

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: March 16, 2009

Reviewed by: BP

SUBJECT: AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING SECTION 5-13, MASSAGE ESTABLISHMENTS, MASSAGE TECHNICIANS AND MASSAGE SERVICES, OF THE ALBANY MUNICIPAL CODE – First Reading.

REPORT BY: Robert Zweben, City Attorney

STAFF RECOMMENDATION

Introduce and waive further reading of Ordinance No. 09-05.

BACKGROUND

In 2007, the State Senate passed SB 731, which would allow (but not require) massage therapists to obtain a State massage certificate. This bill partially preempts local agencies from regulating certified massage therapists, but leaves local agencies free to regulate non-certified massage therapists. Ordinance 09- contains modifications to make Albany’s code provisions consistent with State law SB 731. Section 5-13.4(f) was added to provide that if such State legislation is adopted, State certified massage therapists will be exempt from the ordinance. Note that in addition, the educational requirements contained in the proposed ordinance mirror the requirements of SB 731.

DISCUSSION/ANALYSIS

The following revisions were also made

1. Section 5-13.1 “Legislative Purpose” has been revised.
2. The definition for “Massage” in Section 5-13.2 was revised.
3. Section 5-13.3 has been added to provide requirements for receiving a Massage Establishment Permit, Massage Technician Permit, and any additional permits.
4. Section 5-13.4 has been added to provide exemptions from permit requirements, including massage therapists certified by the state.
5. Sections 5-13.6 through 5-13.11 have been added to provide provisions for the issuance or denial of permits, duration of permits, how permittee can renew their permits, the suspension or revocation of a permit, and instructions on how to appeal the City’s decision.

6. Section 5-13.12 has been added to state that a permit is non-assignable.
7. Section 5-13.13 “Change of Name or Location, Expansion of Building” has been added.
8. Old Section 5-13.17 “Sanitation Requirements” has been revised to Section 5-13.16 “Facilities and Operation Requirements” which provide more comprehensive business and sanitary requirements.
9. Section 5-13.17 “Prohibited Conduct” has been added.
10. Section 5-13.28 “Cease of Business” has been added.

SUSTAINABILITY IMPACT

None.

FINANCIAL IMPACT

Costs associated with staff time will be recovered in fees.

Attachments:

1. Draft Ordinance 09-05.