



Department of Planning

## **MESSAGE ESTABLISHMENT REQUIREMENTS**

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Pursuant to the City of Agoura Hills Municipal Code (AHMC) Section 9662 *et seq.* the following is a summary of requirements pertaining to massage establishments in the City of Agoura Hills. Please refer to the AHMC for the full text of the requirements.

### Massage Establishment Permit and CAMTC

1. No person shall own or operate a massage establishment within the City without first obtaining a Massage Establishment Permit (MEP) for the establishment, in accordance with the requirements of this division. The MEP shall be obtained for each establishment owned or operated by such person. Each person having any percentage of ownership interest in a massage establishment for which a MEP is applied for must comply with the requirements of this section. A MEP shall only be issued if the massage establishment complies with all requirements of the AHMC, and the owner obtains and maintains a current and valid City business license. No MEP shall be issued at the same business address that was subject to a prior revocation or suspension within the previous two (2) years.
2. A massage establishment owner shall obtain and continue to maintain a current and valid MEP for each massage establishment under his or her ownership in the city. A MEP is valid for a period of twelve (12) months, unless revoked or suspended, and shall be renewed annually prior to the expiration of the permit, or the permit will expire and a new permit shall be required.
3. If, during the term of an MEP, the permittee has any change in information provided on or concerning the original application or MEP renewal application, notification shall be made to the director in writing within ten (10) business days of the change.
4. Any act or omission of anyone providing massage or performing any other service at the massage establishment's location, whether as an employee or an independent contractor, which constitutes a violation of this division or grounds for revocation of a MEP, shall also be deemed to be an act or omission of the permittee, the massage establishment, and/or all of its owner(s).

5. No person shall perform massage for compensation of any kind, or otherwise act as a massage therapist in the City, unless such person possesses a current, valid massage therapist or massage practitioner certification issued by the California Massage Therapy Council (CAMTC), and provides massage services consistent with the requirements of the California Business and Professions Code. All certified massage practitioners and massage therapists shall annually file a copy of their CAMTC certification with the City Planning Department.
6. No person shall own or operate a massage establishment within the City unless all persons providing massage at or on behalf of the massage establishment have a current and valid CAMTC certificate.
7. The massage establishment shall notify the City Planning Department immediately upon the establishment's receipt of notice of any disciplinary action taken by the CAMTC regarding any of the establishment's massage therapists, and shall submit a copy of such notice to the director.
8. If a massage therapist's CAMTC certification is suspended or revoked, the massage establishment shall not allow that person to provide massage services, including outcall massages, at, through, or in connection with the massage establishment.
9. No changes in services offered by the massage establishment shall be made without submitting the changes in writing and a revised schedule of services offered to the City Planning Department within ten (10) business days of the change.

#### Operations and Facilities

10. *Signs.* A recognizable and legible sign complying with the requirements of the AHMC shall be posted at the main entrance identifying the location as a massage establishment.
11. *Hours of operation.* No massage establishment shall provide massage or be open for business between the hours of 9:00 p.m. and 7:00 a.m. Clients and visitors shall be excluded from a massage establishment during the foregoing hours.
12. *CAMTC certificate.* At the massage establishment, each massage therapist shall display his or her original certificate wherever he or she provides massage for compensation.
13. *CAMTC identification card.* All massage therapists must maintain on their persons, or on the premises, their CAMTC certificate and CAMTC identification card with current photograph.
14. *Lighting.* Minimum lighting shall be provided in accordance with the building code, and, in addition, at least one (1) artificial light of not less than forty (40)

watts (450 lumens), with a dimmer function allowed, shall be provided in each enclosed room or booth where massage services are being performed on a patron.

15. *Locking of premises.* (1) The doors to any cubicle, room, booth or other area in which massages services are provided may only be locked when staff is unavailable to assure the security of patrons and massage therapists who are behind closed doors. (2) The exterior doors of the premises of a massage establishment, excepting entrances reserved for employees and deliveries, may only be locked during business hours if the massage establishment is owned by one person with one or no employees or independent contractors.
16. *Ventilation.* Minimum ventilation shall be provided in accordance with the city building code.
17. *Recording of activities prohibited.* No room or part of the building where massage is being conducted, and no restrooms or changing rooms, shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds.
18. *Register of employees.* Each massage establishment must maintain a current register of all employees and independent contractors providing massage. The register must contain the names of all employees, their telephone number, date of employment and termination, if any, and their duties. All such information must be maintained in the register for a period of two (2) years following such employee's termination. Such employee register must be available for inspection at the massage establishment to representatives of the City during regular business hours. An amended copy of the written register shall be provided to the City Planning Department within ten (10) days of hiring of an employee or contracting with an independent contractor and upon termination of services of each massage therapist at the establishment.
19. *Patron facilities.* Adequate dressing and toilet facilities shall be provided for patrons.
20. *List of services and price rates.* A list of services provided and price rates shall be prominently displayed in a location visible to customers upon entry to the business. Only services identified in the list of services displayed at the massage establishment and submitted as part of the MEP application and renewal shall be provided.

#### Health, Safety, and Physical Hygiene

21. *Therapist attire and hygiene.* All employees and massage therapists shall be dressed appropriately in clean, opaque clothing that does not expose specified anatomical areas, as defined in this division, when administering massage in or upon the premises. "Dressed appropriately" shall further mean clothing which, at a minimum, provides complete coverage from mid-thigh to three inches below the

collarbone. Any uniforms approved or required by the massage establishment shall comply with these requirements. There shall be no nudity by employees of the establishment or massage therapists, and employees and therapists shall not reveal specified anatomical areas, as defined in this division, while customers or patrons are present. All therapists shall thoroughly wash their hands and arms with hot water and soap before and after each massage treatment.

22. *Patron attire.* All patrons shall be appropriately draped with a clean, opaque cloth sufficient to cover specified anatomical areas while receiving massage services. All bathrobes or other garments provided for the use of patrons must either be disposed of after any use or laundered before their next use.
23. *Washbasins.* A minimum of one (1) separate wash basin shall be provided in each massage establishment for the use of employees of any such 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. There shall also be provided at each washbasin sanitary towels placed in permanently installed dispensers.
24. *Maintenance of premises and equipment.*
  - a. All walls, ceilings, floors, pools, showers, bathtubs, saunas, steam rooms and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition. The walls in all rooms where water or steam baths, or showers, are given shall have a washable, mold-resistant surface.
  - b. Wet and dry heat rooms, steam or vapor rooms, showers and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.
  - c. Clean and sanitary towels and linens shall be available for each person receiving massage services. No common use of towels or linens shall be permitted. Reuse of towels and linens shall be prohibited unless such towels and linens have first been laundered. Enclosures shall be provided for the separate storage of clean and soiled linen, and shall be plainly marked "clean linen" and "soiled linen."
  - d. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in administering any massage, and shall be disinfected and sterilized after each use.
  - e. A massage table or chair must be provided in each massage room, and the massage must be performed on this massage table or chair with the exception of "Thai," "Shiatsu," or similar forms of massage, which may be provided on a padded mat on the floor. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof

material as a covering. A clean sheet or other effective sanitary covering shall be placed over a padded floor mat, and any floor area upon which a patron may lie, in the course of receiving a massage. Heavy white paper may be substituted for sheets, provided that such paper is used once for each person and then discarded into a sanitary receptacle. Foam pads more than four (4) inches thick or more than four (4) feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.

- f. All liquids, creams, or other preparations used on, or made available to, patrons shall be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream, or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

25. *Persons using illegal drugs or alcohol prohibited.* No alcoholic beverages shall be sold, served, furnished, kept, or possessed on the premises of any massage establishment. A person shall not enter, be, or remain in any part of a massage establishment while in the possession of, consuming or using any alcoholic beverage or illegal drugs. The business licensee, manager, and every supervising employee shall not permit any such person to enter or remain upon such premises.

26. *Improper solicitation or performance of services.* Except to the extent required in writing by a state licensed medical practitioner, no massage therapy may be provided to a patron that results in intentional contact, or occasional and repetitive contact with the genitals, anus or areola of any patron. No massage therapist may offer to or perform any act of a sexual nature for compensation.

#### Other

27. A separate City business license shall be obtained for each separate massage establishment owned or operated by the same person.

28. No person possessing a City business license and performing massage or having a MEP shall operate under any name or conduct business under any designation not specified in the business license.

29. Any and all investigating officials of the city, or County of Los Angeles, as applicable, shall have the right to enter massage establishments from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing, or health and safety regulations, and to ascertain whether there is compliance with the provisions of this division.

30. It is unlawful for any person who does not possess a CAMTC certification and for any massage establishment that employs such a person, to:

- a. State or advertise or place any sign or card or any device, or to represent to the public through any print or electronic media, that such person is certified, registered, or licensed by a governmental agency as a massage therapist or practitioner.
  - b. Hold one's self out as, or use the title of "certified massage therapist," "certified massage practitioner," or any other term, such as "licensed," "registered," or "CAMTC," that implies or suggests that such person holds certification issued by the CAMTC.
31. Massage establishments and/or massage therapists shall not advertise material depicting the human body, or containing language, either of which would suggest that any other services are available other than those described in the schedule of services.

#### Permit Suspension or Revocation

A MEP may be revoked or suspended based on substantial evidence that any of the following has occurred:

- The permittee has made any false, misleading or fraudulent statement of material fact in any application, report or record filed with the City.
- The permittee, or an employee, independent contractor, owner, agent, partner, director, stockholder, or manager of the massage establishment business has failed to comply with any of the requirements or conditions of this division; has allowed or permitted, with or without personal knowledge, the occurrence of criminal activity on the premises of the massage establishment business; has committed a misdemeanor, felony or any violation of this division in the conduct of the massage establishment business; or has failed to abide by any disciplinary action previously imposed by the city in connection with the provision of massage.
- An individual who is not a certified massage therapist or practitioner, or whose CAMTC certification is suspended or revoked, has provided massage at the massage establishment while such suspension or revocation is in effect
- One or more acts prohibited under California Penal Code sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22, or any successor provisions thereto, have taken place on the premises of the massage establishment, whether or not any criminal prosecution has been pursued or conviction obtained for such acts, and whether they occurred with or without the actual knowledge of the permittee.
- The permittee has been subject to a permanent injunction against conducting or maintaining a nuisance pursuant to the Code or Sections 11225 through 11235 of the California Penal Code, or any similar provision of law in any jurisdiction outside the State of California.
- The permittee or anyone acting on behalf of the permittee has refused to permit inspection by the city to verify compliance with all requirements of the MEP.

