

Palm Springs Municipal Code

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Chapter 5.34 MESSAGE ESTABLISHMENTS

5.34.010 Citation.

This chapter may be cited as the Palm Springs massage ordinance. (Ord. 1234 § 1 (part), 1985)

5.34.020 Purpose and intent.

It is the purpose and intent of this chapter to provide for the orderly regulation of massage establishments and their massagists and employees in the city by establishing certain minimum standards for the education and conduct of this type of business which will protect the public health and welfare of the citizens of the city. (Ord. 1234 § 1 (part), 1985)

5.34.030 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Employee" means any person, other than a massagist, who renders any service in connection with the operation of a massage business and received compensation from the operator of the business or patrons.

(2) "Health department" means the department of public health of the county of Riverside.

(3) "Licensee" means the person to whom a license has been issued to own or operate a massage establishment as defined in this section.

(4) "Massage" means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

(5) "Massage establishment" means any establishment having a source of income or compensation derived from the practice of massage as defined in subsection (4), and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in subsection (4).

(6) "Massagist" means any person who, for any consideration whatsoever, engages in the practice of massage as defined in subsection (4).

(7) "Outcall massage service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than a massage establishment as defined in subsection (5).

(8) "Patron" means any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

(9) "Permittee" means the person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

(10) "Person" means any individual, partnership, firm, association, joint stock company, corporation or

combination of individuals of whatever form or character.

(11) "Recognized school" means any school or educational institution licensed to do business as a school or educational institution in the state in which it is located, or any school recognized by or approved by or affiliated with the American Massage Therapy Association, Inc. and which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than one hundred hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

(12) "Sexual or genital area" means the genitals, pubic area, anus, or perineum of any person, or the vulva or breast of a female.

(Ord. 1234 § 1 (part), 1985)

5.34.040 Permit requirements.

(a) **Massage Establishment License Required.**

No person shall engage in or carry out the business of massage unless he has a valid massage establishment license issued by the city pursuant to the provisions of this chapter for each and every separate office or place of business conducted by such person.

(b) **Massagist's Permit Required.**

No person shall practice massage as a massagist, employee or otherwise, unless he has a valid massagist's permit issued to him by the city pursuant to the provisions of this chapter, and he is associated with a licensed massage establishment or associated with a person specified in Section 5.34.050(1) and performing massage exclusively on their patients.

(c) **Business License Required.**

In addition to the requirements of subsections (a) and (b) above, no person shall engage in or carry out the business of massage without first having procured a business license pursuant to the requirements of Palm Springs Municipal Code Chapters 3.40 through 3.96 inclusive and having paid the tax hereunder. (Ord. 1432 § 1, 1993; Ord. 1234 § 1 (part), 1985)

5.34.050 Exemptions.

This chapter shall not apply to the following individuals while engaged in the personal 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 under the laws of the state of California;

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

(Ord. 1234 § 1 (part), 1985)

5.34.060 Application for massage establishment license.

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the city business license collector upon a form provided by said collector and pay a non-refundable annual license fee in such amount, as established by resolution of the city council. Licensees who have already paid the license fee for the current period shall not be required to pay an additional fee hereunder. The application, once accepted, shall be referred to the chief of police for investigation. Copies of the application shall within five days also be referred to the department of building and safety, the fire department, the health

department, and the planning department. The departments shall within thirty days inspect the premises proposed to be operated as a massage establishment and shall make written verification to the business license collector concerning compliance with the codes of the city that they administer. The application shall further be referred to the police department for investigation of the applicant's character and qualifications. Each application shall contain the following information:

- (1) A definition of service to be provided;
- (2) The location, mailing address and all telephone numbers where the business is to be conducted;
- (3) The name and residence address of each applicant. Hereinafter all provisions which refer to applicant include an applicant which may be a corporation or partnership;
 - (A) If applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation, and the address of the corporation itself, if different from the address of the massage establishment,
 - (B) If applicant is a partnership, the names and addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the massage establishment;
- (4) The two previous addresses immediately prior to the present address of the applicant;
- (5) Proof that the applicant is at least eighteen years of age;
- (6) Individual or partnership applicant's height, weight, color of eyes and hair, and sex;
- (7) Copy of identification such as driver's license and social security card;
- (8) One portrait photograph of the applicant at least two inches by two inches and a complete set of applicant's fingerprints which shall be taken by the chief of police or his agent. If the applicant is a corporation, one portrait photograph at least two inches by two inches of all officers and managing agents of said corporation and a complete set of the same officers' and agents' fingerprints which shall be taken by the chief of police or his agent. If the applicant is a partnership, one front-face portrait photograph at least two inches by two inches in size of each partner, including a limited partner in said partnership, and a complete set of each partner's or limited partner's fingerprints which shall be taken by the chief of police or his agents;
- (9) Business, occupation, or employment of the applicant for the three years immediately preceding the date of applicant;
- (10) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
- (11) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted, and full statement of the disposition of all such actions;
- (12) The name and address of each massagist who is or will be employed in said establishment;
- (13) Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught; provided, however, that if the applicant will not himself engage in the practice of massage as defined herein, he need not possess such diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught;
- (14) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (3) wherein the business or profession of massage is carried on;
- (15) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant;

(16) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for permit;

(A) The city may request the department of health to conduct some or all of the inspections or investigations required herein. The department of health is authorized to bill and collect from the applicant reasonable fees for such services and the applicant shall show evidence that such fees have been paid before a license or permit is issued hereunder;

(17) Such other identification and information necessary to discover the truth of the matters herein specified as required to be set forth in the application;

(18) The names, current addresses and written statements of at least three bona fide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the city, then the county, then the state of California and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

Upon the completion of the above provided form and the furnishing of all foregoing information the business license collector shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the business license collector of each change in any of the data required to be furnished by this section within ten days after such change occurs. (Ord. 1234 § 1 (part), 1985)

5.34.070 Application for massagist's permits.

Application for a massagist's permit shall be made to the business license collector in the same manner as provided above for massage establishment licenses, accompanied by the annual nonrefundable massagist's permit fee in such amount as established by resolution of the city council. Massagists who have already paid the permit fee for the current period shall not be required to pay an additional fee hereunder. The application shall contain but not be limited to the following:

- (1) The name, business address, and all telephone numbers of the massage establishments where the massage is to be practiced;
 - (2) Name and residence address, and all names, nicknames and aliases by which the applicant has been known, including the two previous addresses immediately prior to the present address of the applicant;
 - (3) Social Security number, driver's license number, if any, and date of birth;
 - (4) Applicant's weight, height, color of hair and eyes, and sex;
 - (5) Written evidence that the applicant is at least eighteen years of age;
 - (6) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance, except misdemeanor traffic violations, and full statement of the disposition of all such actions;
 - (7) Fingerprints of the applicant taken by the police department;
 - (8) Two front-face portrait photographs taken within thirty days of the date of application and at least two inches by two inches in size;
 - (9) The name and address of the recognized school attended, the dates attended and a copy of the diploma or certificate of graduation awarded the applicant;
- (A) A person who is employed as a massagist in the city on the day this chapter goes into effect or has been so employed for three of the previous six months and who has not graduated from a recognized school, may apply for a temporary permit which shall be valid for six months from the day this chapter goes into effect. The temporary permit may be extended for an additional six months upon a showing that the applicant is actively engaged, enrolled or participating in a course of study leading to graduation at a recognized school. In no event shall any temporary permit be valid after one year after this chapter goes in effect;

(B) Employment shall be established by sworn affidavit from the employer. School enrollment shall be certified by an official of the recognized school;

(10) The massage or similar business history and experience for the ten years prior to the date of application, including but not limited to whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reasons therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;

(11) The names, current addresses and written statements of at least five bona fide permanent residents of the United States, other than relatives, that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the city, then the county, then the state of California and lastly from the rest of the United States;

(12) A medical certificate signed by a physician, licensed to practice in the state of California, within seven days of the date of application. The certificate shall state that the applicant was examined by the certifying physician and that the applicant is free of communicable disease. The additional information required by this subsection shall be provided at the applicant's expense;

(13) Such other information, identification and physical examination of the person deemed necessary by the police chief in order to discover the truth of the matters herein required to be set forth in the application;

(14) Authorization for the city, its agents and employees and such other enforcement agencies as may be necessary to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;

(A) The city may request the department of health to conduct some or all of the inspections or investigations required herein. The department of health is authorized to bill and collect from the applicant reasonable fees for such services and the applicant shall show evidence that such fees have been paid before a license or permit is issued hereunder;

(15) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, such declaration being duly dated and signed in the city;

(16) In the case of a person associated with any individual specified in Section 5.34.050(1), evidence of the valid license of such physician, surgeon, chiropractor, osteopath or physical therapist. (Ord. 1432 § 2, 1993: Ord. 1234 § 1 (part), 1985)

5.34.075 Outcall massage endorsement.

Notwithstanding the requirements of Section 5.34.040(b) that the applicant be associated with a licensed massage establishment, a massagist permit may be approved authorizing a permittee to perform outcall massage if all the requirements of Section 5.34.070 are met (except association with a licensed massage establishment with a sworn affidavit from an employer). In addition to these requirements the massagist must have:

(1) Completed a course of instruction of not less than five hundred hours, conducted at a school recognized, approved or accredited by the American Massage Therapy Association or by a professional association of similar stature; and

(2) Current certification as a massage therapist (MS.T) or a registered massage therapist (RM.T.) by the American Massage Therapy Association or has an equivalent certification.

(Ord. 1433 § 1, 1993: Ord. 1234 § 1 (part), 1985)

5.34.080 Issuance of license or permit for a massage establishment.

The city shall issue a license for a massage establishment or a permit for a massagist if all requirements for a massage establishment or massagist permit described in this chapter are met unless it finds:

(1) The correct permit or license fee has not been tendered to the city, and, in the case of a check, or

bank draft, honored with payment upon presentation, or that fees pursuant to Sections 5.34.060(16) and 5.34.070 (14) have not been paid;

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning, and health regulations and the health department's regulations and standards relating to the practice of massage and operation of massage establishments;

(3) The applicant, if an individual; or any of the stockholders holding more than ten percent of the stock of the corporation; or any of the partners; or the holder of any lien, of any nature, upon the business and/or the equipment used therein; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense without the state of California that would have constituted any of the following offenses if committed within the state of California:

(A) An offense involving the use of force and violence upon the person of another that amounts to a felony,

(B) An offense involving sexual misconduct,

(C) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

The city may issue a license or permit to any person convicted of any of the crimes described in (A) through (C) of this subsection if it finds that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for any crime mentioned in this subsection (3);

(4) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith;

(5) The applicant has had a massage establishment, massagist, or other similar permit or license denied, revoked, or suspended by the city or any other state or local agency within five years prior to the date of the application;

(6) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or person principally in charge of the operation of the business, is not over the age of eighteen years.

(Ord. 1234 § 1 (part), 1985)

5.34.090 Approval or denial of application.

The city shall act to approve or deny an application for a license or permit under this chapter within a reasonable period of time and in no event shall the city act to approve or deny said license or permit later than ninety days from the date that said application was accepted by the business license collector. Every license or permit issued pursuant to this chapter will terminate at the expiration of one year from the date of its issuance unless sooner suspended or revoked. (Ord. 1234 § 1 (part), 1985)

5.34.100 Waiver of application requirements.

The city shall waive the requirements of Sections 5.34.060 (13) and 5.34.070 (9) of this chapter if the applicant furnishes satisfactory evidence that he or she attended not less than one hundred hours of instruction in a school within or without this state or in any foreign country that provides education substantially equal to or in excess of the educational requirements of this chapter or provides a notarized copy of the applicant's unexpired American Massage Therapy Association MS.T. certificate, or its equivalent. (Ord. 1234 § 1 (part), 1985)

5.34.110 Multiple massage establishments.

Should any massage business have more than one location where the business of massage is pursued, then a permit, stating both the address of the principal place of business, and of the other location(s) shall be issued by the business license collector upon the tender of the license fee. Licenses issued for other locations shall

terminate on the same date as that of the principal place of business, regardless of the date of issuance. (Ord. 1234 § 1 (part), 1985)

5.34.120 Posting of license.

- (a) Every massagist shall post the permit required by this chapter in his/her work area.
- (b) Every person, corporation, partnership, or association licensed under this chapter shall display such license in a prominent place in its place of business. (Ord. 1234 § 1 (part), 1985)

5.34.130 Register of employees.

The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time as massagists and their permit numbers. Such register shall be available at the massage establishment to representatives of the city during regular business hours. (Ord. 1234 § 1 (part), 1985)

5.34.140 Revocation or suspension of license.

Any license issued for a massage establishment may be revoked or suspended by the city after notice and a hearing, for good cause, or in any case where any of the provisions of this chapter are violated or where any employee of the licensee, including a massagist is engaged in any conduct which violates any of the state or local laws or ordinances at licensee's place of business and the licensee was aware, or with due diligence would have been aware of said violation. Such permit may also be revoked or suspended by the city after notice and hearing, upon the recommendations of the director of the health department that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene. Such revocation proceedings shall be conducted as prescribed by Section 5.72.030 of the Palm Springs Municipal Code. (Ord. 1234 § 1 (part), 1985)

5.34.150 Revocation of masseur or masseuse permit.

A massagist permit issued by the business license collector shall be revoked or suspended where it appears that the massagist has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this chapter. Such revocation proceedings shall be conducted as prescribed by Section 5.72.030 of the Palm Springs Municipal Code. (Ord. 1234 § 1 (part), 1985)

5.34.160 Facilities necessary.

No license to conduct a massage establishment shall be issued until the city has caused an inspection to be made of the premises and it is found that the establishment complies with each of the following minimum requirements:

- (1) Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the city building code. Plumbing fixtures shall be installed in accordance with the city plumbing code;
 - (A) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the city;
 - (B) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains);
 - (C) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning;
- (2) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron;

(3) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linen, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;

(4) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each fifteen or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein;

(5) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;

(6) All electrical equipment shall be installed in accordance with the requirements of the Palm Springs building code.

(Ord. 1234 § 1 (part), 1985)

5.34.170 Operating requirements.

(a) Every portion of the massage establishment, and all appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(c) All employees, including massagists, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital and upper body areas, whose use is restricted to massage establishments and travel from one massage establishment to another massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(d) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(e) No massage establishment granted a license under the provisions of this chapter shall place, publish, or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services. (Ord. 1234 § 1 (part), 1985)

5.34.190 Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage establishment. (Ord. 1234 § 1 (part), 1985)

5.34.200 Hours.

No massage business shall be kept open for any purpose between the hours of ten p.m. and eight a.m. (Ord. 1234 § 1 (part), 1985)

5.34.210 Employment of massagist.

No person shall employ as a massagist any person unless said employee has obtained and has in effect a permit issued pursuant to this chapter. (Ord. 1234 § 1 (part), 1985)

5.34.220 Inspection required.

The chief of police or his authorized representatives shall from time to time make inspection of each massage business establishment for the purposes of determining that the provisions of this chapter are fully complied with. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or hinder such officer in any manner. Health department representatives are deemed authorized representatives of the chief of police. (Ord. 1234 § 1 (part), 1985)

5.34.230 Unlawful acts.

(a) It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, anus, or perineum of any person, or the vulva or breast of a female.

(b) It shall be unlawful for any massagist or employee, in a massage establishment, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any massagist or employee, in a massage establishment, to expose the sexual or genital parts, or any portions thereof, of any other person.

(c) It shall be unlawful for any massagist or employee, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

(d) It shall be unlawful for any person owning, operating or managing a massage establishment, knowingly to cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsections (a) or (b) of this section.

(e) It shall be further unlawful for any permittee under this chapter to administer massage on an outcall basis as defined in Section 5.34.030(7), unless said permittee's massagist permit includes a valid, current outcall massage endorsement. A massagist whose permit does not include an outcall massage endorsement shall administer massage solely within an establishment licensed to carry on such business under this chapter. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder. The restriction on outcall massage shall not apply to a permittee who performs on outcall massage as defined herein upon a customer or client who, because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity or illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by an employee of the business or by any employee of the city shall be unlawful.

(f) It shall be unlawful for any massage service to be carried on within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked. Toilets and cubicles used solely for the application of liquid and vapor baths shall be clearly marked as to purpose on the exterior door or curtain of said cubicle, room or booth. Nothing contained herein shall be construed to eliminate other requirements of statute, ordinance or municipal code concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police or health departments. (Ord. 1248 § 3, 1985; Ord. 1234 § 1 (part), 1985)

5.34.240 Sale or transfer or change of location.

Upon sale, transfer or relocation of a massage establishment, the license therefore shall be null and void unless reapproved as provided in Section 5.34.080; provided, however, that upon the death or incapacity of the

licensee or any colicensee of the massage establishment, any heir or devisee of a deceased licensee, or any guardian of an heir or devisee of a deceased licensee, may continue the business of the massage establishment for a reasonable period of time not to exceed sixty (60) days to allow for an orderly transfer of the license. (Ord. 1234 § 1 (part), 1985)

5.34.250 Name and place of business.

No person granted a license pursuant to this chapter shall operate the massage establishment under a name not specified in his license, nor shall he conduct business under any designation or location not specified in his license. (Ord. 1234 § 1 (part), 1985)

5.34.260 Transfer for license.

No license or permit shall be transferable except with the consent of the city of Palm Springs. An application for such transfer shall be in writing and shall be accompanied by fees prescribed in Sections 5.34.060 and 5.34.070. The written application for such transfer shall contain the same information as requested herein for initial application for the license or permit. (Ord. 1234 § 1 (part), 1985)

5.34.270 Violation and penalty.

Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment or any of the services defined in this chapter without first obtaining a license or permit from the city or shall violate any provision of this chapter shall be punishable as specified in Sections 1.01.140 and 1.01.150. (Ord. 1409 § 1 (part), 1992: Ord 1234 § 1 (part), 1985)

5.34.275 Violation a nuisance.

The city council declares a violation of this chapter to be a public nuisance. (Ord. 1234 § 1 (part), 1985)

5.34.280 Separability.

(a) If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(b) All ordinances in conflict herewith are hereby repealed.

(c) This chapter shall be in full force and effect thirty (30) days from and after its passage; provided, however, any person, partnership, corporation or association engaged in the operation of a massage establishment and every person engaged in the business or profession of massage, at the time of the enactment of this chapter shall have one year in which to comply with the licensing provisions of this chapter. (Ord. 1234 § 1 (part), 1985)