

(O-89-17)

ORDINANCE NUMBER O- 17203 (NEW SERIES)

ADOPTED ON JAN 9 1989

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 35, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.3511 RELATING TO MASSAGE TECHNICIANS WORKING UNDER THE "CONTROL AND DIRECTION" OF EXEMPT CLASS INDIVIDUALS AND RENUMBERING SECTIONS 33.3505 THROUGH 33.3523 EXCEPT FOR SECTIONS 33.3520 THROUGH 33.3522.

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 Section 33.3511 to read as follows:

**SEC. 33.3511 EXEMPTIONS**

This division shall not apply to the following classes of individuals; and no permit shall be required of such persons while engaged in the performance of the duties of their respective professions; nor shall a license be required for the establishment at which a massage is administered by or under the control and direction of such persons.

No changes in subsections (a) through (d).

(e) Holistic health practitioners who are nonmedical health care therapists and use a massage specialty and therapeutic approach in caring for clients and who present to the Chief of Police proof of satisfactory completion of one thousand hours of instruction in such specialty or therapeutic approach at a school with a state approved

curriculum and proof of membership in a state or nationally chartered organization devoted to the specialty or therapeutic approach. The practice of such health care therapists may include other services such as nutritional assistance or counseling as long as all activities are directed toward health care.

(f) All individuals who use a massage specialty and therapeutic approach in caring for clients while under the "control and direction" of any of the exempted classes of individuals as listed above in sections (a) through (e) must have a valid massage technician permit and comply with all the requirements of section 35.3542.

(g) For the purpose of this section any individual using massage specialty and therapeutic approach in caring for clients is considered under the "control and direction" of an exempt class individual only when a member of that exempt class is physically present on the establishment premises where the massage is being administered.

Section 2. That Chapter III, Article 3, Division 35, of the San Diego Municipal Code be and the same is hereby amended by renumbering the following sections:

CURRENT SECTION NUMBERS

NEW SECTION NUMBERS

33.3505	to	33.3520
33.3506	to	33.3521
33.3506.1	to	33.3522
33.3507	to	33.3523
33.3508	to	33.3524
33.3509	to	33.3530
33.3510	to	33.3531
33.3511	to	33.3532
33.3512	to	33.3533

33.3513	to	33.3540
33.3513.1	to	33.3541
33.3513.2	to	33.3542
33.3514	to	33.3550
33.3515	to	33.3551
33.3516	to	33.3552
33.3517	to	33.3553
33.3518	to	33.3554
33.3519	to	33.3555
33.3523	to	33.3556

The text of each renumbered section remains the same.

The following section numbers are reserved for future use:

33.3505	through	33.3519
33.3525	through	33.3529
33.3534	through	33.3539
33.3543	through	33.3549
33.3557	through	33.3599

Former sections 33.3520, 33.3521 and 33.3522 are not hereby renumbered.

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 Joseph M. Battagliano  
 Joseph M. Battagliano  
 Deputy City Attorney

JMB:lfs:mk:520.1  
 07/28/88  
 Or.Dept:Police  
 O-89-17  
 Form=o.none

OLD LANGUAGE - STRIKEOUT  
NEW LANGUAGE - UNDERLINED

**SEC. 33.3511 EXFMPTIONS**

This division shall not apply to the following classes of individuals; and no permit shall be required of such persons while engaged in the performance of the duties of their respective professions; nor shall a license be required for the establishment at which a massage is administered by or under the control and direction of such persons:

No changes in subsections (a) through (d).

(e) Holistic health practitioners who are nonmedical health care therapists ~~who~~ and use a massage specialty and therapeutic approach in caring for clients and who present to the Chief of Police proof of satisfactory completion of one thousand hours of instruction in such specialty or therapeutic approach at a school with a ~~state accredited~~ approved curriculum and proof of membership in a ~~state~~ or nationally chartered organization devoted to the specialty or therapeutic approach. The practice of such health care therapists may include other services such as nutritional assistance or counseling as long as all activities are directed toward health care.

(f) All individuals who use a massage specialty and therapeutic approach in caring for clients while under the "control and direction" of any of the exempted classes of individuals as listed above in sections (a) through (e) must

have a valid massage technician permit and comply with all the requirements of section 33.3513.2.

(g) For the purpose of this section any individual using massage specialty and therapeutic approach in caring for clients is considered under the "control and direction" of an exempt class individual only when a member of that exempt class is physically present on the establishment premises where the massage is being administered.

JAN 9 1989

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

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

(Seal)

By *Blonda R. Barnes*, 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

**DEC 12 1988**

**JAN 9 1989**

....., 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  
City Clerk of The City of San Diego, California.

(Seal)

By *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **017203** Adopted **JAN 9 1989**

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
89 JAN 30 PM 12:21  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
202 C ST., 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: RHONDA BARNES

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 35,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33,3511  
RELATING TO MASSAGE TECHNICIANS WORKING UNDER THE "CONTROL  
AND DIRECTION" OF EXEMPT CLASS INDIVIDUALS AND RENUMBERING  
~~SECTIONS 33.3505 THROUGH 33.3523 EXCEPT FOR SECTIONS~~  
33.3520 THROUGH 33.3522.

NO.

**ORDINANCE NUMBER 0-17203 (NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 35, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.3511 RELATING TO MASSAGE TECHNICIANS WORKING UNDER THE "CONTROL AND DIRECTION" OF EXEMPT CLASS INDIVIDUALS AND RENUMBERING SECTIONS 33.3505 THROUGH 33.3523 EXCEPT FOR SECTIONS 33.3520 THROUGH 33.3522.

This ordinance amends Chapter III, Article 3, Division 35, section 33.3511 by requiring a massage technician permit for any individual caring for clients while under the "control and direction" of an exempt class individual. It also requires the presence of an exempt class individual on the establishment premises when individuals are using a massage specialty under the "control and direction" of such exempt class individual. Additionally, it changes the instruction requirements of a holistic health practitioner from a state accredited curriculum to a state approved curriculum. Finally, it renumbers Sections 33.3505 through 33.3523 except for Sections 33.3520 through 33.3522.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON December 12, 1988  
Passed and Adopted by the Council of The City of San Diego on January 9, 1989  
AUTHENTICATED BY: MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
(SEAL)  
By RHONDA R. BARNES, Deputy.

Pub. January 23 1989 12825

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17203 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JAN. 23

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 23 day of JAN., 1989.

(Signature)

3 1/4" x 36.82 x 2 = \$67.98