

JUN 2 1976

ORDINANCE NO. 11848
(New Series)

AN ORDINANCE REPEALING ORDINANCE NO. 11147 (NEW SERIES) AND AMENDING CHAPTER III, ARTICLE 3, DIVISION 23, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.2301 THROUGH SECTION 33.2330, INCLUSIVE, AND ADDING CHAPTER IV, ARTICLE 6, DIVISION 1, SECTIONS 46.0101 THROUGH 46.0105, ALL RELATING TO THE REGULATION OF MASSAGE TECHNICIANS.

WHEREAS, the City Council of The City of San Diego has heretofore adopted Ordinance No. 11147 (New Series) relating to the regulation of massage establishments and massage technicians; and

WHEREAS, on August 9, 1974, the Superior Court for the County of San Diego declared said ordinance invalid on constitutional grounds; and

WHEREAS, the public health, safety and welfare of the citizens of the City of San Diego require that massage technicians administering commercial massages to members of the public be qualified to administer such massages; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 3, Division 23, of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

SEC. 33.2301 CITATION OF ORDINANCE

SEC. 33.2302 PURPOSE AND INTENT

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SEC. 33.2303 DEFINITIONS
SEC. 33.2304 MESSAGE ESTABLISHMENT LICENSE REQUIRED
SEC. 33.2305 MESSAGE ESTABLISHMENT LICENSE APPLICATION
FEE AND TABLE FEE
SEC. 33.2306 APPLICATION FOR MESSAGE ESTABLISHMENT
LICENSE
SEC. 33.2307 MESSAGE TECHNICIAN'S PERMIT REQUIRED
SEC. 33.2308 MESSAGE TECHNICIAN APPLICATION FEE
SEC. 33.2309 APPLICATION FORM FOR MESSAGE TECHNICIAN
SEC. 33.2310 MESSAGE TECHNICIAN TRAINEE
SEC. 33.2311 EFFECTIVE DATE--MESSAGE TECHNICIANS
SEC. 33.2312 MESSAGE ESTABLISHMENT FACILITIES
SEC. 33.2313 OPERATING REQUIREMENTS
SEC. 33.2314 EFFECTIVE DATE--EXISTING ESTABLISHMENTS
SEC. 33.2315 OFF-PREMISES MESSAGES
SEC. 33.2316 NAME OF BUSINESS
SEC. 33.2317 CHANGE OF LOCATION
SEC. 33.2318 EXEMPTIONS
SEC. 33.2319 SALE OR TRANSFER
SEC. 33.2320 EMPLOYEE PERMITS
SEC. 33.2321 DISPLAY OF PERMITS AND LICENSES
SEC. 33.2322 ADVERTISING
SEC. 33.2323 RECORDS OF TREATMENTS
SEC. 33.2324 RIGHT OF ENTRY
SEC. 33.2325 SUSPENSION OR REVOCATION OF LICENSE OR PERMIT
SEC. 33.2326 HEARING
SEC. 33.2327 STAY OF SUSPENSION OR REVOCATION
SEC. 33.2328 EXCEPTION TO HEARING PROCEDURE
SEC. 33.2329 APPEAL

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SEC. 33.2330 CONSTITUTIONALITY

Section 2. That Chapter IV of the San Diego Municipal Code be and it is hereby amended by adding Article 6, Division 1, Sections 46.0101 through 46.0105 to read as follows:

ARTICLE 6

DIVISION 1

MASSAGE TECHNICIANS

SEC. 46.0101 PURPOSE AND INTENT

It is the purpose and intent of this division to establish certain minimum standards for the administration of commercial massages in the City of San Diego to protect the public health, safety and welfare of the citizens of the City of San Diego.

SEC. 46.0102 DEFINITIONS

Whenever used in this division the following words and phrases shall mean:

(a) "Massage" shall mean any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

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(b) "Massage Technician" shall mean any person who gives or administers to another person, for any form of consideration whatsoever, a "massage" as defined in this division.

SEC. 46.0103 MASSAGE TECHNICIAN QUALIFICATIONS

It shall be unlawful for any person to act as a massage technician unless such person is able to furnish upon request to any San Diego County Health Officer or Police Officer a diploma or certificate of graduation from a school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires a residence course study of not less than one hundred (100) hours to be given in not more than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved by the State Superintendent of Public Instruction pursuant to the California Education Code, Section 29025.

SEC. 46.0104 EXEMPTIONS

This division shall not apply to:

(a) Physicians, surgeons, nurses, chiropractors, osteopaths, physical therapists, barbers or beauticians who are duly licensed to practice

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their respective professions in the State of California.

(b) Trainers of any amateur, semi-professional or professional athlete or athletic team.

(c) Persons who have been operating or employed as massage technicians on a regular basis for three (3) years immediately preceding the effective date of this division, provided satisfactory proof of such employment can be established.

SEC. 46.0105 EFFECTIVE DATE

All persons operating or employed as massage technicians at the time this division goes into effect, unless exempt under Section 46.0104, shall have one hundred eighty (180) days to obtain a diploma or certificate from a school described in Section 46.0103.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Eugene P. Gordon
Eugene P. Gordon
Deputy City Attorney

MAY 10 1978

EPG:rc:503.8
4/15/76 Rev.
Or.Dept.: Councilman Jim Ellis

JUN 2 1976

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 19 1976

JUN 2 1976

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1976 APR 27 PM 1:32
SAN DIEGO, CALIF.

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MAY 10 1978

Office of the City Clerk, San Diego, California	
Ordinance Number	11848
Adopted	JUN 2 1976
01645	

ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

ORDINANCE REPEALING ORDINANCE 11147

ORDINANCE NO. 11848

(New Series)

AN ORDINANCE REPEALING ORDINANCE NO. 11147 (NEW SERIES) AND AMENDING CHAPTER III, ARTICLE 3, DIVISION 21, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.2301 THROUGH SECTION 33.2330, INCLUSIVE, AND ADDING CHAPTER IV, ARTICLE 6, DIVISION 1, SECTIONS 46.0101 THROUGH 46.0105, ALL RELATING TO THE REGULATION OF MASSAGE TECHNICIANS.

WHEREAS, the City Council of The City of San Diego has heretofore adopted Ordinance No. 11147 (New Series) relating to the regulation of massage establishments and massage technicians; and

WHEREAS, on August 9, 1974, the Superior Court for the County of San Diego declared said ordinance invalid on constitutional grounds; and

WHEREAS, the public health, safety and welfare of the citizens of the City of San Diego require that massage technicians administering commercial massages to members of the public be qualified to administer such massages; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 3, Division 21, of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

- SEC. 33.2301 CITATION OF ORDINANCE
- SEC. 33.2302 PURPOSE AND INTENT
- SEC. 33.2303 DEFINITIONS
- SEC. 33.2304 MASSAGE ESTABLISHMENT LICENSE REQUIRED
- SEC. 33.2305 MASSAGE ESTABLISHMENT LICENSE APPLICATION FEE AND TABLE FEE
- SEC. 33.2306 APPLICATION FOR MASSAGE ESTABLISHMENT LICENSE
- SEC. 33.2307 MASSAGE TECHNICIAN'S PERMIT REQUIRED
- SEC. 33.2308 MASSAGE TECHNICIAN APPLICATION FEE
- SEC. 33.2309 APPLICATION FORM FOR MASSAGE TECHNICIAN
- SEC. 33.2310 MASSAGE TECHNICIAN TRAINEE
- SEC. 33.2311 EFFECTIVE DATE - MASSAGE TECHNICIANS
- SEC. 33.2312 MASSAGE ESTABLISHMENT FACILITIES
- SEC. 33.2313 OPERATING REQUIREMENTS
- SEC. 33.2314 EFFECTIVE DATE - EXISTING ESTABLISHMENTS
- SEC. 33.2315 PREMISES MESSAGES
- SEC. 33.2316 NAME OF BUSINESS
- SEC. 33.2317 CHANGE OF LOCATION
- SEC. 33.2318 EXEMPTIONS
- SEC. 33.2319 SALE OR TRANSFER
- SEC. 33.2320 EMPLOYEE PERMITS
- SEC. 33.2321 DISPLAY OF PERMITS AND LICENSES
- SEC. 33.2322 ADVERTISING
- SEC. 33.2323 RECORDS OF TREATMENTS
- SEC. 33.2324 RIGHT OF ENTRY
- SEC. 33.2325 SUSPENSION OR REVOCATION OF LICENSE OR PERMIT
- SEC. 33.2326 HEARING
- SEC. 33.2327 STAY OF SUSPENSION OR REVOCATION
- SEC. 33.2328 EXCEPTION TO HEARING PROCEDURE
- SEC. 33.2329 APPEAL
- SEC. 33.2330 CONSTITUTIONALITY

Section 2. That Chapter IV of the San Diego Municipal Code be and it is hereby amended by adding Article 6, Division 1, Sections 46.0101 through 46.0105 to read as follows:

I, PATRICIA M. DUTRA hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 11848
(New Series)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

June 17, 1976

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

June 17, 1976

(Signature)

250 @ 40 = 100.00 01646

ARTICLE 6
DIVISION 1
MESSAGE TECHNICIANS

SEC. 46.0101 PURPOSE AND INTENT

It is the purpose and intent of this division to establish certain minimum standards for the administration of commercial massages in the City of San Diego to protect the public health, safety and welfare of the citizens of the City of San Diego.

SEC. 46.0102 DEFINITIONS

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SEC. 46.0104 EXEMPTIONS

This division shall not apply to:

(a) Physicians, surgeons, nurses, chiropractors, osteopaths, physical therapists, barbers or beauticians who are duly licensed to practice their respective professions in the State of California.

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All persons operating or employed as massage technicians at the time this division goes into effect, unless exempt under Section 46.0104, shall have one hundred eighty (180) days to obtain a diploma or certificate from a school described in Section 46.0103.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on May 19, 1976.

Passed and adopted by the Council of The City of San Diego on June 2, 1976.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy

(SEAL)

Pub. June 17, 1976

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