

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Manager – Adopt Ordinance amending Section 35.14.050 of the Torrance Municipal Code to extend permitted hours of operation for massage businesses that are incidental to a business's primary operations

RECOMMENDATION

Recommendation of the City Manager that the City Council adopt an ordinance amending section 35.14.050 of the Torrance Municipal Code to extend permitted hours of operation for massage businesses that are incidental to a business's primary operations and order publication of an ordinance summary.

Funding
N/A

BACKGROUND/ANALYSIS

On October 20, 2009, City Council adopted an ordinance restricting the operations of massage businesses or establishments. In that ordinance the hours of operation were limited to 8:00 a.m. to 9:00 p.m. for any such businesses that provide massage therapy to the public for compensation.

Since the ordinance was enacted, the concern has been raised that the hours included in the ordinance are too restrictive to businesses, such as hotels, that provide massage services on site as an incidental service/amenity to their guests. For this reason, the request is being made to amend the municipal code in the following manner: to permit businesses to offer massage therapy to the public for compensation during any hours that they are open to the public, provided that the massage service is an ancillary business or operation and occupies less than five percent (5%) of the gross floor area of the primary business.

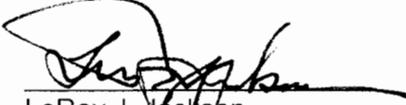
Respectfully submitted,

LeROY J. JACKSON
CITY MANAGER

By 
for Fran Fulton
Management Associate

CONCUR:


John L. Fellows III
City Attorney


LeRoy J. Jackson
City Manager

Attachments: A) Ordinance
B) Ordinance Summary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 35.14.050 OF THE TORRANCE MUNICIPAL CODE TO EXTEND PERMITTED HOURS OF OPERATION FOR MASSAGE BUSINESSES THAT ARE INCIDENTAL TO A BUSINESS'S PRIMARY OPERATIONS

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

SECTION 1

The City Council of the City of Torrance finds, determines and declares that some businesses within the City provide massage services as an incidental or ancillary supplement to the businesses' primary operations.

SECTION 2

That Section 35.14.050 of the Torrance Municipal Code is amended to read in its entirety as follows:

"SECTION 35.14.050 – HOURS OF OPERATION.

No licensee, and no nonexempt massage business or establishment, or massage business or establishment described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code, will provide massage therapy to the public for compensation between the hours of 9:00 p.m. and 8:00 a.m. of the following day. Provided, however, that any licensee or establishment identified in this Section that is operating as an ancillary business or operation on the premises of a primary business and whose gross floor area constitutes less than 5% of the gross floor area of the primary business may provide massage therapy to the public for compensation during any hours when the primary business is open to the public.

SECTION 3

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 4

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 5

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the ___ day of _____, 2010.

ADOPTED AND PASSED this ___ day of _____, 2010.

Frank Scotto, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
John L. Fellows III

ORDINANCE NO. _____

SUMMARY

On _____, 2010, the City Council of the City of Torrance adopted Ordinance No. _____, which amends section 35.14.050 of the Torrance Municipal Code to extend the hours of operation for massage establishments that are ancillary to a primary business operating at the same location. Ancillary massage establishments will be permitted to offer therapeutic massage during any hours the primary business is open to the public.

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****