

DATE: January 13, 2015
TO: Mayor and City Council
FROM: City Attorney
SUBJECT: Memorandum: Addressing City Council Questions Concerning the Proposed Massage Therapy Ordinance

SUMMARY

Members of the City Council have helpfully pointed out various parts of the proposed massage therapy ordinance that should be altered for clarification. Accordingly, the proposed massage therapy ordinance has had two changes made to it. The first change is in Section 6-10.18(a)(7)(f)(3), and the second change concerns language omitted from Section 6-10.20(d).

DISCUSSION

Change to Section 6-10.18(a)(7)(f)(3)

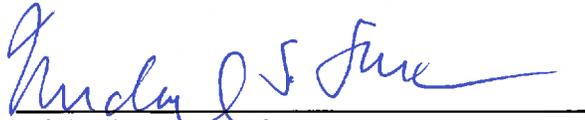
This section of the ordinance concerns various facilities and operating requirements each massage therapy establishment must follow. The subsection cited above describes various activities that massage therapists are prohibited from doing. In the proposed ordinance, the above cited section formerly stated that massage therapists may not “Perform massage therapy on a patron with the intent or purpose of arousing, appealing to, or gratifying the sexual desires of said patron. *Sexual and genital parts shall include the genitals, pubic area, anus, perineum of any person and the breasts of any female.*” (Italics Added.)

The second sentence in this subsection defined the phrase ‘sexual and genital parts’ based on the usage of that phrase in preceding subsections. However, this language placed in the above cited subsection is confusing. Thus, we have moved the second sentence of this subsection to the ‘definitions’ portion of the proposed ordinance (Section 6-10.02(o)). Section 6-10.18(a)(7)(f)(3) now states that a massage therapist may not “Perform massage therapy on a patron with the intent or purpose of arousing, appealing to, or gratifying the sexual desires of said patron.”

Change to Section 6-10.20(d)

Section 6-10.20 generally concerns permit duration and renewal. The specific subsection cited above concerns the need for permittees to include proof of CAMTC certification when submitting an application for permit renewal. Certain language has been inadvertently omitted from this subsection of the ordinance.

Section 6-10.20(d) previously stated “Verification of continued certification, in good standing, from CAMTC.” The subsection now reads as follows: “Verification of continued certification, in good standing, from CAMTC, *shall accompany the application for renewal.*” (Italics added.)



Michael Lawson, City Attorney