changes of manager or other person principally in charge, stockholders holding more than 5% of the stock of the corporation, officers, directors and partners in any and all changes of name, style or designation under which the business is to be conducted and all changes of address or telephone numbers of the massage business. A change of location of any of the premises may be approved by the Chief of Police provided there is compliance with all applicable regulations of the City of Corona.

(B) No massage establishment permit, or home occupation massage permit may be sold, transferred or assigned voluntarily or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void; provided and excepting, however, that if the operator is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case, the permit, upon notification to the Chief of Police, shall be placed in the name of the surviving partners.

**5.28.100 Fees.**

The City Council shall establish by resolution, and from time to time may amend, the fees for the administration of this chapter. The city shall include in this resolution a Health Services Fee Schedule prescribing annual fees to be paid by the operator of each massage establishment and home occupation massage business directly to the Health Services Agency of the County of Riverside and retained by the county as reimbursement for the services related to this chapter. Fees required by this chapter shall be in addition to any required under any other chapter of this code.

**5.28.110 Exemptions; Existing massage establishments.**

(A) The requirements of this chapter shall have no application and no effect upon and shall not be construed as applying to any persons designated as follows: state licensed physicians, surgeons, chiropractors, physical therapists, osteopaths or any registered or licensed vocational nurse working on the premises of, and under the direct supervision of, a state licensed physician, surgeon, chiropractor or osteopath. Practical nurses or other persons without qualifications as massage therapists, whether employed by physicians, surgeons, chiropractors or osteopaths or not, may not give massage or massage procedures.

(B) Commencing on the effective date of this chapter, all permits are to be issued in accordance with the provisions of this chapter.

(C) All massage establishments in legal operation on or before January 21, 2015 shall be required to apply for a massage establishment permit on or before April 20, 2015 and bring the massage establishment permit into compliance with the requirements of this chapter, including obtaining final approval of the massage establishment permit and, if necessary, any applicable building permits on or before August 17, 2015.

**5.28.120 Duration and renewal of permits.**

(A) When any permit issued hereunder expires, it shall be renewed for a period of time established by the Chief of Police, provided that the operator follows the application process and continues to meet the requirements set forth in this chapter. The length or applicable dates of permits may be periodically and uniformly changed by the Chief of Police prospectively.

(B) Applications to renew a permit shall be filed with the Chief of Police before the expiration of the existing permit along with the filing fee established by the City Council. Temporary permits will not be issued and renewal applications must be filed no later than 60 days prior to the expiration of the permit to prevent a lapse of the permit.

(C) Renewal applications shall require such information as may be required by the Chief of Police to update the information contained in the original permit application.

(D) The lapsing or suspension of any permits issued hereunder, whether by operation of law or by order or decision, or the voluntary surrender of a permit by an operator, shall not deprive the city of the ability to proceed with any investigation of or action or disciplinary proceeding against such permit or operator, or to render a decision suspending or revoking such a permit.

**5.28.130 Suspension, revocation, denial and appeal of permits.**

**(A) Revocation and suspension of massage establishment permits and home occupation massage permits.**

(1) The Chief of Police may revoke or refuse to renew a massage establishment permit or a home occupation massage permit if he or she makes any of the findings for denial of a permit under §§ 5.28.040 or 5.28.080(C), if the operator or any person employed or retained by the massage establishment or home occupation massage business has violated any provision of this chapter, or upon a demonstrated inability to operate or manage the massage establishment or home occupation massage business in a law abiding manner, thus necessitating action by law enforcement officers.

(2) The Chief of Police may suspend a massage establishment permit or a home occupation massage permit for a period of 30 days for each violation of §§ 5.28.050 or 5.28.080. If a suspended permit lapses during the suspension period, a new application must be submitted at the end of the suspension period.

(B) **Notice.** When the Chief of Police concludes that grounds for denial, suspension, revocation or refusal to renew a permit exist, the Chief of Police shall serve the operator, either personally or by certified mail addressed to the business or residence address of operator, with a Notice of Denial or Notice of Intent to Suspend, Revoke or Refuse to Renew Permit. This Notice shall state the reasons for the proposed action, the effective date of the decision, the right of the operator to appeal the decision pursuant to Chapter 1.09 of this Code, and that the decision will be final if no appeal is filed within the time permitted.

**(C) Appeal.**

(1) Any person aggrieved by a decision of the Chief of Police with reference to the denial, suspension, revocation or refusal to renew a permit may appeal pursuant to Chapter 1.09 of this Code.

(2) No permit granted herein shall confer any vested right to any person or business for more than the permit period. All operators, managers and massage therapists subject to this chapter shall comply with the provisions of this chapter as they may be amended hereafter.

**5.28.140      Violations and penalties.**

(A)    Violations of this chapter may be enforced pursuant to the provisions of Chapter 1.08 of this code.

(B)    Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter shall be, and the same is declared to be, unlawful and a public nuisance, and the city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and injunction thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage establishments or home occupation massage businesses and restrain and enjoin any person from operating, conducting or maintaining a massage establishment or home occupation massage businesses contrary to the provisions of this chapter.”