

CITY OF SAN GABRIEL  
MESSAGE ORDINANCE  
QUESTIONS AND ANSWERS

Q1: When will the Ordinance become effective?

A1: The Ordinance will become effective on the 31<sup>st</sup> date after the City Council adopts the Ordinance. The City Council does not adopt the Ordinance until a meeting *after* the public hearing, which will most likely be the meeting of August 2, 2011.

Q2: What permits/licenses will be required under the new Ordinance?

A2: The following will be required:

- Persons providing massage services will need a CAMTC Certificate as either a:
  - CMP – Certified Massage Practitioner; or
  - CMT – Certified Massage Therapist
- Businesses will need a Certificate of Operation for the physical business
  - Certificate can be transferred if new owners/managers get Operator Permit
  - Certificate of Operation does not expire
- Each Owner and Manager of a business will need an Operator Permit from the San Gabriel Police Department
  - These will automatically be issued by the San Gabriel Police Department if a person has a CAMTC certificate
  - These must be obtained before a business can be issued a Certificate of Operation
  - Permits must be renewed every three years
  - These permits cannot be transferred
- Each business must obtain a business license
- Any CMT or CMP who is an independent contractor instead of an employee must obtain a business license

- Q3: Will the City still issue permits to provide massage services?
- A3: Once the Ordinance is effective the City will not issue any more permits to provide massage services and you must obtain a certificate from the CAMTC.
- Q4: What is the process to go from a foot massage business to a full body massage business?
- A4: In order to provide full body massages, the business must obtain a Certificate of Operation which the Finance Department will issue upon verification that the business complies with the various laws AND that the owners and managers have Operator Permits. The owners and managers must obtain the Operator Permit from the San Gabriel Police Department. In order to expedite the process, the Operator Permits should be obtained before applying for the Certificate of Operation. The business will also continue to need a business license. Once the owners/manager have the Operator Permits and the business has the Certificate of Operation, full body massage may be provided by those with a CAMTC Certificate (or by those with a SG Massage Permit for the first 6 months after the Ordinance becomes effective, or any extension thereof).
- Q5: How soon after the Ordinance is adopted may I apply to convert my business to a full body massage business?
- A5: You may apply to convert your business on the 31<sup>st</sup> day after the Ordinance is adopted.
- Q6: If I have a foot massage business and want to go to full body massage, do I still need an establishment license from the State?
- A6: Not from the City's perspective. But an establishment license will still be required if the business offers services that require a cosmetology license, such as manicures or pedicures.
- Q7: Do I **have** to change my foot massage business to a full body massage business?
- A7: No, you may continue to operate a foot massage only business at a State licensed establishment when the foot massages are given by people who have their State cosmetology licenses. The new massage ordinance will not apply to you. However, massages **MUST** be limited to what is allowed by the State license.
- Q8: What happens if I get my Operator's Permit and Certificate of Operation, but not everyone has a CAMTC certificate, may I still offer full body massage?

A8: Once the business has the Certificate of Operation, all persons who provide massage services in the business must have a CAMTC Certificate (or a San Gabriel permit to provide massage services during the implementation period and any extension). Persons who only have a cosmetology license will no longer be able to provide foot massages, or other services allowed under their license, from such businesses unless the business also has a State establishment license.

Q9: The CAMTC will not accept my school, what can you do?

A9: The City is completely independent from the CAMTC and we have no say over what schools are accepted. The CAMTC has information about schools on its website <https://www.camtc.org/Schools.aspx>

Q10: The CAMTC unfairly denied my certification, can the City help me?

A10: The City is completely independent from the CAMTC and we cannot assist with a denial.

Q11: When will the City begins enforcing the Ordinance, or in other words, how long do I have to comply?

A11: The City will begin enforcing the Ordinance on the 31<sup>st</sup> day after adoption, but the dates for compliance will vary for new and existing businesses and for people who already have permits to provide massage services in the City.

- A new massage business will need to have a Certificate of Operation and all owners and managers will need to have an Operator Permit on the 31<sup>st</sup> day after adoption.
- A person who does not have a permit to provide massage services must have a CAMTC Certificate in order to provide massage services on the 31<sup>st</sup> day after adoption.
- Existing businesses that comply with current San Gabriel massage provisions will have 6 months after the Ordinance becomes effective (7 months after it is adopted) to obtain Operator Permits and Certificates of Operation.
- Persons with existing massage permits from the City will have 6 months after the Ordinance becomes effective (7 months after it is adopted) to obtain their CAMTC certificate. Additionally, extensions can be granted to obtain a CAMTC certificate as specified below.

Q12: It takes more than a year to obtain a CAMTC certificate, what do I do?

A12: For persons who already have a permit to provide massage services from the City of San Gabriel, the CAMTC certificate is not required for 6 months after the Ordinance becomes effective (7 months after it is adopted by the City Council). Additionally, the Ordinance provides that a person may apply to the Finance Director for an extension of up to 6 months and if that extension is granted, the person may apply for an additional extension of up to 6 months. The application must be received with 5 months after the ordinance is adopted by the City Council.

Q13: What do you have to show to receive an extension?

A13: That you have started the process to obtain your CAMTC Certificate and that allowing you to continue providing massages during the extension period will not: adversely affect the health, peace or welfare of persons residing in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property or other persons located in the surrounding area; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare

Q14: If the owner/manager does not provide massage services, is a background check still required.

A14: Yes, but the background check will be conducted by the San Gabriel Police Department and NOT the CAMTC.

Q15: Can prior citations keep me or my business from receiving the necessary permits and certificates from the City?

A15: A citation issued to a business will not prevent the business from receiving a Certificate of Operation, but a citation may prevent a person from receiving the Operator Permit if it meets the definition of "a person engaging in disqualifying conduct" as set forth in the Ordinance.

Q16: What businesses are completely exempt from the new Ordinance?

A16: The following are completely exempt:

- Physician, surgeon, chiropractor, acupuncturist, osteopath, or physical therapist licensed to practice in California
  - Registered nurse or vocational nurse licensed in California under the on-site direction of one of the above
  - All other persons working for above must be certified by CAMTC

- Persons licensed to practice any healing art by the State when within the scope of the license
- Barbers and Beauticians – for massage of the neck, face and/or scalp – and only when in a State licensed facility
- Manicurists – for massaging the forearms, hands, calves, and/or feet – and only when in a State licensed facility

Q17: What does closing time mean?

A17: Closing time means that all services must cease at that time, regardless of the time they were begun.

Q18: What appeal rights do I have under the ordinance?

A18: You may appeal the following decisions to the City Manager

- Denial or revocation of an Operator Permit or a renewal of an Operator Permit
- Denial of a Certificate of Operation
- Denial of an extension of time beyond the 6 month implementation period to obtain a CAMTC Certificate

Q19: Will there be new fees?

A19: The City will charge new fees for Operator Permits, renewal of Operator Permits, and appeals to the City Manager. Fees for Operator Permits will be waived during the first six months after the Ordinance becomes effective for persons who already have a permit to operate a massage business in San Gabriel. No fees will be charged for a Certificate of Operation or for an extension of time to obtain a CAMTC Certificate. Fees will be posted on the City's website.

Q20: What businesses are partially exempt from the new Ordinance?

A20: Businesses that offer massage services where the services take up less than 20% of the gross floor area of the business

Q21: What does it mean to be partially exempt?

A21: A partial exemption means:

- All persons providing massage must still have a State Certificate

- No Operator's Permit shall be required
- No Certificate of Operation shall be required
- Business will have to comply with provisions relating to:
  - Hours
  - Instruments
  - Equipment
  - Personnel and Personnel lists
  - Building and Facility requirements
  - Inspections
  - Prohibited conduct