

CHAPTER 8.28

MESSAGES / MESSAGE BUSINESSES

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8.28.010 PURPOSE AND INTENT

A. In enacting this Chapter, the City Council recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City Council further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and may pose a threat to the quality of life in the local community. Accordingly, it is

the purpose and intent of this Chapter to protect the public health, safety and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health and operational standards for massage businesses.

B. Furthermore, it is the purpose and intent of this Chapter to address the negative impacts identified in the City Council's findings to reduce or prevent neighborhood blight and to protect and preserve the quality of the City, and to enhance enforcement of laws and regulations relating to the conduct of operators and employees of massage businesses.

C. It is the Council's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature as Business and Professions Code sections 4600 *et seq.*, as currently drafted or as may be amended, to restrict the commercial practice of massage in the City to those persons duly certified to practice by the California Massage Therapy Council, and to provide for the registration and regulation of massage businesses for health and safety purposes to the extent allowed by law. (Ord. 842, 2016; Ord. 846, 2016)

8.28.020 DEFINITIONS

For the purposes of this Chapter, unless the particular provision or the context otherwise requires, the definitions in this Section shall govern the construction, meaning and application of words and phrases used in this Chapter.

A. "California Massage Therapy Council" or "CAMTC" means the organization formed pursuant to Business and Professions Code section 4602, as currently drafted or as may be amended.

B. "CAMTC Certificate" means a valid certificate issued by the California Massage Therapy Council to a Certified Massage Therapist or as a Certified Massage Practitioner pursuant to California Business and Professions

Code sections 4600 *et seq.*, as currently drafted or as may be amended.

C. “Certified Massage Therapist” means any individual who possesses a valid CAMTC Certificate.

D. “Chief of Police” means the Chief of Police of the City of Ripon and his or her authorized representatives or designees.

E. “City” shall mean the City of Ripon.

F. “City Administrator” means the City Administrator of the City of Ripon, and his or her authorized representatives or designees.

G. “Client” means the customer or patron who pays any form of Compensation for and/or receives a Massage.

H. “Compensation” means the payment, loan, advance, donation, contribution, deposit, exchange or gift of money or anything of value.

I. “Employee” means any person employed by a Massage Business who may render any service to the business and who receives any form of Compensation from the business or any Client of the business. For the purposes of this Chapter, the term “Employee” shall include independent contractors, agents and volunteers of the Massage Business.

J. “Massage” or “Massage Therapy” means any method of treating the body for remedial, health or hygienic purposes for any form of Compensation by means of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the body with hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, and with or without supplementary aids such as rubbing alcohol, liniments, antiseptic, oils, powder, creams, lotions, ointments or other similar preparations commonly used in Massage, or by steam, bath, shower or wrap, including, but not limited to, Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, mud, fermentation or any other type of bath.

K. “Massage Business” means any Person or business that offers or performs Massage in exchange for Compensation, whether at a fixed place of business or pursuant to Outcall Massage. For purposes of this Chapter, the term “Massage Business” includes all businesses

where Massage is offered or performed, even if other services are also offered at the business, such as salons, day spas, health clubs, etc. For purposes of this Chapter, the term “Massage Business” shall not include a Person who performs Massage to limited areas of the neck, face, scalp, hands or feet of Clients when that Massage is accessory to and within the scope of a barber’s, cosmetologist’s and/or esthetician’s valid state license.

L. “Massage Business Permit” means the permit required by Section 8.28.060 for every Owner or Operator who does not qualify as a Certified Massage Therapist.

M. “Operator” means a Person who supervises, manages, directs, organizes, controls, operates or is in any other way is responsible for or in charge of the activities within a Massage Business, regardless of whether the Person qualifies as an Owner or Certified Massage Therapist. Evidence that a Person is an Operator includes, but is not limited to, indications that the Person has power to direct, hire and/or dismiss Employees, control hours of operation, create policies or rules, and/or purchase supplies for the Massage Business.

N. “Outcall Massage” means offering or providing Massage in exchange for any form of Compensation in a location other than at a fixed place of business.

O. “Owner” means any of the following, regardless of whether the Person qualifies as an Operator or Certified Massage Therapist:

1. The sole proprietor of a Massage Business; or
2. Any person who is a general partner of a general or limited partnership that owns a Massage Business; or
3. Any person who has a five percent (5%) or greater ownership interest in a corporation that owns a Massage Business; or
4. Any person who is a member of a limited liability company that owns a Massage Business; or
5. Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a Massage Business.

P. “Person” means any individual, firm, association, partnership, corporation, joint

