

**ORDINANCE NO. 94-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF RIDGECREST AMENDING THE RIDGECREST  
MUNICIPAL CODE AS IT RELATES TO MASSAGE  
OFFICES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST  
as follows:**

**Section 1. Purpose**

This Ordinance amends the Ridgcrest Municipal Code by adding provisions regulating massage offices.

**Section 2. Amendment**

Article 16 is hereby added to Chapter 4 (commencing with Section 4-16.101) of the Ridgcrest Municipal Code to read as follows:

**"Article 16. Massage Offices**

**4-16.101. Purpose and Intent**

Regulation of the massage/bodywork industry is necessary to protect the consumer of massage, as well as massage/bodywork practitioners. This Article regulates massage/bodywork practitioners in order to promote the public health, safety and welfare by: providing appropriate standards for education and training of massage/bodywork practitioners; and recognizing massage/bodywork as a legitimate business occupation and health enhancement service and promoting the public confidence therein.

**4-16.102. Definitions**

The following terms are defined for the purposes of this Article, unless the context clearly requires a different meaning:

- (a) *Massage* means any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations.
- (b) *Bodywork* means the skillful application of touch to enhance the health and well being. Bodywork includes a variety of philosophical approaches, theoretical frameworks, and techniques such as massage, movement and education.
- (c) *Massage/bodywork professional or professional* means a nonmedical health care practitioner who offers services to the public using a massage or bodywork specialty and health enhancement approach in caring for clients and who has met the requirements of this Article.
- (d) *Massage/bodywork office* means any establishment having a fixed place of business where any individual, firm, association, partnership, corporation, joint venture or

combination of individuals engages in, conducts, carries on or permits to be engaged in, conducted or carried on for consideration, massages, bodywork, baths, or health treatments involving massages, bodywork or baths as regular functions, including any establishment involving massages, bodywork or baths as regular functions, including any establishment involving the provision of off-premises massage or bodywork services, whether or not massage or bodywork is performed on the premises.

- (e) *License* means the license to operate a massage/bodywork office as required by the Article.
- (f) *Recognized/approved school of massage* means any school or institution of learning which:
  - (1) teaches the theory, ethics, practice, profession and work of massage/bodywork;
  - (2) requires a residence course of study before the student shall be furnished with a diploma or certificate of completion; and
  - (3) has been approved pursuant to Education Code Section 94311, or if the school is not located in California, has complied with standards commensurate with those required in Section 94311 and has obtained certification under any similar state certification program, or federally approved trade schools of massage therapy, if such exists.

- (4) Temporary, conditional or provisional approval by California State Department of Education will not qualify a school or institution of learning as acceptable under this Section.
  - (5) Schools offering correspondence courses not requiring actual attendance at class, or courses for a massage technician not approved by the California state Department of Education shall not be deemed "approved schools."
- (g) *State, national or regional professional massage/bodywork organization or association devoted to the massage specialty and health enhancement approach* means an organization or association meeting each of the following requirements:
- (1) Requires its members meet minimum educational requirements. The educational requirements must include classroom time, or its equivalent, as determined by written and practical examination, in anatomy, physiology, hygiene, sanitation, massage/bodywork theory and practice, and ethics of massage/bodywork practice;
  - (2) Offers and encourages participation in continuing education programs; and,
  - (3) Has an established code of ethics and has enforcement procedure for the suspension and

revocation of membership of persons violating the code of ethics.

- (4) The organization is open to members of the general public meeting the requirements for membership on either a regional, statewide or national basis and is devoted to serving the interests of its members, the public and the profession.

**4-16.103. Office; License Required**

- (a) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried, on, in or upon any premises within the City, a massage without a license issued by the City in conformity with the provisions of this Article. No owner, practitioner, responsible managing employee, manager or licensee in charge of or in control of a massage/bodywork office shall employ or permit an unlicensed person to act as a massage/bodywork practitioner.
- (b) Each person employed or acting as a massage/bodywork practitioner shall have a valid license issued by the City.
- (c) A license issued under this Article shall be renewed annually and a renewal fee shall be paid.

**4-16.104. License Applications**

- (a) The application for a license under this Article shall be upon a form provided by the City Clerk shall

- (i) set forth the exact nature of the services to be provided;
  - (ii) the proposed place of business and facilities;
  - (iii) the name, including all names used, and the addresses of each applicant;
  - (iv) if applicant is a corporation, the names and residence addresses of each officer director and each stockholder owing more than ten (10%) percent of the stock of the corporation.
  - (v) if applicant is a partnership, the names and residence addresses of each partner, including limited partners.
- (b) An applicant for a license shall also furnish the following information for each person who will act as a massage/bodywork professional:
- (i) The name and address of each professional employed in the establishment, including any alias.
  - (ii) The driver's license number or California identification.
  - (iii) Written evidence the professional is at least eighteen years of age.
  - (iv) Two photographs, 2" by 2" passport size.
  - (v) A complete set of fingerprints taken by the Chief of Police or his agent.

- (vi) A diploma(s) or certificate(s) of graduation from an approved school wherein the method, profession, and work of massage techniques are taught, and consist of a minimum of five hundred hours.
- (c) The initial application for a massage/bodywork license shall be accompanied by an investigation fee. Additional fees may be required by the City Clerk if the investigation requires in excess of three hours.

**4-16.105. License: Denial**

- (a) No license will be issued to a massage/bodywork professional unless the professional has completed:
  - (i) five hundred hours of instruction in the massage/bodywork specialty and health enhancement approach at a recognized school of massage or bodywork with a State approved curriculum; or,
  - (ii) two hundred fifty hours of such instruction and, in addition, five hundred hours of practical experience in the massage/ bodywork specialty and health enhancement approach in the form of paid employment; or
  - (iii) a minimum of one hundred hours of such training from an approved school, and proof of four hundred hours additional training in: continuing education classes in the massage/ bodywork field and related classes offered by a recognized school of massage

of bodywork; or approved and certified by qualifying professional organizations; or adult education classes in massage/bodywork and related topics offered through State approved colleges and universities; or an independently prepared and administered National Certification exam objective standards to fairly evaluate professional levels of skill, safety and competence, as determined by the National Commission for Certifying Agencies.

- (iv) Failure to provide a complete application.
- (v) Violation of any Federal, State, or local health law or regulation.
- (vi) The applicant has engaged in disqualifying conduct.

As used herein, *disqualifying conduct* includes:

- (1) within five years immediately preceding the filing of the application conviction in a court of competent jurisdiction of:
  - (i) any misdemeanor or felony offense directly related to the operation of a massage office, whether as a massage office owner or practitioner, or as a massage/bodywork practitioner or professional; or
  - (ii) any felony the commission of which occurred on the premises of a massage office; or



- (iii) any violation of Section 266(h), 314, 315, 316, 318, or Subdivision (b) of Section 647 of the California Penal Code; or 261.5, and Section 290; or
  - (iv) any offense in a jurisdiction outside of the State of California which is the equivalent of any of the aforesaid offenses.
- (2) within five years immediately preceding the filing of the application had any massage office, operator, practitioner or trainee license or permit issued by the State of California, or by any county or municipality, revoked; or
- (3) The licensee has operated a massage office after the license has been suspended; or
- (4) The licensee has allowed a person to work as a massage/bodywork practitioner who:
- (i) does not have a valid license; or
  - (ii) has engaged in conduct or has been convicted of an offense described in this section and where the licensee has actual or constructive knowledge of such conduct.
- (b) The license of every previously licensed massage practitioner possessing a diploma(s) or certificate(s) from an approved school teaching a course consisting of less than five hundred hours shall expire on June 1,

1997, and shall not be renewed unless the applicant possesses a diploma(s) or certificate(s) from an approved school indicating applicant has completed the additional course time to qualify applicant for renewal or fulfilled the above requirements of this Section.

- (c) The Director of Finance shall either issue the license or make a written statement of his or her reasons for denial thereof. If the Director takes neither action, the license shall be deemed to be issued. In the event of denial, notification and reasons for denial shall be set forth in writing as stated below.

**4-16.106. License: Investigation and Fee**

- (a) The City Clerk shall refer the application to the Building Department and the Police Department, to review records or make an inspection of the premises of the propose massage/bodywork office. The Building Department and Police Department shall make a written recommendation to the City Clerk concerning compliance with the requirements of this Article.
- (b) The Building Official shall examine massage/bodywork office to determine compliance with building codes prior to the initial license to operate a massage office. Thereafter, building inspection is not required unless structural changes are performed or good cause exists to warrant further inspection .

- (c) The Chief of Police shall perform an investigation to determine whether the statements made in the application are true. At the time of renewal, the Chief shall determine if the licensee has violated Section 4-16.105(a)(vi) subsequent to the initial application.
- 4-16.107. License: Conditions
- A person licensed under this Article shall:
  - (a) Operate bath/spa and massage only between the hours of 6:30 a.m. and 10:00 p.m.
  - (b) Protect patrons from potential health and sanitary hazards, all employees and massage/bodywork practitioners shall be clean and shall perform all services on the premises in full, clean, outer garments. Clothing furnished to patrons by the establishment shall not be used by more than one patron unless it has first been laundered and disinfected.
  - (c) Protect the patron and the massage establishment, no person shall be allowed to be in possession of, consuming, or using any alcoholic beverage or controlled substance except pursuant to a valid prescription issued by a licensed medical doctor for such drug while in treatment room.

#### 4-16.108. Exemptions

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

- (a) Physicians, surgeons, chiropractors, acupuncturists or osteopaths, who are duly licensed to practice their respective professions in the State of California, while performing activities encompassed by such professional licenses, and other duly licensed to practice their professions under the State of California laws pertaining to the healing arts.
- (b) Individuals administering massages or health treatment involving massage to persons participating in road races, track meets, triathalons and similar single occurrence athletic or recreational events, provided the following conditions are met:
  - (1) The massage services are made equally available to all participants in the event;
  - (2) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations; and

- (3) The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event.

**APPROVED AND ADOPTED THIS** 3rd day of August, 1994, by the following vote:

Ayes: Mayor Corlett, Council Members Auld, Bitney, Bryan, and Parode.  
Noes: None.  
Abstain: None.  
Absent: None.

  
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Kevin S. Corlett, Mayor

ATTEST:

  
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Pamela Bartlett, City Clerk