

ORDINANCE NO. 2019- 035 - P+2

AN ORDINANCE AMENDING SECTION 8.2 OF ARTICLE VI AND SECTION 7.5 OF ARTICLE VIII OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY TRUSSVILLE REGARDING MASSAGE PARLORS AND MASSAGE THERAPY ESTABLISHMENTS

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRUSSVILLE, ALABAMA, that section 8.2 of Article VI of Appendix A of the Code of Ordinances of the City of Trussville, Alabama, be and is hereby amended to strike “massage parlors” from the above-stated section. The amended section shall read as follows:

Sec. 8.0. - C-5 Commercial Adult Entertainment district

8.2 Uses permitted. Within the C-5 Commercial Adult Entertainment district, a building or land shall be used only for the following purposes:

- Adult amusement, entertainment or recreational facilities.
- Adult retail establishments.
- Adult theater.
- Body piercing, excluding ear piercing only.
- Fortune teller, palm reader, psychic advisor.
- Pawn brokers or pawn shop.
- Tattoo parlors.
- Title pawn.
- ~~Massage Parlors.~~

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRUSSVILLE, ALABAMA, that section 7.5 of Article VIII of Appendix A of the Code of Ordinances of the City of Trussville, Alabama, be and is hereby amended to state the following:

Sec. 7.5. - Massage therapy establishment.

7.5-1. Definition. A “massage therapy establishment” is hereby defined to mean any building, room, place, or establishment, other than a regularly licensed hospital, clinic, or dispensary where nonmedical, nonsurgical, nonosteopathic, or nonchiropractic manipulative exercises, massages, or procedures are practiced upon the human body, or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a duly licensed medical doctor, chiropractor, doctor of osteopathic medicine, physical therapist, or a nurse, or other person of a similarly registered status. This shall apply regardless if massage therapy is the primary function of the establishment. A “massage therapy establishment” is one and the same as a massage parlor.

7.5-2. Location. No massage therapy establishment, building, structure, or part thereof which is integral to a massage therapy establishment shall be erected, maintained, or located in any zone

other than Preferred Commercial (CP), Local Shopping district (C-1), General Business district (C-2), or Planned Unit Development—Planned Commercial (PUD-PC).

7.5-3. Requirements.

A. Every massage therapy establishment shall conform with all rules and regulations for licensure and operation as required by the state and the Alabama Board of Massage Therapy and any applicable ordinance of the City. Each massage therapy establishment must display a current, valid license obtained from the Alabama Board of Massage Therapy as well as a current business license issued by the city in plain view.

B. A massage therapy establishment shall at all times comply with all health regulations, rules and requirements as have been or hereafter will be promulgated by the Jefferson or St. Clair County Departments of Health, depending on the county in which said establishment is located. Any premises used for the purposes of massage therapy shall, during all hours of operation, be made open and available to inspection by said county department of health for all purposes of assessing compliance with such health rules, regulations and requirements.

C. A massage therapy establishment as defined herein shall have a dedicated space where massage therapy is to be performed with individual private rooms for each client or customer to receive massage therapy services. Said space shall clearly reflect that it is the place where massage therapy is practiced. Each room shall be utilized solely for the provision of massage therapy services, shall meet a minimum size requirement of 100 square feet with no wall less than eight feet in length, shall be surrounded by four permanent walls which extend from floor to ceiling, and shall be constructed and maintained so as to ensure privacy for clients utilizing the services of a licensed massage therapist; provided, however, that, under no circumstances shall said area be inaccessible to city officials during hours when massage therapy is being practiced.

D. If a massage therapy establishment intends to provide tanning services, said establishment shall maintain no more than two tanning beds or other devices designed for "tanning" (including artificial sprays, coatings, or products designed to simulate sun exposure) on the premises.

E. Massage therapy establishments shall enact procedures and provide proof thereof to the city to ensure that no part of any clients' breasts, buttocks, or genital area is exposed or otherwise made subject to bodily contact by any therapist. Said procedures must be reviewed by the establishment annually, and must be updated to reflect changes in procedure or changes in rules, regulations or requirements promulgated by the state, county or other regulatory agency, if any such changes have been made. A record of said annual review and a certification that said procedures are adequate to provide the protections included herein must be maintained at the establishment and made available for inspection by state, county or city officials at any time.

F. Each massage therapy establishment shall provide a sanitary, private area for each client to dress, to bathe or shower, or to cleanse before and after any service to be provided. Said area must be secure, and must include measures to ensure the privacy of the client while dressing, bathing, showering or cleansing before and/or after any service provided by a licensed massage therapist. The requirements of this subsection may be met by making said area directly

accessible from the room in which massage therapy is performed, or locating said area in a designated locker room/shower area separate from public restroom facilities. Community bathing or dressing areas shall not be allowed, and no establishment may utilize a public or employee restroom to meet this requirement. In addition, each such establishment shall be required to provide a secure locked area for each client to place his or her belongings while receiving said services. This requirement may be met by use of an individual locked closet, locker, or cabinet.

G. Massage therapy establishments may operate between the hours of 7:00 a.m. and 7:00 p.m. The city shall have the right to inspect the premises of the massage therapy establishment at any time to ensure the establishment is in compliance with all state and local rules and regulations.

H. No massage therapy establishment shall be used as and for a dormitory or place of sleep nor shall any licensee under this chapter permit any massage therapy establishment to be so used.

OTHER PROVISIONS; ENACTMENT.

A. If any part of this amendment to the ordinance is ruled to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

B. Nothing contained herein shall be read or deemed to contradict or otherwise supersede any state law which is presently enacted or shall come to be enacted.

C. This Ordinance shall become effective upon its passage, adoption, and publication as provided by law.

ADOPTED this the 19th day of August, 2019.



JEF FREEMAN
COUNCIL PRESIDENT



BUDDY CHOAT
MAYOR

ATTEST: 

LYNN B. PORTER
CITY CLERK