

O. 77-191

ORDINANCE NO. **12164**
(New Series)

OCT 5 1977

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 35, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3506(d)(2); 33.3506(d)(5); 33.3508(d)(2); 33.3510(b)(12); 33.3510(d)(2); 33.3513(e) AND ADDING SUBSECTIONS (j) THROUGH (p), RELATING TO REGULATION OF MASSAGE BUSINESS AND MASSAGE TECHNICIANS.

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

Section 1. That Chapter III, Article 3, Division 35, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.3506(d)(2), 33.3506(d)(5), 33.3508(d)(2), 33.3510(b)(12), 33.3510(d)(2), 33.3513(e) and adding subsections (j) through (p), to read as follows:

SEC. 33.3506 MASSAGE ESTABLISHMENT LICENSE

(a) through (d)(1)--Remain the same.

(d)(2) The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, has not within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Sections 266i, 315, 316, 318, or subdivision (b) of Section 647 of the California Penal Code; an offense which requires registration as a sex offender with the Chief of Police under Penal Code Section 290;

MICROFILMED

OCT 4 1978

01571

any felony offense involving the sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code; or any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement or moral turpitude; or any statute, ordinance or regulation pertaining to the same or similar business operation.

(d) (3) and (4)--Remain the same.

(d) (5) The applicant has fulfilled the requirements of paragraphs (a) through (p) of Section 33.3513.

SEC. 33.3508 OFF-PREMISES MASSAGE BUSINESS LICENSE

(a) through (d) (1)--Remain the same.

(d) (2) The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, or partners, has not within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Sections 266i, 315, 316, 318, or subdivision (b) of Section 647 of the California Penal Code; an offense which requires registration as a sex offender with the Chief of Police under Penal Code

Section 290; any felony offense involving the sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code; or any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses; any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement, or moral turpitude; or any statute, ordinance, or regulation pertaining to the same or similar business operation.

(d) (3) and (e) -- Remain the same.

SEC. 33.3510 MESSAGE TECHNICIAN PERMIT

(a) and (b) (1) through (11) -- Remain the same.

(b) (12) Proof of successful completion of an examination prepared and conducted by the Department of Public Health of the County of San Diego wherein the applicant is required to demonstrate a basic knowledge of anatomy, physiology, hygiene and manual and mechanical massage. The examination shall include both a practical demonstration and a written test. The written test shall test the competency and ability of the applicant to engage in the practice of massage. A fee of Twenty Dollars (\$20) shall be paid to the City Treasurer by each applicant who takes the examination to defray the cost to the Health Department of administering the examination. Such fee shall be paid for each examination taken by an applicant. Every

-3- MICROFILMED 12164

OCT 4 1978

01573

applicant who fails to successfully complete such examination shall not be eligible for another examination until thirty (30) days after taking the previous examination. In lieu of passing such examination, applicant may furnish written proof 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.

(b) (13) and (14), (c), (d) (1)--Remain the same.

(d) (2) The applicant has not within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Sections 266i, 315, 316, 318, or subdivision (b) of Section 647 of the California Penal Code; an offense which requires registration as a sex offender with the Chief of Police under Penal Code Section 290; any felony offense involving the sales of a controlled substance specified in Sections

11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code; or any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses; any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement, or moral turpitude; or any statute, ordinance or regulation pertaining to the same or similar business operation.

(d) (3) through (5), and (e)--Remain the same.

SEC. 33.3513 MESSAGE ESTABLISHMENTS--OPERATING REQUIREMENTS

First paragraph, (a) through (d)--Remain the same.

(e) The massage establishment business license, public health permit, and a copy of the permit of each and every massage technician employed or working in the establishment shall be displayed in an open and conspicuous public place on the premises.

(f) through (i)--Remain the same.

(j) In steam rooms and rooms containing tubs or showers, a waterproof floor covering shall be provided which extends up the walls at least six inches and shall be coved at the floor-wall juncture with at least a 3/8 inch radius. Toilet rooms shall be of similar construction.

(k) Walls of toilet and bathing facilities shall be smooth, waterproof and kept in good repair.

MICROFILMED 12164

(l) All walls, ceilings, floors, pools, showers, bathtubs, wet and dry heat rooms, steam rooms, tables and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or cabinets, showers and toilet rooms shall be thoroughly cleaned at least once each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(m) All plumbing and electrical installations shall be installed under permit and inspection by the Building Inspection Department and such installations shall be installed in accordance with the Uniform Building Code and the Uniform Plumbing Code.

(n) Cleanable and nonabsorbent waste containers with tight fitting covers shall be provided for the storing of all waste matter and shall be maintained in a clean and sanitary condition.

(o) Closed cabinets or containers shall be provided for the storage of laundered towels and linens. Non-absorbent containers or laundry bags shall be provided for damp or soiled linen, and linen shall be kept therein until removed for laundering.

(p) All establishments shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective

control measures shall be instituted for their control
or elimination.

Section 2. 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

EPG:rc:503.8
7/22/77
Or. Dept.: Attorney

-7-

MICROFILMED 12164

OCT 4 1978

01577

Passed and adopted by the Council of The City of San Diego on OCT 5 1977,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

~~CHARLES G. ABDELNOUR~~
~~EDWARD NIELSEN~~
 City Clerk of The City of San Diego, California.

(Seal)

By Allyn D. Newitt 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

SEP 14 1977

OCT 5 1977

, and on _____

~~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.

CHARLES G. ABDELNOUR
~~EDWARD NIELSEN~~
 City Clerk of The City of San Diego, California.

(Seal)

By Allyn D. Newitt Deputy.

RECEIVED
 CITY CLERK
 1977 AUG 15 AM 10:07
 SAN DIEGO, CALIF.

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OCT 4 1978

Office of the City Clerk, San Diego, California

Ordinance Number 12164 Adopted OCT 5 1977

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ATTORNEYS

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Allyn D. Nevitt

CERTIFICATE OF PUBLICATION

No. 12164

IN THE MATTER OF

MESSAGE BUSINESS AND MESSAGE
TECHNICIANS

ORDINANCE NO. 12164

(New Series)

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 35, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3506(d)(2); 33.3506(d)(5); 33.3506(d)(2); 33.3510(b)(12); 33.3510(d)(2); 33.3513(e) AND ADDING SUBSECTIONS (j) THROUGH (p), RELATING TO REGULATION OF MESSAGE BUSINESS AND MESSAGE TECHNICIANS.

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

Section 1. That Chapter III, Article 3, Division 35, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.3506(d)(2), 33.3506(d)(5), 33.3506(d)(2), 33.3510(b)(12), 33.3510(d)(2), 33.3513(e) and adding subsections (j) through (p), to read as follows:

SEC. 33.3506 MESSAGE ESTABLISHMENT LICENSE

(a) through (d)(1) - Remain the same.

(d)(2) The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, has not within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Sections 2661, 315, 316, 318, or subdivision (b) of Section 647 of the California Penal Code; an offense which requires registration as a sex offender with the Chief of Police under Penal Code Section 290; any felony offense involving the sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code; or any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement or moral turpitude; or any statute, ordinance or regulation pertaining to the same or similar business operation.

(d)(3) and (4) - Remain the same.

(d)(5) The applicant has fulfilled the requirements of paragraphs (a) through (p) of Section 33.3513.

SEC. 33.3508 OFF-PREMISES MESSAGE BUSINESS LICENSE

(a) through (d)(1) - Remain the same.

(d)(2) The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, or partners, has not within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Section 2661, 315, 316, 318, or subdivision (b) of Section 647 of the California Penal Code; an offense which requires registration as a sex offender with the Chief of Police under Penal Code Section 290; any felony offense involving the sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code; or any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses; any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement, or moral turpitude; or any statute, ordinance, or regulation pertaining to the same or similar business operation.

PATRICIA M. DUTRA

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

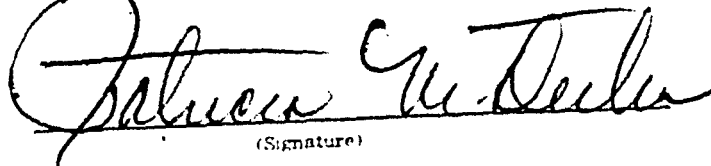
ORDINANCE NO. 12164

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

October 19, 1977

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

November 11, 1977


(Signature)

OCT 4 1978

01579

(b)(12) Proof of successful completion of an examination is required and conducted by the Department of Public Health of the County of San Diego wherein the applicant is required to demonstrate a basic knowledge of anatomy, physiology, hygiene and manual and mechanical massage. The examination shall include both a practical demonstration and a written test. The written test shall test the competency and ability of the applicant to engage in the practice of massage. A fee of Twenty Dollars (\$20) shall be paid to the City Treasurer by each applicant who takes the examination to defray the cost to the Health Department of administering the examination. Such fee shall be paid for each examination taken by an applicant. Every applicant who fails to successfully complete such examination shall not be eligible for another examination until thirty (30) days after taking the previous examination. In lieu of passing such examination, applicant may furnish written proof 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.

(b)(13) and (14), (c), (d)(1) - Remain the same.

(d)(2) The applicant has not within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Sections 261, 261.5, 315, or subdivision (b) of Section 647 of the California Penal Code; an offense which requires registration as a sex offender with the Chief of Police under Penal Code Section 290; any felony involving the sale of a controlled substance specified in Sections 11054, 11060, 11066, 11067, or 11068 of the California Health and Safety Code; or any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses; any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement, or moral turpitude; or any statute, ordinance or regulation pertaining to the same or similar business operation.

(d)(3) through (5), and (e) - Remain the same.

SEC. 29.3513 MESSAGE ESTABLISHMENTS - OPERATING REQUIREMENTS

First paragraph, (a) through (d) - Remain the same.

(e) The massage establishment business license, public health permit and a copy of the permit of each and every massage technician employed or working in the establishment shall be displayed in an open and conspicuous public place on the premises.

(f) through (j) - Remain the same.

(k) In steam rooms and rooms containing tubs or showers, a water-proof floor covering shall be provided which extends up the walls at least 66 inches and shall be covered at the floor-wall juncture with at least 2 1/2 inch radius. Toilet rooms shall be of similar construction.

(l) Walls of toilet and bathing facilities shall be smooth, waterproof and kept in good repair.

(m) All walls, ceilings, floors, pools, showers, bathtubs, wet and dry lock rooms, steam rooms, tables and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry lock rooms, steam or vapor rooms or cabinets, showers and toilet rooms shall be thoroughly cleaned at least once each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(n) All plumbing and electrical installations shall be installed under permit and inspection by the Building Inspection Department and such installations shall be installed in accordance with the Uniform Building Code and the Uniform Plumbing Code.

(o) Cleanable and nonabsorbent waste containers with tight fitting covers shall be provided for the storing of all waste matter and shall be maintained in a clean and sanitary condition.

(p) Closed cabinets or containers shall be provided for the storage of laundered towels and linens. Nonabsorbent containers or laundry bags shall be provided for damp or soiled linen, and linen shall be kept therein until removed for laundering.

(q) All establishments shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

Section 2. This ordinance shall take effect and be in force on the third day from and after its passage.

Introduced on September 14, 1977.

Passed and adopted by the Council of The City of San Diego on October 6, 1977.

AUTHENTICATED BY:
 BETTE WILSON,
 Mayor of The City of San Diego, California.
 CHARLES G. ABDELNOUR,
 City Clerk of The City of San Diego, California.

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OCT 4 1978
01580