



Legislation Details (With Text)

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Title: Actions related to the City's Initiative to Combat Human Trafficking:
1. ***BILL NO. B-37 - (Intro. 10/24/2019) (For adoption) - Amending Sections 9-1603, 9-1604, 9-1605, and 9-1609 of the Fresno Municipal Code related to Massage Business Operations (Subject to Mayor's veto)
2. ***BILL No. B-38 - (Intro. 10/24/2019) (For adoption) - Amending Section 9-105 of the Fresno Municipal Code related to hotel registration (Subject to Mayor's veto)

Sponsors: Mayor's Office

Indexes:

Code sections:

Attachments: 1. 80435ns KBD Ord- Massage Business FINAL 10-24-19.pdf, 2. 80182ns KBD Ord- Amending 9-105 re Hotel Registration FINAL 10-24-19.pdf

Date	Ver.	Action By	Action	Result
11/7/2019	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

November 7, 2019

FROM: LEE BRAND, Mayor
Office of the Mayor & City Manager

ANDY HALL, Chief of Police
Fresno Police Department

BY: H. SPEES, Director, Strategic Initiatives
Office of the Mayor & City Manager

SUBJECT

Actions related to the City's Initiative to Combat Human Trafficking:

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RECOMMENDATION

Staff recommends the introduction and adoption of the attached two ordinances as a part of the City's Initiative to Combat Human Trafficking. These additions to the FMC will be referred to as the Anti-Human Trafficking Ordinances (AHTO).

EXECUTIVE SUMMARY

The Mayor's Office in conjunction with the Fresno Police Department is seeking adoption of the proposed changes in the attached two ordinances to reduce the incidence of human trafficking related to the sex trade.

In addition to existing massage business regulations, the changes to the Massage Business Ordinance will:

- Require landlords to verify massage business tenants have a valid City Registration Certificate.
- Require applicants for a City Registration Certificate to provide a copy of their lease, and to certify under penalty of perjury that within five years prior to submitting the application, no owner or operator listed in the application has:
 - Had a City Registration Certificate, massage professional certification, or other similar permit or license denied, suspended, or revoked by the City or any other agency.
 - Engaged in conduct or operated a massage business in a manner that would be grounds for denial, suspension, or revocation of a permit.
 - Owned or managed a massage business where staff was not properly licensed.
- Require an application fee to defray the cost of investigation and reporting required by the ordinance.
- Defray overconcentration by prohibiting new massage businesses within 500 feet of existing massage businesses.
- Limit hours of operation to 7:00 a.m. to 10:00 p.m.
- Require, upon request, proof of bona fide employment data.
- Prohibit living quarters on site.
- Hold the owner responsible for the conduct of its employees or anyone providing massage on site.
- Provide an appeal process for permit suspension or revocation.
- Prohibit reapplication for five years, for anyone whose City Registration Certificate is revoked. It shall be unlawful for anyone who has had a City Registration Certificate revoked to serve as an owner, operator, or employee of a massage business for five years, and it shall be unlawful for any owner or operator to allow such a person on the premises of their massage business.
- If a City Registration Certificate is revoked, no massage business may operate at that physical location for two years.
- If a City Registration Certificate is subsequently revoked at the same location within three years of a prior revocation, then no registration certificate may be issued for that location for a period of three years.

The changes to the Hotel Registration Ordinance will:

- Outline specific data that must be collected from guests upon registration.
- Require hotels to maintain the registration records for a minimum of one year.

- Require guests renting a room
- Establishes specific room rental requirements including verification of identity of all guests
- Requires training of employees checking in guests
- Requires register to be subject to inspection by law enforcement
- Prohibits use of fictitious names by guests or transfer of access to room to an unregistered person
- Prohibits hourly room rentals and use of room for immoral or unlawful purposes
- Establishes penalty of misdemeanor and/or administrative citations for violation.

BACKGROUND

With changes in the nature of Human Trafficking, especially sex trafficking, and as a part of the Mayor's Initiative to Combat Human Trafficking, there has been a redoubling of collaboration and effort on the part of law enforcement as well as community organizations addressing trafficking and serving trafficking victims. To accompany these positive developments, it has become clear that modifications were needed in the ordinances regulating both hotel registration and the operations of massage businesses. These two ordinance amendments coupled with advances in enforcement and victim services will go a long way in engaging business owners in joining the fight against human trafficking in the City of Fresno.

The City Attorney's Office has developed, reviewed and approved the proposed ordinances as to form. Feedback from Fresno Police Department was taken into consideration regarding the applicability and implementation of these ordinances.

ENVIRONMENTAL FINDINGS

The changes to these existing regulatory ordinances are not a project for the purpose of CEQA.

LOCAL PREFERENCE

N/A

FISCAL IMPACT

There will be no increase in Net City Cost associated with these recommended actions.

Attachments:

Attachment A - Amendments to Massage Business Ordinance

Attachment B - Amendments to Hotel Registration Ordinance