



## AGENDA REPORT

**Meeting Date:** December 4, 2012  
**Item Number:** F-5  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS UPDATING THE CITY'S MASSAGE REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE  
**Attachments:** 1. Ordinance

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### **RECOMMENDATION**

It is recommended that the proposed ordinance be adopted.

### **INTRODUCTION**

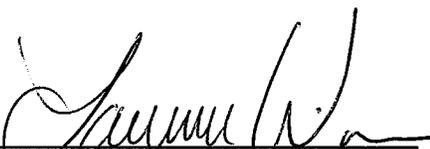
This ordinance updates the City's massage regulations to be consistent with changes to State law.

### **DISCUSSION**

At the meeting of November 20, 2012 the City Council conducted a first reading of this ordinance.

### **FISCAL IMPACT**

No material impact is anticipated.

  
\_\_\_\_\_  
Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
UPDATING THE CITY'S MASSAGE REGULATIONS AND  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS  
FOLLOWS:

**Section 1.** The City Council hereby amends Article 11 of Chapter 2 of Title 4 of the Beverly Hills Municipal Code to read as follows:

**“4-2-1101: PERMIT REQUIRED:**

No person shall engage in, conduct, or carry on the business of massage parlor without a permit issued under the provisions of chapter 1, article 1 of this title, unless every masseur employed or engaged by the massage parlor is certified by the California Massage Therapy Council.

**4-2-1102: DEFINITIONS:**

**MASSAGE PARLOR:** Any place of business where massages, alcohol rubs, fomentations, baths, electric or magnetic treatments, physiotherapy, manipulations of the body, or similar treatments are given by a masseur.

**MASSEUR:** Any person who administers to another person for any form of consideration a massage, alcohol rub, fomentation, bath, electric or magnetic treatment, physiotherapy, manipulation of the body, or similar treatment.

**4-2-1103: EXEMPTIONS:**

The provisions of this article shall not apply to or affect physicians, surgeons, chiropractors, nurses, physical therapists, or any other natural person duly licensed by the state to perform the services of a masseur, nor shall it apply to or affect a state licensed cosmetologist engaged in authorized activities pursuant to that license.

**4-2-1104: RESTRICTIONS AND PROHIBITIONS:**

The permittee shall ensure that each person who does not hold a certificate issued by the California Massage Therapy Council and is employed or engaged as a masseur at permittee's massage parlor shall have first obtained a masseur identification card under chapter 1, article 2 of this title.

4-2-1105: IDENTIFICATION CARD REQUIRED:

Unless certified by the California Massage Therapy Council, any owner, operator, manager of a massage parlor, and any person employed or engaged in the activity of a masseur, shall obtain an identification card issued under the provisions of chapter 1, article 2 of this title, and have such identification card in his or her possession at all times when engaged in the activity regulated by this article.”

**Section 2.** CEQA Findings.

The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance does not authorize construction or particular land uses, and to the extent that future projects are proposed, appropriate CEQA review would be undertaken. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

**Section 3.** 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 final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

**Section 4.** Publication.

The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

[Continued.]

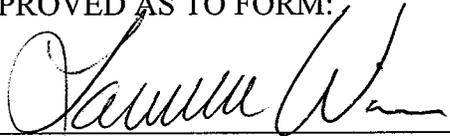
PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
WILLIAM W. BRIEN, M.D.  
Mayor

ATTEST:

\_\_\_\_\_  
(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
JEFFREY KOLIN  
City Manager

  
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SUSAN HEALY KEENE  
Director of Community Development