ATTACHMENT
STAFF DRAFT SHOWING CHANGES
FROM CURRENT CODE 12/02/25

ORDINANCE NO.____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 5.76 OF THE MUNICIPAL PERTAINING TO MASSAGE ESTABLISHMENTS AND MASSAGE THERAPIST PERMITS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.76 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

5.76.010 Purpose and Intent.

In enacting this Chapter, the City Council recognizes that massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services, but that unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. It is the purpose and intent of this Chapter to provide for the orderly regulation of offices and establishments providing massage therapy services, and to prevent and discourage the misuse of massage therapy as a front for human trafficking, prostitution, and related activities in violation of state law, all in the interests of the public health, safety, and welfare, by providing certain minimum building, sanitation, and operation standards for such businesses, and by requiring certain minimum qualifications for the operators and practitioners of such businesses.

It is the further intent of this Chapter to streamline local massage therapy permitting procedures, while still facilitating and advancing the ethical practice of massage therapy, by relying upon the uniform statewide regulations enacted by the

Legislature in 2008 as Business and Professions Code Sections 4600 et seq., known as the Massage Therapy Act, as subsequently amended, and by restricting the commercial practice of massage in the city to those persons duly certified to practice by the California Massage Therapy Council formed pursuant to those statutes.

5.76.020 Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this Section shall have the meanings that are given them in this Section:

A. APPLICANT. Any person that seeks a massage establishment permit as required by this Chapter.

B. AUTHORIZED MASSAGE PROFESSIONAL. A massage professional who is identified in a permit issued pursuant to this Chapter as a person employed or retained by a massage establishment to practice massage.

C. CALIFORNIA MASSAGE THERAPY COUNCIL or CAMTC. The massage therapy organization formed pursuant to Business and Professions Code Section 4600 et seq.

D. CAMTC CERTIFICATE. A current and valid certificate issued by the CAMTC to a massage practitioner or a massage therapist.

E. CAMTC-CERTIFIED MASSAGE PROFESSIONAL. Any individual currently certified by the California Massage Therapy Council as a massage therapist or massage practitioner pursuant to Business and Professions Code Section 4600 et seq.

F. CHIEF OF POLICE. The Chief of Police of the Santa Barbara Police Department or their designee charged with the administration of this Chapter and as the hearing officer for all appeals pursuant to this Chapter.

G. COMPENSATION. The payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

H. EMPLOYEE. Any person, including, but not limited to, a massage professional, receptionist, owner, or operator, who renders any service, with or without compensation, to the owner, manager, or agent thereof, which relates to the day-to-day operations of the massage establishment. For purposes of this Chapter, the term "employee" shall include salaried employees and sole proprietors.

I. INSPECTOR. The person or persons designated by the City to conduct any inspections required or permitted under this Chapter.

J. MASSAGE, MASSAGE THERAPY, AND/OR BODYWORK. The application of various techniques to the muscular structure and soft tissues of the human body, including but not limited to, any method of pressure or friction against, stroking, kneading, rubbing, tapping, compressing, pounding, vibrating, rocking or stimulating of external surfaces of the body including the application of any apparatus or other appliances, robotics or other devices, with or without supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

K. MASSAGE BUSINESS OR ESTABLISHMENT. Any business that offers massage therapy, baths or health treatments including, but not limited to, aromatherapy,

vapor, shower, electric tub, sponge, hot towels, mineral fermentation, sauna, steam or any other type of bath, involving massages or baths in exchange for compensation. Home-based massage businesses and businesses that provide outcall massage services are also considered to be massage establishments. For purposes of this Chapter, the term "massage establishment" may be applied to include establishments which offer or advertise themselves as providing "relaxation" or "tanning" where the essential nature of the interaction between the employee and the customer involves "massage" as defined herein. The terms, names or phrases listed on business license or fictitious name application forms are not necessarily conclusive as to the nature of the business.

L. MASSAGE PRACTITIONER. Any person who has been certified as a massage practitioner and maintains a current and valid CAMTC Certificate under the Massage Therapy Act (defined below).

M. MASSAGE THERAPIST. Any person who has been certified as a massage therapist and maintains a current and valid CAMTC Certificate under the Massage Therapy Act (defined below).

N. MASSAGE THERAPY ACT. Chapter 10.5 of Division 2 of the California Business and Professions Code (beginning at Section 4600).

O. OWNER or MASSAGE ESTABLISHMENT OWNER. Any of the following persons:

1. The sole proprietor of a sole proprietorship operating a massage establishment.

2. Any general partner of a general or limited partnership that

owns a massage establishment.

3. Any person who has a ten percent or greater ownership interest in a corporation that owns a massage establishment.

4. Any person who is a member of a limited liability company that owns a massage business or establishment.

5. Any person who has a ten percent or greater ownership interest in any other type of business association that owns a massage business.

P. OPERATOR OR MASSAGE ESTABLISHMENT OPERATOR. Any person who is an owner or manager of a massage establishment or business.

Q. OUTCALL MASSAGE SERVICE. The engaging in or carrying on of massage therapy for compensation at locations other than a massage establishment at a fixed location.

R. PATRON. An individual on the premises of a massage establishment for the purpose of receiving massage therapy.

S. PERSON. Includes any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.

T. RECEPTION AND WAITING AREA. An area immediately inside the main entry door of the massage establishment dedicated to the reception and waiting of patrons or visitors of the massage establishment and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

U. REGISTERED SCHOOL. An institution that provides massage therapy education and training as such term is defined in Section 4600 of the Massage Therapy Law.

V. SEXUALLY ORIENTED MATERIAL. Means any book, periodical, magazine, photograph, posters, drawing, sculpture, motion picture film, video, compacy disc, or other written, oral or visual representation, which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

W. SEXUALLY ORIENTED MERCHANDISE. Means any instruments, devices or paraphernalia which are designed to be used in connection with specifical sexual activities, or goods which are replicas of ,or which simulate specific anatomical areas, or goods which are designed to be place on or in specificed anatomical areas, or to be used in conjunction with specified sexual activities.

X. SPECIFIED ANATOMICAL AREAS. Shall have the same meaning as the term “Specified Anatomical Areas” as defined in Title 28, Section 28.81.020 of this Code.

Y. SPECIFIED SEXUAL ACTIVITIES. Shall have the same meaning as the term “Specified Sexual Activities” as defined in Title 28, Section 28.81.020 of this Code.

Z. SOLE PROPRIETORSHIP. A massage establishment where the owner owns one hundred percent of the business, is the only person who provides massage therapy services for compensation for that business pursuant to a valid and active certificate from CAMTC or has been provided an exception if applicable, and has no other

employees.

AA. SBPD REVIEWING OFFICER. The individual(s) designated by the Chief of Police to review and approve or deny applications and permits pursuant to this Chapter.

BB. VISITOR. Any individual not retained or employed by the massage establishment and not receiving or waiting to receive massage therapy services, but excluding law enforcement personnel or governmental officials performing governmental business.

5.76.030 Business Tax Required.

The requirements of this Chapter are in addition to any business tax remittance and business tax certificate requirements imposed pursuant to Chapter 5.04 of this Code.

5.76.040 Other Permits and Authorizations Required.

The requirements of this Chapter are in addition to any permits or authorizations that may be required under other applicable laws including but not limited to the City's building, fire, zoning, and health codes. It shall be unlawful for anyone to practice massage therapy for compensation within the City in contravention of the City's building, fire, zoning, and health codes.

5.76.050 Exemptions from this Chapter.

This Chapter shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, podiatrists, physical therapists, nurses, acupuncturists or any other person licensed to practice any healing art under the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code when engaging in such practice within the scope of his or her license.

B. Trainers of any amateur, collegiate, semi-professional, or professional athlete or athletic team, so long as such persons do not practice massage therapy as their primary occupation at any location where they provide such services in the City.

C. Barbers, estheticians, manicureists, and cosmetologists who are duly licensed under the laws of the State of California, while engaging in practices within the scope of their licenses, provided that such massage is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees, of their patrons.

D. Somatic practitioners who use no physical touch of any kind at any time in their practice.

E. Enrolled students of a school of massage when they are performing massage within the City as part of a formal supervised internship or training program operated by the school, without compensation other than school credit, on the premises of a massage establishment duly authorized to operate pursuant to the terms of this Chapter; and provided that the operator of the massage establishment has first notified the Chief of Police in writing of the name, residence address, and school of the students and the dates of the trainings.

F. State-licensed hospitals, nursing homes, and other state-licensed physical or mental health facilities and their employees.

5.76.060 CAMTC Certification Required.

It shall be unlawful for any individual to practice massage therapy for compensation within the city unless that individual is doing so at a permitted massage establishment under City law and is also a CAMTC-certified massage professional or has been provided an exception pursuant to Section 5.76.070.

5.76.070 Limited Exception from CAMTC Certification Requirement.

A. The City Council recognizes that some massage therapists and massage practitioners currently practicing in the City may not meet the current requirements set forth by the CAMTC although the individual has been in practice for a significant period. The City will therefore allow individuals who were working in the City prior to the amendment of this Chapter who meet the requirements of this Section to practice massage therapy at a permitted massage establishment under City law for a limited time under this exception without certification from the CAMTC as required under S.B.M.C. section 5.76.060, in order to give the individual time to obtain the necessary CAMTC certification.

B. An individual seeking this exception must demonstrate the following to the satisfaction of the Chief of Police:

1. Evidence that he or she worked as a massage therapist or massage practitioner in the City, and is currently employed as a massage therapist or massage practitioner; and

2. Evidence that he or she has certification or proof of training in the field of massage from a school or another entity comparable to the CAMTC and has been working as a massage therapist or massage practitioner in the City.

3. Compliance with other terms of this Chapter for massage establishment owners that are not certified by the CAMTC, including, but not limited to, the background check described in Section 5.76.090 K. of this Chapter.

D. An individual granted an exception from the CAMTC certification requirement is required to display, in the same manner this Chapter requires the display of CAMTC certification, a certificate from the City signed by the Chief of Police showing that the individual met the requirements of this exception.

E. This exception must be renewed annually. Failure to submit an application for renewal on or before the annual renewal date shall make the individual ineligible for a continued exception.

F. Approved exceptions shall become invalid and CAMTC certification shall be required pursuant to Section 5.76.060 when an individual changes employment and/or accepts employment with additional professionals or new massage establishments within the City.

G. The City may establish a non-refundable fee to recover costs associated with initial applications and annual renewals.

H. This Section 5.76.070 shall remain in effect only until December 31, 2027. All massage practitioners and massage therapists operating within the City must comply with

Section 5.76.060 beginning January 1, 2028.

5.76.080 Massage Establishment Permit Required.

A. It is unlawful for any person to operate, engage in, promote, advertise, conduct, or carry on, in or upon any premises within the City a massage establishment without first obtaining a massage establishment permit from the Chief of Police. A separate massage establishment permit shall be required for each massage establishment regardless of ownership.

B. It shall be unlawful for a massage establishment operator to employ or retain any person to practice massage therapy for compensation, or to allow any person to perform massage therapy for compensation on the premises of a massage establishment unless: (1) that person is a CAMTC-certified massage professional or has been provided an exception pursuant to Section 5.76.070; and (2) that person is identified as an authorized massage professional on the massage establishment permit issued pursuant to this Chapter. For purposes of this Chapter, a massage establishment operator "employs or retains" a person to practice massage therapy for compensation when:

1. That person is a directly paid employee of the massage establishment; or

2. That person's association with a massage establishment is that of an independent contractor who receives compensation for massage therapy provided to patrons of the massage establishment; or

3. That person receives a referral of patrons from the massage establishment and, at any time before or after the referral, arranges in any way for

compensation to flow to the massage establishment operator.

C. It is unlawful for a massage establishment to operate under any name or conduct business under any designation not specified in the massage establishment permit issued pursuant to this Chapter.

D. It is unlawful for a massage establishment to continue to operate following the sale or transfer of any interest in the massage establishment business to a person who was not identified as an owner in the massage establishment permit application or in a duly approved permit amendment pursuant to Section 5.76.130.

5.76.090 Permit Application.

The owners of the massage establishment shall file a permit application on a form provided by the Chief of Police for each massage business establishment owned or operated. The permit application shall be submitted with the fee established by the City's fee schedule. The applicant consents to service of all required notices under this Chapter to the physical address of the massage business, which shall be the service address. The permit application shall include the following information:

A. The name, address, and telephone number of the massage establishment.

B. The name, residence address and telephone number, and business address and telephone number of each owner of the massage establishment.

C. The applicant’s California Driver's License or California Department of Motor Vehicles issued Identification Card or other federally recognized form of identification.

D. The form of business entity under which the applicant will be conducting the

massage establishment, i.e., corporation, general or limited partnership, limited liability company, or other form. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each shareholder holding more than ten percent of the stock of the corporation. If the applicant is a general or limited partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant shall apply. If the applicant is a limited liability company, the application shall set forth the name and residence address of each of the members. If one or more of the members is a partnership, limited liability company, or corporation, the provisions of this Section pertaining to a partnership, limited liability company, or corporate applicant shall apply, as applicable.

E. The name, address, and telephone number of the owner of the real property upon, in, or from which the certified massage establishment is to be operated. In the event the applicant is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the applicant and the property owner authorizing use of the premises for a massage establishment, or, alternatively, if there is no written lease, then a written, notarized acknowledgment from the property owner that the property owner has been advised that a massage establishment will be operated by the applicant upon, in, or from the property owner's property.

F. If the massage establishment will be located on a property in a residential or commercial condominium or other common interest development, the applicant shall

submit a notarized statement from the homeowner's association or condominium owner's association acknowledging that the association has been advised that a massage establishment will be operated by the applicant and that such use of the property is allowed by the property's covenants, codes, and restrictions.

G. A description of the proposed massage establishment business, including the type of treatments to be administered.

H. The name(s), dates of employment, and list of duties of each individual who the massage establishment employs or retains to perform massage therapy for compensation, whether on or off the massage establishment premises.

I. For each individual whom the massage establishment does or will employ or retain to perform massage therapy for compensation, whether on or off the massage establishment premises, a copy of that individual's current certification from the CAMTC as a certified massage practitioner or certified massage therapist, and a copy of his or her current CAMTC issued identification card.

J. For each owner of the massage establishment who is a CAMTC-certified massage professional, a copy of his or her current certification from the CAMTC as a certified massage practitioner or as a certified massage therapist and a copy of his or her current CAMTC-issued identification card.

K. For each owner of the massage establishment who is not a CAMTC-certified massage professional, the following information:

1. Whether any owner of the massage establishment has within the five years immediately preceding the date of application been convicted of any felony in any state.

2. Whether any owner of the massage establishment is currently required to register under the provisions of Section 290 of the California Penal Code.

3. The business, occupation, and employment history of each owner of the massage establishment for five years preceding the date of application, and the inclusive dates of same.

4. A Live Scan background check or other equilvent background check as approved by the Chief of Police. Any background check required pursuant to this Section shall be paid for by the owner or applicant.

L. A signed statement by the applicant stating whether any license or permit has ever been issued to the applicant by any jurisdiction under the provisions of any ordinance or statute governing massage, and as to any such license or permit, the name and address of the issuing authority, the effective dates of such license or permit, whether such license or permit was ever suspended, revoked, withdrawn, or denied; and copies of any documentary materials relating to such suspension, revocation, withdrawal, or denial.

M. Such other information as may be required by the permit authority to determine compliance with any other eligibility requirements for issuance of the permit as specified by federal, state, or local law.

N. A signed statement by the applicant stating, under penalty of perjury under the laws of the State of California, that all information in the permit application is true and correct to the best of their knowledge.

5.76.100 Permit Issuance.

A. The Chief of Police shall issue a massage establishment permit if the

applicant meets the requirements of this Chapter and no grounds for denial exist under Section 5.76.110. The Chief of Police may impose conditions on the permit consistent with this Chapter and applicable law.

B. Notice to Property Owner. If the applicant is not the record owner of the property where the massage establishment is located, the Chief of Police may send a written notice to the property owner advising of the issuance of the permit and of the regulations applicable to the massage establishment. The Chief of Police may also provide the property owner with copies of any other notices or communications with the applicant sent at any time before or after issuance of the permit.

C. One-year Term. A massage establishment permit issued pursuant to the terms of this Chapter shall be valid for a term of one year (12 months) from the date of issuance, and, unless suspended or revoked, must be renewed annually so long as the massage establishment is operating within the City.

D. Any massage business permit issued pursuant to this Chapter is valid only at the address, if applicable, and for applicant specified therein and cannot be sold, transferred or assigned to any other person.

5.76.110 Permit Denial.

The Chief of Police may deny an application for a massage establishment permit on any of the following grounds:

1. The massage establishment, as proposed by the applicant, would not comply with the requirements of this Chapter.

2. The massage establishment, as proposed by the applicant, would not comply with the City's building, fire, zoning, and health regulations.

3. The applicant has made any false, misleading or fraudulent statement of material fact in the application for a massage establishment permit.

5. Any owner of the massage establishment is currently required to register under the provisions of Section 290 of the California Penal Code.

6. Any owner of the massage establishment, within five years of the date of application, has been convicted in a court of competent jurisdiction of any violation of Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(a), 647(b) or 653.2 of the California Penal Code, or conspiracy or attempt to commit any such offense, or any offense in a jurisdiction outside of the State of California that is the equivalent of any of the aforesaid offenses.

7. Any owner of the massage establishment has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Sections 11225 through 11235 of the California Penal Code, or any similar provision of law in a jurisdiction outside the State of California.

8. Any owner of the massage establishment, within five years of the date of application, and as established by clear and convincing evidence, has engaged in acts prohibited under California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(a), 647(b), or 653.2.

9. Any owner of the massage establishment is an individual who has not attained the age of eighteen years.

10. Any owner of the massage establishment, within five years immediately preceding the date of filing of the application, has had a permit or license to practice massage therapy for compensation or to own and/or operate a massage establishment or business revoked or denied in any jurisdiction.

11. Any owner of the massage establishment currently owns or operates a massage establishment in the City that is not in good standing due to the existence of uncorrected violations, current permit suspensions, or unpaid fines or fees.

5.76.120 Notice of Denial—Appeal.

A. If an application for a massage establishment permit is denied, the SBPD Reviewing Officer shall give written notice to the applicant specifying the grounds for denial.

B. The applicant may appeal the decision to deny a massage establishment permit by filing a written notice of appeal with the Chief of Police or their designee within fifteen days after deposit of the decision in the mail, specifying in detail the grounds for such appeal.

C. The Chief of Police or designee shall set a time and place for the hearing on the appeal not less than fifteen days after the date the appeal was received by the Chief of Police, and shall give written notice by mail to the appeallant of the date, time, and place for the hearing. The hearing shall be conducted in accordance with Section 5.76.190.

D. After the hearing on the appeal, the Chief of Police or designee may refer

the matter back to the SBPD Reviewing Officer for a new investigation and decision, may affirm the decision of the SBPD Reviewing Officer, or may direct the SBPD Reviewing Officer to issue the license. The decision of the Chief of Police or their designee upon such appeal shall be final and subject Chapter 1.30 of this Code.

5.76.130 Amendments to Permit.

A. Whenever the information provided in the permit application for a massage establishment on file with the City changes or needs correction for any reason, the operator shall file a permit amendment application within thirty days of the change(s) or discovery of the need for correction(s). A permit amendment application shall be made by submitting a form provided by the Chief of Police stating the change(s) and or correction(s) to the information on the permit application along with the appropriate fee established by the City's fee schedule.

B. The permit amendment application shall not be approved unless the Chief of Police determines that the terms of the amended permit comply with all requirements of this Chapter and all other local, state, and federal laws, and the massage establishment has no outstanding violations or unpaid citations or fees. Inspection of the massage establishment may be required prior to approval of the amendment application.

C. A permit amendment application shall not be used to change the location or owners of a massage establishment. Instead, a new permit application is required.

D. A denial of a permit amendment application may be appealed in the same manner as a denial of an application for a massage establishment permit under Section

5.76.120.

5.76.140 Requirements For All Massage Establishment Business Facilities And Operations.

A. Operational Requirements.

Except as otherwise specifically provided in this Chapter, the following operational requirements shall be applicable to all massage establishments located within the City:

1. Hours of Operation. No massage establishment or sole proprietor business shall be kept open for business between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day. A massage begun any time before 10:00 p.m. must nevertheless terminate at 10:00 p.m.

2. Patrons and visitors shall be permitted in the massage establishment only during the hours of operation.

3. The hours of operation of the massage establishment shall be displayed in a conspicuous public place in the reception and waiting area and in any front window clearly visible from outside of the massage establishment.

4. During the hours of operation, patrons shall be permitted in massage therapy rooms only if at least one duly authorized certified massage professional is present on the premises of the massage establishment. Patrons shall not be permitted in any employee break room on the premises.

5. During the hours of operation, visitors shall not be permitted in massage therapy rooms except as follows:

a. The parents or guardian of a patron who is a minor child may be present in the massage therapy room with that minor child;

b. The minor child of a patron may be present in the massage therapy room with the patron when necessary for the supervision of the minor child; and

c. The conservator, guardian, aid, or other caregiver of a patron who is elderly or disabled may be present in the massage therapy room with that elderly or disabled person.

6. During the hours of operation, except as otherwise provided herein, no visitors shall be permitted in massage therapy rooms, break rooms, dressing rooms, showers, or any other room or part of the massage establishment premises other than the reception and waiting area or public access bathrooms.

7. A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the massage establishment premises. The services shall be described in English and may also be described in such other languages as may be convenient. No massage establishment operator shall permit, and no person employed or retained by the massage establishment shall offer to perform any services or request or demand fees other than those posted.

8. The massage establishment shall keep on the premises a complete and current roster of names of all owners, operators, managing employees, massage professionals, and other persons employed or retained by the massage establishment. The roster shall be available for inspection by City officials charged with the enforcement of this Chapter.

9. No alcoholic beverages shall be sold, served, or furnished to any patron or visitor; nor shall alcoholic beverages be kept or possessed on the premises of

a massage establishment.

B. Physical Facility and Building and Fire Code Requirements.

Except as otherwise specifically provided in this Chapter, the following physical facility and building code requirements shall be applicable to all massage establishments located within the City:

1. Main entry door and reception and waiting area required. One main entry door shall be provided for patron entry to the massage establishment, which shall open to an interior patron reception and waiting area immediately. All patrons and any persons other than individuals employed or retained by the massage establishment shall be required to enter and exit through the main entry door. The main entry door shall be unlocked at all times during business hours. This subsection shall not apply to any massage establishment that is a sole proprietorship or a home occupation with one or no other employees.

2. A professional massage table or professional massage chair specifically designed for seated massage 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 floor mat, provided the patron is fully attired in loose clothing, pajamas, scrubs, or similar style of garment. Massage tables shall have a minimum height of 18 inches.

3. With the exception of the padded floor mat described in subsection 2 above, no beds, floor mattresses, or waterbeds are permitted on the premises of the massage establishment. No massage establishment shall be used for residential or sleeping purposes, which may be shown by circumstantial evidence such as the presence

of bedding, pillows, sleeping bags, suitcases, clothing, toiletries or other personal belongings, cooking appliances, utensils or food in excess of a business establishment's normal requirements.

4. All locker facilities that are provided for patron use shall be fully secured for the protection of the patrons' valuables, and each patron shall be given control of the key or other means of access.

5. No massage establishment will be equipped with tinted or one-way glass in any treatment room or office.

6. No video or audio recording devices or surveillance cameras of any type may be installed in rooms where massage services are or may be provided. No live-viewing, broadcasting or streaming of audio or video may occur in a room where massage is provided.

7. The massage establishment shall comply with all applicable state and local building and fire codes.

C. Health and Safety Requirements.

Except as otherwise specifically provided in this Chapter, the following health and safety requirements shall be applicable to all massage establishments located within the City:

1. The massage establishment shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens, and all massage tables and chairs shall be covered with a clean sheet or other clean covering appropriate to the equipment for each patron. After a towel, covering, or linen has been used once, it shall be deposited in a closed receptacle and not used again until properly laundered and

sanitized in complaince with the Massage Therapy Act. Clean towels, coverings, and linens shall be stored in closed, clean cabinets when not in use. A certified massage professional engaged in the practice of outcall massage shall carry a sufficient quantity of clean and sanitary towels, sheets, and linens to comply with the requirements.

2. All massage establishments must be so equipped, maintained, and operated as to effectively control and abate the entrance, harborage, and breeding of rodents and vermin including flies.

3. All massage therapy rooms or cubicles, wet and dry heat rooms, toilet rooms, shower compartments, hot tubs, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each business day when the premises has been or will be open and such facilities in use. All bathtubs shall be thoroughly cleaned and disinfected after each use.

4. 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 on or made available to a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

5. 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 not used by more than one patron, or shall be fully disinfected after each use.

6. Patrons' genitals must be fully draped at all times while any individual

employed or retained by the massage establishment is in the massage room or cubicle with the patron. No massage shall be provided to a patron that results in intentional contact, or occasional and repetitive contact, with the genitals or anal region of a patron.

D. Attire and Physical Hygiene Requirements.

The following attire and physical hygiene requirements shall be applicable to all employees and any other persons who work permanently or temporarily on the premises of a massage establishment within the City, including, but not limited to, all persons who are employed or retained to practice massage for the massage establishment:

1. No person shall dress in:

a. Attire that is transparent, see-through, or substantially exposes the person's undergarments;

b. Swim attire, unless providing a water-based massage modality approved by the CAMTC;

c. A manner that exposes the person's chest, breasts, buttocks, or genitals;

d. A manner that constitutes a violation of Section 314 of the California Penal Code.

2. No massage establishment operator, employee, or visitor shall, while on the premises of a massage establishment or while performing any outcall massage service, and while in the presence of any patron, customer, employee or visitor, expose his or her chest, breast, buttocks, or genitals.

3. All persons shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before providing massage to a patron.

E. Display of Permit and Certifications.

1. The massage establishment permit shall be displayed in an open and conspicuous place on the premises visible from the main entry door and/or reception and waiting area of the massage establishment.

2. Each person employed or retained by a massage establishment to perform massage in or on the premises or through an outcall massage service shall display on his or her person the valid current photograph-bearing identification card issued to that employee by the CAMTC. A copy of each such identification card and the person's original CAMTC certificate shall also be displayed in an open and conspicuous place visible from the main entry door and/or reception and waiting area of the massage establishment. The home address of any employee need not be displayed.

F. Display of Human Trafficking Notices.

The massage establishment shall comply with the requirements in California Civil Code Section 52.6 related to the posting of information for victims of human trafficking.

G. Out-call Only Services.

For massage establishments that provide outcall-only services and have no fixed location for performing massage, provisions of this section related to businesses with fixed locations shall not apply. Specifically, the provisions of subsections A.2. through A.9., B.1. through B.4., B.6. through B.8., C.2. and 7., subections E.1., and F of this Section shall not apply to outcall-only establishments.

5.76.150 Massage Establishment Inspections.

A. The inspector shall have the right to enter any massage establishment,

other than an establishment providing out-call only services, during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this Chapter. For home occupations, reasonable inspection shall be limited to the portions of the residence open to patrons. The inspector shall make reasonable accomodations so as not to not interrupt patron appiointments in progress at the time of the inspection. It shall be unlawful for any person to fail to allow an inspection of the premises or hinder the inspection in any manner.

B. The massage establishment operator shall take immediate action to correct each violation noted by the inspector. A re-inspection within a reasonable amount of time will be performed to ensure that each violation noted by the inspector has been corrected.

5.76.160 Violations—Moratorium.

A. For the purpose of enforcing the requirements of this Chapter, all owners and operators of the massage establishment shall be jointly and severally responsible for the conduct of all massage establishment employees, agents, independent contractors, or other representatives while such persons are on the premises of the massage establishment or providing outcall massage services on behalf of the massage establishment.

B. In addition to any other remedy available to the City under applicable law, a massage establishment permit may be suspended or revoked as provided for in Sections 5.76.170 and 5.76.180. Upon issuance of a final order by the SBPD Reviewing Officer or the Chief of Police to revoke the massage permit, the massage establishment shall immediately cease operation, and, if so ordered by the hearing officer, no other

massage establishment shall be permitted to operate at that location by any person for a period of not less than one year ("the moratorium period"). If the operator is not also the legal owner of the real property on which the massage establishment is situated, notice of such revocation and the one-year prohibition shall be provided by the Chief of Police to the owner of record of the property as shown on the latest county assessment roll.

C. In addition to any other remedy available to the City under applicable law, a massage establishment permit may not be renewed or amended unless and until all due and unpaid citations issued pursuant to this Chapter are paid in full, and all outstanding violations have been corrected.

D. Notwithstanding any other provision of this Chapter, where a Notice of Revocation or Suspension has been issued to the operator of a massage establishment pursuant to this Chapter, the director shall not process or grant an application for a massage establishment permit for a new massage establishment at the same premises unless and until such Notice of Revocation or Suspension is dismissed; or a final determination is made pursuant to that section that the current operator's massage establishment permit is not or should not be revoked; or any moratorium period imposed pursuant to this Chapter has expired.

5.76.170 Revocation or Suspension.

All massage establishment owners and operators shall be deemed to know and understand the requirements and prohibitions of this Chapter. Any massage establishment permit issued pursuant to this Chapter may be suspended or revoked by the Chief of Police after a hearing, where the Chief of Police finds that any of the following

have occurred on even a single occasion:

A. The permittee or any person employed or retained by the massage establishment has violated any provision of this Chapter.

B. The permittee or any person employed or retained by the massage establishment has been convicted in a court of competent jurisdiction of having violated, or has engaged in conduct constituting a violation of, any of the following: California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(a), 647(b), or 653.2, or conspiracy or attempt to commit any such offense, or any offense in a jurisdiction outside of the State of California that is the equivalent of any of the aforesaid offenses.

C. The permittee or any person employed or retained by the massage establishment is required to register under Section 290 of the California Penal Code.

D. The permittee has been subject to a permanent injunction against the conducting or maintaining of a nuisance pursuant to this Code, or Sections 11225 through 11235 of the California Penal Code, or any similar provision of law in any jurisdiction outside the State of California.

E. The permittee has continued to operate the massage establishment after the massage establishment permit has been suspended.

F. Massage therapy has been performed on the premises of the massage establishment, with or without the permittee's actual knowledge, by any person who is not compliant with Section 5.76.060 or Section 5.76.070 if applicable.

G. A person who is not complaint with Section 5.76.060 or Section 5.76.060 if applicable, has provided out-call massage services through or on behalf of the massage

establishment.

H. There have been one or more acts prohibited under California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(a), 647(b), or 653.2 or an act which constitutes a violation of any offense listed in California Penal Code section 290(c) taking place on the premises of the massage establishment whether or not they occurred with or without the actual knowledge of the permittee.

I. The permittee or any person employed or retained by the massage establishment or any other person on the premises of the massage establishment has engaged in conduct or committed acts that a reasonable person in the patron's position would understand as an offer to perform on or engage in with the patron acts that are sexual in nature or that involve touching of the patron's genitals, or anal region.

J. The permittee or any person employed or retained by the massage establishment has engaged in sexually suggestive advertising related to massage services on the premises of the massage establishment, including, but not limited to displaying photographs of individuals clothed attire that is transparent, see-through or substantially exposes the individual's undergarments, breasts, buttocks, or genitals, describing massage services as "erotic," "sensual" or similarly sexual in nature, or describing the appearance or age of massage providers.

5.76.180 Hearing for Revocation or Suspension.

A. The Chief of Police shall give written notice of a hearing for the revocation or suspension of any permit granted pursuant to this Chapter to the permittee. The notice shall set forth the time and place of the hearing, the ground or grounds upon which the hearing is based, the pertinent code sections, and a brief statement of the factual issues

in support thereof. The notice shall be mailed, postage prepaid, addressed to the permittee at the last known address of the permittee, or it shall be delivered to the permittee personally, at least fifteen days prior to the hearing date.

B. Within fifteen days of the hearing the SBPD Reviewing Officer shall render his or her decision in writing, stating his or her findings and the action taken, if any. The decision letter shall be mailed, postage prepaid, addressed to the permittee at the last known address of the permittee, or it shall be delivered to the permittee personally.

C. Within fifteen days from the deposit of the decision letter in the mail or its receipt by the permittee, whichever occurs first, the permittee may appeal the decision in writing to the Chief of Police or their designee, setting forth with particularity the ground or grounds for the appeal.

D. The Chief of Police or their designee shall give written notice of the hearing on the appeal not less than fifteen days from the date the appeal was received by the Chief of Police or designee. The hearing shall be conducted in accordance with Section 5.76.190.

E. After the hearing on the appeal, the Chief of Police or their designee may refer the matter back to the SBPD Reviewing Officer for a new investigation and decision, may affirm the decision of the SBPD Reviewing Officer or their designee, may dismiss the disciplinary action, or may revoke or suspend the permit. The decision of the Chief of Police or their designee upon such appeal shall be final and subject to Chapter 1.30 of this Code.

F. The notices provided to the massage establishment pursuant to this Section may also be sent to the owner of the premises where the massage establishment is

located. However, failure to provide notice to the property owner shall not invalidate any actions taken by the City.

5.76.190 Hearing Rules.

The following rules shall apply to any hearing required by this Chapter. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to reasonably confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this Chapter may be continued for a reasonable time for the convenience of a party or witness at the discretion of the hearing officer.

5.76.200 Violations a Public Nuisance—Penalties, Nuisance Abatement, and Other Remedies.

Any massage establishment operated, conducted, or maintained contrary to the provisions of this Chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City Attorney or District Attorney 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 enjoinment thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the City under this Code or under state law.

5.76.201 Prohibited Conduct.

1. No person shall enter or remain in any part of a massage establishment location while in possession of, consuming or using any alcoholic beverages or drugs, except pursant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.

2. No storage or sale of sexually oriented material or sexually oriented merchandise shall be permitted within a massage establishment.

3. No operator or employee shall place, publish, or distribute, or cause to be placed, published or distributed, any advertising matter for a massage establishment which are characterized by an emphasis upon the depiction or description of specified sexual activites or specfied anatomical areas.

4. No massage practitioner, massage therapist, employee or any person practicing massage therapy for compensation shall expose their genitals, buttocks, breasts or make contact with the genitals or anus of another person at any massage establishment.

5.76.202 Severability.

The severability provisions contained in Title 1, Section 1.01.020 of this Code applies to this Chapter. If any provision of this Chapter is held invalid, unconstitutional, or otherwise unenforceable, such decision shall not affect the remaining provisions, which shall remain in full force and effect.

~~§ 5.76.010. Definitions.~~

~~For the purpose of the provisions regulating baths, sauna baths, massage parlors and similar businesses hereinafter set forth, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended:~~

~~Massage. A method of treating the external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, or tapping with the hand or any instrument.~~

~~Massage Establishment. An establishment having a fixed place of business where any person, association, firm or corporation engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, any business of giving massage or Turkish, Russian, Swedish, vapor, sweat, electric, salt, magnetic, or any other kind or character of baths, where alcohol rub, fomentation, baths, manipulation of the body or similar procedures is given.~~

~~Massage Technician or Technicians. Any person, male or female, who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the body, or other similar procedure.~~

~~(Ord. 3543 §1, 1972)~~

~~§ 5.76.020. Permit Required.~~

~~It is unlawful for any person, association, firm or corporation to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises within the City of Santa Barbara, the business of a massage establishment or to render, or permit to be rendered massage services at a location removed from a massage establishment within the City of Santa Barbara in the absence of a permit issued pursuant to the provisions hereinafter set forth, and without paying a business tax.~~

~~(Ord. 3543 §1, 1972; Ord. 3823, 1976)~~

~~§ 5.76.030. Exceptions.~~

~~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: physicians, surgeon, chiropractor, osteopath, or any nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice their respective professions in the State of California, nor shall the requirements of this Chapter apply to any treatment administered in good faith in the course of the practice of any healing art or professions by any person licensed to practice any such art or profession under theBusiness and Professions Code of the State of California or of any other law of this State. Practical nurses or other persons without qualifications as massage technicians, or other persons not otherwise licensed by the State of California to practice pursuant to the Medical Practice Act, whether employed by physicians,~~

surgeons, chiropractors, or osteopaths or not, may not give massages or massage procedures.
(Ord. 3543 §1, 1972)

§ 5.76.040. Application - Fee.

A. Any person desiring to obtain a permit to operate a massage establishment or to perform massage services shall make application to the Chief of Police for an investigation.

B. Each application shall be accompanied by a permit fee of $10.00. (Ord. 3543 §1, 1972)

§ 5.76.050. Application - Contents.

Any applicant for a permit shall submit the following information:

A. The full name and present address of applicant;

B. The two previous addresses immediately prior to the present address of applicant;

C. Written statements of at least five bona fide residents of the City of Santa Barbara that the applicant is of good moral character;

D. Written proof that the applicant is over the age of 18 years;

E. Applicant's height, weight, color of eyes and hair;

F. Two portrait photographs of at least two inches by two inches;

G. Business, occupation, or employment of the applicant for the three years immediately preceding the date of the application;

H. The massage or similar business tax history of the applicant; whether such person, in previously operating in this or another City or State under permit, has had such permit revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;

I. All convictions and the reasons therefor;

J. A certificate from a medical doctor stating that the applicant has, within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease;

K. Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage technicians is taught. The term "recognized school" shall mean and include any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage technicians, which school

requires a resident course of study of not less than 200 hours to be given in not less than three calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such course of study or learning. Schools offering correspondence courses not requiring actual attendance of class shall not be deemed "recognized schools." The City of Santa Barbara shall have a right to confirm the fact that the applicant has actually attended classes in a recognized school for aforementioned minimum time periods;

L. In lieu of the information required in Subsection K above, applicant may submit evidence of not less than five years practical experience as a massage technician certified by the California Massage Technicians Association or by the American Massage Therapy Association or not less than five years experience as a massage technician in a massage establishment certified by either of the aforementioned associations;

M. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application;

N. Nothing contained herein shall be construed to deny to the Police Department of the City of Santa Barbara the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said department to confirm the height and weight of the applicant.

(Ord. 3543 §1, 1972; Ord. 3823, 1976)

§ 5.76.060. Facilities Necessary and Regulations.

No permit to conduct a massage establishment shall be issued unless an inspection by the City of Santa Barbara reveals that the establishment complies with each of the following minimum requirements:

A. A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, provided, that all such signs shall comply with the sign requirements of the City of Santa Barbara.

B. No person shall give, or assist in the giving, of any massage to any other person under the age of 18 years, unless the parent or guardian of such minor person has consent thereto in writing.

C. Minimum lighting shall be provided in accordance with the California Building Code as adopted and amended by the City, and, in addition, at least one artificial light of not less than 40 watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.

D. Minimum ventilation shall be provided in accordance with the Uniform Building Code.

E. Adequate equipment for disinfecting and sterilizing instruments used in

performing the acts of massage shall be provided.

F. Hot and cold running water shall be provided at all times.

G. Closed cabinets shall be provided which cabinets shall be utilized for the storage of clean linen.

H. In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room or the operators of the massage establishment may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.

I. Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and one wash basin shall be provided by every massage establishment, provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room or rooms, separate dressing and separate toilet facilities shall be provided for male and for female patrons.

J. A separate wash basin shall be provided for each portion of a massage parlor wherein massage services are performed for the individual use of each person performing massage services. Such basin shall be provided with soap and hot and cold running water at all times and shall be located within, or as close as practicable, to the area devoted to the performing of massage services. In addition, there shall be provided at each wash basin, sanitary towels placed in permanently installed dispensers.

K. All walls, ceilings. floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

L. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.

(Ord. 3543 §1, 1972)

§ 5.76.070. Permit Procedures.

A. Any applicant for a permit pursuant to these provisions shall personally appear at the Police Department of the City of Santa Barbara, and after paying the $10.00

permit fee hereinabove provided, shall present to the Police Department the application containing the aforementioned and described information. The Chief of Police shall have a reasonable time in which to investigate the application and the background of the applicant. Based on such investigation, the Chief of Police, or his or her representative, shall approve or deny the permit.

B. The Building Division, the Fire Department, and the Santa Barbara County Health Department shall inspect the premises proposed to be devoted to the massage establishment and shall make separate recommendations to the Chief of Police concerning compliance with the foregoing provisions.

C. The Chief of Police shall grant a permit to the establishment if all requirements for a massage establishment described herein are met and shall issue a permit to all persons who have applied to perform massage services if qualified as hereinabove, unless it appears that any such person has deliberately falsified the application or unless it appears that the record of such persons reveals a conviction of a felony or a crime of moral turpitude.

D. Any person denied a permit pursuant to these provisions by the Chief of Police, may appeal to the Board of Fire and Police Commissioners in writing, stating reasons why the permit should be granted. The Board may grant or deny the permit and such decision shall be final upon the applicant. Also, the said Board may elect on its own motion to review any determination of the Chief of Police granting or denying a permit.

E. All permits issued hereunder are non-transferable, provided, however, a change of location of a massage establishment may be permitted pursuant to the provisions herein.

(Ord. 3543 §1, 1972)

§ 5.76.080. Display of Permit.

Every person, association, firm or corporation to whom or for which a permit shall have been granted shall display said permit in a conspicuous place so that the same may be readily seen by persons entering the premises where the massage, bath, or treatment is given.

(Ord. 3543 §1, 1972)

§ 5.76.090. Change of Location.

A change of location of any of the aforementioned and described premises may be approved by the Chief of Police, provided all ordinances and regulations of the City of Santa Barbara are complied with and the change of location fee of $10.00 is deposited with the City.

(Ord. 3543 §1, 1972)

~~§ 5.76.100. Employees.~~

~~It shall be the responsibility of the holder of the permit for the massage establishment or the employer of any persons purporting to act as massage technicians, to insure that each person employed as a massage technician shall first have obtained a valid permit pursuant to this Chapter. No registered massage technician aide may independently practice the acts of massage, but he or she may, as a massage technician aide, assist a technician in the acts constituting the practice of massage under the immediate personal supervision and employment of a registered massage technician, but such aide may assist only while the massage technician is personally present with the patron, and such aide may not perform massage services. Any massage technician aide shall comply with the requirements of Section 5.76.050.~~
~~(Ord. 3543 §1, 1972)~~

~~§ 5.76.110. Inspection.~~

~~The Building Division, Fire Department and Police Department shall, from time to time and at least twice each year, make an inspection of each massage establishment in the City of Santa Barbara for the purpose of determining that the provisions of this code are met.~~
~~(Ord. 3543 §1, 1972)~~

~~§ 5.76.120. Records of Treatments.~~

~~Every person, association, firm, or corporation operating a massage establishment under a permit as herein provided shall keep a record of the date and hour of each treatment, the name and address of the patron, and the name of the technician administering such treatment. Said record shall be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for no other purpose. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by any officer or employee of the City of Santa Barbara shall constitute a misdemeanor and such officer or employee shall be subject to the penalty provisions of this Chapter, in addition to any other penalties provided by law. Identical records shall be kept of treatments rendered off the business site, and, in addition, shall describe the address where the treatment was rendered. Said records shall be maintained for a period of two years.~~
~~(Ord. 3543 §1, 1972)~~

~~§ 5.76.130. Name of Business.~~

~~No person permitted to do business as herein provided shall operate under any name or conduct his or her business under any designation not specified in his or her permit.~~
~~(Ord. 3543 §1, 1972)~~

~~§ 5.76.140. Revocation and Suspension of Permit.~~

~~A. A permit issued under authority of this Chapter may be suspended for violation of~~

any of its provisions or for fraud or misrepresentation in the permit application, but no permit shall be revoked until after a hearing shall have been held before the Board of Fire and Police Commissioners to determine just cause for such revocation. Provided, however, the Chief of Police may order any permits suspended pending such hearing, and it shall be unlawful for any person to carry on the business of a massage technician or to operate as a massage establishment depending upon the particular type of permit which has been suspended until the suspended permit has been reinstated by the said Board. Notice of such hearing shall be given in writing and served at least five days prior to the date of the hearing thereon. The notice shall state the ground of the complaint against the holder of such permit, or against the business carried on by the permittee at the massage establishment, and shall state the time and place where such hearing will be had at the next regular meeting of the Board following the five day notice period.

B. The notice shall be served upon the permit holder by delivering the same to such person or by leaving such notice at the place of business or residence of the permit holder in the custody of a person of suitable age and discretion. In the event the permit holder cannot be found, and the service of such notice cannot be made in the manner herein provided, a copy of such notice shall be mailed, postage fully prepaid, addressed to the permit holder at his or her place of business or residence at least five days prior to the date of such hearing.

(Ord. 3543 §1, 1972)

§ 5.76.150. Sale or Transfer.

A. Upon the sale or transfer of any interest in a massage establishment, the permit and tax receipt shall be null and void. A new application shall be made by any person, firm, or entity desiring to own or operate the massage establishment. A fee of $10.00 shall be payable for each such application involving sale or other transfer of any interest in an existing massage establishment. The provisions of this Chapter shall apply to any person, firm, or entity applying for a massage establishment permit for premises previously used as such establishment.

B. Any such sale or transfer of any interests in an existing massage establishment or any application for an extension or expansion of the building or other place of business of the massage establishment, shall require inspection and shall require compliance with this Chapter.

(Ord. 3543 §1, 1972)

§ 5.76.160. Applicability of Regulations to Existing Businesses.

The provisions of this Chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of this Chapter.

(Ord. 3543 §1, 1972)

~~§ 5.76.170. Violation and Penalty.~~

~~A. Every person, except those persons who are specifically exempted by this Chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way, who gives massages or conducts a massage establishment or room, or who gives or administers, or who practices the giving or administering of steam baths, electric light baths, electric tub baths, shower baths, sponge baths, vapor baths, fomentation, sun baths, mineral baths, alcohol rubs, Russian, Swedish, or Turkish baths, or any other type of baths, salt flows or any type of therapy or who does or practices any of the other things or acts mentioned in this Chapter without first obtaining a permit and paying a tax or violates any provision of this Chapter shall be guilty of a misdemeanor.~~

~~B. Any owner, operator, manager, or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a massage technician as defined in this part who is not in possession of a valid permit or who allows such an employee to perform, operate, or practice within such a place of business is guilty of a misdemeanor.~~

~~C. 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 Attorney 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 enjoinment 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 reliefs as will abate or remove such massage establishments and restrain and enjoin any person from operating, conducting, or maintaining a massage establishment contrary to the provisions of this Chapter.~~

~~(Ord. 3543 §1, 1972)~~

~~§ 5.76.180. Separability.~~

~~If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.~~

~~(Ord. 3543 §1, 1972)~~