

Council Meeting
December 21, 2010

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

Members of the Council:

SUBJECT: SECOND AND FINAL READING OF ORDINANCE 3738

RECOMMENDATION:

Second and Final Reading of **ORDINANCE NO. 3738** amending Section 35.14.050 of the Torrance Municipal Code extending permitted hours of operation for massage businesses that are incidental to a business's primary operation.

BACKGROUND:

At the regular meeting of the City Council held on the 14th day of December 2010, this Ordinance was introduced and approved for its first reading by the following roll call vote:

AYES:	COUNCILMEMBERS:	Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.
NOES:	COUNCILMEMBERS:	None.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	None.

Respectfully submitted,



Sue Herbers, City Clerk

NOTED:


LeRoy J. Jackson, City Manager

Attachment	A:	Ordinance 3738
	B:	Ordinance summary

ORDINANCE NO. 3738**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 14th day of December, 2010.

ADOPTED AND PASSED this ____ day of December, 2010.

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

Mayor Frank Scotto

ATTEST:

by _____
Patrick Q. Sullivan, Assistant City Attorney

Sue Herbers, City Clerk

Ordinance Summary**TORRANCE CITY COUNCIL ORDINANCE NO. 3738**

On _____, 2010, the City Council of the City of Torrance adopted Ordinance No. 3738, 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.

Copies of the complete ordinance are available at the City Clerk's office, 3031 Torrance Bl., Torrance, CA 90503.