



Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Patrick Donegan, Assistant City Attorney

Approved by: Reva Feldman, City Manager

Date prepared: October 19, 2020 Meeting date: November 9, 2020

Subject: Massage Ordinance

RECOMMENDED ACTION: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 474 (Attachment 1) adding Chapter 5.65 to Title 5 (Business Licenses and Regulations) of the Malibu Municipal Code (MMC) to adopt by reference the Los Angeles County Massage Ordinance and funding the same exempt from the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 474 for the December 14, 2020 Regular City Council meeting.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action. Applicants are required to pay for the licensing costs charged by the County of Los Angeles.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: Los Angeles County recently adopted updated regulations pertaining to the licensing of massage establishment and massage technicians. This updated ordinance, among other things, attempts to curb and prevent the potential for human trafficking and other abuses in massage establishments through a combination of enhanced business licensing and public health permit requirements. These include, but are not limited to, inspections, reporting requirements, and other operational restrictions, as well as existing law enforcement review and coordination. This ordinance is related to and was passed with the understanding that these establishments must also comply with the County's public health ordinances for a comprehensive regulatory structure related to these massage establishments and technicians.

The County reviews and issues business licenses in the City and the City adopts the County's Public Health Ordinances (Titles 8 and 11). Thus, because the County's recently updated ordinance is inter-related to, and dependent on, the County's existing public health ordinances (which once again are already adopted by the City), adoption of the County's business license regulations on massage establishments and technicians is required to allow these business to be licensed by the County to operate in the City. In discussions with County representatives, the County made it clear that the City must adopt some level of massage business license regulation if the City wanted the County to continue to review and license massage establishments and technicians in the City. That is, because the City already adopted the County's public health ordinances, which impact massage establishments and massage technicians, it was impractical to enforce these without this necessary business license ordinance as well. While the City could make some level of amendments to the County's massage ordinance should the City so desire, after review by City staff, there are no recommended changes to the County's massage ordinance.

Ultimately, adoption of the County's massage ordinance will provide a comprehensive regulatory structure for massage establishments and technicians in the City and will integrate seamlessly with the County's current approach. Rather than try to enforce and integrate a one-off, unique ordinance (which is not a for sure thing as the County has expressed an unwillingness to deviate too far from its own approach), this will allow the County to effortlessly begin licensing massage establishments and massage technicians in the City.

ATTACHMENTS: Ordinance No. 474

ORDINANCE NO. 474

AN ORDINANCE OF THE CITY OF MALIBU ADDING CHAPTER 5.65 TO TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE MALIBU MUNICIPAL CODE TO ADOPT BY REFERENCE THE LOS ANGELES COUNTY MESSAGE ORDINANCE AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Purpose.

This chapter will adopt the recently adopted County of Los Angeles ordinance dealing with massage establishments and massage technicians. Specifically, the newly updated business license regulations pertaining to massage establishments and massage technicians found in Title 7, Business Licenses, of the Los Angeles County Code. The County of Los Angeles reviews and implements public health and safety ordinances and these ordinances are related to and impacted by the County's recently adopted business license regulations on massage establishments and massage technicians. The City desires to adopt these business license regulations. These newly adopted provisions seek to curb and prevent the potential for human trafficking and other abuses in massage establishments through a combination of enhanced business licensing and public health permit requirements, including but not limited to inspections, reporting requirements, and other operational restrictions, as well as existing law enforcement review and coordination.

SECTION 2. Chapter 5.65 Massage Establishments and Massage Technicians is hereby added to read in its entirety as follows:

Chapter 5.65

MESSAGE REGULATIONS

5.65.010 Adoption of Los Angeles County Massage Ordinance

5.65.020 Reserved

5.65.010 Adoption of business license ordinance.

Except as hereinafter provided, Chapter 7.54 (Massage), of the Los Angeles County Code, as amended and in effect on October 26, 2020, is adopted as the massage ordinance of the city.

A copy of Chapter 7.54 has been deposited in the office of the city clerk and shall be at all times maintained by the clerk for use and examination by the public.

5.65.020 Reserved

SECTION 3. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the activity in question may have significant effect on the environment. The addition to the Malibu Municipal Code would only regulate massage establishments and massage technicians within the City and would not cause a significant effect on the environment.

SECTION 4. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 5. Certification.

The City Clerk shall certify the passage and adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this 26th day of October 2020.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney