



CITY OF MENIFEE

SUBJECT: Ordinance Introduction for the Repeal and Replacement of Chapter 5.45 of Title 5 Related to the Regulation of Massage Establishments

MEETING DATE: February 21, 2024

TO: Mayor and City Council

PREPARED BY: David Gutierrez, Police Captain

REVIEWED BY: Chris Karrer, Police Chief

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Introduce an ordinance repealing and replacing Chapter 5.45 of Title 5 of the Menifee Municipal Code relating to the regulation of Massage Establishments.

DISCUSSION

Currently, there are five massage businesses operating within the City. Since taking over police services in July of 2020, the Menifee Police Department Problem Oriented Policing Officers and Special Enforcement Team Detectives have conducted surveillance and undercover operations related to an additional five massage businesses within the City. All five investigations resulted in prostitution arrests or evidence of prostitution occurring at the locations. Each location had their business license revoked for criminal acts.

Staff has conducted research to determine how other cities regulate massage businesses and massage therapists including having discussions with our City Attorney's Office, the Riverside County District Attorney's Office, and the Riverside County Human Trafficking Group. Based on the research and staff's professional experience and knowledge, staff is recommending repealing and replacing Chapter 5.45 of Title 5 of the Menifee Municipal Code related to the regulation of massage businesses.

Chapter 5.45 of Title 5 of the Menifee Municipal Code was last updated in November of 2009. While there are some good components to the existing ordinance, staff is recommending repealing the existing ordinance, in its entirety, and replacing it as described in the attached Exhibit A to the proposed ordinance.

Staff believes the recommended changes serve both the needs of the massage therapy profession as well as the City. Below are the most significant proposed changes to the City's existing ordinance concerning the regulation of massage businesses:

- Updated the title of the Ordinance to Massage "Businesses."
- Updated definitions to include "Operator", "Out-call Massage Service", "Mobile Massage Service", "Out-Call Massage Authorization", "Recognized School of Massage", and "Sole Practitioner."
- Updated section 5.45.040 to include:
 - A massage business shall notify the Finance Department within 10 days of any new therapist's employment including providing proof of California Massage Therapy Council (CMTTC) certification.
 - A massage business shall notify the Finance Department within 10 days of upon any therapist ceasing to be employed.
 - A massage business must provide the Finance Department with proof of insurance.
 - A massage business shall maintain a current register of all persons employed as a therapist which includes specific information.
 - A massage business shall maintain on premises the original business license and original CMTTC certificate for all therapists.
- The allowed hours of operation were changed from 7AM-10PM to 8AM-9PM.
- Added a prohibition against selling, giving away, dispensing, providing, or preparing any alcoholic beverages or food.
- Added a prohibition against massage businesses utilizing the premise or factories of a recognized school of massage.
- Added additional language requiring patrons to be properly draped along with a prohibition against sleeping beds being on site.
- Added a prohibition against open flames.
- A specific prohibition against sexual activity and locking massage room doors.
- Added a requirement for there to be a list of services and prices posted in an open and conspicuous place on the premises, and a prohibition against doing any other services than those listed.
- Added a requirement for each massage service provided to be kept on a ledger with specific information.
- A prohibition against a massage business location being utilized for residential purposes.
- Added a prohibition against warning devices.
- Added a section for Out-Call Massage requirements and a section requiring couples massages needing authorization from the city.
- Added some clarification and more specific language related to a massage therapist's attire.
- Added a section regulating certain advertising practices.
- Added a section prohibiting a person who has been granted a business license for a massage business to conduct any business not specific to the license and a requirement to obtain a new business license if the business name is changed.
- Added a requirement for all owners or operators of a massage business to be present on premises when the business is open and providing massage therapy. The only exception would be if an owner or operator has designated a "designated manager."

- Added a section that would prohibit an applicant from reapplying for a massage business license for a period of one year if their business license was denied or revoked for failure to comply with any requirements of the ordinance.
- Added a section prohibiting a new massage business from opening at the same location where the business license has been revoked and the CUP is also revoked.

Staff invited current massage business license holders and property owners to a community meeting on November 14, 2023, to learn more about the proposed repeal and replacement of the massage ordinance. The community meeting flyer was mailed out on October 25, 2023. Four current massage business owners and one prospective massage business owner attended the meeting. The attendees had some clarifying questions but were in support of the proposed repeal and replacement of the massage business ordinance.

STRATEGIC PLAN OBJECTIVE

Safe and Attractive Community

FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

ATTACHMENTS

1. Proposed Ordinance
2. Redline of Ordinance Changes
3. Community Meeting Flyer