

ORDINANCE AMENDING ARTICLE III OF CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE PERTAINING TO MASSAGE AND BODYWORK THERAPY REGULATIONS

Proposed amendments to Article III of the City's Code of Ordinance relating to massage and bodywork therapy regulations include revisions to the definition section. Copies of the existing and proposed definitions can be found below.

Existing Ordinance Definitions:

Sec. 9-132. Definitions.

As used in this article, the terms defined in this section shall have the following meanings ascribed to them:

Business or profession of massage means the massage of any person for a fee or for other consideration.

Chief of police means police chief for the City of Asheville or his/her designee.

Finance director means director of finance for the City of Asheville or his/her designee.

Massage therapist means any person who is engaged in the business or profession of massage therapy, and who receives compensation for his or her services.

Massage means any form of manipulation of body muscles or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage therapy school means any educational facility for massage which meets minimum standards for training and curriculum as determined by the North Carolina Division of Proprietary School Services, and is licensed by the North Carolina State Board of Community Colleges.

Massage therapy establishment means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, massage parlors, or similar establishments by whatever name designated. A massage school is a massage therapy establishment only if some portion of the premises is used for the business or profession of massage.

Private parts means the penis, scrotum, mons veneris, vulva or vaginal area.

Proposed Revised Ordinance Definitions:

Sec. 9-132. Definitions.

As used in this article, the terms defined in this section shall have the following meanings ascribed to them:

Massage and bodywork therapy means systems of activity applied to the soft tissues of the human body for therapeutic, educational, or relaxation purposes. The application may include:

- a. Pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement.
- b. Complementary methods, including the external application of water, heat, cold, lubricants, and other topical preparations.
- c. The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands.

Massage and bodywork therapist means a person licensed pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes.

Massage and bodywork therapist establishment/business means any establishment or business wherein massage and bodywork therapy is offered or practiced, including, but not limited to, establishments commonly known as health clubs, physical culture studios, massage studios, massage parlors, or similar establishments by whatever name designated.

Practice/Profession of massage and bodywork therapy means the application of massage and bodywork therapy to any person for a fee or other consideration. This does not include any of the procedures, practices or activities listed in N.C.G.S. §90-623(d).

Private parts means the penis, scrotum, mons veneris, vulva or vaginal area.