

ORDINANCE NO. 2016-03

**AN ORDINANCE OF THE CITY OF MONROVIA, CALIFORNIA,
AMENDING CHAPTER 5.24 OF TITLE 5 (BUSINESS TAXES,
LICENSES AND REGULATIONS) OF THE MONROVIA MUNICIPAL
CODE AUTHORIZING THE CITY COUNCIL TO REGULATE
MESSAGE ESTABLISHMENTS AND MESSAGE PRACTITIONERS**

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA does ordain as follows:

SECTION 1. Section 5.24.020 of Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended only by amending the definition of the term "OUTCALL MESSAGE" to read as follows:

"OUTCALL MESSAGE. Any massage performed by a massage practitioner at a location designated by the client or the massage practitioner, other than at a massage establishment."

SECTION 2. Section 5.24.030 of Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended by adding a new Paragraph (D) thereto to read as follows:

"(D) It shall be unlawful for a massage establishment to employ or retain any person to practice massage therapy for compensation, or to allow any person to perform massage therapy for compensation on the premises of a massage establishment or elsewhere, unless that person is a CAMTC- certified massage professional and is listed on the massage permit issued to the massage establishment."

SECTION 3. Section 5.24.050(B) of Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended by adding a new paragraph (11) thereto to read as follows:

"(11) Whether massage practitioners employed by, or performing services for, the massage establishment will perform outcall massage services."

SECTION 4. Section 5.24.070 of Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended by adding new Paragraph (G) thereto read as follows and by re-designating existing Paragraphs (G) and (H) as Paragraphs (H) and (I) respectively:

"(G) No massage shall be provided to or upon a minor without the consent of a parent or legal guardian."

SECTION 5. Section 5.24.070 of Chapter 5.24 of Title 5 of the Monrovia Municipal Code is further amended by amending Paragraph (H)(1) and adding new Paragraphs (H)(8) and (H)(9) thereto to read as follows:

"(1) No massage services shall be given within any cubicle, room, booth or other area which is fitted with a door capable of being locked if there is staff available to assure the security of patrons and massage practitioners who are behind closed doors. The massage establishment premises' exterior doors and any doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during business hours. Electronic locking devices shall not be used. The requirement that exterior doors must remain unlocked at

all times does not apply to any massage establishment owned by one individual with no employees or independent contractors.”

“(8) Except in emergencies, patrons shall be directed to use the front or street facing entrance and exit.

(9) All payment for services, including gratuities, shall be exchanged in a reception room or other central area, if any, and not within any of the massage rooms.”

SECTION 6. Section 5.24.080(G) is hereby amended in its entirety to read as follows:

“(G) All employees and massage practitioners, including those who administer outcall massages and individuals who are not employed by but are retained to administer massage services for any massage establishment, shall be dressed appropriately in clean, opaque clothing which do not expose specified anatomical areas, as defined in this chapter, when administering massage services. **DRESSED APPROPRIATELY** shall further mean clothing which, at a minimum, is not:

- (1) Attire that is transparent, see-through, or substantially exposes the certificate holder’s undergarments.
- (2) Swim attire, if not providing a water-based massage.
- (3) Exposing the certificate holder’s breasts, buttocks, or genitals.
- (4) A violation of Section 314 of the Penal Code.
- (5) Deemed by the CAMTC to constitute unprofessional attire.”

SECTION 7. Section 5.24.090 of Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended by amending paragraphs (B) and (C) thereof to read as follows:

“(B) It is unlawful for any holder of a permit issued pursuant to this chapter to perform any treatment covered by this chapter at the permittee’s place of residence or at the residence of a massage therapist employed or retained by the permittee, if the permittee is the establishment.

(C) All massage practitioners who administer outcall massages within the city shall comply with the hours requirements set forth in Section 5.24.070(a) and the provisions of Section 5.24.080 of this chapter.”

SECTION 8. Section 5.24.140 of Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended in its entirety to read as follows:

“It is a violation of this chapter:

(A) For any person who does not possess a valid massage therapist or massage practitioner certification issued by the CAMTC, and for any massage establishment that employs or retains the services of such a person, to falsely state or advertise or put out any sign or card or other devise, or falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner, or that an establishment is registered pursuant to this chapter.

(B) For a certificate holder or massage establishment to engage in sexually suggestive advertising related to massage services.”

SECTION 9. Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended by adding new Section 5.24.200 thereto to read as follows:

“5.24.200 Denial, Suspension or Revocation of a License.

The Community Development Director may deny an application for a license and suspend or revoke a license if it is found that any of the applicable requirements of this Chapter 5.24 are not satisfied, including any conviction for, or the permitting of, a specified criminal offense, recent history of suspension or revocation of certification by the CAMTC, or that the applicant has provided materially false information to the city.”

SECTION 10. Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended by adding new Section 5.24.210 thereto to read as follows:

“5.24.210 APPEALS.

(A) Any person whose license or permit is suspended or revoked by the Community Development Director may appeal to the Planning Commission by filing a written declaration with the City Clerk within 14 calendar days after the decision of the Community Development Director; provided, however, that if the 14 days expires on a date that City Hall is not open for business, then the appeal period shall be extended to the next city business day. Such declaration shall indicate the ground(s) upon which the appeal is based.

(B) Failure to file a timely appeal petition deprives the Planning Commission of jurisdiction to hear the appeal.

(C) Upon the filing of a timely appeal, the Planning Commission shall hold a hearing on the suspension or revocation of the license. Notice of the time, date and place of the hearing shall be mailed to the licensee, or shall be personally delivered, at least ten days prior to the date of the hearing.

(D) The following procedures shall govern the hearing conducted by the Planning Commission. All parties involved shall have a right to: (1) offer testimonial, documentary and tangible evidence bearing on the issues; (2) be represented by counsel; and (3) confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing may be continued for a reasonable time for the convenience of a party or a witness.

(E) At the conclusion of the hearing, or at any time within 30 days thereafter, the Planning Commission shall render a decision. The Planning Commission may affirm, modify or reverse the action of the Community Development Director. The decision of the Planning Commission shall be made in writing, shall be supported by findings, and shall be final.

(F) No later than three city business days after the Planning Commission's decision, notice of the decision and a copy thereof shall be mailed by first-class mail, postage prepaid, to the appellant. Such notice shall contain the substance of the following statement: “You are hereby notified that the time within which judicial review of this decision may be sought is governed by Cal. Code of Civil Procedure § 1094.6.”

SECTION 11. Chapter 5.24 of Title 5 of the Monrovia Municipal Code is hereby amended by adding new Section 5.24.220 thereto to read as follows:

"5.24.220 JUDICIAL REVIEW.

Judicial review of the decision of the Planning Commission may be sought in accordance with Cal. Code of Civil Procedure §§ 1094.5 et seq. or as otherwise permitted by law."

SECTION 12: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 13: The City Clerk shall certify to the passage of this ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this ordinance shall become effective thirty (30) days after its passage.

INTRODUCED this 3rd day of May 2016.

PASSED, APPROVED, AND ADOPTED this 17th day of May, 2016.



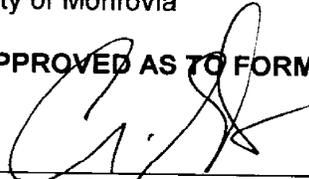
Tom Adams, Mayor
City of Monrovia

ATTEST:



Alice D. Atkins, CMC, City Clerk
City of Monrovia

APPROVED AS TO FORM:



Craig A. Steele, City Attorney
City of Monrovia

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONROVIA)

I, ALICE D. ATKINS, CMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2016-03; It has been published pursuant to law; was duly adopted and passed at a regular meeting of the Monrovia City Council on the 17th day of May, 2016, by the following vote:

AYES: Councilmembers Crudginton, Shevlin, Spicer, Mayor Pro Tem Blackburn, Mayor Adams

NOES:

ABSTAIN:

ABSENT:

ATTEST:



Alice D. Atkins, CMC, City Clerk
City of Monrovia