



CITY OF GLENDALE, CALIFORNIA

REPORT TO THE:

Joint City Council Housing Authority Successor Agency Oversight Board

May 12, 2015

AGENDA ITEM

Report: Urgency Ordinance to Extend Moratorium on Massage Establishments; Amendments to Chapter 5.64

- 1) Motion to Issue and Accept Report
2) Urgency Ordinance for Introduction
3) Ordinance for Introduction, Amending Glendale Municipal Code Sections 5.64.010 and 5.64.160 Relating to Massage Establishments

COUNCIL ACTION

Public Hearing Ordinance Consent Calendar Action Item Report Only

Approved for May 12, 2015 calendar

ADMINISTRATIVE ACTION

Submitted by: Michael J. Garcia, City Attorney
Hassan Haghani, Director of Community Development
Robert M. Castro, Chief of Police

Prepared by: Carmen O. Merino, General Counsel - Police
Michael R. Grant, Senior Assistant City Attorney

Approved by: Scott Ochoa, City Manager

Reviewed by: Yasmin K. Beers, Assistant City Manager

Signature section with handwritten signatures and names: Michael J. Garcia, Hassan Haghani, Robert M. Castro, Carmen O. Merino, Michael R. Grant, Scott Ochoa, Yasmin K. Beers.

RECOMMENDATION

It is recommended that the City Council:

- Conduct a public hearing and upon conclusion introduce the Ordinance to extend the 45 day moratorium on massage business establishments in the City of Glendale for an additional ten months and fifteen days; and
- Introduce the Ordinance amending Glendale Municipal Code Sections 5.64.010 and 5.64.160.

BACKGROUND/ANALYSIS

In 2008, Senate Bill 731 ("SB 731"), also known as the "Massage Therapy Act," was signed into law by the Governor. It became effective on January 1, 2009, and sunsetted on January 1, 2015. SB 731 established a new statutory scheme for a voluntary certification program— operated by a non-profit organization known as the California Massage Therapy Council ("CAMTC")— for massage therapists and practitioners that would entitle them to rely on a uniform statewide set of occupational regulations, including educational prerequisites, professional standards of conduct, and a criminal history background check. Under SB 731, after CAMTC had issued a certificate, a massage therapist or practitioner could practice massage anywhere within the state in a manner consistent with the CAMTC certificate, and cities and counties were prohibited from imposing special zoning and land use requirements not applicable to other personal and professional services, such as nail salons and doctor's offices.

On September 3, 2011, the City Council adopted Ordinance No. 5751 to reflect SB 731's restrictions and limitations on the City's ability to not only issue permits for massage businesses and massage therapists/practitioners, but also regulate massage establishment through land use controls. Until that Ordinance's adoption, the City had required massage establishments to apply for a Conditional Use Permit (CUP). After that Ordinance's adoption, and in compliance with SB 731, the City's Zoning Code has not regulated massage establishments any differently than other professional service establishments.

On February 4, 2014, the City Council adopted Ordinance No. 5821 to implement a narrow exception in SB 731 that allowed cities and counties to regulate owners or operators of a massage establishment who own 5 percent or more of the business and who are not certified by the CAMTC by requiring the owner or operators to apply for a city or county permit.

SB 731 has presented challenges to efforts by law enforcement, including the Glendale Police Department, to close illegitimate massage establishments that allow prostitution and other illegal activities. To address the numerous enforcement challenges that cities and counties faced, the Governor signed Assembly Bill 1147 ("AB 1147") which became effective on January 1, 2015. AB 1147 amended the Massage Therapy Act and restored to cities the ability to regulate massage establishments through the adoption of zoning requirements.

City's Moratorium on New Massage Businesses

On April 7, 2015, the City Council adopted Ordinance No. 5852 which amends Chapter 5.64 of the Glendale Municipal Code. The Ordinance, which went into effect May 7, 2015, requires individuals and business entities to obtain a Massage Establishment Owner Certificate to open and operate a massage business.

Additionally, on April 7, 2015, the City Council adopted Interim Urgency Ordinance No. 5853 which enacted a 45 day moratorium on massage establishments. During this period, staff has begun a review of the City's current massage regulations to determine revisions that may be necessary to provide consistency with State law while still providing comprehensive land use regulations for the establishment, use, and operation of massage businesses. Additional time is necessary to conduct this review.

Pursuant to Government Code section 65858, after notice of a public hearing is provided, a city may extend the interim ordinance establishing a moratorium on development that may be inconsistent with the zoning regulations being contemplated by the city for ten months and fifteen days. At the conclusion of that period, a final extension may be adopted after notice of public hearing has been provided. The total time period for a moratorium cannot exceed two years. Any extension requires a four-fifth vote for adoption.

During the initial 45 day moratorium period, staff began its review of possible zoning regulations for massage establishments. Staff met on April 22, 2015 to discuss zoning issues and possible options. The proposed Interim Urgency Ordinance extends for ten months and fifteen days. During this time, City staff will continue to undertake a comprehensive study to:

1. Determine the number and location of existing massage establishments within the City;
2. Review and analyze the provisions of the Zoning Code and other laws and regulations applicable to massage establishments;
3. Study and research options for land use regulations; and
4. Draft any recommended new or amended land use regulations governing massage establishments for the City Council's consideration.

Notice of the public hearing to extend the moratorium was published in the Glendale News-Press on May 2, 2015.

Urgency Ordinance – Massage Establishments – Pipeline Project Exemption

On April 28, 2015, a representative for two women seeking to establish a massage establishment at 452½ W. Colorado appeared before the Council to request that the Council consider excluding this business from the moratorium because of expenses incurred, prior to the adoption of the moratorium, in planning, construction, and permits. Community Development records for this location reveal that a mechanical permit, an electrical permit, and a plumbing permit were applied for and issued on March 25, 2015. A building permit was applied for on February 25, 2015 and issued on March 24, 2015. A building modification request involving modification of accessibility rules has also been approved. A Business Registration Certificate application was also submitted but is on hold pending the completion of tenant improvements at the location. An inspection was conducted on April 28, 2015, and the inspector has requested corrections.

The Council may consider adopting an urgency ordinance that exempts massage establishments from the moratorium where building permits were issued prior to April 7, 2015. If the Council wishes to proceed with such an exemption, proposed language to be included in the urgency ordinance is attached as an Exhibit.

Amendments to Glendale Municipal Code Sections 5.64.010 and 5.64.160

The Chapter 5.64 amendments are minor, clean-up modifications:

- Section 5.64.010 (the Ordinance's intent and purpose): Because the City is no longer setting the minimum qualifications for massage practitioners to enter the profession (which is now the California Massage Therapy Council's function), but rather the City is regulating massage businesses, this section has been modified; and
- Section 5.64.160 (facility and operating requirements): The prohibition on an owner's, massage therapist's, or employee's blocking the view, from the street or sidewalk, into a massage establishment's interior reception area has been moved to "facility requirements" instead of "operational requirements."

FISCAL IMPACT

Neither the enactment of the proposed ordinance extending the moratorium on massage establishments nor the Chapter 5.64 amendments will have any direct financial impact to the City.

ALTERNATIVES

Alternative 1: Adopt the proposed Interim Urgency Ordinance and introduce the proposed Ordinance amending Glendale Municipal Code Sections 5.64.010 and 5.64.160.

Alternative 2: Adopt the proposed Interim Urgency Ordinance with modified language to exempt massage establishments for which valid building permits have been issued prior to April 7, 2015, and introduce the proposed Ordinance amending Glendale Municipal Code Sections 5.64.010 and 5.64.160.

Alternative 3: Not adopt the proposed Ordinance.

Alternative 4: The City Council may consider any other alternative not proposed by staff.

CAMPAIGN DISCLOSURE

Not applicable.

EXHIBITS

EXHIBIT 1 - Exemption Language

MOTION

Moved by Council Member _____, seconded by Council Member _____, that the report presented to the City Council on May 12, 2015, relating to the extension of the moratorium on new massage establishments in all zones within the City is hereby issued and accepted.

Vote as follows:

Ayes:

Noes:

Absent:

Abstain:

APPROVED AS TO FORM


Carmen O. Merino
General Counsel - Police
Date: 5/7/15

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF GLENDALE, CALIFORNIA, EXTENDING A MORATORIUM ON
NEW MESSAGE ESTABLISHMENTS FOR A PERIOD OF 10 MONTHS AND 15 DAYS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. Findings.

The City Council finds, determines, and declares that:

- A. The City of Glendale ("City") has an overriding interest in planning and regulating the use of property within the City. Implicit in any plan or regulation is the City's interest in maintaining the quality of urban life and the character of the City's neighborhoods.
- B. Without stable, well-planned neighborhoods, areas of the City can quickly deteriorate, with negative consequences to social, environmental, and economic values.
- C. The City has adopted a General Plan to ensure a well-planned and safe community.
- D. In 2008, Senate Bill 731 ("SB 731"), which was adopted by the California Legislature and signed into law by the Governor as the "Massage Therapy Act," was codified as Chapter 10.5 of Division 2 of the California Business and Professions Code (Sections 4600 to 4620).
- E. SB 731, which became effective on January 1, 2009 and sunsetted on January 1, 2015, established a new statutory scheme for a voluntary certification program—operated by a non-profit organization, known as the California Massage Therapy Council ("CAMTC")— for massage therapists that would entitle them to rely on a uniform statewide set of occupational regulations and that would, for massage establishments where all the massage practitioners are so certified, prohibit cities from imposing special zoning and land use requirements not applicable to other personal and professional services.
- F. On September 13, 2011, the City Council adopted Ordinance No. 5751 to reflect SB 731's restrictions and limitations on cities' and counties' ability to issue their own permits for massage businesses and massage therapists.
- G. On February 4, 2014, the City Council adopted Ordinance No. 5821 to implement a narrow exception in SB 731 that allowed cities and counties to regulate owners or operators of a massage establishment who own 5 percent or more of the business and who are not certified by the CAMTC by requiring the owners or operators to apply for a city or county permit.

- H. While many of the state-licensed massage establishments conduct legitimate business in the community and contribute to the health and welfare of its residents, SB 731 has presented challenges to efforts by law enforcement agencies, including the Glendale Police Department, to close illegitimate massage establishments that allow prostitution and other illegal activities.
- I. To address the numerous enforcement challenges that cities and counties faced, the California Legislature adopted, and the Governor signed on September 18, 2014, Assembly Bill 1147 ("AB 1147") which became effective on January 1, 2015. The bill is codified as Section 460, and Chapter 10.5 of Division 2 (Sections 4600 to 4621) of the California Business and Professions Code, and California Government Code Section 51034.
- J. AB 1147 amended the Massage Therapy Act and restored to cities and counties the ability to use their land use powers to regulate massage establishments differently than other personal or professional services establishments located within their jurisdictions.
- K. The City's massage regulations do not have sufficient zoning regulations to massage establishments as now permitted by AB 1147.
- L. The City has a significant interest in preserving the health, safety, and general welfare of its residents by immediately researching the effects, if any, of massage business operations in the City including in residential neighborhoods.
- M. Without appropriate land use standards, massage establishments pose a number of immediate threats to the public health, safety, and welfare of the City, including potential negative secondary effects including increased crime and blight, which in turn may adversely affect the City's ability to attract and retain consumers, thereby damaging the City's economic vitality and further, the location of massage establishments may result in an incompatibility of uses throughout the City.
- N. On April 7, 2015, the City adopted Ordinance No. 5853: "An Interim Urgency Ordinance of the City Council of the City of Glendale, California adopting a citywide moratorium on the establishment of new massage establishments."
- O. Under Government Code Section 65858(f), the City is permitted to adopt additional moratoria on the same subject matter if the new moratorium relates to an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that lead to the adoption of the prior moratorium. Here, there is a different event, occurrence and set of circumstances in that, with the adoption of AB 1147, the City has been given new tools to effectively deal with the negative impacts associated with massage establishments and practitioners. It is therefore necessary for the City to explore its zoning and other options under the new provisions of State law.

- P. The City is taking steps to update its Municipal Code and Zoning Code to ensure the City's laws are consistent with the goals, policies and standards of the General Plan, State law, including AB 1147, and the goals of the City Council, all which are meant to protect the public health, safety, and welfare.
- Q. The City will consider other existing and potential land uses within the City to assure a degree of compatibility between the location of massage practice and surrounding properties, and study revisions to the existing zoning regulations.
- R. An extension of the moratorium is necessary in order to conduct a comprehensive study which will enable the City to evaluate options for appropriate regulation and plan its approach to massage regulation following the approval of AB 1147.
- S. The establishment and operation of new massage establishments within the City before completion of a study and possible adoption of new or amended land use regulations governing massage establishments create a current and immediate threat to the public safety, health, and welfare in that such operations threaten to cause adverse impacts to surrounding residents and businesses unless clear regulations are in place to address issues of over concentration, parking, traffic, noise, outdoor lighting, sanitation, and property values.
- T. For the reasons stated above, the City Council finds that it is appropriate and necessary to adopt a temporary moratorium on the establishment of new massage establishments within the City. An extension of the moratorium will allow City staff to undertake a comprehensive study to:
1. Determine the number and location of existing massage establishments within the City;
 2. Review and analyze the provisions of the Zoning Code and other laws and regulations applicable to massage establishments;
 3. Study and research options for land use regulations; and
 4. Draft any recommended new or amended land use regulations governing massage establishments for consideration by the City Council.
- U. The City Council hereby finds that it can be seen with certainty that no possibility exists that the adoption and implementation of the temporary moratorium Ordinance may have a significant effect on the environment, since this Ordinance does not authorize construction or installation of any facilities and, in fact, imposes greater restrictions on such construction and installation in order to protect the public health, safety, and general welfare. Therefore, this Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 2. Moratorium.

1. During the term of this interim moratorium, no "person," as defined in Glendale Municipal Code Section 5.64.030, shall conduct, operate, maintain, or carry on a new "massage establishment," as defined in Glendale Municipal Code Section 5.64.030— including, but not limited to, a massage establishment operated as a home occupation— in or within any zoning district within the City, except that if before adoption of this Ordinance, a massage establishment is doing business at a location within the City and is in compliance with current applicable provisions of the Glendale Municipal Code, the moratorium does not prevent that massage establishment from continuing to operate at that location, or prohibit the transfer of the massage establishment's ownership at the location, and does not prevent the City from approving the establishment and operation of a massage establishment for which a completed application has been submitted under Chapter 5.64 of the Glendale Municipal Code before this Ordinance's adoption.

2. City staff is directed to undertake a comprehensive study, as described in items 1 through 3 of Paragraph T, Section 1 above, and recommend new or amended land use regulations governing massage establishments for consideration by the City Council.

3. Violations of this interim moratorium may be charged as a misdemeanor as set forth in Glendale Municipal Code Section 1.20.010, may be the subject of administrative code enforcement remedies as set forth in Chapter 1.24 of the Glendale Municipal Code, or may be deemed a public nuisance and may be enforced by an action for injunction or civil penalties as provided in Section 5.64.200 and Chapter 8.30 of the Glendale Municipal Code, or by any other remedy authorized by law.

4. The Glendale City Manager is hereby authorized to direct all City Departments—including the Community Development Department, the Police Department, and City Attorney—to facilitate compliance with the purpose and intent of this interim moratorium using the enforcement powers described in the preceding paragraph.

SECTION 3. Purpose, Effective Date, and Duration.

Under the provisions of Government Code Section 65858, this is an urgency interim zoning ordinance extending the urgency ordinance moratorium established by Ordinance No. 5853. This Ordinance take effects upon the expiration of Ordinance No. 5853 on May 22, 2015, and expires ten (10) months, fifteen (15) days thereafter, unless extended by the City Council after notice and public hearing under Government Code Section 65858, or replaced by a permanent ordinance covering the same subject matter.

The facts constituting the current and immediate threat to the public peace, health, and welfare necessitating an urgency ordinance are based on the Findings set forth in Section 1, and on the following:

- A. The purpose of this Ordinance is to protect the public safety, health and welfare from a current and immediate threat posed by the establishment of new massage establishments in the City, in light of the State Legislature's recent passage of AB 1147, which reinstates significant local land use control over massage establishments

to local jurisdictions, until such reasonable time as a comprehensive study of the possible adverse impacts such establishments might have on commercial and residential uses and the general public health, safety and welfare.

- B. The City Council finds that massage establishments, whether as a result of the manner or hours of operation, security or lack thereof, or maintenance have the potential of becoming a source of criminal or other activity, resulting in the creation of a public nuisance.
- C. Currently no existing enforceable regulations within the City's Zoning Code address the location of massage establishments, and massage is not prohibited adjacent to schools, parks, or libraries in the City. Locations such as these can be particularly sensitive to the potential harmful effects of massage establishments. Unregulated locating of such establishments may be in conflict with contemplated zoning and with the public peace, health and welfare. Further, with the recent passage of AB 1147, cities are able to re-establish local land use control over massage establishments.
- D. The City has concluded that the best method of protecting the public health, safety, and welfare is to evaluate options for revising its zoning regulations concerning new massage establishments.
- E. The City Council finds that it is necessary to ensure that these types of businesses are properly regulated within the City, both to protect the public health, safety and welfare, and to ensure that these businesses are located in a manner that is consistent with City standards, goals, and policies.
- F. Thus, in view of the facts set forth in this Ordinance, it is necessary to study, hold public hearings, and consider amendments to the City's zoning regulations and adopt restrictions or regulations as may be recommended to the City Council by the Planning Commission and City staff.
- G. A comprehensive set of restrictions and regulations cannot be enacted without due deliberation, and it will take an indeterminate length of time to work out the details of such comprehensive regulations. It would be destructive of the proposed regulations if, during the period they are being studied and are the subject of public hearings, parties seeking to evade the operation of these regulations in the form which may be adopted are permitted to operate in a manner which might progress so far as to defeat in whole or in part the ultimate objective of those regulations. Therefore, the approval of additional use permits, variances, building permits, or other entitlement to use which is required in order to comply with the City's zoning regulations would result in a threat to public health, safety or welfare.
- H. On the basis of the foregoing findings, all evidence in the record, including but not limited to, the staff report, the City Council finds that the prohibiting of new massage establishments is justified in accordance with Government Code Section 65858.

SECTION 4: Urgency.

By the City Council's making the findings and determinations of fact which the Council declares to constitute an urgency for the immediate preservation of the public health, safety or welfare, the City Council hereby declares that this Ordinance is an urgency measure and, under Government Code Section 65858, becomes effective immediately upon adoption by an affirmative vote of at least four-fifths (4/5) of the members of the City Council.

SECTION 5. Severability.

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

SECTION 6. Adoption and Incorporation.

The findings and information contained in Ordinance No. 5853 and the City Council staff report dated March 24, 2015, are hereby adopted and incorporated by reference as though fully set forth herein.

SECTION 7. Report.

City staff is directed to prepare and submit for City Council adoption – at least ten (10) days before the expiration of this Ordinance or any extension of it - a written report describing the measures taken to alleviate the conditions which led to the adoption of this Ordinance.

SECTION 8. Certification

The City Clerk shall certify this Ordinance's adoption and cause the Ordinance to be published in the *Glendale News-Press* consistent with the requirements of applicable state and local law.

Adopted by the Council of the City of Glendale on the ____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF GLENDALE) SS.

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Urgency Ordinance No. _____ was passed by a 4/5th vote of the Council of the City of Glendale, California, at a regular meeting held on the ____ day of _____, 2015, and that the same was adopted by the following vote:

Ayes:

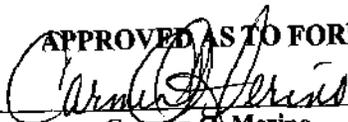
Noes:

Absent:

Abstain:

City Clerk

APPROVED AS TO FORM



Carmen O. Merino
General Counsel - Police

Date:

5/7/15

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY OF GLENDALE, CALIFORNIA
AMENDING SECTIONS 5.64.010 AND 5.64.160 OF
THE GLENDALE MUNICIPAL CODE, 1995,
RELATING TO MASSAGE ESTABLISHMENTS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. Section 5.64.010 of the Glendale Municipal Code, 1995, is amended to read as follows:

5.64.010 Intent and legislative purpose.

This chapter's purpose is to:

- A. Enhance the professionalism of the massage service industry by:
 - 1. Regulating the business of massage within the city;
 - 2. Establishing minimum ~~qualifications~~ standards for ~~entering the~~ operating a ~~massage profession establishment~~, and;
 - 3. Ensuring that individuals performing massage have the proper training, skill, and experience through California Massage Therapy Council certification; and
 - 4. Disciplining massage therapists, massage practitioners, and massage establishments that violate the law;
- B. Deter criminal activity;
- C. Preserve this community's quality of life; and
- D. Protect the public's health, safety, welfare, and peace.

SECTION 2. Section 5.64.160 of the Glendale Municipal Code, 1995, is amended to read as follows:

5.64.160 ~~Massage establishment~~—Facility and operating requirements.

A. Facility Requirements.

- 1. A massage establishment owner or operator shall:
 - ~~1a.~~ Place a sign, which complies with the city's sign laws and regulations, at the main entry door, identifying the premises as a massage establishment.

1 **2b.** Give, perform, offer, or provide a massage only between the hours of 7:00
2 a.m. and 10:00 p.m. on any day, unless the massage establishment's
3 conditional use permit sets different hours of operation and those hours
4 will govern.

5 **2c.** Not install, operate, or maintain a buzzer alarm or an intercom system at
6 the massage establishment.

7 **4d.** Provide:

8 **ai.** A main entry door:

9 ~~i.~~**(A)** From which all patrons and visitors must enter and exit;
10 and

11 ~~ii.~~**(B)** Which must remain unlocked during regular business
12 hours, unless the massage establishment owner or operator
13 is a CAMTC sole provider or a CAMTC sole proprietor
14 who has only one employee.

15 **bii.** A reception area.

16 **eiii.** In accordance with the city's Building and Safety Code:

17 ~~i.~~**(A)** Minimum ventilation and lighting for the massage
18 establishment, including each enclosed room, cubicle, or
19 booth where a patron receives a massage; and

20 ~~ii.~~**(B)** One or more water closets, urinals, lavatories, and drinking
21 fountains within the premises.

22 **eiv.** At least 1 unobstructed artificial light, white in color, the bulb of
23 which is not less than 60 watts or 900 lumens, operating without a
24 dimmer, and illuminating (without a strobing or flashing effect)
25 inside each room, cubicle, or booth where a patron receives a
26 massage.

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1 ev. For a patron who receives a massage:

2 ~~i.~~(A) An opaque towel, opaque clothing, or opaque material
3 which:

4 ~~(A)~~(1) Is clean and sanitary; and

5 ~~(B)~~(2) Completely covers the patron's specified
6 anatomical areas;

7 ~~ii.~~(B) A stationary or portable massage table or chair that is
8 covered with a durable, washable plastic or waterproof
9 material. Use of a foam pad measuring more than 3 feet in
10 width, 3 feet in length, and 4 inches in thickness, or a bed, a
11 mattress, or a waterbed is prohibited; and

12 ~~iii.~~(C) Clean and sanitary towels, sheets, linens, and coverings for
13 the head rest of each table. Common use of a towel, sheet,
14 or linen is prohibited, unless it is laundered first.

15 ~~fvi.~~ Enclosed cabinets, containers, or receptacles for separately storing
16 clean towels and linens, and separately depositing soiled towels
17 and linens.

18 se. Maintain all massage rooms, cubicles, walls, ceilings, floors, pools,
19 showers, bathtubs, steam rooms, and other physical facilities in a clean,
20 neat, sanitary, and safe condition, and in good repair.

21 ef. Clean and disinfect:

22 ei. An instrument, tool, appliance, or device used in performing a
23 massage;

24 eii. A wet and dry heat room, steam or vapor room, steam or vapor
25 cabinet, shower compartment, toilet, and restroom each day the
26 massage establishment is open for business; and

27 eiii. A bathtub after each patron's use.

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1 2. When a massage establishment is located in a building with one or more exterior
2 windows fronting a public street, highway, sidewalk, walkway, or parking area:

3 a. The window must provide a clear and unobstructed view of the massage
4 establishment's interior reception area from the window's exterior, when
5 viewed at a distance of ten (10) feet from the window's exterior surface
6 glass; and

7 b. A CAMTC massage practitioner, CAMTC massage therapist, CAMTC
8 sole provider, CAMTC sole proprietor, massage establishment owner or
9 operator, operations manager, or employee shall not install, place, or use a
10 material, object, structure, or device inside or outside the building—
11 including, but not limited to, a curtain, closed blind, tint, screen, one or
12 more signs that cover more than 25% of a windowpane, shrub, tree, or
13 plant— any one or which, or any combination of which, blocks, obscures,
14 blurs, darkens, impairs, or interferes with the view into the massage
15 establishment's interior reception area.

16 B. Operational Requirements.

17 1. A massage establishment owner or operator shall have an operations manager on
18 duty during regular business hours:

19 a. Who, while the massage establishment is open for business, must wear a
20 badge that states the operations manager's name and the word "manager"; and

21 b. Whose name and a photograph, measuring not less than 4 inches by 6
22 inches, must be posted conspicuously in the massage establishment's
23 reception area while the massage establishment is open for business.

24 2. A CAMTC massage establishment owner or operator or an operations manager shall:

25 a. Not allow or permit:

26 i. A CAMTC massage practitioner, or a CAMTC massage therapist,
27 or both, to give or perform a massage:

28 (A) Before 7:00 a.m. or after 10:00 p.m. on any day; or

1 (B) Before the opening hour or after the closing hour set in the
2 massage establishment's conditional use permit which will
3 govern the hours of operation.

4 ii. A patron, or a visitor, or both, to enter or remain in the massage
5 establishment before or after the massage establishment's regular
6 business hours.

7 iii. A patron to receive a massage unless at least 1 CAMTC massage
8 practitioner or CAMTC massage therapist is present at the premises.

9 iv. A patron, or a visitor, or both, in an employee break room, closet,
10 storeroom, or storage area.

11 v. One or more visitors in a room, cubicle, or booth where a patron
12 receives a massage, except when:

13 (A) A patron is under the age of 18 years and the patron's
14 parent or legal guardian is present during the massage;

15 (B) A patron has a child, who requires supervision and who is
16 present during the massage; or

17 (C) A patron is elderly or disabled and needs assistance from
18 the patron's aid, caretaker, or court appointed conservator,
19 who is present during the massage.

20 b. Accept and process payment for a massage, including a gratuity or tip,
21 only at a reception area or designated payment area, other than a room
22 where a patron receives a massage.

23 c. Post inside each enclosed room, cubicle, or booth where a patron receives
24 a massage, and in a reception area or designated payment area, easily
25 visible to the patron:

26 i. A sign printed with letters that contrast against the background
27 material and measure not less than one-half inch in height, stating:

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1 “THIS MASSAGE ESTABLISHMENT AND THE
2 MASSAGE ROOMS DO NOT PROVIDE COMPLETE
3 PRIVACY AND ARE SUBJECT TO INSPECTION BY CITY
4 AND HEALTH OFFICIALS WITHOUT PRIOR NOTICE.”

5 ii. A schedule of services, printed in a minimum of 12-point type,
6 listing the massage services offered, the corresponding price, and
7 the minimum length of time for the service.

8 3. ~~When the massage establishment is located in a building with one or more exterior~~
9 ~~windows fronting a public street, highway, sidewalk, walkway, or parking area:~~

10 a. ~~The massage establishment's interior reception area must be plainly~~
11 ~~visible from the exterior by passing pedestrians and vehicles; and~~

12 b. ~~A CAMTC massage practitioner, CAMTC massage therapist, CAMTC~~
13 ~~sole provider, CAMTC sole proprietor, massage establishment owner or~~
14 ~~operator, operations manager, or employee shall not block the visibility~~
15 ~~into an interior reception area by placing or using curtains, closed blinds,~~
16 ~~tints, one or more signs that cover more than 25% of any windowpane, or~~
17 ~~another material—any one or which, or any combination of which,~~
18 ~~obstructs, blurs, or darkens the view into the premises.~~

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20 **SECTION 3. Severability.**

21 This Ordinance's provisions are severable. If any portion of this Ordinance or its application to
22 any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity
23 of the Ordinance's remaining portions and the Ordinance's application to other persons and
24 circumstances. The City Council declares that it would have passed the remainder of this Ordinance
25 without the invalid or unconstitutional provision.

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EXHIBIT 1

Urgency Ordinance – Massage Establishments – Pipeline Project Exemption

ITEM 9 a.

Building Permit Issued:

A massage establishment— for which the City's Building and Safety Division of the Community Development Department has on file a valid, unexpired building permit that has an "issued" date of April 6, 2015 or earlier; and for which the City's Licensing and Permit Services Division of the Community Development Department has on file a Licensing Master Application for a Building Registration Certificate that has a "submit" date of April 6, 2015 or earlier— may proceed and operate on and after April 7, 2015, in accordance with the City's Zoning Code and Zoning regulations in effect on April 6, 2015, provided that the massage establishment must comply with the requirements of Ordinance No. 5852, which amends Glendale Municipal Code Chapter 5.64 relating to massage establishments.