

**ORDINANCE NO.2007-052**

Adopted by the Sacramento City Council

June 12, 2007

**AMENDING SECTIONS 5.124.010, 5.124.020, 5.124.030 AND 5.124.100 AND  
ADDING SECTIONS 5.124.140, 5.124.150, 5.124.160 AND 5.124.170 OF CHAPTER  
5.124 OF THE SACRAMENTO CITY CODE REGARDING SOMATIC  
PRACTITIONERS' ESTABLISHMENTS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. The title of Chapter 5.124 of the Sacramento City Code is amended to read as follows:

**Chapter 5.124 SOMATIC PRACTITIONERS AND ESTABLISHMENTS ALTERNATIVE  
PERMIT PROCESS**

SECTION 2. Section 5.124.010 of the Sacramento City Code is amended to read as follows:

**5.124.010. Applicability of chapter.**

This chapter shall provide an alternative permit issuance process for massage technicians and massage establishments (that would otherwise be regulated pursuant to Chapter 5.04 if this title) that meet all of the qualifications and comply with all of the restrictions set forth in this chapter. A massage technician who obtains a permit under this chapter shall be referred to as a somatic practitioner. A massage establishment that obtains a permit under this chapter shall be referred to as a somatic practitioners' establishment.

SECTION 3. Section 5.124.020 is amended as follows:

A. Section 5.124.020 is amended to add a definition of "somatic practitioners' establishment" to read as follows:

"Somatic practitioners' establishment" means a business that for pecuniary compensation, consideration, hire or reward, offers massage or bodywork services and qualifies to obtain a valid permit pursuant to this chapter.

B. Except as specifically amended in this Section 3, all other provisions of Section 5.124.020 remain unchanged and in full force and effect.

SECTION 4. Section 5.124.030, is hereby amended to read in its entirety as follows:

**5.124.030 Permit required.**

It is unlawful and a misdemeanor for any person to act as a somatic practitioner within the city without first obtaining a somatic practitioner permit pursuant to this chapter. It is unlawful and a misdemeanor for any business to operate as a somatic practitioners' establishment within the city without first obtaining a somatic practitioners' establishment permit pursuant to this chapter. However, a business with ten percent (10%) of less of its annual gross receipts from massage or bodywork services is exempt from the requirement to obtain a somatic practitioners' establishment permit.

SECTION 5. Section 5.124.100 is hereby amended as follows:

A. The title of Section 5.124.100 is amended to read as follows:

**5.124.100 Restrictions and requirements for somatic practitioner.**

B. Section 5.124.100 A is amended to read as follows:

"A. No more than ten (10) persons shall be permitted to designate as their business location, or to provide services as somatic practitioners at or in, any one business location or any one building, unless a somatic practitioner establishment permit has been issued for that location or building."

C. Except as specifically amended in this Section 5, all other provisions of Section 5.124.100 remain unchanged and in full force and effect.

SECTION 6. Section 5.124.140 is added to the Sacramento City Code to read as follows:

**5.124.140 Application, issuance and term of somatic practitioners' establishment permits.**

A. An application for a somatic practitioners' establishment permit shall be made to the city manager on a form provided by the city manager in the same manner, with the same information and payment of an application fee as prescribed in Section 5.124.050, with the following exceptions:

1. The somatic practitioner requirements in subsections (B)(9), (B)(10) and (B)(11) of Section 5.124.050 shall not apply unless the applicant is also applying for a somatic practitioner permit.

2. The applicant shall submit with its application evidence of the written consent by each somatic practitioner permit holder who will provide services as a somatic practitioner at the establishment that his or her designated business location is the location of the establishment.

3. The applicant shall submit with its application proof of liability insurance required by Section 5.124.150(E) of this chapter.

4. The location and design of the establishment must comply with all applicable city codes.

5. No permit shall be issued until the applicant has filed with the city clerk a surety bond in the principal sum of one hundred thousand dollars (\$100,000.00) executed by a corporate surety duly authorized to transact surety business in the state of California. The form of the bond shall be subject to the approval of the city attorney. The bond shall be conditioned upon the strict compliance by the applicant as principal with each and all provision of this chapter, and for the payment of any pecuniary loss sustained by any patron of the establishment during the term of the permit. The bond shall remain in full force and effect for the entire period of the permit and any renewal thereof. The bond shall contain a provision which prohibits cancellation by the surety during the term of the permit, whether for failure to pay a premium or otherwise, without thirty (30) calendar days advance written notice mailed by the surety to the city clerk. Such cancellation shall not discharge any liability incurred or accrued thereunder prior to the termination of such thirty (30) day period.

B. The city manager, or the city manager's designee (hereafter "the city manager") shall issue the permit, including such conditions on the permit as the city manager deems appropriate to protect the public health, safety and welfare, if all of the requirements for the permit are met, unless the city manager makes a finding as set out in Section 5.124.060(A). The city manager shall act on the application within thirty (30) days after receiving the recommendation of the chief of police. The failure of the city manager to act on the application within the time specified shall not constitute approval of the application.

C. An applicant aggrieved by the decision of the city manager relating to the issuance or denial of a somatic practitioners' establishment permit may appeal the decision in accordance with the provisions in Section 5.124.070. If an appeal is not filed within the time prescribed in Section 5.124.070, the decision of the city manager shall be final.

D. The term of a somatic practitioners' establishment permit shall be one year from the date of issuance. A new permit is required whenever there is a change in ownership or location of the establishment. Permits must be renewed in the same manner as provided in Section 5.124.080(B). The renewal application must include a current listing of all of the somatic practitioner permit holders that provide services at the establishment.

SECTION 7. Section 5.124.150 is added to the Sacramento City Code to read as follows:

**5.124.150 Restrictions and requirements of somatic practitioners' establishment.**

A somatic practitioners' establishment permit holder shall comply with all of the following:

- A. Somatic practitioner permit holders providing services at the establishment must be properly licensed under this chapter and have designated the establishment as their business location.
- B. No more than fifteen (15) somatic practitioner permit holders may provide services in the establishment at the same time, although the number of permit holders that designate the establishment as their business location is not limited.
- C. The hours of operation are limited to between eight a.m. and ten p.m.
- D. No more than one somatic practitioner shall provide massage/bodywork services to any person at the same time.
- E. Maintain general liability insurance coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence, and the policy must be endorsed to include all of the somatic practitioner permit holders who operate in the establishment and notice of cancellation, expiration or reduction in coverage is to be provided to the city manager.
- F. Pay annually the applicable city business operations tax.
- G. Display the somatic practitioners' establishment permit and the permits for each somatic practitioner permit holder operating in the establishment in a conspicuous location.
- H. Maintain a log with the names of all clients that received massage/bodywork services at the establishment during the prior 12 month period by date, time and name of the somatic practitioner that provided the service. Permit inspection of this log by city personnel during business hours and without prior notice.
- I. Not install any type of device that monitors whether clients possess surveillance equipment.
- J. Not arrange for somatic practitioners working at the establishment to provide massage/bodywork services to clients or customers of the establishment at any location other than the establishment.

a. Maintain a surety bond in the principal sum of one hundred thousand dollars (\$100,000.00) to insure the strict compliance by the permit holder with each and all provision of this chapter, and for the payment of any pecuniary loss sustained by any patron of the establishment during the term of the permit.

SECTION 8. Section 5.124.160 is added to the Sacramento City Code to read as follows:

**5.124.160 Place of business of somatic practitioners' establishment.**

Chapter 5.40 of this title notwithstanding, a massage establishment shall not be required to obtain an adult-related establishment permit if all of the following conditions are met:

A. A somatic practitioners' establishment permit has been issued for the establishment;

B. Only massage technicians holding a somatic practitioner permit provide massage or bodywork services in the establishment; and

C. No person required to be licensed under the provisions of Chapter 5.04 of this code owns or operates, provides services in, or is employed at, the establishment.

SECTION 9. Section 5.124.170 is added to Chapter 5.124 the Sacramento City Code to read as follows:

**5.124.170 Suspension or revocation of somatic practitioners' establishment permit – Appeal.**

A. Any somatic practitioners' establishment permit issued pursuant to this chapter may be revoked or suspended by the city manager, after a hearing, on the following grounds:

1. The permittee has failed to comply with any applicable provision of this chapter, any other provisions of this code or the city's zoning ordinance, or any other local, state or federal law or regulations applicable to the establishment's activities, or the permittee has committed a crime of moral turpitude;

2. The permittee has allowed the establishment to be conducted in such a manner as to constitute a nuisance or to be injurious to the public peace or morals; or

3. The permit for a somatic practitioner permit holder whose designated business location is at the establishment has been revoked or suspended in the manner provided in Section 5.124.090, and the revocation or suspension was based on

a violation under this chapter that occurred either at the establishment or with the knowledge and consent of the permittee.

B. The process for appealing revocation or suspension of a somatic practitioners' establishment permit shall be the same as set out in Section 5.124.090(B).

C. Upon written notice by an insurer or surety, or other verification, of the cancellation, expiration or reduction in insurance coverage or the surety bond resulting in noncompliance with Sections 5.124.150(E) or 5.124.150(K) of this chapter, a permit issued to an establishment pursuant to Section 5.124.140 shall be automatically suspended effective upon the effective date of the cancellation, expiration, or reduction in coverage. The suspension shall continue until the required insurance coverage and/or surety bond is reinstated and the city manager receives written notice from the insurer or surety, as applicable, indicating compliance with the requirements of this chapter, or until the permit is revoked or expires.

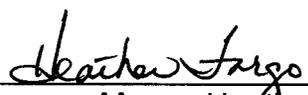
Adopted by the City of Sacramento City Council on June 12, 2007 by the following vote:

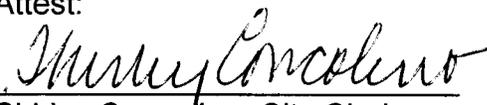
Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.

  
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Mayor, Heather Fargo

Attest:  
  
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Shirley Concolino, City Clerk

Passed for Publication May 15, 2007  
Published May 19, 2007  
Effective July 12, 2007