



# Massage Ordinance

Presented by Rick St. John, Deputy City Manager





# Massage Ordinance

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We are seeking consensus from Council on suggested changes and additions to the massage ordinance.



# Massage Ordinance

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- Recommended additions/changes
  - Includes bodywork establishments
    - Reflexology and applications to the feet, hands, or ears
  - Defines terms previously left undefined –
    - Site manager
    - Property owner
    - Applicant
    - Responsible party



# Massage Ordinance

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- Recommended additions/changes
  - Excludes:
    - Medical doctors and nurses
    - Athletic trainers
    - Cosmetologists and aestheticians
    - Massage schools
    - Mobile massage not offered to the public



# Massage Ordinance

- Recommended changes/additions
  - Required information for a license
    - Legal name and aliases, home address, phone number, in other address in the last 10 years
    - Copy of their State issued massage therapy license for all therapists
    - Address of the establishment, lease or rental agreements, hours of operation
    - List of services provided
    - Names and identification from all controlling persons, signed statement from all controlling persons acknowledging it is a Class 3 Misdemeanor to allow conduct in violation of ARS 13-2908



# Massage Ordinance

- Recommended changes/additions
  - Specifically states that no controlling person (manager, landlord, property owner, partner with at least 10% interest in the business) shall knowingly permit or negligently fail to take reasonable actions to prevent criminal activity from occurring (violation is a civil penalty)
  - Must report within 10 days any arrests of any employee, contractor or controlling persons, any resignations, terminations, or transfers of employees
  - Must provide at least three (3) different times during the day within a seven (7) day period for the applicant to be inspected
  - A quarterly report to the City updating the business information including all employees and independent contractors who provide massage therapy or bodywork at the establishment.



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- Recommended changes/additions
  - Licenses are valid for one (1) year from date of issuance
  - Sets forth grounds for denial
    - Providing false or misleading information
    - Any criminal conviction within the past ten (10) years for an offense having a reasonable relationship to a massage establishment
    - Working under a false or assumed name in a massage establishment within the past (10) years
    - If the applicant past three (3) years
    - If the requested location of the establishment had a previous establishment whose license was revoked for violation of the chapter within the past three (3) years
    - If the application had a license denied within the past year



# Massage Ordinance

- Recommended changes/additions
  - Sets forth grounds for suspension
    - Convicted, cited or charged with any crime involving;
      - Fraud, prostitution, indecent exposure, pornography, any sexual act, nudity, breach of the peace
    - Within 18 months;
      - 1<sup>st</sup> suspension can be up to 14 days
      - 2<sup>nd</sup> suspension 15-30 days
      - 3<sup>rd</sup> suspension license is revoked
  - Sets forth a process for appeal of suspension or revocation



# Massage Ordinance

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- Recommended changes/additions
  - Building requirements
    - Building cannot have an exterior entrance or exit providing direct access to sleeping or living areas
    - Must have an entrance or window with direct public line of sight to the sales transaction area (exception for establishments within larger buildings)
    - Must post in multilanguage a notice to employees regarding sex crimes and human trafficking and how to contact the PD
    - Prohibits business hours between 10pm and 6am



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