

Council Member Mike Sherwood introduced the following Ordinance:

ORDINANCE NO. 07-006

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 128 ADOPTED AUGUST 15, 1977, AND ANY AMENDMENTS TO SAID ORDINANCE WITHIN THE CODE OF ORDINANCES FOR THE CITY OF ALABASTER, REGARDING MASSAGE THERAPY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALABASTER, ALABAMA AS FOLLOWS:

Section 22-91 of the Code of Ordinances of the City of Alabaster, is hereby amended so that the following sub-sections read as follows:

ARTICLE III. MASSAGE THERAPY

The following schedule of licenses is fixed and imposed upon the businesses, occupations, professions, trades, exhibitions and vocations which may be engaged in or carried on in the city during the calendar year 2008 and from year to year thereafter until repealed or revised, and each and every person, firm, company, corporation, or entity engaged in any of the businesses, occupations, professions, trades, exhibitions or vocations enumerated during such years shall pay for and take out such licenses, and such licenses shall be in such sums as are herein provided.

Sec. 22-91. 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:

Therapeutic Massage and related touch therapy modalities

The mobilization of soft tissue which may be skin, fascia, tendons, ligaments, and muscles, for the purpose of establishing and maintaining good physical condition. The term shall include effleurage, petrissage, tapotement, compression, vibration, stretching, heliotherapy, superficial hot and cold application, topical application or other therapy which involves movement either by hand, forearm, elbow, or foot, for the purpose of therapeutic massage. Massage therapy may include external application and use of herbal chemical preparations and lubricants such as salt, powders, liquids, nonprescription creams, mechanical devices such as t bars, thumpers, body support systems, heat lamps, hot and cold packs, salt glow steam cabinet baths, or hydrotherapy. The term shall include any massage, movement therapy, massage technology, myotherapy, massotherapy, oriental massage techniques, structural integration, or polarity therapy. The term shall not include laser therapy, microwave, injection therapy, manipulation of the joints, or any diagnosis or treatment of an illness that normally involves the practice of medicine, chiropractic, physical therapy, podiatry, nursing, occupational therapy, veterinary, acupuncture, osteopathy, hypnosis, or naturopathics.

Establishment

A site, premise, business, or operation where massage therapy is practiced by a licensed massage therapist. Any massage therapy business which engages in or carries on, as the whole or part of its services, the practice of massage therapy not at a fixed location but at a location designated by the customer, client, or service, is an on-site or out-call massage therapy establishment.

Massage Therapist

A person who is licensed by the State of Alabama and this ordinance who practices massage therapy or touch modalities upon request upon a patron of either gender for compensation, working to alleviate pain, reduce stress, and instigate the normalization of

the soft tissue, muscles, ligaments, tendons, and connective tissue of the patron. A massage therapist shall not be designated as a "massage parlor employee". (Alabama State Board of Massage Therapy, Chapter 532-X-1-.01 "Definitions", p. 14, g.)

Massage Therapy

The profession in which the practitioner applies massage techniques and related touch therapy modalities with the intention of positively affecting the health and well being of the client. Massage Therapy does not include diagnosis except to the extent of determining whether massage therapy is indicated. Massage Therapy may be applied in response to physician, osteopathic, chiropractic, podiatric, or other prescription by a licensed practitioner in that field acting within the scope of his or her profession. (Alabama State Board of Massage Therapy, Chapter 532-X-1-.01 "Definitions", p. 14, h.)

Sec. 22-92. Fees.

- (a) Every owner, proprietor, or operator of a Massage Therapy establishment shall comply with the Alabama Board of Massage Therapy Regulations and Maintain a valid Establishment License for an individual sum of \$100.00 plus .075 percent of gross receipts between \$100,000.00 and \$15,000,000.00. No additional license for gross receipts over 15,000,000.00. Plus the regular issuance fee.
- (b) Every Massage Therapist performing therapeutic activities shall provide proof of a valid Alabama State License of Massage Therapy and shall be required to have a City of Alabaster Business License and provide such proof at such time as they apply for the business license and shall pay for an individual sum of \$100.00 plus .075 percent of gross receipts between \$100,000.00 and \$15,000,000.00. No additional license for gross receipts over 15,000,000.00. Plus the regular issuance fee.

Sec. 22-93. Open Treatment

No massage therapist or other employee or attendant shall apply or administer any treatment to any person behind locked doors.

Sec. 22-94. Display of Licensure

- (a) Every Massage therapy establishment shall display their City of Alabaster Business License in a conspicuous location in addition to their Massage Therapy Establishment License from the State of Alabama
- (b) Every Massage therapist shall display their city license as well as their state of Alabama License of Massage Therapy

Sec. 22-95. Messages at licensed location only

No message shall be administer or applied by a licensee under this article except at the address designated on the City of Alabaster Business Establishment License.

Sec. 22-96. Inspection

Each Massage Therapist Establishment shall be open for inspection by the Revenue Director or his or her designee or Police Department at all reasonable times.

Sec. 22-97. Revocation

Any license issued under this article by the City may be revoked by the City upon violation of any section, requirement, or provision if this article by the licensee or any agent, attendant, or other 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 hereon before the city council may be given to the licensee by delivery such as hand to the licensee, or in their absence, to any adult person employed by the licensee at the licensed premises or the deposit of such notice postage prepaid with the United States Postal Service and addressed to licensed premises, not less than ten days prior to the hearing before the council. The licensee may present such evidence as they wish to the council. If there is any revocation of a license for Massage Therapy in accordance with this section; such license shall not be entitled to the issuance of a subsequent license for the operation of a massage therapy establishment in the City within (12) twelve months following the date of such revocation.

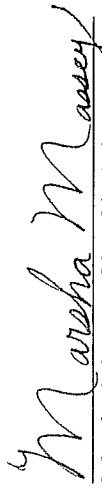
The provisions of this ordinance are severable. If any part hereof is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the part which remains.


This ordinance shall become effective on October 1, 2007 and thereafter, unless further amended, and shall replace any conflicting provisions heretofore adopted and currently in effect, or otherwise.

ADOPTED AND APPROVED THIS 4 DAY OF SEPTEMBER 2007.

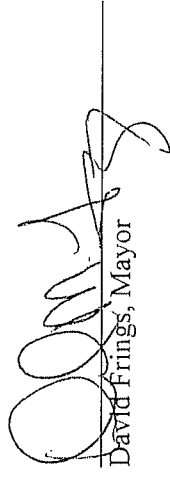
ATTEST:

CITY OF ALABASTER, ALABAMA


Marsha Massey, City Clerk / Treasurer

BY 
Rick Walters, Council President

APPROVED:


David Frings, Mayor