

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 30, 2017 AGENDA ITEM NUMBER: 17

SUBJECT: ORDINANCE REPEALING CHAPTER 12 OF THE FORSYTH COUNTY CODE ENTITLED, "MESSAGE ESTABLISHMENTS" (FORSYTH COUNTY ATTORNEY'S OFFICE)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: Yes No

SIGNATURE: *J. Dudley Watts, Jr.* DATE: November 29, 2017
COUNTY MANAGER

**ORDINANCE REPEALING CHAPTER 12
OF THE FORSYTH COUNTY CODE ENTITLED
"MESSAGE ESTABLISHMENTS"
(FORSYTH COUNTY ATTORNEY'S OFFICE)**

WHEREAS, in 1998, Article 36 of Chapter 90 of the North Carolina General Statutes, entitled, "Massage and Bodywork Therapy Practice" was enacted, which regulates the practice of massage and bodywork therapy;

NOW, THEREFORE, BE IT ORDAINED by the Forsyth County Board of Commissioners as follows:

SECTION 1. That Chapter 12 of the Forsyth County Code, entitled "Massage Establishments," consisting of Sections 12-1 through 12-10, is hereby repealed.

SECTION 2. This ordinance shall become effective upon adoption.

Adopted this 30th day of November 2017.

Chapter 12

MESSAGE ESTABLISHMENTS Reserved

Sec. 12-1. ~~Purpose and application of chapter.~~

~~To protect the general health, safety, welfare and morals of the citizens of the county, the provisions of this chapter are ordained with respect to carrying on the business, trade or profession of masseur or masseuse and for the operation or carrying on of the businesses, trades or professions commonly known as massage parlors, health salons, physical culture studios, clubs or establishments, or similar establishments wherein physical culture, massage, hydrotherapy or other physical treatment of the human body is carried on or practiced. The provisions of this chapter shall not apply to a regularly established and licensed hospital, sanitarium, nursing home or medical practitioner or chiropractor, in connection with his practice of medicine or chiropractic; provided, however, that such office or clinic is regularly used by such medical practitioner or chiropractor as his principal location for his practice of medicine or chiropractic.~~

~~(Ord. of 9-17-73, § 1)~~

Sec. 12-2. ~~Definitions.~~

~~For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:~~

~~*Employee.* The word "employee" shall mean and include any person compensated for services performed in or in connection with a massage establishment.~~

~~*Massage.* The word "massage" means pressure on, or friction against, or stroking or kneading the body by manual or mechanical means under the direct operation of the operators.~~

~~*Massage establishment.* The term "massage establishment" means any establishment, as described in section 12-1, wherein one of the functions is such that a massage is given, engaged in or carried on, or permitted to be given, engaged in or carried on.~~

~~*Masseur or masseuse.* The term "masseur" or "masseuse" means any person who engages in the practice of massage, including trainees.~~

~~(Ord. of 9-17-73, § 2)~~

Sec. 12-3. ~~Information to be filed with sheriff's department.~~

~~No person shall operate, engage in or carry on any business, trade, profession, occupation or calling referred to in section 12-2, without first filing the following information, in writing, with the sheriff's department:~~

- ~~(1) The name, address and phone number of the owner and operator of the business.~~
- ~~(2) The names of all employees, their home addresses, home telephone numbers and places of employment. Changes in the list of employees, with the names of new employees, must be filed with the sheriff at least seven (7) days from the date of any such change.~~

~~(Ord. of 9-17-73, § 3)~~

~~Sec. 12-4.— Days and hours of operation.~~

~~No masseur, masseuse or person engaging in the operation of a massage establishment shall engage in such business, trade, profession, occupation or calling except on the days of Monday through Saturday between the hours of 8:00 a.m. and 10:00 p.m.~~

~~(Ord. of 9-17-73, § 5)~~

~~Sec. 12-5.— Employment of minors or persons not of good moral character prohibited.~~

~~It shall be unlawful for owner, proprietor, manager or any other person in charge of any massage establishment to employ any person who is not at least eighteen (18) years of age and of good moral character.~~

~~(Ord. of 9-17-73, § 4)~~

~~Sec. 12-6.— Patronage by minors.~~

~~(a) *Restricted.* It shall be unlawful for any person under the age of eighteen (18) to patronize any massage establishment, unless such person carries with him, at the time of such patronage, a written order, signed by a licensed physician, directing the treatment to be given.~~

~~(b) *Duty of operator.* It shall be the duty of the operator of a massage establishment to determine the age of the person patronizing such establishment.~~

~~(Ord. of 9-17-73, § 6)~~

~~Sec. 12-7.— Prohibited acts.~~

~~(a) It shall be unlawful for any massage establishment as herein defined, to provide, allow or permit a massage or treatment to be given by a person to a person of the opposite sex.~~

~~(b) It shall be unlawful for any masseur or masseuse to massage or treat a person of the opposite sex.~~

~~(c) It shall be unlawful for any person to massage or to offer to massage the private parts or genitals of another person.~~

~~(Ord. of 9-17-73, § 7; Ord. No. 9-88, § 1, 9-12-88)~~

~~Sec. 12-8.— Customer records and identification.~~

~~It shall be the duty of each operator of a massage establishment to maintain correct and accurate records of the names and addresses of the persons receiving treatment or massages at the establishment, and the name of the person administering such treatment. Identification shall be required of the customer to verify the correctness of the name and address. Such records shall be subject to inspection by the sheriff during hours of operation.~~

~~(Ord. of 9-17-73, § 3)~~

~~Sec. 12-9. Inspections.~~

~~Officials of the sheriff's department and other authorized county officials shall, from time to time, make an inspection of each massage establishment for the purpose of determining that the provisions of this chapter and applicable state laws are complied with. Authorized county officials shall have access to the premises of each massage establishment during hours of operation for inspection purposes.~~

~~(Ord. of 9-17-73, § 8)~~

~~Sec. 12-10. Violations and penalties.~~

~~If any person shall violate this ordinance or chapter or any provision thereof, he shall be guilty of a class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).~~

~~(Ord. No. 2-92, §§ 3, 4, 4-13-92; Ord. No. 3-95, §§ 1, 2, 7-10-95)~~