NO CHANGE FROM PREVIOUS MEETING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: October 19, 2020

ITEM: Amendment to City Code – Amend Title 3, *Business*, Chapter 6, *Massage Establishments and Technicians,* Section 5, *License Application*, Paragraph D and Paragraph E by deleting requirement of providing fingerprints and criminal history background from application process. Approval of First Reading of Ordinance.

FINANCIAL IMPACT: None.

BACKGROUND: In December, 2017 the City enacted an ordinance requiring any individual operating a massage therapy business in the City to obtain a business license. Although Iowa Code Chapter 152C provides for the licensing of individual massage therapists, due to complaints and possible criminal activity that had been occurring at some local massage therapy businesses, several metro cities, including West Des Moines, enacted the ordinance to regulate the business. While the provisions of the ordinance adopted by each metro city were similar, two additional provisions adopted by West Des Moines were not found in the other metro city ordinances.

Following a suggestion from a Licensed Massage Therapist practicing in West Des Moines, the Public Safety subcommittee followed the recommendation of both the Licensed Massage Therapist and Police Chief Scott to remove the provisions unique to the West Des Moines ordinance which require an applicant to provide a Department of Criminal Investigation (DCI) background check and to be fingerprinted. Based upon the recommendation of Chief Scott, the Public Safety subcommittee found that removing these provisions would not reduce the ability of the City to address illegal activity that could occur at a massage business.

OUTSTANDING ISSUES: None.

RECOMMENDATION: Approve the amendment to West Des Moines Ordinance 3-6-5 by deleting paragraph D and paragraph E requiring an applicant for a massage therapy business license to obtain a DCI criminal background check and to be fingerprinted.

Lead Staff Member: Richard Scieszinski, City Attorney RJS

STAFF REVIEWS:

Department Director	Chris Scott, Chief of Police
Appropriations/Finance	
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

SUBCOMMITTEE REVIEW (if applicable)

Public Safety					
Date Reviewed	October 2, 2020				
		Recommendation	Yes		

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 3, "BUSINESS", CHAPTER 6, "MASSAGE ESTABLISHMENTS AND TECHNICIANS", SECTION 5, "LICENSE APPLICATIONS", PARAGRAPHS "D" AND "E" REGARDING LICENSE APPLICATION REQUIREMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Title 3, *Business,* Chapter 6, *Massage Establishments and Technicians*, Section 5, *License Application* is hereby amended by deleting 3-6-5(D) and 3-6-5(E) in their entirety and reserving the deleted Section D and Section E for future use.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 4. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section in the Ordinance, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 2nd DAY OF NOVEMBER, 2020.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson , City Clerk

The foregoing Ordinance No. _____ was passed and approved by the City Council of the City of West Des Moines, Iowa, on November 2, 2020 and was published in the Des Moines Register on _____, 2020.

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Ryan T. Jacobson, City Clerk