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CITY COUNCIL MEETING  
JUNE 20, 1984

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ORD. AMENDING  
CHAPTER 13B  
(MASSAGE ESTAB-  
LISHMENTS, OUT-  
CALL MASSAGE  
SERVICE AND  
MASSAGE  
TECHNICIANS)

Following introduction of the matter by City Attorney Stein, Council, on motion of Council Member Reid, Hinchman second, introduced Ordinance No. 1325 - Ordinance of the City Council of the City of Lodi Amending Chapter 13B (Massage Establishments, outcall massage service and massage technicians). The motion carried by the following vote:

Ayes: Council Members - Olson, Pinkerton, Reid, Hinchman, & Snider (Mayor)

ORD. NO. 1325  
INTRODUCED

Noes: Council Members - None

Absent: Council Members - None

## COUNCIL COMMUNICATION

TO THE CITY COUNCIL  
FROM THE CITY MANAGER'S OFFICE

DATE

JUNE 13, 1984

NO.

SUBJECT:

AMENDMENTS TO CITY OF LODI MASSAGE ORDINANCE

I am bringing to you for City Council action, a revision of the City's massage parlor ordinance. The reasons for the revisions of the Municipal Code Chapter 13B ordinance are as follows:

- 1) Recent changes in the law regarding massage parlors, including added Penal Code Section 266(i) relating to pandering, and Health and Safety Code Sections 11054 through 11058 under the Uniform Controlled Substances Acts; and
- 2) The fact that our original ordinance did not provide for regulation of outcall massage service.

Under our original ordinance, an individual who was licensed to work in a massage parlor (massage technician), could also provide outcall massage service. Further, the person who was not licensed under our massage parlor ordinance, could provide outcall massage service, because there was no provision for regulation of same. The regulation of outcall massage service will give the Police Department an opportunity to do background checks on individuals who might be interested in being licensed as an outcall massage service or technician.

This amended ordinance was reviewed with Police Chief Floyd Williams, and he has agreed with the contents of same.

  
RONALD M. STEIN  
CITY ATTORNEY

RMS:vc

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING CHAPTER 13B (MESSAGE ESTABLISHMENTS, OUTCALL MESSAGE  
SERVICE AND MESSAGE TECHNICIANS).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI  
AS FOLLOWS:

SECTION 1. Each and every reference in each and every Article, Section, and/or Subsection of Chapter 13B "Massage Establishments and Massage Technicians", which refers to "Massage Establishments", is hereby amended to read "Massage Establishment and/or Outcall Massage Service".

SECTION 2. Each and every reference in each and every Article, Section, and/or Subsection of Chapter 13B "Massage Establishments and Massage Technicians", which refers to "Applicant" and/or "Operator", is hereby amended to read "Applicant and/or Massage Technician", or "Operator and/or Massage Technician".

SECTION 3. Chapter 13B, Article I, In General, § 13B-1 Definitions is hereby amended as follows:

( ) (New Section) "Outcall massage service. Any business, not licensed as a massage establishment under the provisions of this article, wherein the principal function is such that massage is given, engaged in, or

carried on, or permitted to be given, engaged in, or carried on."

SECTION 4. Chapter 13B, Article II, Establishment Permits Generally, is hereby amended to read as follows:

"§ 13B-2. Permit Required.

"It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the City of Lodi, the operation of a massage establishment and/or outcall massage service as herein defined, without first having obtained a permit from the Police Department issued pursuant to the provisions of this Chapter."

"§ 13B-3. Application.

"( ) (New Section) "Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of the application."

"( ) (New Section) "The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business

activity or occupation of applicant subsequent to such action or suspension or revocation."

"( ) (New Section) "All criminal convictions and the reasons therefor."

"§13B-4. Application Fee.

"At the time of filing an application for a permit, the applicant and/or massage technician shall pay a fee in accordance with the following:

"For each permit a sum as adopted from time to time by resolution of the City Council, plus a sum as adopted from time to time by resolution of the City Council, for each person, other than an individual applicant and/or massage technician, to be employed by the massage establishment and/or outcall massage service."

"§13B-6. Premises Inspected; Applicant Investigated, etc. by Police."

(Amended to include additional sections of State Penal Code and Health and Safety Code under which Government Code § 51032 authorizes denial of massage establishments and/or outcall massage service licenses, as follows):

"Penal Code Section 266(i), Health and Safety Code Sections 11054 through 11058, or whether convicted in any other state of any offense, which if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses of this subdivision."

"§13B-8. Term.

"A massage establishment license and/or outcall massage service permit shall be issued on a permanent basis, subject to revocation or suspension for cause. Upon transfer of a business by a licensed applicant, the transferee must secure a new license or permit pursuant to this chapter."

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation, printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.