City of San Antonio

Agenda Memorandum

File Number: 19-1728

Agenda Item Number: 16.

Agenda Date: 2/14/2019

In Control: City Council A Session

DEPARTMENT: Police Department

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT: Massage Parlor Ordinance Amendments

SUMMARY:

In light of the significant changes in the massage industry over the last three decades, the San Antonio Police Department (SAPD) presented proposed amendments to the City's existing massage parlor ordinance, designed to enhance the ability of the City to address massage businesses engaging in illegal activity, to the Public Safety Committee during its October 2018 meeting. SAPD also sent information on the proposed amendments to the 110 massage businesses throughout the city to provide an overview of the proposed amendments and solicit feedback.

BACKGROUND:

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 table below provides additional information on the number of investigations, citations and arrests since 2017:

	2017	2018	TOTAL
Investigations/Inspections	43	54	**97**
Citations	29	27	**56**
Arrests	13	17	**30**
Establishments Shut Down	1	6	**7**

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 (TLDR) which may choose to revoke the individuals massage license.

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

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. The permit requirement has not been enforced by the City since the adoption of the ordinance.

Proposed Amendments

SAPD, City Attorney's Office and Development Services recommend adoption of the following amendments:

- Require businesses cited for the following violations within a 12 month period to obtain a 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 a city permit will have the 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 the City Manager's Office will hear appeals and make a final determination.

Education & Outreach

On November 26, 2018, the Development Services Department and SAPD hosted a meeting for representatives from area massage businesses to provide information on the scope and purpose of the proposed amendments and address any questions regarding enforcement. Based on the feedback received, industry representatives recognize the need for enhanced enforcement and continue to work closely with the SAPD Vice Unit to report suspected illegal activity.

Upon City Council authorization of the amendments, the Department will post information on its website and via social media to educate the public on the purpose of the amendments.

ISSUE:

This ordinance authorizes amendments to the existing massage parlor to enhance the City's response to illegal activity at massage businesses

ALTERNATIVES:

Should the amendments not be approved the SAPD will continue to investigate reported illegal activity and work with the City Attorney's Office to take legal action to address violations

FISCAL IMPACT:

This ordinance will amend Chapter 17, Section 17-3 of the Municipal Code, to increase the required fine for any person who violates sections 17-16, 17-25, 17-41, and 17-48 from $200 to $500. These violations include performing massage without a state license, transferring a business permit, operating between the hours of 10:00pm and 8:00am, and not keeping all equipment used for the treatment of patrons in a sanitary manner. This ordinance will also maintain a $75 fee for businesses to obtain a city permit.

RECOMMENDATION:

SAPD recommends approval of the proposed massage ordinance amendments to enhance the ability of the City to address massage businesses engaged in illegal activity.