

RESOLUTION NO. 13-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ANNUAL FEE SCHEDULE FOR MASSAGE BUSINESSES AND
ESTABLISHMENTS

WHEREAS, the City is considering the adoption of an ordinance to regulate massage therapy and massage establishments in order to protect the public health, safety and welfare; and

WHEREAS, the proposed ordinance provides for the conduct of certain background checks and inspections by the City in connection with business license applications and operation of massage establishments; and

WHEREAS, the City Council adopted Resolution No. 12-158 approving a fee schedule for the processing of business license applications and operation of massage establishments; and

WHEREAS, the California Legislature recently enacted, and the Governor has signed, SB 1238, which provides, among other things, that as of January 1, 2013, the business license fee for massage establishments may not be higher than the lowest business license fee charged to other professionals, such as accountants, attorneys, chiropractors, et al.; and

WHEREAS, the annual business license fee charged for all such professionals is \$80; and

WHEREAS, Business and Professions Code section 4600 *et seq.* distinguishes how persons and businesses who have received certificates from the California Massage Therapy Council may be regulated from those persons and businesses who do not have such certificates; and

WHEREAS, the City desires to amend the fee schedule for the processing of business license applications and renewals for those business owners and practitioners who have valid certificates from the California Massage Therapy Council;

NOW, THEREFORE BE IT RESOLVED as follows:

SECTION 1. The City Council hereby approves and adopts the amended Schedule of Fees for Massage Businesses and Establishments, attached hereto as Exhibit A and incorporated herein by reference. Based on the information contained in the staff report, the City Council finds that the annual fees are reasonably based on the estimated actual costs of performing the work involved.

SECTION 2. The City Council hereby approves and sets the annual business license tax for massage businesses and establishments at \$80, which is the same amount charged to practitioners of the professions and vocations set forth in Section 5.04.240 of the Paso Robles Municipal Code.

PASSED AND ADOPTED by the City Council of the City of El Paso De Robles this 6th day of August, 2013 by the following roll call vote:

AYES: Hamon, Steinbeck, Martin, Strong, Picanco

NOES:

ABSTAIN:

ABSENT:



Duane Picanco, Mayor

ATTEST:



Caryn Jackson, Deputy City Clerk

EXHIBIT A

**CITY OF PASO ROBLES
MESSAGE BUSINESSES AND ESTABLISHMENTS
SCHEDULE OF FEES FOR BUSINESS LICENSE APPLICATIONS AND RENEWALS**

Purpose of Fee	Persons Subject to Fee	Fee Amount
Application Review	All applicants who are not certified by the California Massage Therapy Council	\$90.00 per application per year
Background Check	Owners and operators who are not certified by the California Massage Therapy Council	\$180.00 per person requiring background check per year
LiveScan Fingerprint roll by City's Police Department	Owners and operators who are not certified by the California Massage Therapy Council	One-time fee of \$33.00 per person requiring background check. Additional charges set by other agencies, such as the Department of Justice, may apply