

AN ORDINANCE REGULATING THE BUSINESS OF MASSAGE AND MASSAGE PARLORS

WHEREAS, the General Assembly of North Carolina has authorized counties to adopt ordinance supervising, regulating, suppressing or prohibiting various activities in the interest of public morals, comfort, safety, convenience, and welfare; and

WHEREAS, the Board of County Commissioners of McDowell County finds that the various activities associated at massage parlors are such as to require regulation for the interest of public morals, safety and welfare.

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

Section 1. Definitions

Massagist (either male or female) - one who offers the massage another for a salary or fee

Massage Parlor – Any place of business where massagists are employed to offer massage for a salary or fee

Section 2. Licensed Health Professionals Excluded

Licensed health professional acting in the ordinary course of their profession are neither “massagists” as defined in Section 1, nor owners of massage parlors as defined in Section 1.

Section 3. License Required

- A. A person not:
- a. Work as a massagist or;
 - b. Operate a massage parlor unless licensed.

Section 4. Issuing of Licenses, Fee Required

The Sheriff shall issue a license to any eligible person who pays an annual fee of \$50.00 (fifty dollars) for a massagist’s license or of \$250.00 (two hundred and fifty dollars) for a Massage Parlor license. Such licenses shall be valid for one year only and must be renewed annually

Section 5. Persons Ineligible for Licenses

The following persons may not be licensed to work as a massagist or to hold a massage parlor license:

- a. A person who has been convicted of a crime involving sexual misconduct including but not limited to those covered by G.S. 14, Article 26 (Offenses Against Public Morality and Decency) and G.S. 14 Article 27 (Prostitution);
- b. A person under 18;
- c. A person convicted of violating this ordinance.

Section 6. Posting Required

- A. The Sheriff shall provide a copy of this ordinance for posting to each massage parlor licensee upon licensing.
- B. Each massage parlor licensee shall display in a prominent place the license issued pursuant to this ordinance together with a copy of this ordinance.
- C. Each massagist shall post his license in his work area.

Section 7. Fingerprint Required

An applicant for a license shall submit to fingerprinting. The fingerprints may be sent to the S.B.I., F.B.I., or other appropriate law enforcement agencies.

Section 8. Prohibitions and Limitations

- A. Minimum Age
 - a. No person in the business of massage may massage a person under 18 except under the direction of or by order of a licensed health professional
 - b. No person may employ one under 18 to work as a massagist

B. Limitation on Hours of Operation

Massage parlors may operate only between the hours of 8 o'clock A.M. and 10 o'clock P.M.

C. Limitation on Scope of Massage

No massagist may in the course of business of business massage the penis scrotum, mons veneris, vulva, or vaginal area of another.

D. Inducement to Violate Ordinances or Provisions of General Statutes Relating to Sexual Misconduct

No person may induce a licensee or employee or agent thereof to violate this ordinance or any provision of the General Statutes of North Carolina pertaining to

sexual misconduct including but not limited to that covered by G.S. 14, Article 26 (Offenses Against Public Morality and Decency), and G.S. 14, Article 27 (Prostitution).

E. Licenses Required to Supervise

Massage parlor licensees shall supervise the conduct of massagists in their employ. Failure to suppress illegal activity is grounds for revocation of a license.

Section 9. Massage Parlors Subject to Inspection

The Sheriff or any member of his department may inspect massage business premises during the hours that they are open for business.

Section 10. Revocation

- A. The Sheriff shall revoke the license of any licensee who has violated this ordinance.
- B. Such revocation may be made only after written notice of the grounds for revocation has been given to the licensee and he has had an opportunity to answer the charges.

Section 11. Violation a Misdemeanor

Violation of this ordinance is punishable by a fine of not more than \$50.00 (fifty dollars) or imprisonment for not more than 30 (thirty days) days.

Section 12. Injunctive Relief Available

This ordinance may be enforced by any appropriate equitable remedy as authorized by G.S. 153A-123.

This ordinance shall take effect and be in force from and after its adoption by the Board of Commissioners of McDowell County this 5th day of April, 1976.

s/Paul Richardson
Chairman of the Board of
Commissioners of
McDowell County, NC

s/Judy A. Wright
Clerk to the Board of
Commissioners
McDowell County, NC