



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Counsel

DATE: October 8, 2002

BOARD MEETING DATE: October 22, 2002

TO: Honorable Board of Supervisors

FROM: Supervisor Jerry Hill and Supervisor Richard S. Gordon

SUBJECT: Introduction of an ordinance amending chapter 5.44 (Massage Establishments) of Title 5 of the San Mateo County Ordinance Code, relating to the regulation of massage parlors, and waiver of reading of the ordinance in its entirety.

Recommendation

Introduce an ordinance amending chapter 5.44 (Massage Establishments) of Title 5 of the San Mateo County Ordinance Code, relating to the regulation of massage parlors, and waive reading of the ordinance in its entirety.

Background

The current massage ordinance was adopted in 1973. There were some minor revisions in 1987 and 1991, but there has been no comprehensive review of the ordinance since its adoption. Over the last several years, several surrounding jurisdictions, including the City of San Mateo, have updated their massage parlor regulations to address issues of concern. Following a recent massage technician license appeal that came before this Board, the Board directed staff to review the County's massage regulations, and propose revisions that would bring the ordinance in line with those of surrounding communities.

Discussion

The proposed ordinance enables the County to more effectively address instances of illegal or nuisance activities by massage establishments and massage therapists, while recognizing the professionalism of legitimate massage practitioners. The proposed ordinance is based in large part on the City of San Mateo massage ordinance, although ordinances in several jurisdictions were reviewed in an effort to present a comprehensive scheme for regulating

this business.

The proposed legislation, among other things,

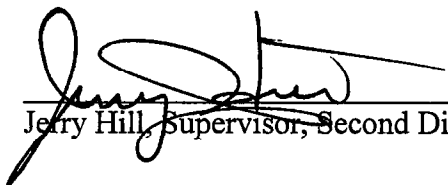
- provides for a written test and practical performance examination requiring a basic knowledge of anatomy, physiology, hygiene, and massage
- increases the educational requirement from 70 to 200 hours
- raises fees to reflect the cost of background checks, investigation, and licensing, to an amount to be established by a resolution of the Board
- governs the conduct of off-premise (outcall) massage technicians
- requires a description of all services to be provided and the fees charged for the service
- limits hours of operation limited to 7:00 a.m. and 9:00 p.m.
- mandates that establishments maintain a log of customers
- requires a statement from the owner and lessor of the real property acknowledging that a massage establishment will be located on his/her property
- requires that facilities be safely maintained and handicapped accessible

Vision Alignment


The proposed ordinance keeps the commitment of ensuring basic health and safety for all, goals number 6 and 7. The ordinance contributes to this commitment and these goals by providing the means to effectively address instances of illegal or nuisance activities by massage establishments and massage therapists, while recognizing the professionalism of legitimate massage practitioners.

Fiscal Impact

No increased fiscal burden is anticipated, as license and investigation fees will be adjusted to cover the cost of regulating massage activities.



Jerry Hill, Supervisor, Second District



Richard S. Gordon, Supervisor, Third District