

## **ORDINANCE NO.: 1808**

### **ORDINANCE AMENDING ARTICLE IV. – MASSAGE REGULATIONS**

WHEREAS, the City of Northport wishes to update certain regulations regarding massage therapists and establishments providing massage services;

WHEREAS, the City of Northport finds that these updates are in the best interest of the safety and public welfare of its citizens;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHPORT, ALABAMA, AS FOLLOWS:**

1. The City of Northport hereby repeals the existing City of Northport Code Sections 54-96 through Sections 54-108 relating to massage regulations.

2. The City hereby adopts the following Ordinance relating to massage regulations:

Article IV, Sections 54-96 through 54-108 shall read as follows:

#### **ARTICLE IV. – MASSAGE REGULATIONS**

Sec. 54-96. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Employee*** means any and all persons, other than the masseurs or masseuses, who render any service to the licensee, who receives compensation directly from the licensee, and who has no physical contact with the customers and clients.

***Licensee*** means any person in the possession of a valid, unrevoked license issued by the city for the operation of a massage parlor.

***Massage*** means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the soft parts of the body with the hands or with the aid of any mechanical or electrical device with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice.

***Massage parlor*** means any establishment having a fixed place of business where any person engages in the business of giving massages or permits others to engage in such business or practice.

***Massage therapists*** means any person licensed by the state as a massage therapist to provide massage therapy for therapeutic purposes.

***Massage therapy*** means the manipulation of soft tissue for therapeutic purposes which may include the use of oils, salt glows and hot and cold packs. Massage therapy shall not include

diagnosis of any service or procedure for which a license to practice medicine, chiropractic or podiatry is required by law; nor shall it apply to athletic trainers, technicians or physical therapists who act under the prescription or supervision of a person holding an unlimited license to practice medicine or surgery.

***Masseur or masseuse*** means any person who, for any consideration, engages in the practice of massage as defined in this section.

Sec. 54-97. – Exemptions.

This article shall not apply to hospitals, nursing homes, or to any physician, chiropractor, physical therapist, or person of similarly licensed status, nor shall the same apply to any person administering therapy prescribed by a medical doctor to be administered to any person.

Sec. 54-98. – Penalty for violation of article.

The penalty for violation of any provision of this article shall be as prescribed in Section 1-6.

Sec. 54-99 – License – Required.

No massage parlor shall be opened to members of the public or operated for any other purpose unless the owner or other person in charge thereof shall first have obtained a license therefore from the city.

Sec. 54-100. – Same – Revocation.

Any license issued under this article by the city may be revoked by the city upon the violation of any section, requirement, or provision of this article by the licensee or by any agent or employee of such licensee, provided the licensee shall first be notified of such violation and be afforded a hearing before the city council. Written notice of any violation under this article, and any hearing thereon before this council, may be given to any licensee by delivering such notice by hand to the licensee, or in his absence, to any adult person employed at the licensed premises, or by depositing such notice, postage prepaid, in the United States mail and addressed to such licensee at the licensed premises, not less than ten days prior to such hearing before the city council.

Sec. 54-101. – Health and sanitary requirements.

Any massage parlor licensed under the provisions of this article shall at all times comply with all health regulations, rules and requirements, as may be promulgated by the Tuscaloosa County Health Department, the State of Alabama and/or the Alabama Board of Massage Therapy.

Sec. 54-102. – Inspections.

Any premises used for the purpose of a massage parlor shall, during all hours of operation, be made open and available to inspection by the Tuscaloosa County Health Department, city police department and the Alabama Board of Massage Therapy for the purposes

of ensuring compliance with the requirements of the Tuscaloosa County Health Department and with the requirements of this article.

Sec. 54-103. – Compliance with State Laws and Regulations.

Each licensee shall comply with all State of Alabama laws including, but not limited to, Alabama Code §34-43-1, et seq. and all State of Alabama regulations including, but not limited to, all regulations adopted by the Alabama Board of Massage Therapy.

All massage therapists must maintain and display a current license for massage therapy in compliance with the State Code of Alabama and the Alabama Board of Massage Therapy.

Sec. 54-104. – Health and Cleanliness.

All licensees must comply with all applicable Tuscaloosa County Health Department regulations as well as all State of Alabama and Alabama Board of Massage Therapy health and cleanliness regulation.

Sec. 54-105. – Serving of Alcoholic Beverages Prohibited.

No licensee providing massage therapy shall serve any alcoholic beverages upon its premises.

Sec. 54-106. – Massage at licensed location only.

No massages shall be administered or applied by any masseur or masseuse in any massage parlor except in or upon the premises where a license is regularly displayed, and at the location designated for the operation of such massage parlor in such license.

Sec. 54-107. – Advertising and Signs.

A licensee shall comply with the licensing requirements of Alabama Code §34-43-16

Sec. 54-108 – 135. – Reserved.

**ORDAINED** this the 15th day of April, 2013.

**CITY COUNCIL OF THE  
CITY OF NORTHPORT**

BY: \_\_\_\_\_  
Its President

ATTEST:

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City Administrator/Clerk

APPROVED this the 15<sup>th</sup> day of April, 2013.

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Mayor Bobby Herndon

1st Reading: RULES SUSPENDED

Motion:

2nd Reading: April 15, 2013

Motion By: Acker

Second By: Logan

Publication: April 24, 2013