



CITY OF MENIFEE

Building & Safety Department

Massage Parlor Requirements

§ 5.45.020 MASSAGE THERAPY LICENSE REQUIRED.

Except where a specific exemption is applicable pursuant to this chapter, it is a violation of this chapter for any person to engage in the practice of massage therapy and for any massage business or establishment to employ or retain a person, unless the person first obtains and continues to maintain in full force and effect a valid CMTC certificate.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.030 EXEMPTIONS FROM CHAPTER.

Unless otherwise specified, this chapter shall not apply to:

(A) Persons holding a valid certificate to practice the healing arts under the laws of the state including, but not limited to, holders of medical degrees such as physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, acupuncturists, physical therapists, registered nurses and licensed vocational nurses;

(B) State-licensed hospitals, nursing homes, sanitariums, physiotherapy establishments or other state-licensed physical or mental health facilities and their employees;

(C) Recognized schools of massage and their students in training; provided, the students provide message therapy only under the direct personal supervision of an instructor;

(D) Barbers and cosmetologists who are licensed under the laws of the state while providing massage therapy within the scope of their licenses; provided that, the massage therapy is limited solely to the neck, face, scalp, feet and lower limbs up to the knees, and hands and arms, of their patrons; and

(E) Persons who provide massage therapy to amateur, semi-professional or professional athletes or athletic teams, facilities or events, so long as such persons do not practice massage therapy as their primary occupation in the city.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.040 LICENSING OF MASSAGE BUSINESS OR ESTABLISHMENT.

(A) Every massage business or establishment applying for a city business license shall meet the requirements of this chapter before the business license may be issued, and shall continue to meet the requirements or be subject to suspension or revocation of the license.

(B) Every massage business or establishment shall:

(1) Provide the City Clerk or his or her designee with a copy of the CMTC certificate of every person who is employed or retained by the massage business or establishment to provide massage therapy, within 30 calendar days of the commencement of the person's period of employment;

(2) Maintain on its premises a copy or other evidence of each CMTC certificate for review by city representatives; and

(3) Apply for a new business license in the event that the massage business or establishment changes names, management or transfers the business to another person.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.050 HOURS OF OPERATION.

No massage business or establishment shall provide massage therapy to the public for compensation between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.060 MINORS.

It shall be unlawful for any massage business or establishment, and for any massage business or establishment to:

(A) Employ or retain any person who is under the age of 18 years to provide any massage therapy to the public for compensation; or

(B) Provide massage therapy to any person who is under the age of 18 years, except at the special instance and request of a parent or other person in lawful custody of the minor. (Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.070 PHYSICAL FACILITY AND BUILDING CODE REQUIREMENTS.

The following physical facility requirements shall be applicable to all massage businesses or establishments.

(A) All doors to dressing rooms, toilet rooms and massage therapy rooms or cubicles shall open inward and shall be self-closing. Draw drapes, curtain enclosures or accordion-pleated closures in lieu of doors are acceptable on all inner dressing rooms and massage therapy rooms or cubicles.

(B) Minimum lighting equivalent to at least one 40-watt light shall be provided in each massage therapy room or cubicle.

(C) A massage table shall be used for all massage therapy, with the exception of “Thai”, “Shiatsu” and similar forms of massage therapy, which may be provided on a padded mat on the floor, provided the patron is fully attired in loose clothing, pajamas, scrubs or similar style of garment. The tables should have a minimum height of 28 inches. Beds, floor mattresses and waterbeds are not permitted on the premises of the massage business or establishment.

(D) All locker facilities, if any, that are provided for the use of patrons shall be fully secured for the protection of the patron’s valuables, and the patron shall be given control of the key or other means of access.

(E) The massage business or establishment shall comply with all local and state building standards applicable to other professional and personal services businesses, including, but not limited to, the following:

- (1) Have a system of adequate ventilation in accordance with the provisions of the 2013 California Building Code;
- (2) Have a supply of hot and cold running water in accordance with the provisions of the 2013 California Building Code;
- (3) Have a supply of potable drinking water in accordance with the provisions of the 2013 California Building Code;

(4) Provide hand washing facilities in accordance with the provisions of the 2013 California Building Code; and

(5) Provide public toilet rooms in accordance with the provisions of the 2013 California Building Code.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.080 HEALTH AND SAFETY REQUIREMENTS.

The following health and safety requirements shall be applicable to all massage businesses or establishments.

(A) The massage business or establishment shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens, all massage tables shall be covered with a clean sheet or other clean covering for each patron. After a towel, covering or linen has once been used it shall be deposited in a closed receptacle and not used until properly laundered and sanitized. Towels, coverings and linens shall be laundered either by regular commercial laundering or by a non-commercial laundering process which includes immersion in water at least 140°F for not less than 15 minutes during the washing or rinsing operation. Clean towels, coverings and linens shall be stored in closed, clean cabinets when not in use.

(B) All massage therapy rooms or cubicles, wet and dry heat rooms, toilet rooms, shower compartments and hot tubs and pools shall be thoroughly cleaned and disinfected as needed, and at least once each business day the premises are open and the facilities are in use. All bathtubs shall be thoroughly cleaned and disinfected after each use.

(C) All liquids, creams or other preparations used on or made available to patrons shall be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream or other preparation is to be used or made available to a patron, it shall be removed from the container in a way as not to contaminate the remaining portion.

(D) All bathrobes, bathing suits and other garments that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be laundered after each use pursuant to division (A) above.

(E) All combs, brushes and or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

(F) No patrons shall be allowed to use any shower facilities of the massage business or establishment unless the patrons are offered slip-resistant sandals or flip-flops while in the

shower compartment. All footwear such as sandals or flip-flops that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

(G) The patron's genitals, pubic area, anus, gluteal fold and female patron's breasts below a point immediately above the top of the areola must be fully draped at all times while any employee of the massage business or establishment is in the massage therapy room or cubicle with the patron. No massage therapy shall be provided to a patron that results in intentional contact, or occasional and repetitive contact with the genitals, anus, gluteal fold or areola of a patron.

(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.090 ATTIRE AND PHYSICAL HYGIENE REQUIREMENTS.

The following attire and physical hygiene requirements shall be applicable to all massage therapists and massage practitioners who are employed or retained by a massage business or establishment or are sole practitioners within the municipal boundaries of the city.

(A) All persons shall be clean and wear clean and sanitary outer garments at all times. All outer garments shall be of a fully opaque, non-transparent material and provide complete covering from at least the mid thigh to two inches below the collarbone. The midriff may not be exposed.

(B) All persons shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before providing massage therapy to a patron. No massage therapy shall be provided upon a surface of the skin or scalp of a patron where the skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.

(C) (1) No person afflicted with an infection or parasitic infestation capable of being transmitted to a patron shall knowingly provide massage therapy to a patron, or remain on the premises of a massage business or establishment while so infected or infested. Infections or parasitic infestations capable of being transmitted to a patron include, but are not limited to:

(a) Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever or otherwise as provided by public health officials;

(b) Streptococcal pharyngitis ("strep throat"), until 24 hours after treatment has been initiated and 24 hours after resolution of fever;

(c) Purulent conjunctivitis ("pink eye"), until examined by a physician and approved for return to work;

- (d) Pertussis (“whooping cough”), until five days of antibiotic therapy has been completed;
- (e) Varicella (“chicken pox”), until the sixth day after onset of rash or sooner if all lesions have dried and crusted;
- (f) Mumps, until nine days after onset of paratid gland swelling;
- (g) Tuberculosis, until a physician or local health department authority states that the person is non-infectious;
- (h) Impetigo (bacterial skin infection), until 24 hours after treatment has begun;
- (i) Pediculosis (head lice), until the morning after first treatment; and
- (j) Scabies (“crabs”), until after treatment has been completed.

(2) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this division (C).
 (Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.100 INSPECTION BY GOVERNMENT OFFICIALS.

(A) All massage businesses or establishments, as a condition of their business licenses, shall permit representatives of the city, Riverside County Health Department, Police Department or Fire Department, to conduct reasonable inspections of all areas during the regular business hours of the massage business or establishment, for the purpose of verifying CMTC certificates and ensuring compliance with state and local law, including, but not limited to, Cal. Business and Professions Code Ch. 10.5 (commencing with § 4600), city zoning requirements, city building code requirements, the requirements delineated in this chapter or other applicable fire and health and safety requirements.

(B) Nothing in this section shall be deemed to prohibit the above-described government officials from pursuing any and all available legal remedies to secure entry into and reasonable inspection of the premises of the massage business or establishment if the entry is refused.

(C) It is a violation of this chapter for the massage business or establishment to prohibit or interfere with the lawful inspection of the premises at any time it is open for business.
 (Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.110 OWNER AND OPERATOR RESPONSIBILITY; DENIAL, REVOCATION, RESTRICTION OR SUSPENSION OF BUSINESS LICENSE.

The following provisions shall apply to all massage businesses or establishments.

(A) For the purpose of enforcement of the requirements of this chapter, all owners and operators of the massage business or establishment shall be responsible for the conduct of all of its employees, agents, independent contractors or other representatives, while on the premises of the massage business or establishment or providing massage therapy.

(B) Notwithstanding the provisions of Cal. Business and Professions Code Ch. 10.5 (commencing with § 4600) of Division 2, the city, or its authorized agent, may:

(1) Require the massage business or establishment in its application for a business license, or for the renewal of a business license, to provide information relevant to the activities of the massage business or establishment regulated by this chapter;

(2) Make reasonable investigations into the information provided in the application for a business license;

(3) Verify the CMTC certificates of the massage therapists and practitioners employed by the massage business or establishment;

(4) Conduct reasonable safety and health inspections of the massage business or establishment;

(5) Charge a business licensing fee sufficient to cover the costs of the business licensing activities regulated by this chapter; and

(6) Deny, revoke, restrict or suspend a business license for the following causes:

(a) An employee, agent, independent contractor or other representative of the massage business or establishment has committed a violation of this chapter or Cal. Business and Professions Code Ch. 10.5 (commencing with § 4600) of Division 2;

(b) The massage business or establishment has provided materially false information in its application for a business license; or

(c) Any other reason allowed by law.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.120 REMEDIES CUMULATIVE: EACH DAY A SEPARATE OFFENSE.

Any person subject to this chapter who personally, or through an agent, employee, independent contractor or other representative, violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by the person. All remedies provided herein shall be cumulative and not exclusive.

(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.130 PUBLIC NUISANCE.

Any massage establishment or business 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 or administrative action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal or enjoinder thereof, in the manner provided by law, and shall take other steps and shall apply to the court or courts as may have jurisdiction to grant relief as will abate or remove the massage establishments or businesses and restrain and enjoin any person from operating, conducting or maintaining a massage establishment or business contrary to the provisions of this chapter.

(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.140 CRIMINAL PENALTIES.

Any person subject to this chapter who personally, or through an agent, employee, independent contractor or other representative, violates any provision of this chapter commits a misdemeanor. Any person convicted of a misdemeanor shall be subject to punishment by fine and or imprisonment to the maximum extent permitted by state law.

(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.150 CIVIL INJUNCTION.

The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of the city, create a cause for injunctive relief.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.160 ADMINISTRATIVE FINES AND COSTS.

In addition to the remedies set forth above, any person subject to this chapter who personally, or through an agent, employee independent contractor or other representative, violates any provision of this chapter may be administratively cited.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____

§ 5.45.170 AUTHORIZATION TO VERIFY.

By engaging in the practice of massage therapy within the borders of the city, and applying for a business license or renewal of a business license, each massage business or establishment endorses the provisions of this chapter, agrees to cooperate with the city regarding the provisions and provides authorization for the city, its agents and employees, and the county, its agents and employees, to verify all information requested in the massage business' or establishment's business license application or renewal and to engage in reasonable investigations associated with the city's effort to enforce the provisions of this chapter. The activities may include, but are not limited to, requesting appropriate information from the State Massage Therapy Council.
(Ord. 2009-64, passed 11-17-2009)

Submitted By/Owner: _____ **Date:** _____

Approved By: _____ **Date:** _____