



TO: T.C. Broadnax, City Manager
FROM: Andy Cherullo, Finance Department Director
COPY: City Council and City Clerk
SUBJECT: Ordinance Amending Title 6B.10 – Massage Business Regulations – November 29, 2016
DATE: November 1, 2016

SUMMARY:

New regulations in Tacoma Municipal Code (TMC), Chapter 6B.10 are being added for massage businesses operating in the City that include additional enforcement tools for city officials to use when criminal activity occurs at these types of businesses.

STRATEGIC POLICY PRIORITY:

The new regulations for massage businesses provide additional solutions to City officials when criminal activity occurs at massage businesses. This will strengthen and support a safe city with healthy residents and encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

BACKGROUND:

Washington State regulates the individual massage practitioners (therapists) and pre-empts additional municipal licensing requirements. However, RCW does not regulate massage parlors or massage businesses themselves. In Tacoma, as in several other Washington jurisdictions, massage businesses have opened to provide massage and reflexology by non-licensed practitioners. In addition, some of the staff at these businesses are engaging in criminal activity, such as prostitution. The Tacoma Police Department has investigated some of the unlicensed businesses and has established probable cause to file criminal charges in some instances; however, these investigations are very time consuming and resource intensive. These illegitimate service providers threaten the reputation of licensed massage practitioners, and threaten the public health, safety and welfare of Tacoma citizens.

ISSUE:

In order to effectively regulate massage businesses in the City that are engaging in criminal activities, additional regulations and enforcement options are being added to the TMC. The following amendments to 6B.10 General License Provisions will provide additional regulation of massage businesses:

1. Restricting the hours that massage services can be offered to between 6:00am and 10:00pm and adding specific language around advertising of unlicensed business activity.
2. Adding and clarifying violations that constitute grounds for revocation of a City business license or issuance of a civil penalty when a business or the business's employees are not in compliance with local, state or federal license requirements related to the operation of a business in Tacoma.
3. Adopting language from Chapter's 18.108 and 18.130 RCW into the TMC that will allow the City to charge a misdemeanor/gross misdemeanor to both the business owner and practitioner when a person is providing massage services without a State practitioner's license.



In addition RCW 35.21.692 allows the City to require a copy of the massage practitioner's license when applying for a city business license.

Other options considered were:

1. Regulation of the amount of tinting allowed on front windows of massage business, which is currently regulated through Title 13 at 40-80% of the ground level wall area with a "required view" into the office, sales area etc.
2. Requiring that massage practitioners license include a photo and be displayed in the front area of the business, however, the state practitioner's license does not require a photo of the applicant to be on the license and additional City license requirements of the practitioners is pre-empted by RCW Title 18.

ALTERNATIVES:

The alternative is to continue using current enforcement and regulation tools available to the City, however, the amendments will provide options that can provide a quicker less intensive solution to closing a massage business when the business or their employees are violating local, state or federal law.

RECOMMENDATION:

Staff recommends the amendments to the Tacoma Municipal Code. The new regulations provide options to the City to close a business when the business or their employees are violating local, state or federal law related to public safety and health quicker than current enforcement options available.

FISCAL IMPACT:

There is no fiscal impact.