

CHAPTER 11.07: MASSAGE BUSINESSES

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MASSAGE BUSINESS REQUIREMENTS

§ 11.07.005 DEFINITIONS.

For the purpose of this Subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMITTEE. The Committee on Permits and Licenses.

HEALTH DEPARTMENT. The County of Los Angeles Department of Health Services.

MASSAGE. Any method of pressure or acupressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice.

MASSAGE BUSINESS. The activity or providing, for any form of consideration or gratuity, facilities for: massage, administration of fomentation, massage, electric or magnetic treatment, or alcohol rub; or any other type system for treating or manipulating the human body.

MASSAGE TECHNICIAN. Any person, who, for any form of consideration whatsoever, gives or administers to another person a **MASSAGE** as defined in this Section.

OFF-PREMISES MASSAGE. The activity of providing massage services, or massage facilities as defined herein at a location other than premises licensed by a permit from the Committee.

PERMIT. The permit required to be obtained from the Committee on Permits and Licenses for the operation of a massage business, an off-premises massage business, or for performing the activities of a massage technician with or without an off-premises endorsement.

('65 Code, § 23-21(a)) (Ord. No. 85-019 § 1)

§ 11.07.010 PERMIT REQUIRED.

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the City of Culver City, the operation of a massage business without a permit duly issued by the Committee pursuant to this Section for each business location. The permit required hereby shall be in addition to any business tax license required by the Culver City Municipal Code.

A. *Application for permits.* Permit applications shall be made in accordance with Chapter 11.01 of this Code.

B. *Additional requirements.* In addition to those requirements specified in Chapter 11.01 of this Code, each applicant for a massage permit shall furnish the following information to the Committee:

1. Each residence and business address of applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates of each such address.
2. Written proof that the applicant is at least eighteen (18) years of age.
3. Applicant's height, weight, color of eyes and hair.
4. Three (3) photographs of applicant, of a size specified by the Committee, taken within the six (6) months immediately preceding the date of the application.
5. Applicant's business, occupation and employment history for the three (3) years immediately preceding the date of application.
6. The permit history of the applicant; whether such person has ever had any license or permit issued by any agency or board, City, County or State revoked or suspended, or has had any professional or vocational license or permit revoked or suspended, and the reason therefor.
7. Such other identification and information as may be required by the Committee.
8. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation, or Charter, together with the State and date of

incorporation and names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent (5%) of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence addresses of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this Section pertaining to corporation applicants shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such person shall complete and sign all application forms required for an individual applicant under this Code, but only one application fee shall be charged. A change application shall be filed to change the responsible managing officer but no additional inspection shall be necessary. The corporation's or partnership's responsible managing officer must at all times meet all of the requirements established for permittees by this Subchapter or the corporation or partnership permit shall be suspended until a responsible managing officer who does meet all such requirements is designated. If no such person is named within ninety (90) days, the corporation or partnership permit is deemed canceled and a new initial application for permit must be filed, together with the payment of fees applicable thereto.

9. The name, address and phone number of the owner and lessor of the real property upon or in which the business is to be conducted, and a copy of the lease or rental agreement.

10. Upon filing of the application for a massage permit with the City Treasurer, the City Treasurer shall notify the Department of Health. This Department shall cause an inspection to be made of the premises sought to be licensed within twenty (20) days to ascertain if the premises are in compliance with applicable health laws. If the premises are in compliance, such Department shall issue a letter to the City Treasurer so stating, which shall be forwarded to the Committee with the application. If the premises are not in compliance, said Department shall issue a letter to the applicant setting forth the deficiencies and shall reinspect the premises no more than twice upon written request of the applicant. If a letter of full compliance is not issued by such Department within ninety (90) days of the date of the filing of the application, the application shall be deemed withdrawn and a new application must be filed, together with the payment of fees applicable thereto. The City Treasurer shall not forward the application to the Committee until the Health Department has issued a letter of compliance.

('65 Code, § 23-21(b)) (Ord. No. 85-019 § 1)

§ 11.07.015 PUBLIC HEARINGS.

A. *Hearing required.* In addition to the requirements of §§ 11.07.005 and 11.07.010 above, and subsequent to compliance with the provisions of § 11.07.010, the Committee or upon its direction, an Examiner appointed by the Committee, shall hold a public hearing to gather input from the public before a permit for the operation of a massage business is issued. All relevant information so obtained shall be used by the Committee in determining whether or not to issue a massage business permit.

B. *Notice.* Notice of the time, place, and purpose of the public hearing shall be given in the following manner:

1. By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, not less than twenty-four (24) days prior to the date of the hearing.

2. By mailing written notice not less than twenty-four (24) days prior to the date of such hearing, to the applicant, to the owner or owners of the property involved and to the owners of all property within and outside the City that is within three hundred (300) feet of the area proposed subject of the permit application as shown upon the records of the County Assessor.

C. *Record.* The hearing procedure shall be recorded or summarized as directed by the Committee. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon the pre-payment of a fee, as required by resolution. One copy of such transcript shall be furnished the Committee to be placed in the files.

D. *Authority to conduct hearings.* The public hearing may be conducted by the Committee or an Examiner at its direction. After the conclusion of a public hearing conducted by an Examiner, the Examiner shall submit his report to the Committee within such time, which may be fixed by the Committee, setting forth his conclusions and recommendations in writing and stating briefly his reasons therefor.

('65 Code, § 23-21(c)) (Ord. No. 85-019 § 1)

§ 11.07.020 OPERATING REQUIREMENTS.

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, any massage business unless, in addition to the rules and regulations governing massage business and massage technicians as adopted by the Committee, each and all of the following requirements are met:

A. *Valid permit.* Each person employed or acting as a massage technician shall have a valid permit issued by the Committee. It shall be unlawful for any owner, operator, responsible managing employee, manager or permittee in charge of or in control of a massage business to employ or permit a person to act as a massage technician, as defined in this Subchapter, who is not in possession of a valid massage technician permit issued pursuant to this Code.

B. *Scope of permit.* The possession of a valid massage business permit does not authorize the possessor to perform work for which a massage technician permit is required.

C. *Hours of operation.* Massage operations shall be carried on, and the premises shall be open, only between the hours of 7:00 a.m. and 12:00 midnight.

D. *Posting list of services.* A list of services available and the cost of such services shall be posted in an open and conspicuous place on the premises. The services shall be described in readily understandable language.

E. *Permit displayed.* The massage business permit, and a copy of the permit of each and every massage technician employed in the establishment, shall be displayed in an open and conspicuous place on the premises.

F. *Keeping records.* Every permittee operating a massage business under a permit issued pursuant to this Subchapter shall keep a record of the date and hour of each treatment, the name and address of the patron, the name of the employee administering such treatment, and the type

of treatment administered. Such records shall be open to inspection only by Public Health Investigators. The information furnished or secured as a result of any such record shall be confidential. Any unauthorized disclosure or use of such information by an employee of the business or the City of Culver City or County of Los Angeles shall constitute a misdemeanor, and such employee shall be subject to the penalty provisions of this Code in addition to any other penalties provided by law. Such records shall be maintained for a period of one year.

G. *Inspections.* The Department of Health shall, from time to time, and at least once a year, make an inspection of each massage business in the City for the purposes of determining that the health provisions of the laws of the State of California and ordinances of the City of Culver City and County of Los Angeles, and this Subchapter are met.

H. *Toilet facilities provided.*

1. *Requirements.* A minimum of one tub or shower, and one toilet and wash basin shall be provided for the patrons in every massage business location; however, if male and female patrons are to be served simultaneously at said establishment, separate toilet facilities shall be provided for male and female patrons. In those establishments where steam rooms or sauna baths are provided, if male and female patrons are to be served simultaneously, separate steam rooms or sauna rooms shall be provided for male and female patrons. Hot and cold running water under pressure shall be provided to all wash basins, bathtubs, showers, and similar equipment. Each wash basin shall be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room. In addition to the wash basin provided for patrons, a minimum of one separate wash basin shall be provided in each massage establishment which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each wash basin, sanitary towels placed in permanently installed dispensers.

2. *Exception.* If the wash basin for the patrons is not in the toilet room but is adjacent thereto, this wash basin will meet the separate wash basin requirement if it is reasonably close to the area devoted to the performing of massage.

I. *Ventilation and lighting.* Minimum ventilation shall be provided in accordance with the Building Code of the City of Culver City. A light level of no less than ten (10) foot candles shall be maintained in public rooms, walkways, and at any point within each room or enclosure where massage services are being provided, at all times such services are being provided.

J. *Maintaining and cleaning rooms and facilities.* All walls, ceilings, floors, pools, showers, bathtubs, wet and dry heat rooms, steam or vapor rooms, tables and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or cabinets, showers, compartments and toilet rooms shall be thoroughly cleaned at least once each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

K. *Clean and sanitary towels and linens.* Clean and sanitary towels, sheets and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted. Towels, sheets and linens shall be provided in sufficient quantity and shall not be used by more than one person unless they have been first

relaundered. Heavy white paper may be substituted for sheets; provided that, such paper is used once for each person then discarded into a sanitary receptacle. Separate closed cabinets or containers shall be provided for the storage of clean and soiled linen and shall be plainly marked: "Clean linen," "Soiled linen."

L. *Sterilized equipment.* Disinfecting agents and sterilizing equipment approved by the Health Department shall be provided for any instruments used in performing any massage.

M. *Massage table coverings.* Pads used on massage tables shall be covered in a workmanlike manner with durable, washable plastic or other waterproof material acceptable to the Health Department.

N. *Doors kept unlocked; view-obstructions prohibited.* All exterior doors shall be unlocked from the interior side during business hours. No doors, curtains or other closures shall be placed on massage rooms or cubicles which obstruct the review of the interior of the room, or cubicle from the exterior of such room or cubicle.

O. *Separate lockers.* A separate locker shall be provided for each patron to be served, which locker shall be capable of being locked and available at no extra charge.

P. *Alcohol or drugs prohibited.* No person shall enter, be or remain, in any part of a massage business location while in the possession of, consuming, or using any alcoholic beverages or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.

Q. *School of massage.* No massage business shall operate as a school of massage, nor operate in the same location, nor use the same facilities as that of a school of massage. It shall be unlawful for any person to perform any massage upon a member of the general public while on the premises of a school of massage. Instructors and students of such schools may practice massage only upon a bona fide employee of the school or student. A dummy may be used.

('65 Code, § 23-21(d)) (Ord. No. 85-019 § 1)

§ 11.07.025 OFF-PREMISES MASSAGE BUSINESS.

No person shall engage in, conduct, carry on, or advertise, or permit to be engaged in, conducted or carried on, any off-premises massage business in the City of Culver City without a permit duly issued by the Committee pursuant to this Section for each business location. The permit required hereby shall be in addition to any business tax license required by ordinance.

A. *Application for permit.* Permit applications shall be made in accordance with the requirements of Chapter 11.01 of this Code.

B. *Operating requirements.* The operating requirements are as set forth in § 11.07.020 of this Subchapter, the rules and regulations governing massage businesses and massage technicians as adopted by the Committee, and the following additional requirements:

1. The owner, operator, responsible managing employee, manager or permittee of an off-premises massage business shall display the permit issued therefor and a true and correct copy of the permit of each and every massage technician employed by the business in an open and

conspicuous manner on the business premises and to every customer who requests the information contained in the permits.

2. A record of treatment shall be maintained by each massage technician employed by the business.

3. No person operating an off-premises massage business shall employ or allow a person to act as an off-premises massage technician unless such person has a valid, unrevoked massage technician permit endorsed by the Committee for off-premises massage.

4. No person operating an off-premises massage business shall assist, allow or permit any massage technician to perform any massage in any hotel, motel or commercial establishment that does not have a massage business permit except an office occupied by the customer.

('65 Code, § 23-21(e)) (Ord. No. 85-019 § 1)

MASSAGE TECHNICIANS

§ 11.07.100 DEFINITION.

The words and phrases defined in § 11.07.005 of this Code, shall have the same meanings when used in this Subchapter. In addition, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OFF-PREMISES MASSAGE TECHNICIAN. A person who, for any compensation of any kind gives a massage to a person at a location other than a place that has a valid and outstanding massage business permit issued pursuant to § 11.07.010 of this Code.

('65 Code, § 23-22(a)) (Ord. No. 85-019 § 2; Ord. No. 87-011 § 1)

§ 11.07.105 PERMIT REQUIRED.

No person shall engage in the business of acting or act as a massage technician unless such person holds a valid massage technician permit issued by the Committee.

A. *Exemptions.* This Section shall not apply to the following classes of individuals, and no permit shall be required of such persons, while engaged in the performance of the duties of their respective professions.

1. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of California.

2. Nurses who are registered as such under the laws of the State of California.

3. Barbers and beauticians who are duly licensed under the laws of the State of California.

4. Athletic team or personal athletic trainer.

5. Acupuncturists who are duly certified to practice their profession in the State of California.

B. *Additional requirements.* In addition to those requirements specified in Chapter 11.01, each applicant for a massage technician permit shall furnish the following information to the

Committee prior to the issuance of a permit, but subsequent to applicant's having taken and passed the examination provided for in Subsection C.

1. Each resident and business address of applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates of each such address.
2. Written proof that the applicant is at least eighteen (18) years of age.
3. Applicant's height, weight, color of eyes and hair.
4. Three (3) photographs of applicant, of a size specified by the Committee, taken within six (6) months immediately preceding the date of the application.
5. Applicant's business, occupation and employment history for the three (3) years immediately preceding the date of application.
6. The permit history of the applicant; whether applicant has ever had any license or permit issued by any agency or board, City, County or State revoked or suspended, or has had any professional or vocational license or permit revoked or suspended, and the reason therefor.
7. A certificate from a medical doctor, licensed to practice in the State of California, issued within thirty (30) days, that certifies that applicant has been examined and had no communicable disease on the date of the examination.
8. Such other identification and information as may be required by the Committee.

C. *Issuance of a permit.* Upon application for a massage technician permit, and after applicant has paid the required fee and furnished the required information, each applicant shall prior to issuance of a permit, take and pass an examination of qualifications within ninety (90) days preceding the date of issuance of the massage technician permit.

1. The examination required by this Subsection shall, in the judgment of the Committee, be such as to fairly determine the ability of the applicant to properly perform the work which the applicant would be authorized to do by the permit applied for, and shall cover the following subjects: anatomy, physiology, hygiene, and the practice and theory of massage, as massage is defined in this Chapter.
2. The examination shall include both a practical demonstration and a written test. It shall be consistent in both practical and technical requirements.
3. In the grading of the examination, practical demonstrations shall prevail over written tests, that is, a greater number of credits shall be allowed on practical demonstrations than on written tests.
4. The written tests shall test the competency and ability of the applicant to engage in the practice of massage. The examination shall require the applicant to engage in the practice of massage. The examination shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene and manual and mechanical massage.
5. The examination may be conducted by the Committee or its designee. The Committee or its designee shall prepare, give and judge the examination.

6. The Committee shall establish standards and procedures governing the administration and grading of all examinations and shall exercise such supervision as may be necessary to assure compliance therewith.

7. Every applicant who fails to pass an examination shall not be eligible for another examination until four (4) weeks after taking the previous examination. Any applicant who fails to pass upon the third trial shall not be again eligible until six (6) months thereafter.

8. Each applicant shall provide fingerprints to the Culver City Police Department on the form required by the Department. The Police Department shall conduct a background investigation of the applicant. No permit shall be issued by the Committee until the background investigation has been completed by the Police Department.

D. *Annual medical certificate.* Each massage technician shall annually, at the time of renewal of his or her permit, supply the Committee, with a new medical certificate required by Subsection B.7. of this Section.

('65 Code, § 23-22(b)) (Ord. No. 85-019 § 2; Ord. No. 87-011 § 1)

§ 11.07.110 OPERATIVE DATE.

All persons operating or employed as masseurs or masseuses in massage establishments at the time this Subchapter becomes effective shall obtain a massage technician permit within ninety (90) days of the effective date of this Subchapter.

('65 Code, § 23-22(c)) (Ord. No. 85-019 § 2; Ord. No. 87-011 § 1)

§ 11.07.115 OFF-PREMISES MASSAGE TECHNICIAN.

No person shall engage in the business of acting, or act as an off-premises massage technician unless such person holds a valid massage technician permit issued by the Committee endorsed for off-premises work.

A. *Permit requirements.* A massage technician's permit shall be endorsed by the Committee for off-premises work upon application by the permittee if the following conditions exist.

1. The permit is valid and there are no pending proceedings for its revocation or suspension.
2. The applicant pays the fee required by Chapter 11.01 of this Code.

B. *Operating requirements.* No person holding an off-premises massage technician permit shall perform any massage services as defined in §§ 11.07.005 through 11.07.025 of this Chapter in any commercial establishment other than a premises holding a valid massage business permit or office occupied by the customer.

1. Each off-premises massage technician permittee shall display the permit therefor to any customer who so requests.

2. Upon any change of employers, the permittee shall inform the Committee within ten (10) days of such change.

('65 Code, § 23-22(d)) (Ord. No. 85-019 § 2; Ord. No. 87-011 § 1)

BATHS

§ 11.07.200 DEFINITION.

The words and phrases defined in § 11.07.005 of this Code, shall have the same meanings when used in this Subchapter. In addition, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BATH. The activity of providing facilities for: steam baths; electric light bath; electric tub baths; shower baths; sponge bath; sun bath; mineral bath; Russian, Swedish or Turkish bath; public bathing, which has in connection therewith, a steam room, dry hot room, plunge, shower bath or sleeping accommodations; hydro-therapeutic pool, which is designed for whole or partial immersion of the human body for recreation or therapeutic use by one or more persons at a time and which is either drained or is not drained, cleaned, or refilled for each user, and may include but not be limited to hydrojet circulation, hot water, cold water, mineral water, oil, air induction bubbles or any combination thereof; therapeutic pools which may include whirlpools, hot tubs, baths, and cold water plunges; or any other type bath for treating the human body.

('65 Code, § 23-23(a)) (Ord. No. 85-019 § 3)

§ 11.07.205 PERMIT REQUIRED TO OPERATE BATH BUSINESS.

A. *Written permit required.* No person shall engage in, manage, conduct or operate a “bath” business without a written permit from the Committee.

B. *Exemptions.* This Subchapter shall not apply to any treatment administered in good faith in the course of any healing art or profession by any person licensed or permitted to practice any such art or profession under the provisions of the California Business and Professions Code or any other law of this State.

('65 Code, § 23-23(b)) (Ord. No. 85-019 § 3)

§ 11.07.210 REQUIREMENTS FOR EMPLOYEES.

No person shall be permitted to work in a “bath” business in any capacity that would require such person to touch the body of another without such person being previously authorized to do so by the Committee consistent with provisions of §§ 11.07.100 through 11.07.115 of this Chapter. No person under eighteen (18) years of age shall be permitted to work on the premises.

('65 Code, § 23-23(c)) (Ord. No. 85-019 § 3)

§ 11.07.215 ADMISSION FOR UNDERAGE PERSONS.

No person under eighteen (18) years of age shall be allowed on the premises of a “bath” business, unless accompanied by one of his or her parents or guardians.

('65 Code, § 23-23(d)) (Ord. No. 85-019 § 3)