

**ORDINANCE NO. 596  
(AS AMENDED THROUGH 596.2)  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING  
ORDINANCE NO. 596 REGULATING MASSAGE**

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

**Section 1. DEFINITIONS.** Whenever, in this ordinance, the following terms are used, they shall have the meaning ascribed to them in this section unless it is apparent from the context thereof that some other meaning is intended.

- a. **"Health Officer"** means the Director of the Health Department of the County of Riverside, or his Designated representative.
- b. **"Massage"** means pressure on, friction against, stroking and kneading the body by manual or mechanical means, with or without appliances such as vibrators, infrared heat, sun lamps and external baths, for the purpose of maintaining good health and establishing and maintaining good physical condition.
- c. **"Massage Business"** means the operation of an establishment where massage is given.
- d. **"Massage Technician"** means any person who, for consideration, gives or administers to another person a massage.
- e. **"Panel"** means the Massage Examining Panel of the County of Riverside.
- f. **"Person"** means any individual, firm, partnership, joint venture, corporation, association, club or organization.
- g. **"Practice of Massage"** means the performance of massage for compensation, either as the owner of or as an employee of a massage business, either at or away from the place of business.
- h. **"Sheriff"** means the Sheriff of the County of Riverside, or his designated representative.

**Section 2. CONDUCT OF MASSAGE BUSINESS OR PRACTICE OF MASSAGE WITHOUT A LICENSE PROHIBITED.** No person:

- a. Shall conduct a massage business in the unincorporated area of the County unless such person is 18 years of age or older and possesses a valid massage business license.
- b. Shall engage in or hold himself or herself out as engaged in the practice of massage in the unincorporated area of the County unless such person is 18 years of age or older and possesses a valid massage technician license. The possession of a valid massage business license does not allow the holder thereof to engage in the practice of massage.
- c. Who is the owner, operator, responsible managing employee or manager of a massage business, shall employ or permit any individual to engage in the practice of massage unless such individual is 18 years of age or older and possesses a valid

massage technician license.

**Section 3. EXEMPTIONS.** The provisions of this ordinance shall not apply to:

- a. Persons licensed under the Business and Professions Code, or an initiative act, to do any acts included in the definition of massage or persons working under the licentiate's orders, direction and supervision in the manner set forth in said code or initiative act.
- b. Trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program.

**Section 4. MESSAGE BUSINESS--OPERATING REQUIREMENTS.** A massage business shall meet the following minimum requirements:

- a. Conduct, or otherwise operate, a massage business only between the hours of 7:00 a.m. & 12:00 midnight.
- b. Post a list of services available, described in readily understandable language, and the cost of such services in a conspicuous place on the premises in which the massage business is located.
- c. Display the massage business license, and a copy of the license of each massage technician therein, in a conspicuous place in the premises in which the massage business is located.
- d. Maintain a record which includes the date and time of each massage, the name and address of the patron, the name of the person administering such massage and the type of massage given. Such records shall be made available, upon request, for inspection by the Sheriff. The information contained in such records shall be confidential.
- e. Provide a minimum of one (1) bathtub or shower, and one (1) toilet and wash basin facilities for the patrons; provided, however, if male and female patrons are to be served simultaneously, separate facilities shall be provided for such patrons. Where steam rooms or sauna baths are provided and male and female patrons are to be served simultaneously, separate steam rooms or sauna baths shall be provided for such patrons. Hot and cold running water under pressure from a potable source shall be provided to all wash basins, bathtubs, showers and similar facilities. Each water basin shall be provided with soap or detergent and single service towels placed in permanently installed dispensers. A trash receptacle shall be provided in each room where such facilities are located. In addition to the wash basin provided for patrons, a minimum of one (1) separate wash basin shall be located within or as close as practicable to each area in which massages are administered.
- f. Maintain lighting intensity of not less than seventy (70) foot candle power at floor level in any room or enclosure in all public rooms, hallways and within each room or enclosure where massages are administered.
- g. Maintain walls, ceilings, floors, pools, showers, bathtubs, water basins, toilets, wet and dry heat rooms, steam or vapor rooms and cabinets and all other facilities in good repair and in a clean and sanitary condition. Showers, water basins, toilets, wet and dry heat

rooms, steam or vapor rooms, and cabinets and compartments shall be thoroughly cleaned at least once each day the massage business is in operation. Bathtubs shall be thoroughly cleaned after each use.

- h. Provide clean and sanitary towels, sheets and linens for each patron. No common usage of towels, sheets and linens shall be permitted. Towels, sheets and linens shall be provided in sufficient quantity and shall not be used by more than one (1) person unless such towels, sheets and linens have been relaundered. Heavy white paper may be substituted for sheets; provided, however, that such paper is used only for one (1) person and then discarded into a sanitary receptacle. Separate closed cabinets or containers shall be provided for the storage of clean and soiled towels, sheets and linens, and such cabinets or containers shall be plainly marked: "clean linen" and "soiled linen."
- i. Provide disinfecting agents and sterilizing equipment sufficient to assure the cleanliness and safe condition thereof for any instruments used in the performance of any massage.
- j. Cover pads used on massage tables in a workmanlike manner with durable, washable plastic or other waterproof material.
- k. Unlock all exterior doors from interior side during business hours.
- l. Provide a separate locker for each patron to be served, which locker shall be capable of being locked and available to each patron at no extra charge.
- m. Shall not operate as a school of massage, or operate in the same location, or use the same facilities as that of a school or use the same facilities as that of a school of massage except as otherwise may be provided by law. It shall be unlawful for any person to perform any massage upon a member of the general public while on the premises of a school of massage. Instructors and students of such schools may practice massage only upon a bona fide employee or another student of the school, or a dummy may be used.

**Section 5. MASSAGE EXAMINING PANEL.** The Massage Examining Panel is hereby established and shall consist of three (3) members, appointed by the Health Officer, who are qualified by reason of education and experience concerning the methods and procedures used in the practice of massage. The Health Officer shall develop and establish standards and procedures for the Panel governing the administration of examinations for applicants for a massage technician license in order to determine whether such applicants are competent to engage in the practice of massage, and the Health Officer shall exercise such supervision as may be necessary to assure compliance therewith.

**Section 6. APPLICATIONS FOR LICENSES/RENEWALS.**

- a. Applications for a massage business license, a massage technician license, or for a renewal of such licenses, shall be filed with the office of the Sheriff on forms prescribed by the Sheriff, and shall be signed under penalty of perjury. The fee for a massage business license is five hundred and ninety-five dollars (\$595.00) plus such sum as is currently charged by the Department of Justice of the State of California for a fingerprint check of an individual, and the fee for renewal shall be three hundred and sixteen dollars (\$316.00). The fee for a massage technician license is two hundred and twenty-four dollars (\$224.00) plus such sum as is currently charged by the

Department of Justice of the State of California for a fingerprint check of an individual, and the fee for renewal is one hundred and twenty dollars (\$120.00). The appropriate fee shall accompany the filing of each application. These fees are nonrefundable and shall be used to defray the cost of processing each such application. The fees set forth herein shall be in effect until the Board of Supervisors shall by resolution fix some other fees upon the basis of a cost analysis as determined by the County Auditor-Controller.

- b. All licenses shall be valid for a period of one (1) year following issuance. Applications for renewal thereof shall be filed no more than sixty (60) days and no less than thirty (30) days prior to the expiration of such period. If an application for renewal is filed less than thirty (30) days prior to the expiration of such period, the applicant shall pay an additional fee of \$50.00. No application for renewal shall be filed with, or accepted by, the Sheriff after the expiration of such period. Renewal of licenses shall be by the Sheriff, unless, in his opinion, the application for renewal of a massage technician license should be referred to the Health Officer.
- c. Upon receipt of an application for a massage business license, the Sheriff shall cause an inspection to be made of the premises within which a massage business is to be conducted within twenty (20) days to ascertain if such premises are in compliance with the provisions of this ordinance, other applicable ordinances of the County of Riverside and the laws of the State of California. If such premises are not in compliance, the Sheriff shall notify the applicant, in writing, of the deficiencies, and shall cause the reinspection of such premises to be made upon written request by the applicant; provided, however, that such request for reinspection is made within thirty (30) days after notice of noncompliance has been given by the Sheriff.
- d. Upon receipt of an application for a massage technician license, the Sheriff shall request the Health Officer to conduct an examination of the applicant. If the applicant fails to pass such examination, the Health Officer shall notify the Sheriff and the Sheriff shall notify the applicant of the results thereof, in writing, and shall cause a re-examination of the applicant upon written request by the applicant; provided, however, that such request for re-examination is made within thirty (30) days and no later than sixty (60) days after notice of the results have been given to the applicant by the Sheriff. In the event the applicant fails to pass such re-examination, the Health Officer shall notify the Sheriff and the Sheriff shall notify the applicant of the results thereof, in writing, but no additional re-examinations shall be conducted.
- e. Upon receipt of an application for a massage business license or massage technician license, the Sheriff shall investigate the truth of the matters set forth in the application. The Sheriff may make inquiries to any office or department of the County of Riverside and to any federal, state or local agency which the Sheriff deems essential to carry out a proper investigation of the applicant.
- f. In the event an application for a massage technician license is denied by the Sheriff, the person who filed such application may not file another application for a massage technician license for a period of six (6) months after notice of such denial was given pursuant to Section 10 of this ordinance.

**Section 7. MESSAGE TECHNICIANS--APPAREL REQUIREMENTS.** Massage technicians shall be fully clothed in hygienically clean apparel while engaged in the practice of massage. As used herein, "fully clothed" shall mean the wearing of clothing which is

comparable to the clothing commonly worn by nurses and physical therapists while performing their respective professional duties.

### **Section 8. QUALIFICATIONS OF APPLICANT/ISSUANCE OF LICENSES.**

The Sheriff shall issue:

- a. A massage business license to any adult applicant:**
  - 1. Whose massage business premises are in compliance with the provisions of this ordinance, other applicable ordinances of the County of Riverside and the laws of the State of California; and,
  - 2. Who has not committed any acts or crimes constituting grounds for denial under Section 9 of this ordinance.
  
- b. A massage technician license to any adult applicant:**
  - 1. Who has satisfactorily demonstrated to the Health Officer to be free of any active communicable disease; and,
  - 2. Who has passed the examination conducted by the Panel; and,
  - 3. Who has not committed any acts or crimes constituting grounds for denial under Section 9 of this ordinance.

### **Section 9. GROUNDS FOR DENIAL, RENEWAL SUSPENSION OR REVOCATION OF A LICENSE.**

- a.** The Sheriff may deny an application for any license, or renewal thereof, required under this ordinance, if he finds:
  - 1. That the applicant has knowingly made any false, misleading or fraudulent statement of a material fact in the application or any document in connection therewith; or,
  - 2. That the applicant has done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself, herself or another, or substantially injure another; or,
  - 3. That the applicant has been convicted of any crime. A conviction shall mean a plea or verdict of guilty or conviction following a plea of nolo contendere, unless the conviction was so remote in time as to indicate that the applicant has been rehabilitated, or the applicant has presented evidence to the Sheriff which shows to the Sheriff's satisfaction that the applicant has been rehabilitated; or,
  - 4. That the applicant does not meet the qualifications required under Section 8 of this ordinance.
  
- b.** Such denial may be made only if the act or crime referred to in subsections (a)(2) or (a)(3) above are substantially related to the qualifications, functions or duties of a person engaged in the business or practice of massage.

- c. The Sheriff may suspend or revoke a license required under this ordinance, if he finds:
  - 1. That the licensee has violated any of the provisions, or failed to comply with any of the requirements, of this ordinance; or,
  - 2. That the licensee has engaged in the practice of massage or the management of a massage business that does not comport with the public welfare for any reason or that the same have been conducted in an illegal, improper or disorderly manner, or for any reason for which the application for any license, or renewal thereof, required under this ordinance could have been denied.

**Section 10. APPEAL.** If, after an investigation, the Sheriff proposes to suspend or revoke a license or deny an application for such license, he shall prepare a notice of such intention setting forth the reasons therefor, and such notice shall be served personally on the licensee or applicant, or sent by registered or certified mail, postage prepaid, return receipt requested, to the licensee's or applicant's address as provided in the application. The notice shall set a date, time and place for a hearing relative to such suspension, revocation or denial before the Sheriff, which date shall be not less than ten (10) days after service of the notice. Unless the licensee or applicant requests to be heard at the time and place specified in such notice within seven (7) days after service thereof, the proposed decision set forth in the notice shall be final as of the date set for hearing by such notice. If a hearing is requested and the Sheriff decides to suspend or revoke the license, or deny the application, the licensee or applicant may appeal the decision by filing with the Clerk of the Board of Supervisors, within ten (10) days after the date of such decision, a written notice of appeal briefly setting forth the reasons why such suspension, revocation or denial is not proper, otherwise such decision shall be final. The Clerk shall give written notice of the time and place of the hearing to the appellant. Such appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the decision or take such other action as it deems appropriate. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence.

**Section 11. INSPECTION.** The Sheriff shall, from time to time, and at least once a year, cause an inspection to be made of the premises and facilities of each massage business located within the unincorporated area of the County of Riverside.

**Section 12. LICENSES NOT TRANSFERABLE.** No license issued hereunder shall be transferable from one person to another. A massage business license shall be issued for a specific location, and shall in no event be transferable from one location to another.

**Section 13. PENALTIES.**

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the county shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.
- B. Except in cases where a different punishment is prescribed by any ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both such fine and imprisonment.
- C. Any person convicted of an infraction for violation of an ordinance of the county is

punishable by a penalty of not more than two hundred fifty dollars (\$250.00).

- D.** Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the county is committed, continued or permitted by any such person, and such person shall be punishable accordingly.

**Section 14. OTHER REMEDIES.** The provisions of Section 13 of this ordinance are to be construed as added remedies and not in conflict or derogation of any other actions or proceedings or remedies otherwise provided by law.

**Section 15. SEVERABILITY.** If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

**Section 16. ORDINANCE NO. 539--INTERIM USE.** Licenses issued under Ordinance No. 539 of the County of Riverside shall remain in effect in accordance with the terms of said ordinance until December 31, 1982. Such licenses shall be refunded as of said date for the portion of the fee required under Ordinance No. 539 for the period covered by their respective licenses after December 31, 1982.

**Section 17. REPEAL OF ORDINANCE NO. 539.** Ordinance Nos. 539 and 539.1 of the County of Riverside are repealed as of the operative date of this ordinance.

**EFFECTIVE DATE:** This Ordinance shall take effect 30 days after the date of its adoption.

**Adopted:** 596 Item 11/30/1982 (Eff: 01/01/1983)

**Amended:** 596.1 Item 9.2 of 11/14/1989 (Eff: 12/14/1989)

3/14/00 (Eff: 4/13/2000) (Amended by Ord. 802 – Violation Provisions)

596.2 Item 9.12 of 07/13/2010 (Eff: 08/12/2010)