



# City Council Report

**Date:** May 4, 2015  
**To:** City Council  
**Through:** John Pombier, Deputy City Manager  
**From:** John Meza, Police Chief  
Deanna Cantrell, Assistant Chief  
**Subject:** Mesa City Code Update – Chapter 12, Massage Establishment Operations (Citywide)

## Strategic Initiatives



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## Purpose and Recommendation

The purpose of this report is to present a request to amend Mesa City Code 5-12-1 through 5-12-23 by repealing and replacing Title 5, Chapter 12. The Mesa Police Department recommends making the proposed changes to the Mesa City Code regarding massage establishment operations to enhance the professionalism of the massage industry and provide a more effective tool for law enforcement to protect the health, safety, and welfare of our community by strengthening oversight and enforcement. As a result of these updates, Mesa will have a model ordinance and one that is consistent with comparable cities.

## Background

Prior to 1999, the Mesa Police Department conducted undercover operations of massage establishments for the purpose of eradicating illegal activity, including prostitution. However, concerns arose regarding the methods being used in undercover operations of massage establishments. As a result, the police department curtailed undercover investigations into massage establishments. Administrative inspections of the business premises were also conducted for the purpose of investigation health, safety or licensing violations.

In 2004, the City's Massage Establishment Ordinance was revised. However, these revisions made it challenging to hold the owners of massage establishments

accountable for licensing violations or other health/safety violations.

In 2010, additional changes were made to the Massage Establishment Ordinance. During that time, a four month task force was created to enforce these changes. We discovered that prosecution of violations of the new code was difficult to achieve.

Last year a group of concerned citizens requested the City reevaluate its current ordinance and enforcement policies. The group requested stricter enforcement of massage establishments and stronger oversight of massage establishments. Currently, there are 111 massage establishments licensed to do business in Mesa.

### **Discussion**

In drafting the changes to the ordinance, we consulted with the Polaris Project's "Model Elements of Massage Parlor Ordinance". Polaris Project's mission is to combat human trafficking. Their model ordinance is a collaboration between community, government, police, students, and churches.

At this time the police department is recommending strengthening the existing Massage Establishment Ordinance. In comparing Mesa's ordinance to those in Phoenix and Scottsdale, we found the ordinances in both cities were more restrictive than Mesa's. They require higher levels of accountability in the application process and in the requirements to maintain compliance with the ordinance. Representatives from Mesa staff and the Mesa Police Department held meetings with members of the massage establishment industry to create an open dialogue to receive the industry's feedback on the proposed changes to the City Code.

The most significant changes in the ordinance include:

- Adjusting operating hours to 6:00 am to 10:00 pm
- License application timelines pertaining to criminal records extended to ten years
- Requires current/legible photograph and identification and display of license
- Eliminates the need to have a manager on duty or manager license
- Mandates visibility into business
- Includes signage requirements
- Prohibits direct access to sleeping/living quarters
- Generally prohibits massage behind a locked door
- Requires personal affects stay within control of client
- Makes the following violations unlawful:
  - o Must submit to lawful inspection
  - o Prohibits massages to exposed persons
  - o Practicing massage without a license or establishment license
  - o Failing to disclose all controlling persons
  - o Using the establishment as a living/sleeping quarters
  - o Massage in unauthorized areas
  - o Operating under a name not on license
  - o Conducting massage after 10pm
- Creates a civil violation and hearing process for certain types of violations

- Sets forth more specific requirements related to suspension, revocation, and denial of a license

**Alternatives**

Update Mesa City Code 5-12-1 through 5-12-23 to enhance the professionalism of the massage industry and provide a more effective tool for law enforcement to protect the health, safety, and welfare of our community by strengthening oversight and enforcement.

Leave Mesa City Code 5-12-1 through 5-12-23 unchanged. The current City Code is ineffective and difficult to enforce.

**Fiscal Impact**

There is no cost to the Mesa Police Department or City of Mesa to update Mesa City Code 5-12-1 through 5-12-23. The City of Mesa may receive additional revenues from fines collected on citations that are issued for failing to comply with the Massage Establishment Ordinance.