

CHAPTER 2
MASSAGE/BODYWORK BUSINESSES

Note: Chapter 2, consisting of Sections 6-2.01 through 6-2.15, as added by Ord. 1303, as amended by Ord. 2247 c.s., eff. August 23, 1978, amended by Ord. 2751 c.s., further amended by Ord. 2866 c.s., eff. February 1, 2001, Ord. 2875 c.s., eff. August 14, 2001 and Ord. 3101 c.s., eff. January 4, 2013.

§ 6-2.01. Definitions.

As used in this chapter:

"Applicant" means an applicant for a registration certificate.

"California Massage Therapy Council" or "CAMTC" means the State nonprofit organization created to regulate and issue massage practitioner and therapist licenses pursuant to California Business and Professions Code Section 4600, et seq.

"Certified massage business" means any business that possesses a valid City business license and a City registration certificate, and where the only persons employed or used by that business to provide massage services have current and valid State certifications.

"Certified massage practitioner" means any person holding a current and valid State certificate issued by the California Massage Therapy Council pursuant to California Business and Professions Code Section 4600 et seq., whether as a massage practitioner or massage therapist, as defined therein.

"Certified sole proprietorship" means any massage business where the owner is the only person employed or used by that business to provide massage services and the owner has a current and valid State certification and City registration certificate.

"City" means the City of Redondo Beach.

"City Manager or designee" means the person or persons designated by the City Manager to administer the provisions of this chapter.

"Employee" means any person, other than a massage practitioner, manager or owner or operator, who renders any service, with or without compensation, to the owner or operator of a massage establishment relating to the day-to-day operation of the massage establishment whether as an employee or independent contractor.

"Massage" means any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purposes for any form of compensation. "Massage" includes, but is not limited to, treatment by means of pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating, with or without the aid of or by means of any mechanical, electronic or electrical apparatus or appliance or with or without application of rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice.

"Massage business" or "massage establishment" means a business or establishment, including a sole proprietor or independent contractor, that offers massage therapy within the City, whether at a fixed place of business or at a location designated by the patron.

"Owner" or "operator" means any and all owners of a massage business including any of the following persons: the managing responsible officer/employee, a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a 5% or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

"Permit administrator" means the City Manager or designee (hereinafter, "Permit Administrator") for promulgating rules, regulations, and requirements consistent with the provisions of this section and all other law in connection with issuance of a registration permit.

"Registration certificate—business" or "business registration certificate" means a certification issued by the Permit Administrator upon submission of satisfactory evidence as required that a massage business or sole proprietorship employs or uses only certified massage therapists or practitioners possessing valid and current State certifications and has satisfied all other requirements pursuant to the provisions of this chapter.

"Registered certificate holder" means a person or business that has been issued a registration certificate by the City's Permit Administrator.

"Registration certificate—individual" or "individual registration certificate" means a certificate issued by the Permit Administrator upon submission of satisfactory evidence that a massage practitioner or therapist has a valid and current State certification and has satisfied all other requirements pursuant to this chapter.

"State certification" or "state certificate" means a valid and current certification properly issued by the CAMTC pursuant to California Business and Professions Code Section 4600, et seq. (§ 1, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.02. Authority.

The Permit Administrator shall have the power and authority to promulgate rules, regulations, and requirements consistent with the provisions of this chapter and other law in connection with the issuance of a registration certificate. The Permit Administrator may designate an employee of his or her department to make decisions and investigate and take action under this chapter. (§ 2, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.03. State certification, City registration, and City business license required.

- (a) On or after January 4, 2013, it is unlawful for any individual to engage in, conduct, or carry on, or perform massage for compensation within the City unless that individual has obtained a registration certificate from the City.
- (b) On or after January 4, 2013, it is unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in or upon any premises within the City, the operation of a massage business unless in possession of a current and valid registration certificate issued pursuant to this chapter. It is unlawful for any business to provide massage services within the City unless all individuals employed by the massage business to perform massage, whether as an employee or independent contractor, are certified massage practitioners.
- (c) Nothing herein relieves an individual or business from obtaining a City business license or

other permit if otherwise required by law. Any individual applying for a business license as a massage practitioner or a massage therapist shall provide proof of a current State certificate before being issued a business license.

(§ 3, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.04. Certified massage business—Application for registration certificate.

A registration application shall be filed on forms provided by the Permit Administrator, submitted under penalty of perjury, and shall contain the following information:

- (a) The full true name of the applicant and a complete statement listing and explaining any and all aliases and fictitious names used by the applicant within the last 10 years.
- (b) A valid and current driver's license and/or identification card issued by a State or Federal government agency or other photographic identification bearing a bona fide seal by a foreign government.
- (c) An authorization for the City, its officers, agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and to ensure continual compliance with all applicable provisions of law.
- (d) State certification verification.
 - (1) If a certified sole proprietorship, the applicant/owner shall produce a valid and current State certification and a valid and current CAMTC issued identification card;
 - (2) If a certified massage business other than a certified sole proprietorship, the applicant/owners shall produce:
 - a. A valid and current State certification,
 - b. A valid and current CAMTC issued identification card,
 - c. A signed statement that the certified massage business shall employ only certified massage practitioners along with copies of valid and current State certificates for all massage practitioners employed or who will be employed by the massage business and copies of their current and valid CAMTC issued identification cards and valid certificates of registration. If certificates of registration are not produced for any massage practitioner, the Permit Administrator further may require the massage practitioners whom the owner/applicant has identified as employees to personally appear and produce valid and current State certificates, a valid and current driver's license and/or identification card issued by a State or Federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government;
 - (3) The following information shall be provided by any owner/applicant who is not State certified and owns 5% or more of the business:
 - a. Acceptable proof that the owner/applicant is at least 18 years of age,
 - b. Full, true name, and other names or aliases used in the last 10 years,

- c. Applicant's date of birth, a valid and current driver's license and/or identification card issued by a State or Federal governmental agency, or other photographic identification bearing a bona fide seal by a foreign government,
 - d. Two portrait photographs at least two (2") inches by two (2") inches,
 - e. Current address and previous two residences including dates at each address,
 - f. Business, occupation, and employment history for five years preceding the date of current or proposed employment, the inclusive dates of same; the name and address of any massage business or other like establishment owned or operated by any person subject to the background check including, but not limited to, history, if any, with any agency, board, city, county, territory, or state,
 - g. Fingerprints plus payment of a fee to cover the actual costs to submit fingerprints to the Department of Justice and Federal Bureau of Investigation through LiveScan or equivalent,
 - h. Applicant must submit additional fee to cover actual costs for subsequent arrest notice for renewal applications to determine whether the applicant has any of the following:
 - 1. All convictions for any crime involving conduct which requires registration under California Penal Code Section 290 (Sex Offender Registration Act),
 - 2. Convictions for violations of California Penal Code Section 266i (Pandering), 315 (Keeping or residing in house of ill-fame), 316 (Keeping disorderly house), 318 (Prevailing upon person to visit place for gambling or prostitution), 647(b) (Prostitution), or 653.23 (Supervision of a prostitute),
 - 3. Convictions of any felony offense involving the sale of a controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code,
 - 4. Convictions of crimes designated in Government Code Section 51032 (Massage—Grounds for denial of license), or any crime involving dishonesty, fraud, deceit, violence or moral turpitude,
 - 5. All injunctions for nuisances under Penal Code Sections 11225 through 11235,
 - 6. Convictions in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the referenced offenses of this subpart,
 - 7. Conspiracy or attempt to commit any such offense described in subsections (h)(1) through (h)(6).
- (e) General business information.
- (1) The full, true name under which the business will be conducted;

- (2) The present or proposed address where the business is to be conducted and the present residence address of the applicant;
 - (3) A complete description of all services to be provided at the proposed massage establishment;
 - (4) The name and address of any massage business or other like business owned or operated by any person whose name is required to be given pursuant to this section for the 10 years immediately preceding the filing of the application;
 - (5) A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant;
 - (6) The name and address of the owner and lessor of the real property, if any, upon or within which the business is to be conducted.
- (f) Corporate information.
- (1) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than 5% of the stock of that corporation, and its registered agent for receipt of process;
 - (2) If the applicant is a partnership, the application shall set forth the names and residence addresses of each of the partners, including limited partnerships. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporate applicants shall apply to the corporate partner;
 - (3) The applicant, corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer/employee. Such person shall complete and sign all application forms required of an individual applicant under this chapter. The corporation's or partnership's responsible managing officer must, at all times, meet all of the requirements set by this chapter or the corporation's or partnership's registration certificate shall be suspended until a responsible managing officer who meets such requirements is designated. If no such person is designated within 90 days, the corporation's or partnership's registration certificate is deemed canceled and a new application for registration must be filed;
 - (4) If an applicant owner, operator, corporation or partner owns 5% or more of the massage business and is not State certified, the Permit Administrator shall conduct a background check of that owner, operator, corporation, or partner, and which shall include the information requested in Section 6-2.04(d)(3) inclusive and the name and address of any massage business or other like business owned or operated by any person who is subject to the background check requirement of this subdivision.
- (g) A signed statement that the owner/applicant shall be responsible for the conduct of all employees or independent contractors working on the premises of the business and acknowledging that failure to comply with California Business and Professions Code Section

4600 et seq., with any local, State or Federal law, or with the provisions of this chapter may result in the revocation of the City's registration certificate.

- (h) Zoning consistency check in writing from the City's Community Development Department. A zoning consistency check does not confer or authorize any entitlement to a use permit or building permit or similar, which process, if applicable, is separate from the registration certificate process.
- (i) Payment of a nonrefundable registration fee in an amount established by resolution of the City Council.
- (j) Upon receipt of the application, the Permit Administrator shall refer the application to other City departments that shall inspect the premises, if any, proposed to be used as a massage business and shall make a written recommendation to the Permit Administrator concerning compliance with the respective requirements.
- (k) The Permit Administrator or authorized representative shall have up to 60 days after the submission of all required information to complete an investigation.
(§ 4, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.05. Certified massage practitioners—Application for registration certificate.

- (a) This section expressly applies to all massage practitioners working as individuals unless specifically exempted pursuant to Section 6-2.07.
 - (b) It is unlawful to practice massage of any form of consideration as a principal, an employee, agent, or otherwise within the City unless:
 - (1) Applicant has a current and valid certificate of registration issued pursuant to this chapter; and
 - (2) Possesses a valid and current State certification and a valid and current CAMTC issued identification card.
- (§ 5, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.06. Approval or denial of registration certificate.

- (a) The Permit Administrator shall issue a registration certificate to any certified massage practitioner who provides:
 - (1) The full true name of the applicant;
 - (2) A valid and current driver's license and/or identification card issued by a State or Federal government agency or other photographic identification bearing a bona fide seal by a foreign government;
 - (3) The current residence and business address and current residence and business telephone number of the applicant;
 - (4) A valid and current State certification matching the identification information provided in Section 6-2.04;

- (5) A valid and current CAMTC issued identification card matching the identification information provided in Section 6-2.04.
- (b) A certificate of registration shall be issued by the Permit Administrator to any certified sole proprietorship that demonstrates all of the following:
- (1) The operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including, but not limited to, the City's building, zoning, business license, and health regulations;
 - (2) The owner is the only person employed or used by that business to provide massage services;
 - (3) The owner holds a valid and current State certificate issued pursuant to Chapter 10.5 of the California Business and Professions Code and that the owner/applicant is the same person to whom the CAMTC issued a valid and current State certificate and identification card;
 - (4) The applicant possesses a valid business license issued pursuant to Title 6, Chapter 1 of the Redondo Beach Municipal Code; and
 - (5) The applicant has not failed to provide information, assurances, or documentation required by this chapter, has not failed to reveal any fact material to qualification, or has not supplied information that is untrue or misleading as to a material fact pertaining to the qualification criteria.
- (c) A certificate of registration shall be issued by the Permit Administrator to any certified massage business that demonstrates all of the following:
- (1) The operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including, but not limited to, the City's building, zoning, business license, and health regulations;
 - (2) The owner holds a valid and current State certificate issued pursuant to Chapter 10.5 of the California Business and Professions Code and that the owner/applicant is the same person to whom the CAMTC issued a valid and current State certificate and identification card, or, the non-certified owner/operator has satisfied the requirements of Section 62.04(d)(3);
 - (3) The massage business employs or uses only massage practitioners with City registration certificates as well as State certificates whose certifications are valid and current and that owners of the State certificates are the same persons to whom CAMTC issued valid and current identification cards;
 - (4) The applicant has provided all information, assurances, or documentation required by this chapter, has not failed to reveal any fact material to qualification, and has not supplied information that is untrue or misleading as to a material fact pertaining to the qualification criteria; and
 - (5) The background check for any applicant/owner authorized by this chapter shows that such person has not been required to register under the provisions of Section 290 of the

California Penal Code; within five years preceding the application had a conviction in a court of competent jurisdiction for any of the crimes indicated in Section 6-2.04(d) herein, California Penal Code Section 415, or Section 10-2.1620 of the Redondo Beach Municipal Code; has not had an individual or business permit or license with any agency, board, city, county, territory, or state, denied, revoked, restricted, or suspended within the last five years; and has not been subject to an injunction for nuisance under Penal Code Sections 11225 through 11235 within the last five years.

(§ 6, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.07. Exceptions.

The requirements of this chapter do not apply to:

- (a) Any physician, surgeon, chiropractor, osteopath, acupuncturist or physical therapist duly licensed to practice such profession in the State of California and working within the scope of such licenses. This exemption applies to massage practitioners or other persons working under the direction of said professional in conformance with State law.
- (b) Any registered nurse or licensed vocational nurse, licensed to practice under the laws of the State of California, who is an employee of and working under the on-site direction of a physician, surgeon, chiropractor, acupuncturist, osteopath, or physical therapist, duly licensed to practice their respective professions in this State.
- (c) Any treatment administered in good faith in the course of the practice of any healing art by any person licensed to practice 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 such license.
- (d) Hospitals, nursing homes, sanatoriums, or other health care facilities duly licensed by the State of California.
- (e) Barbers, beauticians, or manicurists who are duly licensed to practice their respective profession by the State of California, while performing activities within the scope of their license, provided that such massage is limited solely to the neck, face, scalp, feet, hands, and lower limbs up to the knees, of their patrons.
- (f) Persons who provide massage therapy to athletes or athletic teams, facilities or events, acting within the scope of their employment so long as such persons do not practice massage therapy as their primary occupation within the City.
- (g) Schools of cosmetology or barbering which comply with the requirements of Business and Professions Code Section 7362 et seq., when instructors are acting within the scope of their employment or when students are working as unpaid externs pursuant to the requirements of Business and Professions Codes Section 7395.1.

(§ 7, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.08. Health and safety requirements.

All premises of certified massage businesses shall be subject to periodic inspection by the City for compliance with health, safety, and building standards and all such establishments shall comply

with the following requirements:

(a) Conditions of operation.

- (1) One artificial white light of not less than 40 watts shall be provided in each room where massage is being administered.
- (2) The walls in all rooms where water or steam baths are given shall be clean and painted with an approved washable mold resistant paint.
- (3) Floors shall be free from any accumulation of dust, dirt, or refuse.
- (4) All equipment used in the massage operation shall be maintained in a clean and sanitary condition.
- (5) Dressing and locker facilities shall be provided for patrons. Security deposit facilities for the protection of the valuables of the patrons shall also be available.
- (6) One front door shall be provided for patron entry to the massage business, which shall open to an interior patron reception and waiting area immediately inside the front door. All patrons and any persons other than individuals employed or retained by the massage business shall be required to enter and exit through the front door.
- (7) No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall during business hours block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs or darkens the view into the premises.
- (8) No massage establishment shall operate nor shall any massage be administered in any massage establishment between the hours of 11:00 p.m. and 8:00 a.m. The hours of operation must be displayed in a conspicuous public place in the lobby within the massage establishment and in any front window clearly visible from outside of the massage establishment.

(b) Instruments equipment and personnel.

- (1) Disinfecting agents and sterilizing equipment shall be provided for any and all instruments used in performing acts of massage and said instruments shall be disinfected and sterilized after each use.
- (2) Massages shall be administered only on standard or portable massage tables or chairs which are covered with a durable, washable plastic or other acceptable waterproof material. Massages shall not be administered on beds, mattresses, water beds, futons, sofa beds, any type of portable or convertible beds.
- (3) Except to the extent required, in writing, by a State licensed medical practitioner, no massage practitioner shall massage the genitals, gluteal fold, or anal area of any patron, or the breasts of any female patron, nor shall any operator of a massage business allow or permit such a massage.

- (4) A massage shall not be given and no patron shall be in the presence of any massage establishment staff unless the patron's genitals, pubic area and buttocks, and, if a female patron, the female patron's breasts, are fully covered by a fully opaque, nontransparent covering.
 - (5) All persons providing services in the massage establishment shall be fully clothed in clean, non-transparent clothing at all times that shall not expose their genitals, pubic area, buttocks or chest, nor shall any operator of a massage business allow or permit any person providing services at the massage establishment to dress in non-conforming clothing.
 - (6) Towels, sheets, clothes and linens of all types, and items for personal use of operators and patrons shall be clean and freshly laundered and shall not be used for more than one person. No common use of towels or linens shall be permitted. Heavy white paper may be substituted for sheets; provided, that such paper is used once for each person then discarded into a sanitary receptacle.
 - (7) No person afflicted with an infection or parasitic infestation transmittable to a patron shall knowingly provide massage therapy to a patron, or remain on the premises of a massage business while so infected or infested.
- (c) Personnel lists.
- (1) Within seven days of receiving a registration certificate, the owner of a certified massage business shall provide the Permit Administrator with a complete list of all massage practitioners who are working or will work, be employed, or provide massage services in the massage establishment.
 - (2) The operator shall maintain copies of each massage practitioner's State certificate on file on the premises of the massage establishment which shall be available to any individual upon request, including, but not limited to, employees of the City. Additionally, the operator shall be required to file copies of each State certificate with the Permit Administrator within seven days of a massage practitioner or massage therapist beginning to work at the massage establishment.
 - (3) Information required by this section shall be maintained at the massage establishment for a minimum of two years following the date that the person ceases providing services/employment to the massage establishment.
 - (4) The owner/operator shall deliver notice of the termination of any massage practitioner or therapist no longer employed by the owner/operator to the Permit Administrator within seven business days of termination.
- (d) Prohibited conduct.
- (1) No alcoholic beverages shall be sold, served, or furnished on the premises of any massage establishment without a valid alcoholic beverage license from the State and conditional use permit from the City.
 - (2) During the hours of operation, visitors shall not be permitted in massage therapy rooms

except as follows: (i) the parents or guardian of a patron who is a minor child may be present in the massage therapy room with that minor child; (ii) the minor child of a patron may be present in the massage therapy room with the patron when necessary for the supervision of the child; or (iii) the conservator, aid or other caretaker of a patron who is elderly or disabled may be present in the massage therapy room with that elderly or disabled person.

- (3) No operator shall hire, employ or allow a person to perform massage services unless such person possesses a valid State certificate (and certificate of registration). Each operator of a massage establishment shall verify that all persons hold the appropriate State certificate required by this chapter.
 - (4) No electrical, mechanical or artificial device shall be used by any massage establishment staff for audio and/or video recording or for monitoring the performance of a massage, of the conversation of other sounds in the massage rooms, without the knowledge and written consent of the patron.
 - (5) No massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons or clients that any service is available other than those services described in this chapter and posted on the premises as required in this chapter, nor shall any massage establishment employ language in the text of any advertising that would reasonably suggest to a prospective patron that any service is available other than those services described in this chapter and posted on the premises as required by this chapter.
- (e) Posting requirements. In addition to any other requirements for posting set forth in this chapter, the following shall also apply:
- (1) A recognizable and legible sign complying with the requirements of this code shall be posted at the main entrance identifying the establishment as a massage establishment.
 - (2) A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. The services shall be described in English and such other languages as may be convenient to communicate such service, in a conspicuous public location in each massage establishment. No services shall be conformed and no sums shall be charged for such services other than those posted. Nothing therein prohibits a voluntary tip from being paid by the patron. No massage business operator shall permit, and no person employed or retained by the massage business shall offer to perform any services or fees other than those posted.
 - (3) Any posted signs which are in a language other than English shall also be posted in English.
 - (4) The owner or operator of a massage business shall display the business registration certificate issued to the business and to each massage practitioner employed in the business in an accessible and conspicuous place on the premises.
 - (5) The owner or operator shall ensure that the individual registration certificate for each on-duty massage therapist is conspicuously displayed, visible from the entrance and/or

reception and waiting area of the massage establishment.

(f) Inspection by City officials and notices of violation.

- (1) The investigating officials of the City, including, but not limited to, representatives of the City's Police Department, Fire Department, Community Development Department and the County Health Officer, shall have the right to enter the premises from time to time during regular business hours prior to the issuance of a permit and subsequently for the purpose of making reasonable inspections to enforce compliance with this chapter and with building, fire, electrical, plumbing, and/or health and safety regulations. In the event a certificate of registration has been issued, it may be revoked or suspended in the manner hereinafter set forth in this chapter.
- (2) No person shall refuse to permit, cause delay of, or interfere with, a lawful inspection or compliance check of the premises by City or County officials at any time.
- (3) Whenever any City official inspects a massage business and finds that any provision of this chapter has been violated, he or she shall give notice of such violation by means of an inspection report or other written notice including, but not limited to, issuing a citation for each and every violation of this chapter or other applicable laws. In any such notification, the investigating person shall:
 - a. Set forth the specific violation or violations found, and shall notify the registered certificate holder that failure to comply with any notice issued in accordance with the provisions of this chapter may result in the revocation or suspension of the permit.
 - b. The registered certificate holder may be issued a warning that any future violation of this chapter may result in suspension or revocation of the registration certificate or the City officials may establish a specific and reasonable period of time for the correction of the violation or violations. No time to correct need be given for health and safety violations or violation of criminal law.
 - c. The registered certificate holder and operator shall take immediate action to correct violations and the City officials may re-inspect the business for compliance.

(g) Notification of changes.

- (1) The owner shall have a continuing obligation to notify the Permit Administrator in writing of any changes in massage practitioners and owners or operators or staff within seven calendar days of such change.
- (2) Every massage business owner or operator shall report in writing immediately to the Permit Administrator any and all changes of address or ownership of the massage business.

(§ 8, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.09. Transfer of certificate of registration.

- (a) Transfer of business registration certificate. A massage business registration certificate shall

not be transferrable except with the written approval of the Permit Administrator. A written application for such a transfer shall contain the same information as required herein for an initial application for a permit as set forth in Section 6-2.04. In the event of denial of such transfer, notification of any reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or delivered in person within 60 days of receipt of an application for transfer.

- (b) Individual registration certificate—Nontransferable. Individual registration certificates shall not be transferrable.

(§ 9, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.10. Registration certificate expiration and renewal.

- (a) Registration certification shall be valid as follows:

- (1) Massage business: two years from issuance or as extended pursuant to this chapter;
- (2) Sole proprietors: two years from issuance or as extended pursuant to this chapter;
- (3) Massage practitioners: two years from issuance or as extended pursuant to this chapter.

- (b) City registration certificates, both business and individual, shall be renewed in accordance with the expiration schedule set forth in this section.

- (c) The registered certificate holder—business shall apply to the City to renew such registration within 60 days prior to expiration and shall apply to the City to amend the registration certificate within 30 days after any change in the registration information including, but not limited to, a change in work address. The City Manager or Permit Administrator may extend the registration certificate one time during a renewal period for up to 90 days for individuals who provide timely evidence of a renewal application to the CAMTC.

- (d) If a renewal application and all required information for the renewal of a registration certificate—business is not received within 30 days after expiration, the registration certificate shall be deemed expired and no privilege to provide massage shall exist. Renewals shall be processed and investigated and the applicant is required to submit that information which has changed from the last application or renewal.

- (e) Automatic issuance and renewal of individual registration certificates for State certificate holders.

- (1) Any person who holds a valid State certificate shall only be required to provide the information required for an initial certificate of registration—individual.
- (2) Renewals shall be required in accordance with this chapter, but such renewals shall be automatic as long as the registered certificate holder maintains and provides a copy of his or her valid State certificate to the Permit Administrator within the renewal period.

- (f) The registered certificate holder—individual shall apply to the City to renew such registration within 30 days prior to expiration and shall apply to the City to amend the registration certificate within 30 days after any change in the registration information including, but not limited to, a change in work address. The Permit Administrator may extend

the registration certificate one time during a renewal period for up to 90 days for individuals who provide timely evidence of a renewal application to the CAMTC.

(§ 10, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.11. Revocation or suspension of registration certificate—Massage business.

(a) Registration certificates issued to a certified massage business or certified sole proprietorship shall be suspended or revoked upon any of the following grounds:

- (1) A registered certificate holder is no longer in possession of a current and valid State certification.
- (2) A non-certified owner, operator, corporation, or partner who owns 5% or more of the massage business has been convicted of a crime that could have caused denial of the registration certificate.
- (3) A registered certificate holder has made a material misrepresentation on the application for a registration certificate or renewal.
- (4) The registered certificate holder has engaged in conduct or operated the massage business or as a massage practitioner in a manner which violates any of the provisions of this chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit.
- (5) The owner or operator of a certified massage business employs or uses non-certified massage technicians to perform massage services.
- (6) Violations of this chapter or of California Business and Professions Code Section 4600, et seq., have occurred on the business premises.
- (7) The registered certificate holder has failed to comply with one or more of the health and safety requirements under this chapter.
- (8) The registered certificate holder has engaged in fraud, misrepresentation, or false statements in obtaining or maintaining a registration certificate.

(§ 11, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.12. Revocation or suspension of registration certificate—Individual.

(a) The Permit Administrator shall revoke or suspend an individual registration certificate upon the following grounds:

- (1) The certificate holder is no longer in possession of a current and valid State certification of CAMTC issued identification card;
- (2) The certificate holder has engaged in fraud, misrepresentation, or false statements in obtaining or maintaining a registration certificate.

(§ 12, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.13. Suspension or revocation hearing.

- (a) Notice of revocation or suspension shall contain a statement of the violation(s) which constitute the basis for suspension or revocation and information about the right to appeal and the necessity of an appeal as a prerequisite to litigation.
- (b) A hearing shall be scheduled upon not less than 10 calendar days' notice to the registered certificate holder.
- (c) Notice shall be given by personal service or certified or registered mail to the address shown on the last application or renewal. If reasonable attempts to otherwise serve are not successful, service may be provided by first class mail.
- (d) Service shall be deemed complete when personal service is made, when the certified letter is delivered, or when the decision is mailed by first class mail.
- (e) Unless otherwise specifically prohibited by law, the burden of proof is on the registered certificate holder/applicant in any hearing or other matter under this chapter. Formal rules of evidence shall not apply to the hearing.
- (f) If the registration certificate is suspended or revoked, the registration certificate shall be surrendered.

(§ 13, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.14. Appeals from suspension, revocation, or denial of registration certificate.

- (a) Appeals from any decision of the Permit Administrator under this chapter shall be in writing, shall clearly state the applicable basis for the appeal, and shall be filed with the City Clerk not later than 15 calendar days following the date of notice of the decision.
- (b) The City Clerk shall not accept an appeal, and no hearing shall be held, unless the appellant has paid a filing fee, in an amount set by resolution of the City Council, to defray the cost of such appeal. Any appeal without the timely payment of fees shall be considered to be untimely.
- (c) The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by the appellant in the written appeal, as submitted pursuant to subsection (a) of this section.
- (d) Upon receipt of a timely filed appeal, the City Clerk shall set the matter for hearing before the City Manager. The hearing shall be held not fewer than 10 calendar days and not more than 30 calendar days from the date of the appeal request. The hearing may be continued from time to time upon the mutual consent of the parties.
- (e) The appellant shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least 15 calendar days prior to the hearing.

(§ 14, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.15. Reapplication after denial.

No reapplication for a registration certificate will be accepted within one year after an application or renewal is denied or a registration certificate is revoked, provided that, if a registration certificate is denied for the sole reason that a massage practitioner does not possess a CAMTC

certification, reapplication may occur after CAMTC certification has been attained.
(§ 15, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.16. Violations and penalties.

- (a) It is unlawful for any person to engage in conduct that violates any provision of this chapter, to engage in conduct which fails to meet the standards set forth in this chapter or to own, manage or operate a massage establishment that is not fully in compliance with the operation standards set forth in this chapter.
- (b) Any violation of this chapter shall be a misdemeanor unless, in the sole discretion of the City Prosecutor, it is charged as, or reduced to, an infraction. Citations and warning notices may be utilized as deemed appropriate to the circumstances by the enforcing personnel.
- (c) In addition to the above, any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be and is declared to be unlawful and a public nuisance and the City may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal, and enjoinder thereof, in the manner provided by law, including any code enforcement procedures established pursuant to the laws of the State of California or the City of Redondo Beach.
- (d) Any violation of the provisions of this chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

(§ 16, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.17. Ancillary massage/bodywork services.

(§ 2, Ord. 2751 c.s., eff. December 7, 1995; repealed by § 17, Ord. 3101 c.s., eff. January 4, 2013)

§ 6-2.18. Restricted license.

(§ 2, Ord. 2751 c.s., eff. December 7, 1995; repealed by § 17, Ord. 3101 c.s., eff. January 4, 2013)