

MARANA ORDINANCE NO. 2023.011

RELATING TO BUSINESS REGULATIONS; CONTINUING THE OCCUPATIONAL LICENSING REQUIREMENT FOR MANAGERS OF MASSAGE ESTABLISHMENTS AS SET FORTH IN MARANA TOWN CODE TITLE 9 (BUSINESS REGULATIONS), CHAPTER 9-5 (MASSAGE ESTABLISHMENTS), SECTION 9-5-7 (MANAGER LICENSE REQUIRED; NON-TRANSFERABILITY) AND FINDING THAT THE LICENSING REQUIREMENT IS NECESSARY TO PROTECT THE HEALTH, SAFETY OR WELFARE OF THE PUBLIC; AND DECLARING AN EMERGENCY

WHEREAS the Town Council is authorized by A.R.S. § 32-4258 to adopt and enforce regulations affecting the establishments, locations and settings in which individuals, entities, and businesses engage in the practice of massage therapy; and

WHEREAS on February 15, 2011 the Town Council, via Ordinance No. 2011.01, adopted Chapter 9-4 "Massage Establishments" adding regulatory provisions to the Marana Town Code (MTC) designed to enhance professionalism of the massage service industry in the Town and to protect the health and safety of the Town's citizens and reduce unprofessional practices; and

WHEREAS on June 4, 2019, the Town Council, via Ordinance 2019.012, renumbered Chapter 9-4 to Chapter 9-5; and

WHEREAS MTC 9-5-7 requires the manager of a massage establishment to obtain a massage manager license ("manager license") from the Town thereby allowing the Town, as part of the application and review process, to ensure compliance with Town Code and to conduct a criminal background check on the applicant; and

WHEREAS effective August 3, 2018, the Arizona Legislature added section 9-842 to the Arizona Revised Statutes (A.R.S.) prohibiting a city or town from imposing an occupational licensing requirement, such as a manager license, unless the requirement is necessary to protect the health, safety or welfare of the public and requiring a public hearing before adoption of an occupational licensing requirement; and

WHEREAS because the Town's manager license requirement was adopted prior to the effective date of A.R.S. § 9-842, A.R.S. § 9-842(G) requires, in order to continue enforcement of the requirement to obtain a massage manager license, that the Town hold a public hearing to continue the manager license requirement three months prior to

August 3, 2023 and to make the required findings that the occupational licensing requirement is necessary to protect the public health, safety, or welfare of the public; and

WHEREAS the Town Council finds that the manager license requirement set forth in MTC 9-5-7 is necessary to protect the public health, safety, or welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. The Town Council finds that continuing enforcement of MTC 9-5-7 requiring a massage manager license is necessary to protect the public health, safety or welfare of the public.

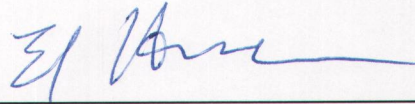
SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 4th day of April, 2023.



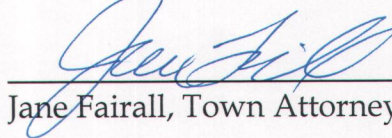
Mayor Ed Honea

ATTEST:



David L. Udall, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney

