



# City Council Report

**Date:** August 30, 2021  
**To:** City Council  
**Through:** John Pombier, Assistant City Manger  
**From:** Ken Cost, Police Chief  
Harold Rankin, Assistant Chief  
**Subject:** Mesa City Code Update – Title 5, Chapter 12 Entitled Massage Establishment Operations (Citywide)

## Purpose and Recommendation

The purpose of this report is to present a request repealing and replacing in its entirety Mesa City Code Title 5, Chapter 12 entitled “Massage Establishment Operations” with a new Chapter 12 entitled “Massage and Bodywork Establishment Operations.” The Mesa Police Department recommends making the proposed changes to the Mesa City Code regarding massage establishment operations to expand regulatory requirements to bodywork establishments, focus on manager, owner and landlord responsibility, and placing additional restrictions on massage and bodywork establishments to reduce unlawful activity while protecting the citizens of Mesa. As a result of these updates, the City will have a greater ability to reduce illegal activity.

## Background

The City of Mesa recognizes that massage therapy and bodywork are viable professions offering the public valued health and therapeutic services. Unless properly regulated, the operation of unlicensed or illicit businesses may be associated with criminal activity that pose a threat to the quality of life in the community.

Certain businesses that fraudulently present themselves to be massage establishments have been found to present opportunities for prostitution, human trafficking, and other unlawful activities, and police officers have made arrests at massage businesses located within the City.

Certain businesses found to engage in illegal activities have evaded City massage establishment licensing requirements by claiming they are bodywork establishments. Other licensees had their massage establishment license revoked and quickly changed their business or applicant name and re-opened in the same location or within the same business complex. Additionally, some managers, landlords, and property owners have failed to take reasonable steps to prevent illegal activities.

## **Discussion**

The Police Department is recommending revisions to Title 5, Chapter 12 of the Mesa City Code that are reasonably necessary to minimize the opportunity for unlawful activities by expanding licensing requirements to bodywork establishments, clarifying the rights and responsibilities of massage and bodywork establishment licensees, their managers, landlords and property owners, and limiting the opportunity for illegal activity and to ensure the health, safety, and welfare of the citizens of the City.

The most significant revisions to Title 5, Chapter 12 include:

- Requiring establishments that offer bodywork to obtain a bodywork establishment license and be regulated similarly to massage establishments.
- Prohibiting an applicant from being issued a license if: within 3 years the license of any massage establishment or bodywork establishment was revoked that was located at the same physical address or within the same business complex; or if within 3 years the applicant or controlling person had a massage establishment or bodywork establishment license revoked; or if within 1 year an applicant or controlling person had a massage establishment or bodywork establishment license denied.
- Requiring that no manager, landlord or property owner that has a massage establishment or bodywork establishment occupant shall knowingly permit or negligently fail to take reasonable actions to prevent criminal activity from occurring in or on the premises of a massage establishment or bodywork establishment.

The American Massage Therapy Association, the largest non-profit professional association of massage therapists, massage students and massage schools, has submitted a letter of support for the changes made to Title 5, Chapter 12.

## **Alternatives**

Leave Mesa City Code Title 5, Chapter 12 unchanged.

## **Fiscal Impact**

There is no cost to the Mesa Police Department or City of Mesa to repeal and replace Title 5, Chapter 12.

## **Coordinated With**

Business Services Department and the City Attorney's Office.