

ORDINANCE 5227

**AN ORDINANCE AMENDING, REPEALING, AND SUPPLEMENTING  
AMC CHAPTER 5.30 CONCERNING DEFINITION AND REGULATION  
OF MASSAGE ESTABLISHMENTS**

WHEREAS, Chapter 5.30 of the Albany Municipal Code sets forth regulations pertaining to massage establishments throughout the City of Albany, and

WHEREAS, Chapter 5.30 defines massage establishments and provides procedures for prosecution of violations of the municipal laws regarding those establishments, and;

WHEREAS, the regulations governing massage establishments are obsolete and unduly restrict legitimate massage establishments;

NOW, THEREFORE, the people of the City of Albany do ordain as follows:

SECTION 1. Existing AMC Section 5.30.250 is renumbered as AMC Section 5.30.030.

SECTION 2. AMC Sections 5.30.030 through 5.30.250 are hereby repealed.

SECTION 3. AMC Sections 5.30.010 through 5.30.030 are hereby amended to read as follows:

**5.30.010 Definitions.** For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Employee" means any person over 18 years of age, other than a masseur or masseuse, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

(2) "Licensee" means the person to whom a license has been issued to own or operate a massage establishment as defined in this section.

(3) "Massage" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his/her behalf will pay money or give any other consideration or any gratuity therefore.

(4) "Massage Establishment" means any establishment having a source of income or compensation derived from the practice of massage as defined in subsection (3) and which has a fixed place of business where any person, firm association or corporation engages in or carries on any of the activities as defined in subsection (3).

(5) "Masseur or Masseuse" means any person who, for any consideration whatsoever engages in the practice of massage as defined in subsection (3).

(6) "Person" means any individual, partnership, firm association, joint stock company, corporation or combination of individuals of whatever form or character.

**5.30.020 License - Required - Massage Establishment.** No person shall engage in or carry out the business of massage unless he/she has met and is in compliance with the requirements of and has a license pursuant to Chapter 334, Division 10 of the Oregon Administrative Rules governing massage licensing.

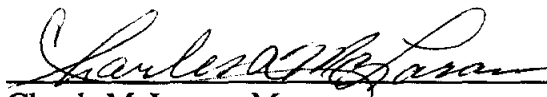
**5.30.030 Violation.** Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor of the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly, who gives massages or operates a massage establishment or any of the services defined in this chapter without first obtaining a license or permit in accordance with the Oregon Administrative Rules and AMC Section 5.30.020, shall be guilty of a misdemeanor. Any person wilfully violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable under the general penalty provided for in Chapter 1.04 of this Code. In addition to other penalties as set forth in Chapter 1.04 of this Code, the City may also seek abatement of a violation by civil injunction through the appropriate court.

DATED this 10<sup>th</sup> day of January, 1996

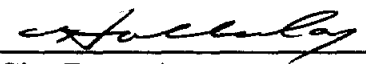
PASSED BY COUNCIL: January 10, 1996

APPROVED BY MAYOR: January 10, 1996

EFFECTIVE DATE: January 10, 1996

  
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Chuck McLaran, Mayor

ATTEST:

  
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City Recorder