

**AN ORDINANCE OF THE CITY OF \_\_\_\_\_ ADOPTING  
THE COACHELLA VALLEY MODEL MASSAGE ORDINANCE  
FOR THE CONSISTENT REGULATION AND RECIPROCAL  
PERMITTING OF MASSAGE THERAPY BUSINESS ACTIVITIES  
WITHIN THE COACHELLA VALLEY**

**THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, CALIFORNIA, DOES ORDAIN  
AS FOLLOWS:**

**SECTION I. FINDINGS**

- A. The City Council finds that massage therapy is an integral component of the scope of services sought by residents and tourists when visiting the Coachella Valley.
- B. The City Council finds and determines that licensing standards pertaining to massage therapy business activities are necessary to protect the public health and safety and the personal safety of massage therapists.
- C. The City Council further finds that public health and safety is best served by the adoption of a model ordinance providing for regulation of massage therapy activities in a manner that is consistent throughout the Coachella Valley.
- D. The City Council finds and determines that a deposit fee is necessary to offset the costs associated with the implementation and administration of this ordinance.

**SECTION II. PURPOSE AND INTENT**

- A. The purpose of this ordinance is to insure the protection of the public health and safety and the personal safety of massage therapists through the establishment of certain licensing standards pertaining to massage therapy business activities within the Coachella Valley and to recognize massage therapy as a legitimate business occupation and health enhancement service.
- B. This model ordinance, upon adoption by this and the other cities within the Coachella Valley, shall provide for the consistent regulation and reciprocal permitting of massage therapy business activities throughout the Coachella Valley.
- C. Nothing in this ordinance is intended to permit any use, conduct, and/or activity that violates any federal, state or local law or regulation.

**SECTION III. DEFINITIONS**

- A. **“Applicant”** means the individual seeking a permit pursuant to this Chapter.
- B. **“Certified copy”** shall mean a copy of a document that is certified by the issuer as being a true and accurate copy of the original document or a similar document bearing an original signature of the issuer.
- C. **“Certified statement”** shall mean a written assertion, claim or declaration bearing the original signature of the issuer.
- D. **“Coachella Valley Model Massage Ordinance”** shall mean the provisions of this ordinance as adopted by this or any other jurisdiction within the Coachella Valley.
- E. **“Communicable disease”** shall mean tuberculosis, or any disease, which may be transmitted from a massage therapist to a patron through normal physical contact during the performance of any massage service.
- F. **“Complete application”** shall mean an application, which provides all of the requisite information required to be provided by an applicant pursuant to this Chapter.
- G. **“Disqualifying conduct”** means any of the following when occurring within five (5) years of any application made pursuant to this Chapter:
  - (a) Pandering as set forth in California Penal Code Section 266i;
  - (b) Keeping or residing in a house of ill-fame as set forth in California Penal Code Section 315;
  - (c) Keeping a house for the purpose of assignation or prostitution, or other disorderly house as set forth in California Penal Code Section 316;
  - (d) Prevailing upon a person to visit a place of illegal gambling or prostitution as set forth in California Penal Code Section 318;
  - (e) Lewd conduct as set forth in California Penal Code Section 647, subdivision (a);
  - (f) Prostitution activities as set forth in California Penal Code Section 647, subdivision (b);
  - (g) Any offense committed in any other state which, if committed or attempted in this state, would have been punishable as one or more of the offenses set forth in California Penal Code Sections 266(i), 315, 316, 318, or 647, subdivisions (a) or (b);

(h) Any felony offense involving the sale of any controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058;

(i) Any offense committed in any other state which, if committed or attempted in this state, would have been punishable as a felony offense involving the sale of any controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058;

(j) Any misdemeanor or felony offense which relates directly to the practice of massage therapy, whether as a massage therapy business owner or operator, or as a massage therapist; or

(k) Any felony the commission of which occurred on the premises of a massage therapy establishment.

H. ***"Filing date of application"*** shall mean the date on which the Permit Administrator determines that a complete application pursuant to this Chapter has been submitted to the Permit Administrator by the applicant.

I. ***"Full nudity"*** or ***"semi-nudity"*** shall mean any of the following: (a) the appearance or display of an anus, male or female genital, pubic region, or a female breast below a point immediately above the top of the areola, and/or (b) a state of undress which less than completely and opaquely covers an anus, male or female genital, pubic region or a female breast below a point immediately above the top of the areola.

J. ***"Manager"*** means the individual(s) who are responsible for the management and/or supervision of a massage therapy business.

K. ***"Massage"*** or ***"massage therapy"*** shall mean any method of pressure on, or 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 appliances, with or without supplementary aids such as creams, ointments, or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor. "Massage" and "massage therapy" shall include such manipulation of the body or similar procedures described in this paragraph that are performed in hydrotherapy, spa or similar bath facilities.

L. ***"Massage therapy establishment"*** shall mean any establishment having a fixed place of business for the purpose of deriving income or compensation from massage therapy services, whether or not massage is performed on the premises.

M. ***"Massage therapist"*** shall mean an individual who, for any consideration whatsoever, performs or offers to perform a massage.

N. **“Operator”** shall mean any of the following: (a) the owner, (b) the permit holder and applicant(s) therefor, (c) custodian, (d) manager, or (e) person in charge of any massage therapy establishment.

O. **“Off-premises massage”** shall mean a massage performed at a location that is not a massage therapy establishment for which a permit to operate as a massage therapy establishment has been granted by the City.

P. **“Patron”** shall mean any person who receives a massage in exchange for any form of consideration including, but not limited to, the payment of money.

Q. **“Permit”** shall mean the written license to engage in the practice of massage for compensation as required by the Coachella Valley Model Massage Ordinance. A **“Reciprocal Permit”** shall mean a permit issued by this jurisdiction based solely on the fact that applicant holds a valid massage therapist permit issued by another jurisdiction pursuant to the Coachella Valley Model Massage Ordinance. An **“Original Permit”** shall mean a massage therapist permit issued by this jurisdiction without regard to whether or not applicant holds a massage therapist permit issued by another jurisdiction.

R. **“Permit Administrator”** means the designated official responsible for issuing, revoking and otherwise administering any provision of this Chapter.

S. **“Permittee”** shall mean the person to whom a permit has been issued pursuant to the Coachella Valley Model Massage Ordinance and the applicants therefor.

T. **“Person”** shall mean any of the following: (a) an individual, (b) a proprietorship, (c) a partnership, (d) a corporation, (e) an association, (f) a limited liability company or (f) any other legal entity.

U. **“Physician’s Certificate”** shall mean a certified statement from a physician licensed to practice medicine in the United States that provides that the applicant has, within sixty days prior to the filing date of the application, been examined by said physician and it has been determined that the applicant is free of any communicable disease as defined in this Chapter.

V. **“Recognized School of Massage”** shall mean any school or educational institution licensed or approved by the state in which it is located, whose purpose it is to upgrade the professionalism of massage therapists and which teaches the theory, ethics, practice, profession or work of massage and which requires a resident course of study before the student shall be furnished with a diploma or a certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning. Schools offering a correspondence course not requiring actual attendance shall not be deemed a recognized school.

W. **“Specified anatomical area”** shall mean human genitals, pubic region, anus, or a female breast below a point immediately above the top of the areola.

X. **"Specified sexual activities"** shall mean any of the following: (a) the fondling or other erotic touching of human genitals, pubic region, anus, or female breasts, (b) sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, masturbation, or sodomy, or (c) excretory functions as part of or in connection with the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.

**SECTION IV. MASSAGE THERAPY PERMITS REQUIRED**

A. **Massage Therapist Permit.** Except as expressly provided in this Chapter, only a person holding a current massage therapist permit issued pursuant to this Chapter shall perform or offer to perform massage therapy at a massage therapy establishment located within the City. Nothing herein shall exempt a person from zoning or other applicable requirements set out elsewhere in this Code or in the Zoning Ordinance, and every person shall comply with all such requirements.

B. **Off-premises Endorsement to Massage Therapist Permit.** Except as expressly provided in this Chapter, no person shall perform or offer to perform an off-premises massage unless he or she has a valid massage therapist permit, with an off-premises endorsement, issued to him or her pursuant to the provisions of this Chapter. Nothing herein shall exempt a person from zoning or other applicable requirements set out elsewhere in this Code or in the Zoning Ordinance, and every person shall comply with all such requirements.

C. Unless specifically exempted by state law, the fact that a person possesses other types of permits and/or licenses does not exempt him or her from the requirement of obtaining a permit that is required by this Chapter. The permit requirements of this Chapter shall be in addition to the requirement of a business license set out elsewhere in this Code, as well as any other license, permit or fee required by any local, county, state or federal law.

**SECTION V. CONSENT**

By applying for a permit under the Coachella Valley Model Massage Ordinance, the applicant shall be deemed to have consented to the provisions of this Chapter and to the exercise thereunder by the Permit Administrator and the City's officials, representatives and employees charged with implementing and/or enforcing the provisions set forth in this Chapter.

**SECTION VI. PERMIT ADMINISTRATOR'S RESPONSIBILITIES**

The City shall designate a Permit Administrator who shall be responsible for granting or denying all permits described in this Chapter and said permits shall only be granted or denied pursuant to the provisions described herein and all other applicable laws. If no designation is made pursuant to this provision, the City Manager shall be deemed the Permit Administrator.

Where used herein with respect to the Permit Administrator's responsibilities, words such as "shall" and "must" are not intended by the City to self-impose liability and are instead intended only to be directory.

**SECTION VII. RECIPROCAL MASSAGE THERAPIST PERMIT APPLICATION**

A. If an applicant holds a current massage therapist permit issued by any other jurisdiction pursuant to the Coachella Valley Model Massage Ordinance, then application for a reciprocal massage therapist permit may be made by submission, to the Permit Administrator, of all of the following:

(a) A certified copy of a current massage therapist permit issued, pursuant to the Coachella Valley Model Massage Ordinance, by any other jurisdiction;

(b) A certified copy of the original and all renewal applications related to the massage therapist permit issued by the other jurisdiction pursuant to the Coachella Valley Model Massage Ordinance; and

(c) A nonrefundable application fee of twenty-five dollars (\$25.00) to defray the costs of administering this Chapter.

B. If the massage therapy permit submitted in support of an application for a Reciprocal Permit includes an off-premises endorsement, the application shall be deemed an application for both a massage therapist permit and an off-premises endorsement and no further documentation, information or fees shall be required in order to apply for an off-premises endorsement to the Reciprocal Permit.

**SECTION VIII. ORIGINAL MASSAGE THERAPIST PERMIT APPLICATION**

If an applicant does not hold a current massage therapist permit issued by another jurisdiction that has adopted the Coachella Valley Model Massage Ordinance, application for issuance of a massage therapist permit by this jurisdiction shall be made, under oath, on the form set out at Appendix A. The following information, documents and other requirements shall be included with the submission of all such applications:

A. The applicant's legal name, any aliases and date of birth;

B. A certified letter of intent to employ from the operator of a massage therapy establishment lawfully operating within the City. Each such letter shall verify that the operator of the massage therapy establishment has reviewed the applicant's qualifications and that the applicant has met the requirements necessary to perform massage therapy at that facility;

C. The applicant's home and business addresses, corresponding telephone numbers, and permanent address and telephone number, if different;

D. Written evidence that the applicant is at least eighteen years of age;

- E. The previous home addresses of applicant for the ten years prior to the filing date of the application and the dates of residency at each such address;
- F. The names, addresses and descriptions of all current and former businesses owned, operated or managed by applicant for the ten years prior to the filing date of the application and the dates applicant owned, operated or managed each such business;
- G. Employment history for the ten years prior to the date of application, and all massage or similar business history and experience;
- H. Two front-face portrait photographs taken within thirty days of the date of application, at least two inches by two inches in size;
- I. Applicant's weight, height, color of hair and eyes, and sex;
- J. The applicant's driver's license number or identification number;
- K. The applicant's fingerprints taken within the previous sixty (60) days by an agency approved by the Permit Administrator;
- L. The applicant's social security number and/or state or federally issued tax identification number;
- M. Proof, in the form specified here, that applicant is (i) a graduate of a Recognized School of Massage or (ii) certified by the National Certification Board for Therapeutic Massage and Bodywork. Proof of certification by the National Certification Board for Therapeutic Massage and Bodywork shall be in the form of a certified copy of the therapeutic massage and bodywork credential issued by said Board. Proof of graduation from a Recognized School of Massage shall require both of the following:
  - (a) Certified copy of the applicant's diploma or certificate of graduation, or equivalent documentation, establishing that applicant has successfully completed the course of study for competency as a massage therapist offered by the Recognized School of Massage; and
  - (b) Certified transcript from a Recognized School of Massage verifying applicant has successfully completed a course of study requiring at least three hundred (300) hours of massage therapy training. If the application is submitted concurrently with an application for an off-premises endorsement, the minimum hours of training shall be as set out below for an off-premises endorsement application;
- N. A certified statement from a physician licensed to practice medicine in the United States that provides that the applicant has, within sixty days prior to the filing date of the application, been examined by said physician and it has been determined that the applicant is free of any communicable disease as defined in this Chapter;

- O. A list of all of applicant's convictions, excluding traffic violations;
- P. Whether or not the applicant has ever been convicted of any disqualifying conduct;
- Q. Whether or not the applicant is required to register as a sex offender pursuant to the California Penal Code Section 290;
- R. Whether or not applicant has had a previous permit, license or other authority for massage services denied, suspended or revoked by any entity. If so, the date, location and reasons for the denial, suspension or revocation;
- S. Whether or not the applicant has been a sole proprietor, general partner, officer, director, member or employee of any massage therapy business that has had a permit, license or authority to operate a massage business denied, suspended or revoked by any entity. If so, the applicant shall provide the name and location of the massage therapy establishment or business for which the permit was denied, suspended or revoked, the date of the denial, suspension or revocation, and the reason(s) for the denial, suspension or revocation; and
- T. The applicant shall provide the Permit Administrator with the authorization to conduct the necessary background investigations to determine the truthfulness and correctness of the information provided by applicant and whether the applicant is qualified pursuant to this Chapter to receive the requested massage therapist permit.
- U. The applicant shall date and sign the application and declare under penalty of perjury that the information contained in the application is true and correct.
- V. The applicant shall pay a nonrefundable application deposit fee of one hundred and fifty dollars (\$150.00) at the time of filing an application to defray the costs of administering this Chapter.

**SECTION IX. SUPPLEMENTAL APPLICATION FOR OFF-PREMISES ENDORSEMENT**

If an applicant does not hold a current permit with an off-premises endorsement issued by another jurisdiction pursuant to the Coachella Valley Model Massage Ordinance, application for an off-premises endorsement to a massage therapist permit issued by this jurisdiction shall be made, under oath, on the form set out at Appendix B. The following information, documents and other requirements shall be included with the submission of all such applications:

- A. The applicant's legal name;
- B. A copy of applicant's massage therapist permit issued pursuant to this Chapter, or Reciprocal Permit, if application therefor is not submitted concurrently;
- C. Proof, in the form specified here, that applicant is (i) a graduate of a Recognized School of Massage or (ii) certified by the National Certification Board for Therapeutic Massage and

Bodywork. Proof of certification by the National Certification Board for Therapeutic Massage and Bodywork shall be in the form of a certified copy of the therapeutic massage and bodywork credential issued by said Board. Proof of graduation from a Recognized School of Massage shall require both of the following:

(a) Certified copy of the applicant's diploma or certificate of graduation, or equivalent documentation, establishing that applicant has successfully completed the course of study for competency as a massage therapist offered by the Recognized School of Massage; and

(b) Certified transcript from a Recognized School of Massage verifying applicant has successfully completed a course of study requiring at least five hundred (500) hours of massage therapy training.

D. The applicant shall provide the Permit Administrator with the authorization to conduct the necessary background investigations to determine the truthfulness and correctness of the information provided by applicant and whether the applicant is qualified pursuant to this Chapter to receive the requested off-premises endorsement.

E. The applicant shall date and sign the application, declaring under penalty of perjury that the information contained in the application is true and correct.

F. The applicant shall pay a nonrefundable application deposit fee of fifty dollars (\$50.00) at the time of filing an application for an off-premises endorsement to defray the cost of administering this Chapter, which fee shall be in addition to any other permit application fees.

## **SECTION X. PROCESSING THE APPLICATION**

A. All applications shall be submitted to the Permit Administrator.

B. Upon receipt of an application and payment of the nonrefundable application deposit fee, the Permit Administrator shall immediately stamp the application as received on that date. Within 30 days thereafter, the Permit Administrator shall notify the applicant if the application is deemed incomplete. Any subsequent submission shall be deemed a new application.

C. Upon receipt of a completed application, the Permit Administrator shall cause an investigation to be made by the appropriate individuals or departments as determined by the Permit Administrator to be necessary for review and investigation of the accuracy of the information contained in the application and compliance with all applicable regulations.

D. Each department or division to which the application is submitted by the Permit Administrator shall respond in writing to the Permit Administrator.

E. The Permit Administrator shall grant or deny an application for an Original Permit within sixty (60) business days of receipt of a complete application. The Permit Administrator shall grant or deny a Reciprocal Permit or a renewal application within thirty (30) calendar days of receipt of a complete application therefor.

**SECTION XI. GROUNDS FOR DENIAL OF APPLICATION**

A. An application for a massage therapy permit shall be denied if the Permit Administrator finds that, in the case of an application for a Reciprocal Permit, the massage therapy permit or off-premises endorsement that the applicant alleges to have been issued by another jurisdiction pursuant to the Coachella Valley Model Massage Ordinance is not valid and/or current. In all other cases, the application shall be denied if the Permit Administrator finds any of the following:

(a) The applicant is not eighteen years of age or older;

(b) The application contains false information;

(c) The applicant did not submit either (i) a diploma or certificate of graduation or equivalent documentation from a Recognized School of Massage that verifies that he or she has obtained the requisite number of hours of massage therapy training; or (ii) therapeutic massage and bodywork credentials issued by the National Certification Board for Therapeutic Massage and Bodywork;

(d) The applicant has been convicted of disqualifying conduct;

(e) The applicant is required by the California Penal Code to register as a sex offender;

(f) The applicant has had a massage therapist permit, or a permit or license to operate a massage therapy establishment, denied, revoked or suspended by any entity within five years prior to the date of the application; or

(g) The application is incomplete or any required information or document has not been provided with the application.

B. If the Permit Administrator denies the application, he or she shall notify the applicant of the denial in writing and state the reason(s) for the denial.

C. Any subsequent information submitted to cure the grounds of a denied application shall be treated as a new application.

**SECTION XII. ISSUANCE OF PERMIT**

A. The Permit Administrator shall issue the permit if there are no grounds to deny the permit as set forth in this Chapter.

B. Except as expressly provided in this Chapter, no person shall perform or offer to perform massage therapy at any location within the City unless said person has first obtained a massage therapist permit issued pursuant to this Chapter.

C. Except as to therapists with an off-premises endorsement, the operator of a massage therapy establishment may only offer massage therapy services performed by a massage therapist to whom a massage therapist permit has been issued by the Permit Administrator.

D. A massage therapist permittee shall not perform or offer to perform massage therapy services at any site other than a lawfully operating massage therapy establishment unless the permittee's massage therapist permit includes an off-premises endorsement.

**SECTION XIII. TEMPORARY PERMITS**

A. Upon a finding of good cause therefor, the Permit Administrator may issue a temporary permit to any person who possess a valid permit issued by any other governmental entity pursuant to requirements that are similar to those set out in this Chapter, including the training, physical clearance, fingerprinting and background investigation requirements.

B. Application for a temporary permit shall be made by written request that includes a statement, under penalty of perjury, of the justification for a temporary permit. Said request shall be submitted to the Permit Administrator, together with the following:

(a) A certified copy of a valid permit issued by any other jurisdiction;

(b) A certified copy of the provisions of the ordinance or other local law pursuant to which the permit was issued by said other jurisdiction;

(c) Proof of identification; and

(d) A nonrefundable application deposit fee of twenty-five dollars (\$25.00).

C. All temporary permits shall automatically expire thirty (30) days after the date of issuance of the subject temporary permit. The Permit Administrator shall have the discretion to extend the term of any temporary permit an additional thirty (30) days provided that the entire term of the subject temporary permit does not exceed a total period of ninety (90) days.

D. The Permit Administrator may condition the issuance of a temporary permit on any additional requirements that he or she deems necessary to assure the purpose and policy of this Chapter is met.

**SECTION XIV. KEEPING APPLICATION AND ORDINANCE CURRENT**

A. During the effective duration of the permit, the permittee shall promptly update, correct or supplement the information contained in the application therefor on file with the Permit Administrator when necessary to keep the information contained therein current and accurate.

B. Where reference is made herein to any statute or other law, said reference shall include any subsequent amendment or superseding provision thereto.

C. The fees and fines and other sums set forth in this Chapter shall be in effect until the City Council or, if authority hereunder has been delegated to another agency, the governing body thereof, shall, by resolution, fix some other rate based upon a cost factor.

**SECTION XV. RENEWAL OF PERMIT**

A. All permits shall expire one year from the date they are issued, except that an off-premises endorsement shall expire concurrently with the corresponding massage therapist permit.

B. Applications for renewal of a permit shall be made thirty (30) calendar days prior to the expiration date of the permit. As necessary to update the information contained within the last application or renewal thereof, application for renewal shall be in the same manner as the original application. However, to the extent that the information previously submitted to the Permit Administrator remains current, a statement to that effect shall be sufficient and no further information or documentation shall be required except as follows:

(a) Renewal of a Reciprocal Permit:

i. Where the applicant seeks to renew a Reciprocal Permit, application for renewal shall include evidence that the underlying massage therapist permit has been renewed by the issuing jurisdiction and that it remains valid and current.

ii. For renewal of a Reciprocal Permit, permittee shall pay a nonrefundable renewal application deposit fee of ten dollars (\$10.00) to help defray the expense of administering this Chapter.

iii. A Reciprocal Permit shall not be renewed if the underlying massage therapist permit has expired and has not been renewed, or the underlying permit has been revoked, or is otherwise no longer valid. If renewal of a Reciprocal Permit is denied because the underlying permit is no longer valid, permittee shall submit a complete, original application and comply with all submission requirements set out above for application for an original massage therapist permit. All such applications shall include an explanation of the reason that the Reciprocal Permit is no longer valid.

(b) Renewal of Original Permits:

i. For renewal of an original massage therapist permit, permittee shall include a current Physician's Certificate, as described above, with his or her renewal application.

ii. For renewal of an original massage therapist permit, permittee shall also pay a nonrefundable renewal application deposit fee of one hundred dollars (\$100.00) at the time of filing the renewal application to help defray the expense of administering this Chapter.

**SECTION XVI. THERAPIST'S DRESS AND IDENTIFICATION**

A. During all times that he or she is performing or offering to perform massage therapy services, every massage therapist shall wear a badge that identifies his or her first or last name. Upon receipt of a request or complaint by a patron, the massage therapist shall advise the patron of the full name of the massage therapy establishment through which the massage therapy services were arranged, and the identity of the Permit Administrator through whom the therapist was issued his or her qualifying massage therapist permit.

B. All massage therapists shall have in their possession a valid permit issued pursuant to the Coachella Valley Model Massage Ordinance as well as valid identification at all times that he or she is performing or offering to perform massage therapy services within the City.

C. All massage therapists shall wear non-transparent outer garments covering all specified anatomical areas while performing or offering to perform any massage therapy services.

**SECTION XVII. OTHER PROHIBITED ACTIVITIES**

A. It is unlawful for any massage therapist, any patron, or any other person present where massage therapy services are being offered or performed, to expose or touch any specified anatomical areas, whether his or her own, or those of another person.

B. It is unlawful for any massage therapist, any patron, or any other person present where massage therapy services are being offered or performed, to be in a state of full nudity or semi-nudity.

C. It is unlawful for any massage therapist, any patron, or any other person present where massage therapy services are being offered or performed, to engage in any specified sexual activities.

D. No person shall provide or offer to provide any massage therapy services to a minor unless written permission is provided by the minor's parent or legal guardian.

E. No permittee shall provide or offer to provide massage therapy services under any name not specified in the qualifying permit.

F. No permittee shall provide or offer any alcoholic beverage to a patron during the course of providing or offering to provide any massage therapy service.

G. No permittee shall transfer or assign any permit issued pursuant to this Chapter to another person or entity. Any attempted transfer shall result in the automatic termination of said permit.

**SECTION XVIII. PERMITS ISSUED PURSUANT TO SUPERCEDED ORDINANCE**

Provided the massage therapist held a permit validly issued by the City prior to the effective date of this ordinance, and was in compliance with all requirements of the City with respect thereto, said permit holders shall have until the expiration date of said permit, or one year from the effective date of this Chapter, whichever date is earlier, to obtain a permit issued pursuant to the provisions of this Chapter.

**SECTION XIX. SUSPENSION AND REVOCATION OF PERMIT**

A massage therapist permit and any off-premises endorsement issued pursuant to the Coachella Valley Model Massage Ordinance, or any predecessor ordinance, shall be revoked by the Permit Administrator whom has issued the permit if he or she receives notice that, after administrative proceedings conducted in conformity with the City's Municipal Code, the City has made any of the following findings or determinations with respect to the permittee:

A. The massage therapy business or service is conducted in a manner that does not comply with all applicable laws, including but not limited to this Chapter and the City's building, zoning and health regulations.

B. The holder of the permit is convicted of any disqualifying conduct or is required to register as a sex offender as set forth in California Penal Code Section 290;

C. The permittee fails to notify the Permit Administrator of any update to the information contained in the application that is required to keep the information current;

D. Information contained in the approved application is inaccurate;

E. Any patron of the permittee contracts any communicable disease during the course of any services offered by the permittee;

F. The holder of the permit, or any applicant therefor, refuses to allow representatives of the City or Permit Administrator to inspect business records of the permittee, or any premises utilized by the permittee for massage therapy services;

G. The permittee fails to comply with any of the provisions of this Chapter; or

H. The holder of the permit has ceased to meet any of the requirements for issuance of the permit.

**SECTION XX. APPEALS**

A. Any person aggrieved by a decision of the Permit Administrator may file an appeal to the City Council that conforms to the following requirements:

(a) All appeals shall be in writing and shall contain the following information: (a) name(s) of the person filing the appeal (“appellants”), (b) a brief statement in ordinary and concise language of the grounds for the appeal; and (c) the signatures of all parties named as appellants and their mailing addresses.

(b) A filing fee for an appeal of \$100, or other amount as established from time to time by City Council resolution, must be paid to the City at or prior to the time of the filing of the appeal.

(c) Any appeal filed that fails to provide all of the information required by this Section and the appropriate filing fee shall be deemed incomplete.

(d) A complete and proper appeal of the denial of a permit application shall be filed with the City Clerk within ten (10) calendar days of service of the letter denying the application or within ten (10) calendar days of any other action that is the subject of appeal.

B. After receiving the written appeal, the City Clerk shall schedule a public hearing before the City Council at the next regularly scheduled City Council meeting for which there is sufficient time to have the matter properly noticed.

C. The decision of the City Council shall be final.

**SECTION XXI OTHER REMEDIES**

A. Any violation of the provisions of this Chapter is unlawful and a public nuisance, subject to abatement, removal or enjoinder thereof in the manner provided by law.

B. Any violation of the provisions of this Chapter shall constitute an infraction violation and the violator shall be subject to the imposition of criminal penalties and civil fines. For each separate violation of any provision of this Chapter, the person convicted of such infraction shall be subject to the following fines for each separate violation: (a) a fine in an amount not to exceed two hundred fifty dollars (\$250.00) for a first conviction of an offense; (b) a fine in an amount not to exceed five hundred dollars (\$500.00) for a second conviction of the same offense within a twelve (12) month period from the date of the first offense; and (c) a fine in an amount not to exceed seven hundred fifty dollars (\$750.00) for a third conviction of the same offense within a twelve (12) month period from the date of the first offense. The fine for a fourth and subsequent convictions of the same offense within a twelve (12) month period of the date from the first offense shall be one thousand dollars (\$1,000.00).

C. In lieu of issuing an infraction citation, the City may issue an administrative citation, and/or assess an administrative fine consistent with the infraction civil fines set out above, pursuant to any other ordinance within its municipal code.

D. Nothing in this section shall preclude the City from issuing an infraction or misdemeanor citation upon the occurrence of the same subject offense on a separate day.

E. The remedies provided herein are not to be construed as exclusive remedies and, in the event of violation, the City may pursue any proceedings or remedies otherwise provided by law.

## **SECTION XXII EXEMPTIONS**

The provisions of this Chapter shall not apply to any of the following:

A. Any physician, surgeon, chiropractor, osteopath, or acupuncturist duly licensed to practice their respective professions in the state of California, or any nurse or physical therapist working under the supervision thereof, when engaging in any massage therapy practice or activity within the scope of said license. Practical nurses or other persons without qualifications as massage therapists or other persons not duly licensed by the state of California to practice pursuant to the Medical Practice Act, whether or not employed by a physician, surgeon, chiropractor, osteopath, or acupuncturist, may not perform or offer to perform massage therapy without first obtaining a massage therapist permit pursuant to the provisions of this Chapter.

B. Any treatment administered in good faith in any course of the practice of any healing art or profession by any person licensed to practice any such art or profession under the Business and Professions Code of the state of California or any other laws of the state of California.

C. Barbers, beauticians, manicurists, and pedicurists who are duly licensed under the laws of the state of California, except that this exemption shall apply solely to the massaging of the scalp, face, neck, arms, hands, or feet of the customer or client for cosmetic or beautifying purposes.

## **SECTION XXIII. TRANSFER OF PERMIT**

No massage therapist permit or off-premises endorsement shall be transferable and any attempted transfer shall render the permit null and void.

## **SECTION XXIV. SEVERABILITY**

If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining section, subsection and clauses shall not be affected thereby.

**SECTION XXV. EFFECTIVE DATE**

This ordinance shall become effective on the thirtieth day following its adoption.

**SECTION XXVI. POSTING**

The City Clerk shall within 15 days after the passage of this ordinance, cause this ordinance to be posted in at least three (3) public places designated by resolution of the City Council; shall certify to the adoption and posting of this ordinance; and shall cause this ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on \_\_\_\_\_, 2001 by the following vote:

- Ayes:
- Noes:
- Abstain:
- Absent:

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney

# COACHELLA VALLEY MODEL MASSAGE ORDINANCE

## APPLICATION FOR MESSAGE THERAPIST PERMIT

**CITY USE ONLY:**

Date Application Received: \_\_\_\_\_ Deposit Amount \_\_\_\_\_ Received By: \_\_\_\_\_

Check One:      APPROVED:                       DENIED:

REASONS FOR DENIAL: \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_ Date \_\_\_\_\_

**Applicant Information:**

Legal Name:

Last: \_\_\_\_\_ First: \_\_\_\_\_ Middle: \_\_\_\_\_

List any alias or other names, including nicknames, you have used or been known by (maiden name, previous married name, etc.): \_\_\_\_\_

Business Name, if doing business under any name other than legal name shown above: \_\_\_\_\_  
\_\_\_\_\_

Current Home Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Current Business Address, if different than Home Address shown above: \_\_\_\_\_  
\_\_\_\_\_

Home Telephone: (\_\_\_\_) \_\_\_\_\_ Business Telephone: (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security or Tax Identification No.: \_\_\_\_\_

Scars, tattoo's, or other distinguishing marks: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Color of Hair: \_\_\_\_\_ Color of Eyes: \_\_\_\_\_ Sex: \_\_\_\_\_

**Prior Residences:**

---

Please list all of your residences during the past 10 years. Begin with your most current residence:

| Address of Residence: | City, State & Zip Code: | Dates (Mo/Yr) |       |
|-----------------------|-------------------------|---------------|-------|
|                       |                         | From          | To    |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |
| _____                 | _____                   | _____         | _____ |

If you need additional space, check here and continue on back of this page.

**Other Permits:**

---

1. Have you ever had a permit, license or other authority for massage services denied, suspended or revoked by any entity?  Yes  No If yes, please explain below:

| DATE  | LOCATION | REASON FOR DENIAL, SUSPENSION OR REVOCATION |
|-------|----------|---|
| _____ | _____    | _____                                       |
| _____ | _____    | _____                                       |
| _____ | _____    | _____                                       |
| _____ | _____    | _____                                       |
| _____ | _____    | _____                                       |

If you need additional space, check here and continue on back of this page.

2. Have you ever been a sole proprietor, general partner, officer, director, member or employee of any massage therapy business that has had a permit, license or authority to operate a massage business denied, suspended or revoked by any entity?  Yes  No If yes, please explain below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you need additional space, check here and continue on back of this page.

**Experience & Employment:**

---

Beginning with your most current employment, please list all jobs (including part-time, temporary, and voluntary positions) you have held for the past 10 years. If you have had intervening periods of military service or unemployment, please list those periods in sequence in the spaces provided below. Also include all current and former businesses that you have owned, operated or managed.

1. Employer Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Dates of Employment – From: \_\_\_\_\_ To: \_\_\_\_\_  
Name of Supervisor: \_\_\_\_\_ Check One: Full-Time:  Part-Time:  Voluntary:   
Position/Duties: \_\_\_\_\_  
Reason for Leaving: \_\_\_\_\_

2. Employer Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Dates of Employment – From: \_\_\_\_\_ To: \_\_\_\_\_  
Name of Supervisor: \_\_\_\_\_ Check One: Full-Time:  Part-Time:  Voluntary:   
Position/Duties: \_\_\_\_\_  
Reason for Leaving: \_\_\_\_\_

3. Employer Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Dates of Employment – From: \_\_\_\_\_ To: \_\_\_\_\_  
Name of Supervisor: \_\_\_\_\_ Check One: Full-Time:  Part-Time:  Voluntary:   
Position/Duties: \_\_\_\_\_  
Reason for Leaving: \_\_\_\_\_

4. Employer Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Dates of Employment – From: \_\_\_\_\_ To: \_\_\_\_\_  
Name of Supervisor: \_\_\_\_\_ Check One: Full-Time:  Part-Time:  Voluntary:   
Position/Duties: \_\_\_\_\_  
Reason for Leaving: \_\_\_\_\_

5. Employer Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Dates of Employment – From: \_\_\_\_\_ To: \_\_\_\_\_  
Name of Supervisor: \_\_\_\_\_ Check One: Full-Time:  Part-Time:  Voluntary:   
Position/Duties: \_\_\_\_\_  
Reason for Leaving: \_\_\_\_\_  
Leaving: \_\_\_\_\_

If you need additional space, check here and continue on back of this page.

**Criminal History:**

---

With the exception of minor traffic violations, have you ever been detained, held, arrested, indicted or summoned into court as a defendant in a criminal proceeding; or been convicted, fined, imprisoned, or placed on probation; ordered to deposit bail or collateral for the violation of any law, police regulation or ordinance?  Yes  No

If yes, list the date; nature of the offense or violation; name, location, court or place of hearing; penalty imposed or disposition of each case:

| DATE | NATURE OF OFFENSE<br>OR VIOLATION | JURISDICTION | DISPOSITION |
|------|-----------------------------------|--------------|-------------|
|      |                                   |              |             |
|      |                                   |              |             |
|      |                                   |              |             |
|      |                                   |              |             |
|      |                                   |              |             |

If you need additional space, check here and continue on back of this page.

**Attachments:**

---

Please use the following checklist to show all items attached to this application:

- A certified letter of intent to employ from the operator of a massage therapy establishment lawfully operating within the City. Each such letter shall verify that the operator of the massage therapy establishment has reviewed the applicant’s qualifications and that the applicant has met the requirements necessary to perform massage therapy at that establishment.
- Written evidence that the applicant is at least eighteen years of age.
- A certified statement from a physician licensed to practice medicine in the United States that provides that, within 60 days prior to the date of this application, the physician has examined the applicant and has determined that the applicant is free of communicable disease. For purposes of the physician’s statement, “communicable disease” means tuberculosis, or any disease, which may be transmitted from a massage therapist to a patron through normal physical contact during the performance of massage therapy services.
- Two front-face portrait photographs taken within 30 days of the date of this application, at least two inches by two inches in size.
- Applicant’s fingerprints taken within the previous sixty (60) days by an agency approved by the City (or Permit Administrator).
- A certified copy of the therapeutic massage and bodywork credential issued by the National Certification Board for Therapeutic Massage and Bodywork **OR** a certified copy of applicant’s diploma or certificate of graduation, or equivalent documents, establishing that applicant has successfully completed a course of study for competency as a massage therapist, consisting of at least 300 hours of massage therapy training, offered by a Recognized School of Massage, as defined in the Coachella Valley Model Massage Ordinance.
- A nonrefundable application deposit fee of \$150.00 (or \$100.00 if this is a renewal application).

**Applicant's Declaration:**

---

I, the undersigned applicant, declare:

1. I have read and I am familiar with and understand the provisions of the Coachella Valley Model Massage Ordinance and, if this application is approved, I agree to abide by all such provisions and any revisions that might be passed according to law.

2. I certify that all entries made by me or under my direction in this application are true, complete and correct to the best of my knowledge.

3. I voluntarily consent and authorize the City, its agents, and employees to seek information and to conduct an investigation into the truth of the statements set forth in this application and my qualifications for the permit.

4. I certify that I am not required to register as a sex offender pursuant to the California Penal Code Section 290, or any other law.

5. I certify that, within the last 5 years, I have not been convicted of any of the following conduct:

(a) Pandering as set forth in California Penal Code Section 266i;

(b) Keeping/residing in a house of ill-fame as set forth in California Penal Code Section 315;

(c) Keeping a house for the purpose of assignation or prostitution, or other disorderly house as set forth in California Penal Code Section 316;

(d) Prevailing upon a person to visit a place of illegal gambling or prostitution as set forth in California Penal Code Section 318;

(e) Lewd conduct as set forth in California Penal Code Section 647, subdivision (a);

(f) Prostitution activities as set forth in California Penal Code Section 647, subdivision (b);

(g) Any offense committed in any other state which, if committed or attempted in this state, would have been punishable as one or more of the offenses set forth in California Penal Code Sections 266(i), 315, 316, 318, or 647, subdivisions (a) or (b);

(h) Any felony offense involving the sale of any controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058;

(i) Any offense committed in any other state which, if committed or attempted in this state, would have been punishable as a felony offense involving the sale of any controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058;

(j) Any misdemeanor or felony offense which relates directly to the practice of massage therapy, whether as a massage therapy business owner or operator, or as a massage therapist; or

(k) Any felony the commission of which occurred on the premises of a massage therapy establishment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE: \_\_\_\_\_

\_\_\_\_\_

Applicant