



City of San Antonio

Agenda Memorandum

File Number: 18-5912

Agenda Item Number: 2.

Agenda Date: 10/23/2018

In Control: Public Safety Committee

DEPARTMENT: Police Department

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Massage Parlor Ordinance Amendments

SUMMARY:

The SAPD Vice Unit is responsible for investigating complaints associated with suspected illegal activity at massage parlors. The Department completes investigations in coordination with the City Attorney's Office, Development Services, Health Department and the Texas Department of Licensing & Regulation. Since 2017, a total of 28 investigations have been completed resulting in 48 citations, 19 arrests and the closure of two establishments. The massage industry has changed significantly since the adoption of the massage ordinance three decades ago and the City has developed proposed ordinance amendments to strengthen enforcement and enhance penalties for violations.

BACKGROUND INFORMATION:

According to the Texas Department of Licensing & Regulation, there are 138 current massage licenses in San Antonio. However, the Development Services Department has identified 110 certificates of occupancy that have been issued to massage establishments. The attachment includes a table that provides an overview of the number of certificates of occupancy per district.

As referenced above, since 2017 a total of 28 investigations have been conducted by SAPD Vice in response to resident complaints and information received regarding suspected illegal activity to include drugs and prostitution. It is important to note that the overwhelming majority of violations can be attributed to approximately 15 establishments within the city.

SAPD Enforcement

The SAPD Vice Unit investigates resident complaints regarding massage parlors. Typically, investigations are comprised of an internet search on prominent review sites to determine if the establishment in question has a history of illegal activities followed by an undercover operation that includes an attempt to obtain prostitution services. The attachment includes a table that provides additional information on the number of investigations conducted since 2017.

Once a case is made, the owner of the establishment and the landlord are contacted. The owner is responsible for criminal activity even if the owner had no knowledge of the illegal activity. Individuals arrested for illegal activity are reported to the Texas Department of Licensing & Regulation which may choose to revoke the individual's massage license.

The City may file a lawsuit against a business in an effort to force the closure of the establishment once a minimum of six cases related to sexual, drug-related or violent crimes occur at the property.

Existing Ordinance

The existing ordinance, adopted by City Council in 1988, prohibits businesses from operating between the hours of 10:00pm to 8:00am and establishes sanitation requirements related to equipment and supplies.

In addition, the ordinance requires all massage parlors to register with the SAPD to obtain a city permit. As the massage industry has grown and the number of establishments affiliated with large corporations has increased, the permit requirement has not been enforced consistently by the City since the adoption of the ordinance.

Proposed Amendments

Many massage businesses operate within the law. Following the Absentee Property Owner model, the recommendations outline below focus efforts on businesses that repeatedly are the subject of complaints or police activity. In an effort to update and amend the existing ordinance, and enhance the ability of the City to address massage businesses engaging in illegal activity, the SAPD, City Attorney's Office and Development Services have identified the following amendments:

- Require businesses cited for the following violations within a 12 month period to obtain city permit (\$75 fee):
 - Charge of any violation of the Penal Code
 - Three or more minimum housing violations
 - Failure to post TDLR license for business, owner and/or masseur
- Increase penalty for operating without a permit from \$200 to \$500
- Add criminal violations as basis for revocation
- Revocation of certificate of occupancy following multiple violations
- Prohibit businesses from having sleeping quarters and metal doors

Businesses cited for violations following issuance of city permit will have permit revoked which will also result in the revocation of the certificate of occupancy for the property. A committee comprised of the Chief of Police, the Development Services Director and a representative from the City Manager's Office will hear appeals and make a final determination.

Next Steps

Upon Public Safety approval of the proposed ordinance amendments for City Council consideration, a meeting will be scheduled to share information and solicit feedback from all licensed massage businesses within San Antonio.

RECOMMENDATION:

The SAPD recommends approval of the proposed massage ordinance amendments for City Council consideration.