

**ORDINANCE NO. \_\_\_\_\_**  
**(Codified)**

**ORDINANCE OF THE CITY OF CHICO ADDING CHAPTER 5.44 TO THE CITY OF  
CHICO MUNICIPAL CODE TO REGULATE MASSAGE AND STRUCTURAL  
INTEGRATION THERAPY ESTABLISHMENTS WITHIN THE CITY OF CHICO**

WHEREAS, the City Council of the City of Chico ("City") recognizes that massage and structural integration are valid professional fields that can offer the public valuable health and therapeutic services, but unless properly regulated, the practice of massage and structural integration therapy and the operation of massage or structural integration establishments may be associated with unlawful activity and pose a threat to the health, safety and quality of life in the community; and

WHEREAS, the California legislature and courts have long recognized the necessity of imposing reasonable regulations and standards for the operation of massage and structural integration businesses, including, but not limited to, minimum education and experience requirements, passage of a practical examination of competence, sanitary conditions, hours of operation, and other operational regulations designed to minimize opportunities for illegal activities and to ensure the protection of health, safety and welfare of citizens; and

WHEREAS, the application, education, health and safety requirements imposed by this chapter are reasonably necessary to protect the health, safety and welfare of citizens, visitors and businesses in the City; and

WHEREAS, there is significant risk of injury to patrons of massage and structural integration establishments by improperly trained or poorly educated therapists; and

WHEREAS, the presence of establishments known or reputed to be places of prostitution or other illegal activity can have an adverse impact on surrounding properties and result in blight, foster further illegal activities, and generally become a public nuisance; and

WHEREAS, the City is authorized by California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws and that serve and protect the health, safety or welfare of the public; and

WHEREAS, the City hereby finds that this ordinance accomplishes these goals.

BE IT ORDAINED by the Council of the City of Chico:

**Section 1.** Chapter 5.44 of the Chico Municipal Code is hereby added to regulate massage and structural integration establishments within the City of Chico as follows:

#### **CHAPTER 5.44 – MASSAGE THERAPY ESTABLISHMENTS**

##### **5.44.010 Purpose and intent.**

In enacting this chapter, the City Council recognizes that massage therapy is a valid professional field which can offer the public valuable health and therapeutic services, but unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the community.

It is the purpose and intent of this chapter to provide for the orderly regulation of offices and establishments providing massage therapy services, and to prevent and discourage the misuse of massage therapy as a front for human trafficking, prostitution, and other related activities in violation of State law.

It is the further intent of this chapter to protect the interests of public health, safety, and welfare, by providing certain minimum building, sanitation, and operation standards for such businesses, and by requiring certain minimum qualifications for the operators and practitioners of such businesses.

It is the purpose and intent of the City Council that this chapter relies upon Chapter 10.5 of Division 2 of the California Business and Professions Code at Section 4600, et seq. (the “Massage Therapy Act”), which created a statewide system for issuing certificates to massage therapists and massage practitioners, as well as the City’s regulatory authority over local massage establishments pursuant to the State Constitution and provisions of Government Code Sections 37100, 51030, et seq., and Business and Professions Code Sections 460, 16000, 4600 through 4621.

##### **5.44.020 Definitions.**

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

“Applicant” means an owner or operator filing an application for a massage establishment permit.

1 “Authorized massage professional” means a massage professional who is identified in a permit  
2 issued pursuant to this chapter as a person employed or retained by a massage establishment to  
3 practice massage.

4 “Business” includes, but not by way of limitation, everything about which a person can be  
5 employed, and means that which occupies the time, attention, and labor of men and women by  
6 varied and diverse methods of dealing with each other, to improve their individual economic  
7 conditions, and for the purposes of this chapter shall include, without limitation, the advertising  
8 and soliciting of massages. The term “business” includes, but is not limited to, a massage  
9 practitioner who is the sole owner, operator and employee of a massage business operating as a  
10 sole proprietorship, as well as a massage establishment which employs massage practitioners and  
11 therapists.

12 “California Massage Therapy Council” or “CAMTC” means the massage therapy organization  
13 formed pursuant to Business and Professions Code Section 4600 et seq.

14 “CAMTC Certificate” means a current and valid certificate issued by the CAMTC to a massage  
15 practitioner or massage therapist.

16 “CAMTC-certified massage professional” means any individual currently certified by the  
17 California Massage Therapy Council as a massage therapist or massage practitioner pursuant  
18 to Business and Professions Code Section 4600 et seq.

19 “Certified massage professional” means any individual that is a CAMTC-certified massage  
20 professional.

21 “Certified structural integrator” means any individual that is an IASI-certified professional.

22 “Compensation” means the payment, loan, advance, donation, contribution, deposit, exchange, or  
23 gift of money or anything of value.

24 “Director” means the Community Development Director or his or her designee charged with the  
25 administration of this chapter.

26 “IASI-certified professional” means any individual currently board certified by the IASI as a  
27 structural integrator.

1 “Inspector” means the person or persons designated by the City to conduct any inspections  
2 required or permitted under this chapter.

3 “International Association of Structural Integrators” and “IASI” means the structural integration  
4 organization that establishes standards and testing for the certification for structural integrator  
5 practitioners.

6 “Massage,” “massage therapy,” and/or “bodywork” for purposes of this chapter mean the skillful  
7 application of touch, including but not limited to, pressure, stroking, kneading, compression on or  
8 movement of the external surfaces of the body by a practitioner to produce increased awareness,  
9 relaxation, pain relief, injury rehabilitation, neuromuscular reeducation, or structural integration.

10 “Massage establishment” means any business that offers massage therapy, baths or health  
11 treatments including, but not limited to, aromatherapy, vapor, shower, electric tub, sponge, hot  
12 towels, mineral fermentation, sauna, steam or any other type of bath, involving massages or baths  
13 in exchange for compensation. Home-based massage businesses and businesses that provide  
14 outcall massage services are also considered to be massage establishments. For purposes of this  
15 chapter, the term “massage establishment” may be applied to include establishments which offer  
16 or advertise themselves as providing “relaxation” or “tanning” where the essential nature of the  
17 interaction between the employee and the customer involves “massage” as defined herein. The  
18 terms, names or phrases listed on business license or fictitious name application forms are not  
19 necessarily conclusive as to the nature of the business.

20 “Massage professional certification” means a current and valid certificate issued by the CAMTC  
21 to a massage practitioner.

22 “Owner” or “massage establishment owner” means any of the following persons:

- 23 1. The sole proprietor of a sole proprietorship operating a massage or structural integration  
24 establishment.
- 25 2. Any general partner of a general or limited partnership that owns a massage or structural  
26 integration establishment.
- 27 3. Any person who has an ownership interest in a corporation that owns a massage or  
28 structural integration establishment.

1       4. Any person who is a member of a limited liability company that owns a massage or  
2       structural integration establishment.

3       5. All owners of any other type of business association that owns a massage or structural  
4       integration establishment.

5       “Operator” or “massage establishment operator” means any person who is an owner or manager  
6       of a massage or structural integration establishment.

7       “Outcall massage service” means the engaging in or carrying on of massage therapy for  
8       compensation at locations other than a massage or structural integration establishment at a fixed  
9       location.

10      “Patron” means an individual on the premises of a massage or structural integration establishment  
11      for the purpose of receiving massage therapy.

12      “Permit” means a massage or structural integration establishment permit issued pursuant to this  
13      chapter.

14      “Permittee” means any owner of a massage or structural integration establishment that has  
15      obtained a permit to operate within the city pursuant to Section 5.44.090.

16      “Person” means any individual, firm, association, partnership, corporation, joint venture, limited  
17      liability company, or other legal entity..

18      “Reception and waiting area” means an area immediately inside the front door of the business  
19      dedicated to the reception and waiting of patrons of the business and visitors, and which is not a  
20      massage or structural integration therapy room or otherwise used for the provision of massage or  
21      structural integration therapy services.

22      “School of massage” means any school or institution of learning that is recognized as an approved  
23      school pursuant to Business and Professions Code Division 2, Chapter 10.5, as may be amended  
24      from time to time.

25      “Sole proprietorship” means and includes any legal form of business organization where the  
26      business owner (sometimes referred to as the “sole proprietor”) is the only person employed by  
27      that business to provide massage or structural integration services.

28      “Structural integrator” means any individual performing structural integration.

1 “Structural integration” means the therapeutic practice employed by a structural integrator as  
2 defined by IASI standards.

3 “Structural integration establishment” means any business that offers structural integration,  
4 including home-based structural integration businesses and businesses that provide outcall  
5 structural integration services. The terms, names or phrases listed on business license or fictitious  
6 name application forms are not necessarily conclusive as to the nature of the business.

7 “Visitor” means any individual not retained or employed by the establishment and not receiving  
8 or waiting to receive massage or structural integration therapy services, but excluding law  
9 enforcement personnel or governmental officials performing governmental business, and landlords  
10 not affiliated with the massage or structural integration establishment.

#### 11 **5.44.030 Business license and other permits and authorizations required.**

12 The requirements of this chapter are in addition to:

- 13 A. Any business license and business license tax requirements imposed pursuant to Chapter  
14 3.32 of this code.
- 15 B. Chapter 19.20 of this code regarding home occupations.
- 16 C. Any permits or authorizations that may be required under this code and other applicable  
17 laws, including but not limited to, building, fire, zoning, and health regulations.
- 18 D. All provisions and requirements of this code.

#### 19 **5.44.040 Exemptions.**

20 The provisions of this chapter shall not apply to the following establishments or classes of  
21 individuals who perform massage while employed in their professional capacities:

- 22 A. Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists, or  
23 acupuncturists, who are duly licensed to practice their respective professions in the State of  
24 California and persons working directly under the supervision of such licensed persons. “Working  
25 directly under the supervision” means that the person is an employee of the licensed person, is  
26 working at the same location as the licensed person, has his or her work supervised by the licensed  
27 person.

1 person, and that the licensed person is present when the employee is performing massage. This  
2 exemption shall not apply if the business performs massage on persons for whom the licensed  
3 person does not provide professional services.

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

7 C. Barbers, estheticians, manicurists, and cosmetologists who are duly licensed under the laws  
8 of the State of California, while engaging in practices within the scope of their licenses, except  
9 that this provision shall apply solely to the massaging of the neck, face, hands and feet, and/or  
10 scalp of the patrons, and this exception shall not apply to full body massage.

11 D. Individuals administering massages or health treatments involving massage to persons  
12 participating in single-occurrence athletic, recreational, or educational events such as road races,  
13 track meets, triathlons, educational events, or conferences, provided that the event is open to the  
14 public or to a significant segment of the public such as employees of sponsoring or participating  
15 corporations, and the massage services are provided at the site of the event during, immediately  
16 preceding, or immediately following the event.

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

18 F. Enrolled students of a school of massage when they are performing massage within the city  
19 as part of a formal supervised internship or training program operated by the school, without  
20 compensation other than school credit, on the premises of a massage establishment duly authorized  
21 to operate pursuant to the terms of this chapter; and provided that the operator of the massage  
22 establishment has first notified the director in writing of the name, residence address, and school  
23 of the students and the dates of the trainings.

#### 24 **5.44.050 Certification required.**

25 A. It shall be unlawful for any person to practice massage therapy for compensation within  
26 the city unless that person is a certified massage professional.

27 B. It shall be unlawful for a massage establishment to employ or retain any person to practice  
28 massage therapy for compensation, or to allow any person to perform massage therapy for

1 compensation on the premises of a massage establishment, unless that person is a certified  
2 massage professional.

3 C. It shall be unlawful for any person to practice structural integration for compensation  
4 within the city unless that person is an IASI-certified professional.

5 D. It shall be unlawful for a structural integration establishment to employ or retain any person  
6 to practice structural integration for compensation, or to allow any person to perform  
7 structural integration for compensation on the premises of a structural integration  
8 establishment, unless that person is an IASI-certified professional.

9  
10 **5.44.060 Exception from certification requirement.**

11 A. The city recognizes that some massage therapists, massage practitioners, and structural  
12 integrators currently practicing in the city may not meet the current requirements set forth by the  
13 CAMTC or IASI due to changes in educational or other requirements, particularly changes in  
14 requirements concerning hours of schooling, although the person has been in practice for a  
15 significant period. The city will therefore allow individuals who were working in the city prior to  
16 the passage of this chapter and meet the requirements of this section to practice massage under one  
17 of the applicable exceptions set forth in this Section without certification from the CAMTC or  
18 IASI, whichever the case may be.

19 B. Individuals who do not submit an initial application for an exception described in this  
20 section within 180 days of the effective date of this ordinance shall be ineligible to qualify for the  
21 exception.

22 C. An individual seeking an exception must demonstrate the following to the satisfaction of  
23 the city's code enforcement division.

24 1. Temporary Exception.

- 25 a. Evidence that he or she worked as a massage therapist, massage practitioner, or  
26 structural integrator in the city for a professional listed in Section 5.44.040(A)  
27 of this chapter on an ongoing basis for at least five years prior to the effective  
28 date of this ordinance, and is currently employed with that professional; and



1 Evidence that he or she has enrolled or is in the process of enrolling in a program  
2 to become CAMTC-certified massage professional or a IASI-certified  
3 integrator, and

- 4 b. Compliance with other terms of this chapter for massage establishment owners  
5 that are not certified by the CAMTC or IASI, including, but not limited to, the  
6 background check described in Section 5.44.080(J) of this chapter.

7 2. Qualified Practitioner Exception.

- 8 a. Evidence that he or she has been working as a massage therapist, massage  
9 practitioner, or structural integrator for a period of at least five years prior to  
10 the passage of this chapter; and  
11 b. Evidence that he or she has certification or proof of training in the field of  
12 massage from a school or another entity comparable to the CAMTC or the IASI  
13 or has received through an alternative method of training in the field of massage  
14 acceptable to the director; and  
15 c. Compliance with other terms of this chapter for massage establishment owners  
16 that are not certified by the CAMTC or IASI, including, but not limited to, the  
17 background check described in Section 5.44.080(J) of this chapter.

18 D. An individual granted either exception under Section 5.44.060(C) from the certification  
19 requirement is required to display, in the same manner this chapter requires the display of massage  
20 professional certification, a statement from the city showing that the person met the requirements  
21 of this exception.

22 E. The Temporary Exception shall be for a period of 12 months from its issuance and may be  
23 extended by the director one time for an additional period of 12 months. The Qualified Practitioner  
24 Exception must be renewed annually. Failure to submit an application for renewal on or before the  
25 annual renewal date shall make the individual ineligible for a continued exception.

26 F. An approved Temporary Exception shall apply only to a massage practitioner's ongoing  
27 practice with the professional(s) stated in subsection (C)(1)(a) of this section. An approved  
28 Temporary Exception shall become invalid and massage professional certification shall be

1 required pursuant to Section 5.44.050 when an individual changes employment and/or accepts  
2 employment with new, additional professionals or massage establishments within the city.

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

5 H. Any individual granted an exemption by the city pursuant to this section shall nonetheless  
6 be subject to all other requirements of this chapter, with the exception of section 5.44.050  
7 (Certification required).

8 **5.44.070 Massage or structural integration establishment permit required—Prohibited**  
9 **conduct.**

10 A. It is unlawful for any person to operate a massage establishment or structural integration  
11 establishment within the city without first obtaining a massage establishment or structural  
12 establishment permit from the Community Development Department, and otherwise complying  
13 with the requirements of this code, including but not limited to, obtaining a business license.

14 B. On or after the effective date of this ordinance, it shall be unlawful for a massage  
15 establishment or structural integration establishment operator to employ or retain any person to  
16 practice massage therapy or structural integration for compensation, or to allow any person to  
17 perform massage therapy or structural integration for compensation on the premises of a massage  
18 establishment or structural integration establishment, unless that person is a certified massage  
19 professional certified structural integrator and unless that person is identified as an authorized  
20 massage professional or certified structural integrator on the permit issued pursuant to this chapter.  
21 For purposes of this chapter, a massage establishment or structural integration operator “employs  
22 or retains” a person to practice massage therapy or structural integration for compensation when:

23 1. That person is a directly paid employee of the massage establishment or structural  
24 integration establishment; or

25 2. That person’s association with a massage or structural integration establishment is that  
26 of an independent contractor who receives compensation for massage therapy or structural  
27 integration provided to patrons of the establishment; or

1           3. That person receives a referral of patrons from the massage or structural integration  
2 establishment and, at any time before or after the referral, arranges in any way for compensation  
3 to flow to the massage or structural integration establishment operator.

4           C. It is unlawful for a massage or structural integration establishment to operate under any  
5 name or conduct business under any designation not specified in the permit issued pursuant to this  
6 chapter.

7           D. It is unlawful for a massage or structural integration establishment to continue to operate  
8 following the sale or transfer of any interest in the establishment to a person who was not identified  
9 as an owner in permit application required under this chapter.

#### 10 **5.44.080 Permit application.**

11  
12 The owners of the massage or structural integration establishment shall file an application for a  
13 permit on a form provided by the director. The application shall be accompanied by the fee  
14 established by the city's fee schedule. The application shall include the following information:

15           A. The name, address, and telephone number of the massage or structural integration  
16 establishment.

17           B. The name, residence address and telephone number, and business address and telephone  
18 number of each owner of the massage or structural integration establishment.

19           C. The form of business under which the applicant will be conducting the massage or  
20 structural integration establishment, i.e., corporation, general or limited partnership, limited  
21 liability company, or other form. If the applicant is a corporation, the name of the corporation shall  
22 be set forth exactly as shown in its articles of incorporation, together with the names and residence  
23 addresses of each of its officers, directors, and any person holding an ownership interest in the  
24 corporation. If the applicant is a general or limited partnership, the application shall set forth the  
25 name and residence address of each of the partners, including limited partners. If one or more of  
26 the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall  
27 apply. If the applicant is a limited liability company, the application shall set forth the name and  
28 residence address of each of the members. If one or more of the members is a partnership, limited

1 liability company, or corporation, the provisions of this section pertaining to a partnership, limited  
2 liability company, or corporate applicant shall apply, as applicable.

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

11 E. If the massage or structural integration establishment will be located on a property in a  
12 residential or commercial condominium or other common interest development, the applicant shall  
13 submit a notarized statement from the homeowner's association or condominium owner's  
14 association acknowledging that the association has been advised that a massage or structural  
15 integration establishment will be operated by the applicant and that such use of the property is  
16 allowed by the property's covenants, codes, and restrictions. A description of the proposed  
17 massage or structural integration establishment, including the type of treatments to be  
18 administered.

19 F. The name of each individual who the massage or structural integration establishment  
20 employs or retains to perform massage therapy or structural integration for compensation, whether  
21 on or off the massage or structural integration establishment premises.

22 G. The name of each individual who is regularly employed or retained by the massage or  
23 structural integration establishment to perform services on the premises other than massage  
24 therapy or structural integration, and the nature of their services.

25 H. For each individual who the massage or structural integration establishment does or will  
26 employ or retain to perform massage therapy or structural integration for compensation, whether  
27 on or off the massage or structural integration establishment premises, a copy of that individual's  
28

1 current certification as a certified massage practitioner, certified massage therapist or structural  
2 integrator and a copy of his or her current CAMTC or IASI-issued identification card.

3 I. For each owner of the massage or structural integration establishment who is a certified  
4 massage professional or structural integrator a copy of his or her current certification and a copy  
5 of his or her current CAMTC- or IASI-issued identification card.

6 J. For each owner of the massage or structural integration establishment who is not a certified  
7 massage professional or structural integrator, and who is not performing massage or structural  
8 integration therapy, the following information shall also be provided:

9 1. Whether any owner of the massage or structural integration establishment has, within  
10 the five years immediately preceding the date of application been convicted of any felony in any  
11 state.

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

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

17 4. One set of fingerprints to be taken at the permit authority, and any required fee for such  
18 fingerprinting shall be paid by the applicant.

19 K. Whether any certificate, license or permit has ever been issued to the applicant by any  
20 jurisdiction under the provisions of any ordinance or statute governing massage or structural  
21 integration practice, and as to any such certificate, license or permit, the name and address of the  
22 issuing authority, the effective dates of such certificate, license or permit, whether such certificate,  
23 license or permit was ever suspended, revoked, withdrawn, or denied; and copies of any  
24 documentary materials relating to such suspension, revocation, withdrawal, or denial.

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

1 M. A statement that within the last five years the applicant has not failed to comply with a  
2 final court order or administrative action of an investigatory agency finding a violation of  
3 applicable federal, state and local wage and hour laws, including, but not limited to, the Federal  
4 Fair Labor Standards Act, the California Labor Code, and any local minimum wage ordinance or  
5 prevailing wage requirements. For purposes of this subsection, a final court order or administrative  
6 action is one as to which there is no pending appeal and the time for filing an appeal has passed.

7 N. A statement attesting to the following:

8 1. The owner will only employ or retain certified massage or structural integration  
9 professionals, and failure to comply may result in the suspension or revocation of the massage or  
10 structural integration establishment permit.

11 2. The owner authorizes the code enforcement division to investigate the truth of the  
12 information contained in the application.

13 3. The owner will be responsible for the conduct of all massage or structural integration  
14 establishment operators, employees, agents, independent contractors, or other representatives  
15 while such persons are on the premises of the massage or structural integration establishment or  
16 providing out-call massage services, and that failure to comply with the provisions of this chapter  
17 and any federal, state or local law may result in the suspension or revocation of the massage or  
18 structural integration establishment permit.

19 4. The owner certifies under penalty of perjury that all information contained in the  
20 application is true and correct.

21 **5.44.090 Permit issuance.**

22  
23 The director may issue a massage or structural integration establishment permit if the applicant  
24 meets the requirements of this chapter and no grounds for denial exist under Section 5.44.120. The  
25 director may impose conditions on the permit consistent with this chapter and applicable law.

26 **5.44.100 Notice to Property Owner.**

1 If the applicant is not the record owner of the property where the massage or structural integration  
2 establishment is located, the director may send a written notice to the property owner advising of  
3 the issuance of the permit and of the regulations applicable to the massage or structural integration  
4 establishment. The director may also provide the property owner with copies of any other notices  
5 or communications with the applicant sent at any time before or after issuance of the permit.

6 **5.44.110 Term.**

7  
8 A massage or structural integration establishment permit issued pursuant to the terms of this  
9 chapter shall be valid for a term of one year from the date of issuance, and, unless suspended or  
10 revoked, must be renewed by the massage or structural integration establishment operator annually  
11 so long as the massage or structural integration establishment is operating within the city.

12 **5.44.120 Permit denial.**

13  
14 The director may deny an application for a massage or structural integration establishment permit  
15 on any of the following grounds:

16 A. The massage or structural integration establishment, as proposed by the applicant, would  
17 not comply with the requirements of this chapter.

18 B. The massage or structural integration establishment, as proposed by the applicant, would  
19 not comply with any applicable law, including, but not limited to the city's building, fire, zoning,  
20 and health regulations.

21 C. The applicant has knowingly made any false, misleading or fraudulent statement of  
22 material fact in the application for a massage or structural integration establishment permit.

23 D. Any owner of the massage or structural integration establishment, or any person who may  
24 perform massage or structural integration services for or on behalf of the establishment is currently  
25 required to register under the provisions of Section 290 of the California Penal Code.

26 E. Any owner of the massage or structural integration establishment, or any person who may  
27 perform massage or structural integration for or on behalf of the establishment, within five years  
28 of the date of application, has been convicted in a court of competent jurisdiction of any violation

1 of Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, or 647(b), of the  
2 California Penal Code, or conspiracy or attempt to commit any such offense, or any offense in a  
3 jurisdiction outside of the State of California that is the equivalent of any of the aforesaid offenses.

4 F. Any owner of the massage or structural integration establishment, or any person who may  
5 perform massage or structural integration for or on behalf of the establishment has been subjected  
6 to an injunction or restraining order against the conducting or maintaining of a violation of Sections  
7 11225 through 11235 of the California Penal Code, or any similar provision of law in a jurisdiction  
8 outside the State of California.

9 G. Any owner of the massage or structural integration establishment, or any person who may  
10 perform massage or structural integration for or on behalf of the establishment is an individual  
11 who has not attained the age of eighteen years.

12 H. Any owner of the massage or structural integration establishment, or any person who may  
13 perform massage or structural integration for or on behalf of the establishment, within five years  
14 immediately preceding the date of filing of the application, has had a permit or license to practice  
15 massage for compensation or to own and/or operate a massage or structural integration  
16 establishment revoked or denied in any jurisdiction.

17 I. The applicant, or any person who may perform massage or structural integration for or on  
18 behalf of the establishment, has had any permit, license, or certification denied, revoked or  
19 suspended by the city, CAMTC or IASI.

20 J. The applicant, or any person who may perform massage or structural integration for or on  
21 behalf of the establishment, has committed an act in another jurisdiction which, if committed in  
22 this state, would have been a violation of law and which, if committed by an operator or other  
23 person under this chapter, would be grounds for denial, suspension or revocation of the permit.

24 K. Any owner of the massage or structural integration establishment currently owns or  
25 operates a massage or structural integration establishment in the City of Chico that is not in good  
26 standing due to the existence of uncorrected violations or unpaid fines or fees.

27 L. Any owner of the massage or structural integration establishment, or any person who may  
28 perform massage or structural integration for or on behalf of the establishment, has been



1 determined by the city to have violated a provision of the city's municipal code within the last five  
2 years.

3 M. Within the last five years, the applicant has failed to comply with a final court order or  
4 administrative action of an investigatory agency finding a violation of applicable federal, state and  
5 local wage and hour laws, including, but not limited to, the Federal Fair Labor Standards Act, the  
6 California Labor Code, and any local minimum wage ordinance or prevailing wage requirements.  
7 For purposes of this subsection, a final court order or administrative action is one as to which there  
8 is no pending appeal and the time for filing an appeal has passed.

9 **5.44.130 Notice of denial—Appeal.**

10  
11 A. If an application for a massage or structural integration establishment permit is denied, the  
12 director shall give written notice to the applicant specifying the grounds for denial.

13 B. The applicant may appeal the decision to deny a massage or structural integration  
14 establishment permit by filing a written notice of appeal with the city manager, and the city  
15 manager or designee shall issue a written decision, in accordance with the procedures set forth in  
16 Section 5.44.200.

17 **5.44.140 Amendments to permit.**

18  
19 A. Whenever the information provided in the application for a massage or structural  
20 integration establishment on file with the city changes, the operator shall file an application,  
21 provided by the director, to amend the permit to reflect such change. An application to amend a  
22 massage or structural integration establishment permit shall be made by submitting an application  
23 on a form provided by the director. The application shall be accompanied by the fee established  
24 by the city's fee schedule.

25 B. The application shall not be approved unless the director determines that the terms of the  
26 amended permit comply with all requirements of this chapter and all other local, state, and federal  
27 laws, and the massage or structural integration establishment has no outstanding violations or  
28

1 unpaid citations or fees. Inspection of the massage establishment may be required prior to approval  
2 of the amendment.

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

5 D. A denial of an application to amend a massage or structural integration establishment  
6 permit may be appealed in the same manner as a denial of an application for a permit under  
7 Section 5.44.130.

#### 8 **5.44.150 Operating requirements.**

9  
10 A. No person, owner or operator shall engage in, conduct, carry on, or allow any massage or  
11 structural integration unless all of the following requirements are met. Except as otherwise  
12 specifically provided in this chapter, the following operational requirements shall be applicable to  
13 all massage and structural integration establishments located within the city:

14 1. No massage or structural integration establishment shall be open for business between  
15 the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day. A massage or structural  
16 integration begun any time before 10:00 p.m. must nevertheless terminate at 10:00 p.m. The hours  
17 of operation of the massage or structural integration establishment shall be displayed in a  
18 conspicuous public place in the reception and waiting area and in any front window clearly visible  
19 from outside of the massage establishment.

20 2. Patrons and visitors shall be permitted in the massage or structural integration  
21 establishment only during the hours of operation.

22 3. During the hours of operation, patrons shall be permitted in massage or structural  
23 integration therapy rooms only if at least one duly authorized certified massage or structural  
24 integration professional is present on the premise of the massage or structural integration  
25 establishment. Patrons shall not be permitted in any employee break room on the premises.

26 4. During the hours of operation, visitors shall not be permitted in massage or structural  
27 integration therapy rooms except as follows:

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

1           b. The minor child of a patron may be present in the with the patron when necessary  
2 for the supervision of the child; or

3           c. The conservator, aid, or other caretaker of a patron who is elderly or disabled may  
4 be present in the room with that elderly or disabled person.

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

9           6. Except for a patron who is inside a massage or structural integration therapy room for  
10 the purpose of receiving a massage or structural integration, no patrons or visitors shall be  
11 permitted in or on the massage or structural integration establishment premises at any time who  
12 are less than fully clothed in outer garments of nontransparent material, or who display or expose  
13 themselves in underclothing or similar intimate apparel.

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

20           8. No condoms, or written, digital and/or multimedia material or merchandise of an  
21 obscene nature, as defined by and to the extent allowed by law, shall be furnished, used, stored or  
22 kept on the premises of a massage or structural integration establishment.

23           9. The massage or structural integration establishment shall keep on the premises a  
24 complete and current roster of all owners, operators, and managing employees of the massage or  
25 structural integration establishment. The roster shall include the name, residence address, and  
26 phone number of each individual. The roster shall be available for inspection by city officials  
27 charged with enforcement of this chapter.

28           10. No electrical, mechanical or artificial device shall be used by the massage or structural  
integration establishment for audio and/or video recording or for monitoring the performance of a

1 or structural integration massage, or the conversation or other sounds in the massage or structural  
2 integration therapy room or cubicle, without the knowledge or written consent of the client.

3 11. No person who has not reached eighteen years of age shall provide massage or  
4 structural integration for compensation or consideration of any type, whether paid to them or  
5 another person.

6 12. The massage or structural integration establishment shall comply with all applicable  
7 state and local laws, including but not limited to, all building and fire codes as adopted in Chapter  
8 16 of this code.

9 B. No person who is not a certified massage or structural integration professional shall provide  
10 massage or structural integration for compensation or act as an employee or independent contractor  
11 of a massage or structural integration establishment if such person has:

12 1. Been convicted of, or entered a plea of guilty or no contest to, an offense that requires  
13 registration under the Sex Offender Registration Act (Penal Code Section 290 et seq.), or which is  
14 a violation of the law, including but not limited to, Penal Code sections 261, 261.5, 261.9, 262,  
15 264.1, 265, 266, 266a, 266b, 266c, 266d, 266e, 266f, 266g, 266h, 266i, 266j, 267, 269, 285, 288,  
16 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 289.5, 289.6, 311.1, 311.2, 311.3, 311.4, 311.5,  
17 311.6, 311.10, 311.11, 311.12, 313.1, 314, 315, 316, 318 or 647(a) and (b) or equivalent offenses  
18 under the laws of another jurisdiction, even if expunged pursuant to Penal Code Section 1203.4 or  
19 equivalent statute under the laws of another jurisdiction.

20 2. Been convicted of, or entered a plea of guilty or no contest to, an offense involving the  
21 sale, possession for purposes of sale, purchase for the purpose of sale, transport, import, export,  
22 administration, gift or cultivation of a controlled substance specified in Health and Safety Code  
23 Sections 11054 through 11058, inclusive, or equivalent offenses under the laws of another  
24 jurisdiction, even if expunged pursuant to Penal Code Section 1203.4 or equivalent statute under  
25 the laws of another jurisdiction.

26 3. Been convicted of or entered a plea of guilty or no contest to a violation of Penal Code  
27 section 415 as a result of being charged for a violation of Penal Code section 647.

28 4. Been convicted of any state or federal law relating to the trafficking of humans.

1           5. Suffered revocation or suspension of a certificate issued under the Massage Therapy Act  
2 (Business and Professions Code Section 4600 et seq.) or by the IASI unless such certificate has  
3 been restored.

4           C. Health and Safety Requirements. Except as otherwise specifically provided in this chapter,  
5 the following health and safety requirements shall be applicable to all massage and structural  
6 integration establishments located within the city:

7           1. Each massage or structural integration establishment shall at all times be equipped with  
8 an adequate supply of clean sanitary towels, coverings, and linens. Towels and linens shall not be  
9 used on more than one client, unless they have first been laundered and disinfected. Disposable  
10 towels and coverings shall not be used on more than one client.

11           2. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and  
12 bathrooms, tanning booths, whirlpool baths and pools located at massage or structural integration  
13 establishments shall be cleaned and disinfected at least once each day when such facilities have  
14 been in use.

15           3. All instruments used in massage or structural integration shall be maintained in a clean  
16 and sanitary condition. Instruments utilized in providing massage shall not be used on more than  
17 one client unless they have been sterilized or sanitized.

18           4. No dressing room shall be occupied by more than one person at a time except in the case  
19 where occupation is by a parent or legal guardian to a child then present or when the presence of  
20 an individual necessary to accommodate a disability is required.

21           5. No room where massage or structural integration is provided shall be occupied by a  
22 person other than the client and massage or structural integration professional except in the case  
23 where occupation is by a care giver, parent or legal guardian to a child then present, when the  
24 presence of an individual necessary to accommodate a disability is required, or massage or  
25 structural integration is provided on a couple. When massage or structural integration is provided  
26 on a couple, the massage or structural integration establishment shall provide two massage tables,  
27 one for each individual client and two massage or structural integration professionals to provide  
28 massage or structural integration for compensation.

1           6. Toilet facilities shall be provided in convenient locations within the massage or structural  
2 integration establishment and shall consist of at least one unisex toilet with a lavatory or wash  
3 basin provided with soap and both hot and cold running water.

4           7. No alcoholic beverages or controlled substances, as defined in Health and Safety Code  
5 Sections 11054 through 11058, inclusive or in the Controlled Substances Act (21 U.S.C. 810 et  
6 seq.), shall be sold, served, furnished, kept, consumed or possessed on the premises of any massage  
7 or structural integration establishment.

8           8. All massage or structural integration professionals and employees of massage or  
9 structural integration establishments shall wear clean, non-transparent outer garments while  
10 engaged in massage or structural integration for compensation. Said garments shall not expose, or  
11 be worn in such a manner to expose, the breasts, genitals, pubic areas, buttocks, or chest. For the  
12 purposes of this section, outer garments means a garment worn over other garments and does not  
13 include garments like underwear, bras, lingerie or swimsuits. Massage or structural integration  
14 professionals shall not dress in swim attire unless providing a water-based massage modality  
15 approved by the CAMTC or the IASI, respectively, as applicable.

16           9. No massage or structural integration for compensation or consideration of any type shall  
17 be provided unless the client's genitals, anus, or, in the case of a female, her breast(s) are at all  
18 times fully covered while the massage professional or other employee is present in the same room  
19 as the client. No massage or structural integration shall be provided to a client that results in  
20 intentional contact, or occasional and repetitive contact, with the genitals or anal region of a client.

21           10. While engaged in massage or structural integration for compensation or consideration  
22 of any type, a massage or structural integration professional shall not make, or offer to make,  
23 physical contact with the genitals of any other persons regardless of whether the contact is over or  
24 under the persons' clothing nor shall the massage professional permit, or offer to permit, the client  
25 to make physical contact with the genitals of the massage or structural integration professional  
26 regardless of whether the contact is over or under the massage or structural integration  
27 professional's clothing. Notwithstanding, massage or structural integration of the female breasts  
28

1 by the massage or structural integration professional is permissible with the written consent of the  
2 client.

3 D. A massage or structural integration professional shall operate only under the name provided  
4 to the code enforcement division on the massage or structural integration establishment permit  
5 application required under Sections 5.44.070 and 5.44.080 of this chapter.

6 E. It is unlawful for a massage or structural integration establishment to continue to operate  
7 following the sale or transfer of any interest in the massage establishment to a person who was not  
8 identified as an owner in the massage or structural integration establishment permit application.

9 F. No person providing massage or structural integration may advertise to provide sexual  
10 services or other acts prohibited by this chapter; in print, billboards, text or SMS messaging, online  
11 webpages or postings, digital media, multimedia, via radio, television or otherwise.

12 G. No person or massage or structural integration business shall advertise their services or  
13 business on a website that commonly or primarily advertises, solicits, or facilitates sexual services,  
14 pornography, illegal or prohibited services, such as escort services, prostitution or illicit drugs.

15 **5.44.160 Provisions applicable to location.**

16 No person shall provide massage or structural integration services, operate a massage or structural  
17 integration establishment or provide property for the operation of a massage or structural  
18 integration establishment at a particular location if:

19 A. That person or massage or structural integration establishment is or was operating at that  
20 particular location within the prior thirty-six months, and that massage or structural integration  
21 establishment or any employee of that massage or structural integration establishment has been  
22 found liable by the city for violating any provision of this chapter, except when such finding of  
23 liability is pending appeal to a hearing officer or review in a court of competent jurisdiction, or if  
24 the massage or structural integration establishment or an employee of that massage or structural  
25 integration establishment has been found guilty of a violation of this chapter or any of the statutes  
26 specifically referenced in Section 5.44.150(C). For purposes of this chapter, a plea of “no contest”  
27 is a finding of guilt.  
28

1 C. Another massage or structural integration establishment has operated at that particular  
2 property within the prior thirty-six months, and:

3 1. That massage or structural integration establishment has delinquent fines, fees or  
4 penalties, whether criminal, administrative or civil, and/or

5 2. That massage or structural integration establishment or any person performing therapy  
6 services for that massage or structural integration establishment has been found liable by the city  
7 for violating any provision of this chapter, and

8 3. Anyone affiliated with the ownership, operation or provision of services for the prior  
9 establishment is also affiliated with the new establishment.

10 4. This section shall not apply if the fine, fee, penalty or violation is pending appeal to a  
11 hearing officer or review in a court of competent jurisdiction.

12  
13 **5.44.170 Massage establishment inspections.**

14 A. All persons providing massage or structural integration, and all massage or structural  
15 integration establishment owners and operators shall, during permissible hours of operation, have  
16 on their person or immediately available at the establishment a valid, government issued  
17 identification which identifies the individual.

18 B. The owner(s) and/or designated manager(s) shall ensure the massage or structural  
19 integration professional certification issued for each certified massage or structural integration  
20 professional employed at the massage or structural integration establishment (whether on-duty or  
21 not) is conspicuously displayed in a public place in the lobby

22 C. For the sole purpose of inspecting and verifying compliance with this chapter and otherwise  
23 facilitating the functions of this chapter, the director, or his/her designee, or the Chico police chief,  
24 or his/her designee, is authorized to enter massage or structural integration establishments to  
25 conduct administrative inspections thereof, and of the things specified in this chapter, relevant to  
26 those functions.

27 D. The City hereby declares massage establishments and structural integration establishments  
28 to constitute a closely regulated business. Therefore, city inspectors shall have the right to enter



1 any massage or structural integration establishment, other than an establishment providing outcall-  
2 only services, during regular business hours, without a search or inspection warrant, to make  
3 reasonable inspection to ascertain whether there is compliance with the provisions of this chapter.  
4 This section is not intended to abrogate or conflict with any applicable state or federal laws, and  
5 any inspection hereunder shall comply with such laws.

6 E. During the inspection, the massage or structural integration establishment operator shall  
7 take immediate action to correct each violation noted by the inspector. If the violation is not able  
8 to be immediately corrected, a reinspection by the city is required.

9 **5.44.180 Violations - Moratorium.**

10 A. In addition to any other remedy available to the city under applicable law, a massage  
11 establishment permit may be suspended or revoked as provided in Sections 5.44.190 and 5.44.200.  
12 Upon issuance of a final order by the director, city manager or designee thereof to revoke the  
13 massage permit, the massage or structural integration establishment shall immediately cease  
14 operation, and, if so ordered, no other massage or structural integration establishment shall be  
15 permitted to operate at that location by any person for a period of not less than thirty-six months  
16 (“the moratorium period”). If the operator is not also the legal owner of the real property on which  
17 the massage or structural integration establishment is situated, notice of such revocation and the  
18 thirty-six-month prohibition shall be provided by the city to the owner of record of the property as  
19 shown on the latest county assessment roll or title records.

20 B. In addition to any other remedy available to the city under applicable law, a massage or  
21 structural integration establishment permit may not be renewed or amended unless and until all  
22 unpaid fines, penalties and fees owed to the city have been paid in full, and all outstanding  
23 violations relating to the establishment have been corrected.

24 **5.44.190 Revocation or suspension.**

25 A. A massage or structural integration establishment permit may be suspended or revoked for  
26 any violation of this chapter.

27 B. Written notice of the suspension or revocation describing the violation and basis thereof  
28 shall be served on the massage or structural integration establishment operators by either (i)

1 personal delivery, or (ii) certified and regular mail. The notice shall contain an advisement of the  
2 right to request an appeal pursuant to Section 5.44.200 of this chapter.

3 C. All massage establishment operators shall be deemed to know and understand the  
4 requirements and prohibitions of this chapter and this code.

5 D. Revocation of a massage or structural integration establishment permit shall also result in revocation of any business  
6 license issued pursuant to Chapter 3.32 of this code.

#### 7 **5.44.200 Appeal of revocation or suspension.**

8 Any operator whose massage or structural integration establishment permit has been suspended  
9 or revoked may appeal can be made to the city manager or designee. An appeal must be received  
10 by the city within ten business days from the notice being appealed. The person requesting the  
11 appeal shall submit its notice of appeal along with a written brief outlining the reasons it believes  
12 the suspension or revocation to be in error. The appeal will be decided based solely on the written  
13 submission of the appealing party, with no oral argument. The city manager or designee shall  
14 render a written decision within ten days of the request for appeal being received by the city  
15 manager or his or her designee. If the suspension or revocation is upheld, the massage  
16 establishment or structural integration shall immediately close. If the appellant is not satisfied with  
17 the decision of the city manager or designee, the appellant may, within ten business days of the  
18 notice of decision, appeal to an administrative hearing officer pursuant to Section 1.15.150 of this  
19 code. The massage or structural integration establishment, however, shall remain closed until the  
20 decision of the administrative hearing officer is final.

#### 21 **5.44.210 Enforcement, penalties and nuisance per se.**

22 A. Any violation of this chapter is unlawful and a public nuisance, and may be abated by any  
23 means authorized by law, including but not limited to injunctive relief.

24 B. This chapter may be enforced by means of the administrative processes and remedies set  
25 forth in Chapter 1.15 of this code, and shall constitute a misdemeanor subject to a fine up to five  
26 hundred dollars and/or by imprisonment up to six months.

27 C. In addition, any violation of this chapter shall be subject to a civil penalty in an amount not  
28 to exceed one thousand dollars per violation, which may be recovered by a civil action.

1 D. This chapter is cumulative to all other remedies now or hereafter available to abate or  
2 otherwise regulate, enforce or prevent public nuisances or to enforce the provisions of the Chico  
3 Municipal Code.

4 E. Each violation of this chapter, and each day a violation continues, shall constitute a separate  
5 violation. Each client to whom massage or structural integration is provided or offered in violation  
6 of this chapter shall also constitute a separate violation.

7 F. The remedies provided herein shall be cumulative, and may be used in conjunction with or  
8 in lieu of, each other. Such remedies shall be in addition to any other judicial and administrative  
9 penalties and remedies available to the city under this code or under state law.

10 G. Each person responsible for a violation of this chapter shall be jointly and severally liable.

11 **Section 2. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or  
12 phase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or  
13 unenforceability shall not affect the validity of enforceability of the remaining sections,  
14 subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules  
15 adopted hereby. The City Council of the City of Chico hereby declares that it would have adopted  
16 each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective  
17 of the fact that any one or more other remaining sections, subsections, subdivisions, paragraphs,  
18 sentences, clauses, or phrases hereof be declared invalid or unenforceable. To the extent the  
19 provisions of the Chico Municipal Code as amended by this Ordinance are substantially the same  
20 as the provisions of that Code as they read immediately prior to the adoption of this Ordinance,  
21 then those provisions shall be construed as continuations of the earlier provisions and not as new  
22 enactments.

23 **Section 3. CEQA.** The City Council finds that this Ordinance is not subject to the California  
24 Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result  
25 in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3)  
26 (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code  
27 of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical  
28 change to the environment, directly or indirectly.

1       **Section 4.** Effective Date. This Ordinance shall take effect thirty (30) days after the date of  
2 adoption by the City Council.

3       **Section 5.** Certification. The City Clerk shall certify to the passage and adoption of this  
4 Ordinance and shall cause the same to be published or posted in the manner required by law.

5  
6 THE FOREGOING ORDINANCE WAS ADOPTED at a meeting of the City Council of the  
7 City of Chico held on \_\_\_\_\_, by the following vote:

8  
9 AYES:

10 NOES:

11 ABSENT:

12 ABSTAINED:

13 DISQUALIFIED:

14 ATTEST:

15  
16 APPROVED AS TO FORM:

17  
18  
19 \_\_\_\_\_  
20 Deborah R. Presson  
21 City Clerk

22 \_\_\_\_\_  
23 John W. Lam, City Attorney\*

24  
25 \*Pursuant to The Charter of  
26 the City of Chico, Section 906(E)  
27  
28