

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Building Permits & Inspections

AGENDA DATE: November 16, 2004

CONTACT PERSON/PHONE: R. Alan Shubert, P.E.

DISTRICT(S) AFFECTED: N/A

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

An Ordinance to repeal Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.52 (Massage and Turkish Bath Establishments)

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

This ordinance is to repeal Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.52 (Massage and Turkish Bath Establishments)

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

OTHER:

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____
AN ORDINANCE TO REPEAL TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.52 (MASSAGE AND TURKISH BATH ESTABLISHMENTS).

WHEREAS, the State of Texas Legislature is regulating the industry of massage and massage therapy through the Texas Occupations Code, Chapter 455, enacted in 1999, and

WHEREAS, Texas Occupations Code §455.005 limits the authority of the local regulating body to implementation of zoning regulations for massage establishments and background-check requirements for their owners, and

WHEREAS, Chapter 5.52 of the City Code, enacted in 1968, currently operates to regulate the massage industry in conflict with the limitations imposed by §455.005 of the Texas Occupations Code, and

WHEREAS, Title 25, Chapter 141 of the Texas Administrative Code proscribes a Code of Ethics for massage therapists with penalties for violations thereof, and

WHEREAS, the Building and Zoning Advisory Committee (BZAC), the Building Permits and Inspections Department, the El Paso City-County Health District and the El Paso Police Department recommended that Chapter 5.52 of the City Code be repealed in light of the State's regulation of the massage industry.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title 5 (Business Taxes, Licenses and Regulation), Chapter 5.52 (Massage and Turkish Bath Establishments) shall be repealed in its entirety.
2. Except as herein amended, Title 5 (Business Taxes, Licenses and Regulation) of the El Paso Municipal Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2004.

(ALL SIGNATURES FOLLOW ON NEXT PAGE)

ORDINANCE NO. _____

Document Name: CCH/1/MASSAGE ORDINANCE
Document #: 5217
Author_Id: LHAY

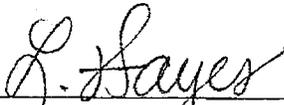
CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

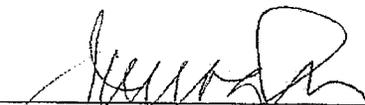
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

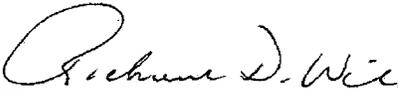


Lisa A. Hayes
Assistant City Attorney

APPROVED AS TO CONTENT:



Jorge C. Magaña, M.D., F.A.A.P., Director
City County Health & Environmental District



Richard D. Wiles, Chief
El Paso Police Department



R. Alan Shubert, Director
Building Permitting & Inspections Dept.

ORDINANCE NO. _____

Document Name: CCH/1/MESSAGE ORDINANCE

Document # 5217

Author_Id: LHAY