

ORDINANCE 2026-788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA ADDING CHAPTER 5.30 TO ARTICLE 5 OF THE FORTUNA MUNICIPAL CODE REGULATING MASSAGE ESTABLISHMENTS

WHEREAS, massage establishments are lawful businesses that provide legitimate therapeutic, health, and wellness services when operated in compliance with state and local law; and

WHEREAS, the State of California, through the Massage Therapy Act, Business and Professions Code Section 4600 et seq., has established statewide certification and oversight of massage professionals through the California Massage Therapy Council; and

WHEREAS, the Massage Therapy Act recognizes that local governments retain broad control over land use and massage establishments so that local agencies may regulate such establishments in the best interests of the individual community; and

WHEREAS, the Massage Therapy Act recognizes local authority to regulate massage establishments and expressly encourages local governments to consider a registration program that permits suspension or revocation of a massage business registration for specific violations; and

WHEREAS, the City Council finds that local regulation of massage establishments is necessary to protect the public health, safety, and welfare; to ensure minimum sanitation, facility, and operational standards; to assist law enforcement and code enforcement in distinguishing lawful massage businesses from businesses used for unlawful activity; to prevent sexual exploitation, human trafficking, prostitution, and related criminal conduct; and to protect legitimate massage professionals and massage businesses from unfair association with unlawful conduct; and

WHEREAS, the City Council intends this ordinance to be interpreted and applied consistently with the Massage Therapy Act and does not intend to regulate California Massage Therapy Council certification, impose duplicative professional licensing requirements on California Massage Therapy Council-certified massage professionals, or prohibit lawful massage services provided by properly certified professionals in compliance with state law; and

WHEREAS, this ordinance regulates massage establishments and business operations within the City pursuant to the City's police power and local business-regulatory authority.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FORTUNA FINDS
AND ORDAINS AS FOLLOWS:**

SECTION 1. The above recitals are all true and correct and are hereby adopted as findings of the City Council.

SECTION 2. AMENDMENT TO MUNICIPAL CODE. The Fortuna Municipal Code is hereby amended to add Chapter 5.30 to Article 5, entitled "Massage Establishments," as set forth in Attachment A, attached hereto and incorporated herein by this reference.

SECTION 3. CEQA DETERMINATION. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines, and has been found to be exempt pursuant to Section 15061(b)(3) (general rule) of the CEQA Guidelines, because the

City Council hereby finds with certainty that there is no possibility the passage of this Ordinance will have a significant effect on the environment.

SECTION 4. SEVERABILITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5. PUBLICATION. The City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in Humboldt County once within 15 days of its adoption in accordance with the requirements of Government Code Section 36933.

SECTION 6. EFFECTIVE DATE. This Ordinance will be effective 30 days after the date of its adoption by the City Council.

INTRODUCED ON FIRST READING by the City Council of the City of Fortuna on the 8th day of September 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mike Johnson, Mayor

ATTEST:

Buffy Gray, Deputy City Clerk

SECOND READING AND ADOPTION by the City Council of the City of Fortuna on the 5th day of October 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mike Johnson, Mayor

ATTEST:

Siana L. Emmons, City Clerk

ATTACHMENT A

CHAPTER 5.30 MESSAGE ESTABLISHMENTS.

5.30.010 DEFINITIONS.

The following words and phrases, whenever used in this chapter, are defined as follows:

- A. "Adult-oriented merchandise" means any sexually-oriented implements, paraphernalia, or novelty items such as, but not limited to, condoms and items that are designed or marketed primarily for the stimulation of human genital organs.
- B. "CAMTC" means the California Massage Therapy Council.
- C. "Employee" means any owner, partner, operator, manager, supervisor, worker, employee, independent contractor, or other person, whether paid or unpaid, who manages or operates a massage establishment, renders personal services of any nature in the operation of a massage establishment, or performs massage on behalf of a massage professional or massage establishment.
- D. "Genitals" means the parts of the human anatomy including the pubic area, anus, or perineum and the breasts of any female.
- E. "Massage" means the manipulation of soft body tissues. For purposes of this definition, "massage" and "massage therapy" shall have the same meaning.
- F. "Massage establishment" means a fixed location where massage for compensation is provided on a regular or routine basis by a massage professional, including the home of a massage professional if massage for compensation is provided from the home pursuant to any home occupation permit or other approval required by the Fortuna Municipal Code.
- G. "Massage for compensation" means the provision of massage for consideration of any kind, whether monetary or otherwise, regardless of whether the consideration is provided before or after completion of the massage.
- H. "Massage professional" means any person who provides massage services to another person for compensation.
- I. "Operator" means any person who is an owner or otherwise leases, manages, or controls a massage establishment, or who directs the occupation of a massage professional or receives a share of the compensation of a massage professional.
- J. "Owner" means any living person or persons, firm, joint venture, association, co-partnership, limited partnership, general partnership, corporation, limited liability company, or any combination thereof, who has any interest, legal or equitable, in any massage establishment.
- K. "Person" means any individual, partnership, firm, association, joint stock company, corporation, limited liability company, joint venture, or combination of individuals of whatever form or character.

- L. "Individual registration certificate" means a written or electronic certificate issued by the Fortuna Police Department confirming that an individual has satisfactorily completed the background investigation required by Section 5.30.020(C).
- M. "Massage establishment registration" means the written authorization issued by the Chief of Police pursuant to this chapter to operate a massage establishment at a particular location.
- N. "Registrant" means the person or entity to whom a current massage establishment registration has been issued.

5.30.015 CONSISTENCY WITH STATE LAW.

This chapter shall be interpreted and applied consistently with the Massage Therapy Act, Business and Professions Code Section 4600 et seq. Nothing in this chapter shall be construed to regulate the issuance, denial, suspension, or revocation of a CAMTC certificate, or to impose a duplicative local professional licensing requirement on a massage professional holding a valid CAMTC certificate. The massage establishment registration required by this chapter regulates the operation and location of a massage business and does not constitute certification of an individual's professional qualifications.

5.30.016 MASSAGE ESTABLISHMENT REGISTRATION REQUIRED.

- A. No person shall own, operate, manage, conduct, carry on, or permit the operation of a massage establishment within the City unless a current massage establishment registration has been issued for the owner and location and the establishment has obtained all other business licenses, land use approvals, and permits required by law.
- B. A separate massage establishment registration is required for each location. A registration is nontransferable as to the registrant and location. A new registration shall be obtained before any change in ownership or controlling interest or before relocation of the establishment. The registrant shall notify the Chief of Police in writing within ten business days of any change in an operator or manager, and each new owner, operator, or manager shall satisfy the requirements of this chapter before acting in that capacity.
- C. An application for issuance or renewal shall be submitted to the Chief of Police on a form approved by the City and shall include the legal and fictitious business names, the establishment address, the names and contact information of all owners, operators, and managers, documentation of compliance with Section 5.30.020(C), a current list of persons who will provide massage and their CAMTC certificate or individual registration certificate information, evidence of all other required City approvals, and any other information reasonably necessary to administer this chapter. The City Council may establish by resolution an application or renewal fee that does not exceed the reasonable cost of administering the registration program.
- D. The Chief of Police shall issue or renew a massage establishment registration unless a ground for denial, refusal to renew, suspension, or revocation exists under Section 5.30.017. A registration shall expire one year after issuance unless a different annual expiration date is established administratively. A complete renewal application shall be filed at least thirty days

before expiration. A timely renewal application shall extend the existing registration until a final decision is issued, unless the City has issued an emergency suspension or a notice proposing suspension or revocation before the renewal application was filed.

- E. The massage establishment registration shall be conspicuously displayed at the registered location and shall be produced upon request by a City official authorized to enforce this chapter.
- F. A massage establishment lawfully operating on the effective date of this chapter shall apply for a massage establishment registration within ninety days after the City makes application forms available. The establishment may continue operating during that period and while a timely, complete application is pending, unless otherwise prohibited by law or subject to an emergency suspension under Section 5.30.018.

5.30.017 DENIAL, REFUSAL TO RENEW, SUSPENSION, OR REVOCATION.

- A. The Chief of Police may deny an application, refuse to renew a registration, or suspend or revoke a massage establishment registration upon a finding, by a preponderance of the evidence, of one or more of the following:
 - 1. The application contains a material false statement, misrepresentation, or omission, or the registration was issued in error.
 - 2. The applicant, registrant, owner, operator, or manager does not satisfy a requirement of this chapter, including the background investigation requirements of Section 5.30.020(C), or is subject to a disqualification identified in Section 5.30.020(D).
 - 3. The establishment, premises, applicant, or registrant is not in compliance with this chapter or with an applicable business license, zoning, building, fire, health, safety, or other legal requirement.
 - 4. The registrant, an owner, operator, manager, employee, or other person acting for or on behalf of the establishment has violated this chapter or a law substantially related to the operation of a massage establishment. When the conduct is that of an employee or other person who is not an owner, operator, or manager, disciplinary action against the establishment shall require evidence that an owner, operator, or manager participated in the conduct, knew or reasonably should have known of the conduct and failed to take reasonable preventive or corrective action, or failed to exercise reasonable supervision of the establishment.
 - 5. The establishment has been used to facilitate prostitution, solicitation of prostitution, human trafficking, pimping, pandering, sexual conduct for compensation, lewd conduct, unlawful controlled-substance activity, or other criminal activity substantially related to the operation of a massage establishment, and an owner, operator, or manager participated in the activity, knew or reasonably should have known of the activity and failed to take reasonable preventive or corrective action, or failed to exercise reasonable supervision of the establishment. A criminal conviction is not required for an administrative action under this paragraph.

6. The registrant or a person acting on the registrant's behalf has refused or materially interfered with an inspection authorized by this chapter, failed to comply with a lawful corrective order, or failed to pay a final administrative, civil, or criminal fine or penalty arising from operation of the establishment.
 7. The establishment is being operated as a public nuisance or in a manner that presents a substantial threat to public health, safety, or welfare.
- B.** In determining the appropriate action, the Chief of Police shall consider the nature and seriousness of the conduct, whether the conduct was isolated or repeated, the registrant's knowledge and degree of responsibility, prior violations, corrective measures taken, and the need to protect the public. A suspension shall be for a period reasonably related to the violation and shall not exceed ninety days. Repeated or serious violations may support revocation without a prior suspension.
- C.** A person shall not operate, advertise, or hold out a massage establishment as authorized to operate while its registration is suspended or revoked, or after an application or renewal has been finally denied. The Finance Department shall not issue or renew a business license authorizing operation of a massage establishment unless the establishment has a current massage establishment registration or a timely application that permits continued operation under Section 5.30.016(D) or (F).

5.30.018 NOTICE, HEARING, AND APPEAL.

- A.** Except as provided in subsection E, before denying or refusing to renew a registration or suspending or revoking a registration, the Chief of Police shall provide written notice of the proposed decision. The notice shall state the action proposed, the factual and legal grounds for the action, the proposed effective date, and the time and manner for requesting an appeal. The proposed effective date shall be no less than fifteen calendar days after service of the notice.
- B.** The applicant or registrant may appeal by filing a written request with the City Clerk within fifteen calendar days after service of the notice. The request shall identify the decision being appealed and the grounds for appeal. A timely appeal of a refusal to renew, suspension, or revocation shall stay the proposed action until a final administrative decision is issued, except for an emergency suspension under subsection E. An appeal of an initial denial does not authorize operation while the appeal is pending.
- C.** The City Manager shall hear the appeal or designate an impartial hearing officer who did not participate in the initial decision. The hearing shall be held within thirty calendar days after the appeal is filed unless continued for good cause. The City shall provide at least ten calendar days' written notice of the hearing. The appellant may be represented by counsel, present testimony and documentary evidence, and respond to evidence offered in support of the proposed action.
- D.** The appeal shall be heard de novo. The technical rules of evidence shall not apply, but the decision shall be based on reliable evidence of the type on which reasonable persons rely in the conduct of serious affairs. The City bears the burden of establishing grounds for the action by a preponderance of the evidence. The hearing officer shall issue a written decision,

including findings and the effective date of any action, within fifteen calendar days after the hearing is closed. The decision is final.

- E. The Chief of Police may immediately suspend a massage establishment registration when there are reasonable grounds to believe that continued operation presents an immediate threat to public health or safety, or that prostitution, human trafficking, sexual conduct for compensation, or comparably serious criminal activity is ongoing at or through the establishment. Written notice stating the grounds and appeal rights shall be served no later than the next business day. The registrant may request an expedited appeal within five business days after service, and the hearing shall be held within ten business days after the request unless the registrant agrees to a later date. The emergency suspension shall remain in effect until modified or dissolved by the Chief of Police or the hearing officer.
- F. A notice or decision under this section may be personally delivered or sent by first-class mail and by any electronic address provided by the applicant or registrant. Service by mail is complete at the time of deposit in the United States mail. Failure to receive a properly addressed notice does not invalidate the proceeding.
- G. A final decision under this section is subject to judicial review under Code of Civil Procedure Sections 1094.5 and 1094.6. The final written decision shall advise the appellant that the time for seeking judicial review is governed by Code of Civil Procedure Section 1094.6.

5.30.020 OPERATING REQUIREMENTS.

No person, owner, or operator shall engage in, conduct, carry on, or permit any massage unless all of the following requirements are met:

- A. Except when permitted in writing by the Chief of Police, massage shall be provided or given only between the hours of 7:00 a.m. and 10:00 p.m. A massage commenced prior to 10:00 p.m. must terminate at 10:00 p.m., and, in the case of a massage establishment, all clients shall exit the premises at that time.
- B. No person who has not reached eighteen years of age shall provide massage for compensation.
- C. Massage shall not be provided by any person not certified by the CAMTC unless the individual holds a current individual registration certificate issued by the Fortuna Police Department following an approved background investigation. No person shall act as an owner or operator of a massage establishment unless the individual holds a current individual registration certificate. This requirement shall be applied in a manner consistent with Business and Professions Code Section 4603.1 and shall not be construed to impose a duplicative local professional licensing requirement on a massage professional holding a valid CAMTC certificate.
 - 1. The Fortuna Police Department shall issue an individual registration certificate, in paper or electronic form, to indicate satisfactory compliance with the requirements of this section. The Department shall maintain a record of the certificate's status. The certificate need not contain a photograph and is not required to be worn or carried on the person.

2. The Fortuna Police Department is authorized to issue a temporary individual registration certificate without the requirement of a background check to any massage therapist who has completed a course of study and has applied for certification by the CAMTC. The temporary certificate shall not exceed six months in duration.
 3. At all times while on the premises of a massage establishment, each person required to hold an individual registration certificate shall, upon demand, provide the certificate, a copy of the certificate, or sufficient information for the Fortuna Police Department to confirm that the certificate is current. A copy may be maintained at the massage establishment in lieu of being carried by the individual.
- D.** No person who has not been certified by the CAMTC shall provide massage for compensation or act as an employee of a massage business if such person has:
1. Been convicted of, or entered a plea of guilty or no contest to, an offense that requires registration under the Sex Offender Registration Act, Penal Code Section 290 et seq., or which is a violation of Penal Code Sections 261, 261.5, 261.9, 262, 264.1, 265, 266, 266a, 266b, 266c, 266d, 266e, 266f, 266g, 266h, 266i, 266j, 267, 269, 285, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 289.5, 289.6, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.10, 311.11, 311.12, 313.1, 314, 315, 316, 318, or 647(a) or (b), or equivalent offenses under the laws of another jurisdiction, even if expunged pursuant to Penal Code Section 1203.4 or equivalent statute under the laws of another jurisdiction.
 2. Been convicted of, or entered a plea of guilty or no contest to, an offense involving the sale, possession for purposes of sale, purchase for the purpose of sale, transport, import, export, administration, gift, or cultivation of a controlled substance specified in Health and Safety Code Sections 11054 through 11058, inclusive, or equivalent offenses under the laws of another jurisdiction, even if expunged pursuant to Penal Code Section 1203.4 or equivalent statute under the laws of another jurisdiction.
 3. Been convicted of, or entered a plea of guilty or no contest to, a violation of Penal Code Section 415 as a result of being charged with a violation of Penal Code Section 647(a) or (b).
 4. Been convicted of any state or federal law relating to the trafficking of humans for the purpose of labor or sex.
 5. Suffered revocation or suspension of a certificate issued under the Massage Therapy Act, Business and Professions Code Section 4600 et seq., unless such certificate has been restored.
 6. Been found liable by means of the procedures set forth in Chapter 1.09 of the Fortuna Municipal Code, or any other applicable administrative enforcement procedure, for violating any provision of this chapter, except when such finding of liability is pending appeal or review in a court of competent jurisdiction.
- E.** Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Towels and linens shall not be used on more than one client

unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client.

- F.** Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths, and pools located at massage establishments shall be cleaned and disinfected at least once each day when such facilities have been in use.
- G.** All instruments used in massage shall be maintained in a clean and sanitary condition. Instruments utilized in providing massage shall not be used on more than one client unless they have been sterilized or sanitized.
- H.** No dressing room shall be occupied by more than one person at a time except where occupation is by a parent or legal guardian to a child then present or when the presence of an individual necessary to accommodate a disability is required.
- I.** No room where massage is provided shall be occupied by a person other than the client and massage professional except where occupation is by a caregiver, parent or legal guardian to a child then present, when the presence of an individual necessary to accommodate a disability is required, or massage is provided to a couple.
- J.** Toilet facilities shall be provided in convenient locations within the massage establishment and shall consist of at least one unisex toilet with a lavatory or wash basin provided with soap and both hot and cold running water.
- K.** No alcoholic beverages or controlled substances, as defined in Health and Safety Code Sections 11054 through 11058, inclusive, or in the Controlled Substances Act, shall be sold, served, furnished, kept, consumed, or possessed on the premises of any massage establishment except as otherwise permitted by law.
- L.** All massage professionals and employees of massage establishments shall wear clean, non-transparent outer garments while engaged in massage for compensation, to the extent this requirement is consistent with Business and Professions Code Section 4609 and Government Code Section 51034. Such garments shall not expose the genitals, pubic areas, buttocks, or chest and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest. For purposes of this section, outer garments means a garment worn over other garments and does not include garments like underwear, bras, lingerie, or swimsuits.
- M.** No massage for compensation shall be provided unless the client's genitals are at all times fully covered. While engaged in massage for compensation, a massage professional shall not make, or offer to make, physical contact with the genitals of any other person regardless of whether the contact is over or under the person's clothing, nor shall the massage professional permit, or offer to permit, the client to make physical contact with the genitals of the massage professional regardless of whether the contact is over or under the massage professional's clothing.
 - 1.** Notwithstanding the foregoing, massage of the female breasts by the massage professional is permissible with the written consent of the client and delivery to the massage professional by the client of a written referral from a licensed health care provider.

- N. Except when massage is provided pursuant to a home occupation authorized by the Fortuna Municipal Code, no adult-oriented merchandise or material which depicts the human genitals shall be kept at a massage establishment. In the case of an authorized home occupation, adult-oriented merchandise or material depicting human genitals shall be kept away from the possession and view of the client.
- O. Except where a home occupation is permitted under the Fortuna Municipal Code, no massage professional or employee, excluding custodial or janitorial staff, shall occupy a massage establishment from the hours of 11:00 p.m. through 6:00 a.m.
- P. A massage professional shall operate only under the name reflected on the CAMTC certificate or individual registration certificate applicable to that person. A massage establishment shall operate only under the name specified on its massage establishment registration and business license.
- Q. No person may advertise to provide massage for compensation in a state of undress which violates subdivisions L or M of this section.

5.30.030 PROVISIONS APPLICABLE TO LOCATION.

No person shall provide massage, operate a massage establishment, or provide property for the operation of a massage establishment at a particular location if:

- A. Another massage establishment is or was operating at that particular location within the prior thirty-six months and that massage establishment or any employee of that massage establishment has been found liable by means of the procedures set forth in Chapter 1.09 of the Fortuna Municipal Code, or any other applicable administrative enforcement procedure, for violating any provision of this chapter, except when such finding of liability is pending appeal or review in a court of competent jurisdiction, or if the massage establishment or an employee of that massage establishment has been found guilty of a violation of this chapter or any of the statutes specifically referenced in Section 5.30.020(D). For purposes of this section, a plea of no contest is a finding of guilt.
- B. Another massage establishment is or was operating at that particular location within the prior thirty-six months and that massage business has outstanding unpaid fines or penalties, whether criminal, administrative, or civil.

5.30.040 INSPECTION.

- A. All persons providing massage and massage establishment owners and operators shall, during permissible hours of operation, have on their person or immediately available at the massage establishment a valid, government-issued identification which identifies the individual.
- B. For the sole purpose of inspecting and verifying compliance with this chapter and otherwise facilitating the functions of this chapter, the City Manager, or his or her designee, and the Chief of Police, or his or her designee, are authorized to enter massage establishments to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.

- C. Prior to inspection, City personnel shall inform those present at the massage establishment that inspection is made pursuant to this chapter.
- D. All massage establishments shall submit to regular administrative inspections between the hours of 7:00 a.m. and 10:00 p.m.

5.30.050 EXEMPTIONS.

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

- A. Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists, occupational therapists, or other health care professionals who are duly licensed to practice their respective professions in the State of California, and persons working directly under the supervision of, or at the direction of, such licensed persons, working at the same location as the licensed person and administering massage services subject to the review or oversight by the licensed person.
- B. Barbers, cosmetologists, estheticians, manicurists, and beauticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to massage or manipulation authorized within the scope of such license.
- C. Hospitals, nursing homes, mental health facilities, clinics, or any other health facilities duly licensed by the State of California, and employees of these licensed facilities while acting in the scope of their employment.
- D. Accredited elementary schools, middle schools, high schools, junior colleges, colleges, and universities whose coaches or trainers are acting within the scope of their employment.
- E. Youth and adult sport programs operated within an organized sport program offering league play whose coaches or trainers are acting within the scope of their employment.
- F. Martial arts programs operated for instruction in the martial arts whose coaches or trainers are acting within the scope of their employment.
- G. Trainers of amateur, semi-professional, or professional athletes or athletic teams while engaged in their training responsibility for and with athletes and trainers working in conjunction with a specific athletic event.
- H. Individuals administering massages or health treatment involving massage to persons participating in single-occurrence athletic, recreational, charitable, or festival events, such as health fairs, road races, track meets, triathlons, and other similar events, provided that all of the following conditions are met:
 - 1. The massage services are made equally available to all participants in the event;
 - 2. The event is open to participation by the general public or a significant segment of the public;
and

3. The massage services are provided at the site of the event and either during, immediately preceding, or immediately following the event.

- I. Students of a licensed school of massage while engaged in massage therapy as part of the curriculum when under the direct supervision of a massage professional certified by the CAMTC or a massage professional fully compliant with all provisions set forth in this chapter.

5.30.060 ENFORCEMENT, PENALTIES, AND NUISANCE PER SE.

- A. The City Attorney is authorized to file a civil action to recover civil penalties in an amount not to exceed one thousand dollars per violation and to take any other action in law or equity which he or she may deem necessary in order to enforce this chapter.
- B. This chapter may be enforced by means of administrative citations issued in accordance with Chapter 1.09 of the Fortuna Municipal Code. Administrative penalties shall be in an amount authorized by Chapter 1.09 or other applicable law.
- C. This chapter is cumulative to all other remedies now or hereafter available to abate or otherwise regulate, enforce, or prevent public nuisances or to enforce the provisions of the Fortuna Municipal Code.
- D. Each violation of this chapter shall constitute a separate violation. Each client to whom massage is provided or offered in violation of this chapter shall also constitute a separate violation.
- E. A violation of any provision of this chapter constitutes a public nuisance. The City may require abatement of such nuisance and recover costs of abatement as provided by law, including pursuant to Section 8.16.060 et seq. of the Fortuna Municipal Code.
- F. Any person violating this chapter is guilty of a misdemeanor and, upon conviction thereof, may be punished by a term in the county jail of up to six months or by a fine of one thousand dollars, or both.
- G. Operation of a massage establishment without a current massage establishment registration, or during a suspension or after a final denial or revocation, is unlawful. Each day of operation constitutes a separate violation. In addition to any other remedy, the City may issue an order to cease operation and may seek temporary, preliminary, or permanent injunctive relief.

5.30.070 JOINT AND SEVERAL LIABILITY.

All responsible persons, including owners, operators, managers, and persons who cause, permit, aid, abet, suffer, or maintain a violation of this chapter, shall be jointly and severally liable for violations of any provision set forth in this chapter.