

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
June 1, 2010
6:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the regular meeting of the Perry City Council held June 1, 2010 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr., Presiding Officer and Mayor Pro-Tempore Willie King. Council Members Riley Hunt, Joe Posey, William Jackson, Phyllis Bynum-Grace and Randall Walker.

Elected Official Absent: None.

Staff: City Manager Lee Gilmour and City Attorney John Walker.

City Departmental Staffing: Brenda King – Director of Administration, Deputy Chief Joel Gray – Fire Division, Ronnie Jones – Director of Public Works, Rick Kilgore – Director of Parks and Recreation, Captain Heath Dykes – Public Safety, Steve Howard – Chief Building Inspector and Joni Ary - Recording Secretary.

Guests/Speakers: Mr. Wayne Thompson.

Press/Media: Ms. Charlotte Perkins – Houston Home Journal and Mr. Marlon Walker – Macon Telegraph.

3. Invocation and Pledge of Allegiance to the Flag: Mayor James E. Faircloth, Jr. gave the invocation and led the pledge of allegiance to the flag.

➤ Mayor Faircloth asked for a moment of silence in observance of Memorial Day.

4. Citizens with Input. Mr. Wayne Thompson – Perry RC Flyers Club, came before Council to ask for public support. The club was currently leasing a portion of the Georgia National Fairgrounds and Agricenter property to fly their radio controlled airplanes, but due to a liability issue they have been asked to vacate the property. The Perry RC Flyers Club is asking for support to help stay at the fairground so they can continue flying.

5. Consent Agenda Items: Mayor James E. Faircloth, Jr.

5a. Council Consideration – Minutes of May 17, 2010 work session, May 18, 2010 pre council meeting and May 18, 2010 regular meeting. Council Member Riley Hunt motioned to approve the minutes. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously.

6. Old Business:

6a. Ordinances for Second Reading/Consideration of Adoption.

1. **Second Reading** of an ordinance to amend the Perry Code by adding a new Article XIV to Chapter 15 – Massage Establishments.

Adoption of Ordinance 2010-12. Mayor James E. Faircloth, Jr. gave the second reading of an ordinance to amend the Perry Code by adding a new Article XIV to Chapter 15 – Massage Establishments. Council Member Phyllis Bynum-Grace motioned to adopt the ordinance. Council Member Randall Walker seconded the motion and it carried unanimously. (*Ordinance 2010-12 has been entered in the City's official book of record*).

2. **Second Reading** of an ordinance to amend the Perry Code by deleting Section 15-28.1 (Fortunetelling) in its entirety.

Adoption of Ordinance 2010-13. Mayor James E. Faircloth, Jr. gave the second reading of an ordinance to amend the Perry Code by deleting Section 15-28.1 (Fortunetelling) in its entirety. Council Member Phyllis Bynum-Grace motioned to adopt the ordinance. Council Member Joe Posey seconded the motion and it carried unanimously. (*Ordinance 2010-13 has been entered in the City's official book of record*).

7. Any Other Old Business Matters: None.

8. New Business: Mayor James E. Faircloth, Jr.

8a. Resolutions for Consideration.

1. Adopted Resolution No. 2010-32 to amend Perry Fee Schedule to remove Creekwood pool daily fee charge. Mayor James E. Faircloth, Jr. reviewed with Council the resolution to amend the Perry Fee Schedule to remove the Creekwood pool daily fee charge. Mayor Pro-Tempore Willie King motioned to adopt the resolution. Council Member Riley Hunt seconded the motion and it carried unanimously. (*Resolution 2010-32 has been entered in the City's official book of record*).

- 8b. Authorized road closure of Marion Street for a limited time. Mayor James E. Faircloth, Jr. reviewed with Council the request to authorize the street closure of Marion Street for a limited time. Council Member Phyllis Bynum-Grace motioned to authorize the street closure of Marion Street for a limited time. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously.

- 8c. Authorized waiver of building permits fees for Grace Village Drug Rehabilitation Center. Mayor James E. Faircloth, Jr. reviewed with Council the request for waiver of building permit fees for the Grace Village Drug Rehabilitation Center. Council Member William Jackson motioned to authorize the waiver of building permits fees for

the Grace Village Drug Rehabilitation Center. Mayor Pro-Tempore Willie King seconded the motion and it carried five to zero with Council Member Riley Hunt recussing himself due to conflict of interest.

8d. Approval of revised street resurfacing priority list. Mayor James E. Faircloth, Jr. reviewed with Council the revised street resurfacing priority list. Council Member Phyllis Bynum-Grace motioned to approve the revised street resurfacing priority list. Council Member Randall Walker seconded the motion and it carried unanimously.

8e. Release of Cashier's Check for Wooden Eagle Subdivision Phase 3. Mayor James E. Faircloth, Jr. reviewed with Council the request to release the cashier's check for Wooden Eagle Subdivision, Phase 3. Mayor Pro-Tempore Willie King motioned to approve the release of the cashier's check for Wooden Eagle Subdivision, Phase 3. Council Member Riley Hunt seconded the motion and it carried unanimously.

9. Department Head Items. Mayor James E. Faircloth, Jr. asked each department head if they had any items and they responded as follows:

Captain Heath Dykes, Public Safety – No report.

Deputy Chief Joel Gray, Fire Division – No report.

Brenda King, Director of Administration – No report.

Ronnie Jones, Director of Public Works – Provided Council an update on the Gresham Place subdivision stormwater issue, progress has been made and should be completed by the end of the week, weather permitting.

Rick Kilgore, Director of Parks and Recreation – Provided Council an update on Creekwood football field; they have completed Phase 1 and will be moving toward Phase 2. Mr. Kilgore wanted to thank his staff for getting Creekwood pool open in a timely manner and congratulated Mr. Wallace Brown who received his certification for ground maintenance.

Steve Howard, Chief Building Inspector – Gave Council an update on the progress relative to Ball Street right of way acquisition.

City Manager Lee Gilmour – No report.

City Attorney John Walker – No report.

10. Council Members and General Public Items.

Council Member Willie King – No report.

Council Member William Jackson – No report.

Council Member Riley Hunt – No report.

Council Member Randall Walker – No report.

Council Member Joe Posey – No report.

Council Member Phyllis Bynum-Grace – No report.

General Public – None.

11. Mayor Items.

Mayor Faircloth stated the City is still working on the FY'11 Operating Budget and will be holding a Special Work Session on June 7th at 5:00 p.m. to discuss the budget.

12. Adjournment: There being no further business to come before Council in the meeting held June 1, 2010, the meeting was adjourned at 6:30 p.m.

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended by adding a new Article XIV to Chapter 15 as follows:

ARTICLE XIV. MASSAGE ESTABLISHMENTS

DIVISION 1. IN GENERAL

Sec. 15-2020. 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:

Charge, either directly or indirectly refers to a salary, commission, gratuity or other remuneration as paid or made available to a massagist administering massages as a primary or incidental activity resulting from such payment; a charge, fee, dues or other payment for the purpose of receiving any service or use of an establishment which provides for the payor the opportunity to obtain a massage.

Genitals means the external sexual organs.

Health certificate means a certificate from a regular practicing medical doctor showing that the person named therein has been examined and is free from any infectious or communicable disease.

Massage means the act or art of treating the human body or any part thereof by rubbing, kneading, tapping, compression, vibration, application of friction or percussion or like ministrations to stimulate circulation or increase suppleness for a charge, direct or indirect.

Massage establishment means any building, room, place or establishment where massages are practiced upon the human body for a charge, either directly or indirectly, by a person, whether with or without the use of mechanical, therapeutic or bathing devices, whether primary or an incidental activity of the establishment in which the message is performed.

Massage establishment license means that document issued by the city to an establishment where massages are furnished.

Massagist means a person who administers massages.

Massagist license means that document issued by the city to a person who administers massages.

Sec. 15-2021. Limit of applicability.

The provisions of this article shall in no way affect nor limit the provisions and requirements of the zoning ordinances of the city.

Sec. 15-2022. Inspections.

The city shall be authorized to make or cause to be made inspections to determine compliance with the provisions of this article in any massage establishment in order to safeguard the health, safety and welfare of the public. The city shall also have authority to direct that the health officer or official of the city shall be authorized to make or cause to be

made inspections to determine the sanitary conditions of any massage establishment in order to safeguard the health, safety and welfare of the public. The inspections may be made at any time during which a massage establishment is open for business pursuant to the provisions of this article.

Sec. 15-2023. Violations; penalty.

The operation of any business, administration of any massage, use of any license issued pursuant to this article contrary to any provision of this article or the failure to comply with any provision of this article:

- (1) Shall, if continued, be deemed and considered a nuisance;
- (2) Shall be subject to any other provision for suspension, revocation or denial as provided herein and any other civil or criminal action or penalty or proceeding provided by state or local law.

Sec. 15-2024. Exemptions.

The provisions of this article shall not apply to a duly licensed physician, osteopath, chiropractor or a registered nurse or licensed vocational or practical nurse acting at the direction of a doctor; nor a duly licensed establishment wherein registered physical therapists treat only patients recommended by a licensed physician, osteopath, or chiropractor and which operate only under the licensed party 's direction; nor shall it apply to athletic trainers of a bona fide athletic team when the trainers are massaging members of the team, nor to a duly licensed hospital or medical clinic.

DIVISION 2. LICENSES

Sec. 15-2025. Issuance procedures.

Following the submission of an application for the license as provided in this article, either for an initial or renewal license, the following procedure or requirement shall apply thereto in addition to those elsewhere specified in this article:

- (1) *Investigation and inquiry.* Any investigation or inquiry pertaining to the information provided on the license application as may be considered reasonable and necessary shall be made by the city. The investigation and inquiry shall be concluded within fifteen (15) days of the filing of the application for a license except that if for any reason the investigation or inquiry is not concluded, the city shall so notify the applicant of that situation. The notice shall specify a reasonable period within which the city expects to conclude the investigation and inquiry, the reasonable period not to exceed an additional thirty (30) days.
- (2) *Failure to obtain information.* Upon the expiration of the period above specified or as extended, if the city is unable to conclude the investigation and inquiry by reason of inability to obtain information, the applicant shall be so notified in writing by the city and given a period not to exceed fifteen (15) days during which the applicant may provide the information to the city as the city may consider accurate and complete. Upon the failure to obtain the information or to confirm the accuracy of completeness of the same, the city shall refuse to issue a license to the applicant.
- (3) *False or deficient information.* If, upon concluding the review, investigation and inquiry of the application and the applicant, the city determines that any information provided in the application is false or that the information provided in the application or as determined by the city upon its investigation and inquiry the following facts are found to exist, the city shall not issue a license to the applicant:

- a. The health certificate required for any massagist and attached to an application is absent.
 - b. Any massagist employed or to be employed in any massage establishment does not have a license as required by this article and has not submitted application for the same prior to the filing of an application for a massage establishment license by the applicant therefor.
 - c. A massagist does not hold the qualifications specified by evidence of a diploma or training and experience as provided for and being a requirement of the issuance of a massagist license.
 - d. The applicant, if an individual, for any license required by this article or any person or entity owning and/or controlling the applicant including but not limited to all partners, principals or managers and also if the applicant is a corporation, an officer, director or shareholder holding at least ten (10) percent of the stock of the corporation has been convicted of any violation of this article within the twelve (12) months preceding the date of the filing of the application or any offense specified in section 15-2052(1) or section 15-2072(2)I of this chapter.
 - e. The applicant has previously had a license required by this article revoked, or is at the time of filing an application for a license, presently holding a license which is under suspension pursuant to the terms of this article.
- (4) *Notice of refusal.* Upon refusal to issue a license as above provided, the city shall give to the applicant notice which shall contain the reasons for failure to issue the license.
- (5) *Appeal petition.* The applicant may within thirty (30) days of the date of the notice petition to the mayor and council members for a hearing for the purpose of determining whether or not a license shall be granted to the applicant. The hearing shall be scheduled and conducted at any special called meeting of the city council to be held within thirty (30) days of the date the petition is filed and with written notice to the applicant of the time, date and place of the hearing unless postponed with the consent of the applicant or by motion adopted at meeting of council specifying a subsequent date for a hearing.

Sec. 15-2026. Fees.

The fees or charges for the licenses required pursuant to this article shall be set by the Mayor and Council.

Sec. 15-2027. License; duration, display, assignability.

Licenses issued pursuant to this article shall be valid, except as otherwise provided herein, from the date of issuance through December 31st of the year in which the license is issued. Any license obtained, as required by this article, shall be posted and kept in a conspicuous place in the massage establishment. Any license issued pursuant to this article shall not be assignable to any other person, firm, corporation or other entity.

Sec. 15-2028. Suspension and revocation.

Any license issued pursuant to this article shall be subject to suspension or revocation subject to the following violations and procedures:

- (1) *Grounds for suspension.* The city may suspend a license issued to and held by a massage establishment or a massagist upon any of the following grounds:
 - a. A massagist who has an infectious or communicable disease has administered a massage.
 - b. Any massagist and/or any massagist employed by a massage establishment or any part specified in section 15-2052(9) has been convicted of any violation of this article or crime specified in Section 15-2052(10) or Section 15-2072(2)i.
 - c. Any massagist has violated or permitted to be violated any provision of Section 15-2071 or any provision of division 4 of this article.
 - d. *Suspension duration.* The city shall have authority to suspend a license for a period of from one (1) day to ninety (90) days for each occasion upon which one (1) of the grounds for suspension as above set forth has occurred. The suspension shall be effective from the time specified or during the period specified pursuant to a hearing as hereinafter provided in this section.
- (2) *Special suspension.* Notwithstanding any provision to the contrary, the city shall have authority to suspend a license instantly without hearing, to be effective until a hearing as herein provided, whenever any holder of a license issued pursuant to this article:
 - a. Shall have violated any provision for suspension as specified in subsection (1) above on more than one (1) occasion or occurrence prior to a hearing as specified herein; or
 - b. A hearing as specified herein is not held as scheduled by reason of postponement of the same by the holder of the license.
- (3) *Grounds for revocation.* The city may revoke a license issued pursuant to this article for any of the following reasons:
 - a. Whenever in the judgment of the mayor and members of council of the city any holder of a license has violated a provision for suspension as specified in subsection (1) above, the violation is of sufficient excess, neglect or aggravation as to require revocation rather than suspension or upon a judgment that the violation of this article is continuous.
 - b. That the holder of a license issued pursuant to this article has had the license suspended on more than one (1) occasion during any calendar year wherein revocation of the license shall be automatic.
- (4) *Proceedings.* Any proceeding for suspension or revocation of a license issued pursuant to this article shall be pursuant to the following procedures:
 - a. Notice of the proceeding to be recommended or pursued by the city shall be given to the holder of the license specifying the proceeding recommended or to be pursued and the reason therefor pursuant to subsection (1) above. The notice shall specify the date, time and place of hearing on the matter at a special called meeting of city council and, if the provisions of subsection (3) above are being followed, a statement that the license is suspended from the time of service of the notice until the hearing.
 - b. The hearing as specified herein shall be held within thirty (30) days of the date of the notice being served upon the holder of the license unless postponed with the consent of the holder of the license or by motion

adopted at the meeting of council specifying a subsequent date for a hearing.

- c. At the hearing the holder of the license shall be required to present the license to the city prior to being heard at the hearing. At the conclusion of the hearing the license shall either be marked "revoked" or "suspended" with the period of suspension specified thereon or returned to the holder if no action of suspension or revocation is effected.
- d. Subsequent to any action of suspension or revocation as provided herein, the city shall have authority to place one (1) or more notices upon any massage establishment in a conspicuous place or places that the license issued to that establishment has been suspended or revoked and that the same is not open for the business of providing massages without the establishment holding a valid license issued pursuant to this article. In the event that the holder of a license fails to deliver the same to the city as regulated herein or upon the license being suspended pursuant to subsection (3) of this section, the city shall have the authority to take possession of the license from the holder.

DIVISION 3. MESSAGE ESTABLISHMENTS

Sec. 15-2051. License required.

No license to engage in the business of operating a massage establishment shall be issued until an application therefor has been completed and filed with the city clerk and no massage establishment shall engage in the business of providing massages within the limits of the city until the license has been issued.

Sec. 15-2052. Application.

The city clerk shall provide, to an applicant for a massage establishment license, a form containing the information as hereinafter specified which shall be completed and filed with the city clerk by each applicant for such license to be accompanied with payment of the applicable license fee. The application shall be executed under oath attesting to the truth and accuracy of the information contained therein. The application shall request of the applicant the following information:

- (1) The kind of business to be operated.
- (2) The name of the business.
- (3) The location where the business is proposed to be carried on and the telephone number at the location.
- (4) The legal name of the applicant for the license. If the applicant is a corporation, the date upon which the corporation was registered pursuant to the laws of the state; the name of its registered agent; the address of its registered office if the same is different from the address of the location of the business. If the business is not a corporation, the name, home addresses and home telephone numbers of all persons having an ownership interest in the business. Also, an applicant for a massage establishment license shall submit his/her date of birth, sex and race on the application.
- (5) The addresses of any residences of the applicant within the ninety (90) days preceding the date of the application.
- (6) The home address of the applicant and telephone number and the length at which the applicant has been a resident of the address.

- (7) The social security and federal employer's identification number of the applicant.
- (8) The names and addresses of all massagists to be employed or presently employed by the applicant with a health certificate as defined in this article issued not less than fifteen (15) days prior to submitting the application to be attached to that application for each listed massagist.
- (9) Names and addresses of all persons or legal entities owning and/or controlling the applicant, including but not limited to all partners, principals or managers and also if the applicant is a corporation then the officers, directors and shareholders holding at least ten (10) percent of the stock of the corporation.
- (10) Disclosure as to all employees of the applicant and any and all partners, managers or principals of the applicant and also in the event the applicant is a corporation, all officers, directors or stockholders holding ten (10) percent or more of the capital stock of the applicant specifying all final convictions occurring within five (5) years of the date of the application of any federal or state offense which is a felony or any misdemeanor offense of sodomy, procuring, pandering, keeping a bawdy or lewd house, keeping an assignation house and engaging in prostitution, purchasing or selling dangerous drugs, assault or battery or masturbation for hire. If such conviction is disclosed, the disclosure shall specify the nature of the crime, the name of the person so convicted, the date of conviction and the jurisdiction in which the conviction was entered.
- (11) The applicant shall acknowledge that pursuant to this article the city shall have the power and authority to conduct an independent inquiry or investigation as to the information above provided and that if the inquiry or investigation reveals any dispute as to the accuracy or completeness of the information, the city has the authority to require the applicant to provide a recently made photograph and fingerprinting of the person about whom the information is disputed, and the applicant shall be required to provide such to the city upon the request of that official prior to that official making a final decision as to approving or denying the license.
- (12) The names and residential telephone numbers and addresses for the last year of all proposed or present employees of the massage establishment for which the application is being made.
- (13) The name, address and telephone number of the owner of the real property on which the massage establishment will be located so that the party may be located, if necessary, by any city employee or official during day or evening hours.

Sec. 15-2053. Change of information.

The holder of any license issued pursuant to this article shall within seven (7) days from the occurrence of any event which causes a change in the information provided in section 15-2052(8)(9) and (10) transmit the same in writing to the city clerk. The transmittal shall specify the changed information in accordance with such provisions in the same manner as if the information was specified in a license application.

Sec. 15-2054. Separate locations.

The license issued pursuant to this division shall be valid only at the location specified in the license as issued. Any change in the location of the massage establishment other than by ceasing business at a location shall require the filing of an application for a license pursuant to the requirements of this division. In the event the application is filed for the purpose of changing the location of the massage establishment, without adding thereto any total number of locations in excess of those for which the applicant presently holds a license, no additional license fee for the calendar year in which the massage establishment holds a valid license

pursuant to this section shall be charged except that the city may impose a processing charge of twenty-five dollars (\$25.00) per application in such event.

DIVISION 4. MASSAGINISTS

Sec. 15-2071. License-Required.

No massage shall be administered by a person who does not have a current valid massagist license.

Sec. 15-2072. Same-Application.

Licensing and application procedures for massagists shall be as follows:

- (1) No license to engage in the business of administering massages shall be issued until an application therefor has been completed and filed with the city clerk, and no massagist shall engage in the business of providing massages within the limits of the city until the license has been issued.
- (2) The city clerk shall provide to an applicant for a massagist license, a form containing the information as hereinafter specified which shall be completed and filed with the city clerk by each applicant for such license to be accompanied with payment of the applicable license fee. The application shall be executed under oath attesting to the truth and accuracy of the information contained therein. The application shall request of the applicant the following information:
 - a. The kind of license requested.
 - b. The name of the applicant.
 - c. The location where the applicant proposes to administer massages and solicit patrons and the telephone number at the location. If the applicant intends to engage in business or administer massages at more than one (1) location, the addresses of the additional locations shall be specified if the applicant intends to or has previously administered massages at such locations on more than two (2) occasions during a calendar year. If the applicant intends to administer a massage at locations to be identified by patrons which are presently unknown to the application, a specific statement to that effect shall be set forth.
 - d. The legal name of the applicant for the license and the applicant's date of birth, sex and race.
 - e. The addresses of any residences of the applicant within the ninety (90) days preceding the date of the application including the current home address of the applicant, his or her telephone number and the length of time the applicant has been a resident of the address.
 - f. A health certificate as defined in this article issued not less than fifteen (15) days prior to submitting the application to be attached to the application.
 - g. The social security number of the applicant.
 - h. The names and addresses of all massage establishments in which the applicant has been employed for the preceding two (2) years.
 - i. Disclosure as to the applicant of all final convictions occurring within five (5) years of the date of the application of any federal or state offense which is a felony or any misdemeanor offense of sodomy, procuring, pandering, keeping a bawdy or lewd house, keeping an assignation house and engaging in prostitution, purchasing or selling dangerous drugs, assault or battery or masturbation for hire. If such a conviction is disclosed, the disclosure shall specify the nature of the crime, the name of the person so convicted, the date of conviction and the jurisdiction in which the conviction was entered.
 - j. the applicant shall acknowledge that pursuant to this article, the city shall have the power and authority to conduct an independent inquiry

or investigation as to the information above provided and that if the inquiry or investigation reveals any dispute as to the accuracy or completeness of the information, the city has the authority to require the applicant to provide a recently made photograph and fingerprinting of the applicant, and the applicant shall be required to provide such to the city upon the request of the city prior to making a final decision as to approving or denying the license.

- k. The name, address and telephone number of the real property on which the massages will be administered if the information provided in subsection c. above is not a massage establishment so that the party may be located if necessary by any city employee or official during day or evening hours.
- l. A photostatic copy of a diploma of graduation from a school as an exhibit attached to the application. The diploma must be representative of the fact that the applicant attended a course of study of not less than six (6) months, wherein the course of study consisted of a curriculum of physical culture, massage, hydrotherapy, electrotherapy and hygiene. In the event the applicant should not have such diploma, then the applicant must attach a transcript from an accredited educational institution demonstrating the completion, with passing grades, of courses of instruction of physical culture, massage, hydrotherapy, electrotherapy and hygiene or must have had an apprenticeship and practical experience for a period of not less than two (2) years in a regularly licensed massage or physical culture establishment in which the applicant has received training and experience in physical culture, massage, hydrotherapy, electrotherapy and hygiene; the application to specify the name and address of the establishments from which the applicant has obtained the training and experience with the periods during which the training was received and the specification of the nature of the training.

Sec. 15-2073. Supervenient regulations.

Any massagist administering a massage pursuant to a license issued as required by this article shall comply with the substantive provisions and regulations of sections 15-2092, 15-2094 and 15-2095. Any reference in such section to a massage establishment shall apply to the massagist in the manner of conduct or performance in the administration of any massage.

Sec. 15-2074. Change of information.

The holder of any license issued pursuant to this division shall, within seven (7) days from the occurrence of any event which causes a change in the information provided, transmit such change in writing to the city. The transmittal shall specify such changed information in accordance with the provisions of the subsections in the same manner as if the information was specified in a license application.

Sec. 15-2075. Group license prohibited.

A license as provided for in this division shall be issued only to an individual.

DIVISION 4. OPERATIONAL RULES

Sec. 15-2091. Compliance.

Any massage establishment in operation pursuant to a license issued as required by this article shall comply with the provisions and regulations in this article in the conduct and operation of its business.

Sec. 15-2092. Prohibitions generally; exemption.

(a) No person shall receive a massage unless the patron is covered by opaque material such as a towel or shorts covering the hips, genitals and anal areas. No massagist shall touch the genitals or anal area of any patron or the breast if the patron is a female, nor shall a patron touch the genitals or anal area of a massagist, and if the massagist is a female, the prohibited area shall include the breast.

(b) No massage shall be administered to any person who is a minor as defined by state law.

(c) In the administration of any massage, the provisions of subsections (a) and (b) shall not be applicable to any person for whom a massage is ordered upon the written certificate of a licensed physician, osteopath or chiropractor; provided that such certificate shall be signed by the physician, osteopath or chiropractor, be dated, shall specifically state the number of treatments recommended therein and further that the date and hour of each treatment given pursuant to the certificate, the name of the massagist giving the treatment, and the name of the patron receiving the treatment shall be maintained in a record to be preserved by the owner or operator of the massage establishment for a period of two (2) years and shall be available for inspection by the city or its designated representative.

Sec. 15-2093. Hours.

No massage establishment shall be open for the business of providing massages during any day prior to 8:30 a.m. and subsequent to 12:00 midnight Eastern Standard Time or such other daylight or standard time as may be applicable to the geographical territory of the city.

Sec. 15-2094. Sanitary conditions.

It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic or bathing devices or parts thereof that come into contact with the human body shall be sterilized by a modern and approved method of sterilization before initial use, and any such instruments and devices, or parts thereof, after having been used upon one (1) patron, shall be sterilized before using the same upon another. No towels and linens shall be furnished for use of another until thoroughly laundered. All massagists shall wash their hands thoroughly before administering a massage to each patron accommodated. No person suffering from an infectious or communicable disease shall work or be employed in a massage establishment. No person shall be accommodated as a patron within a massage establishment when, to the knowledge of the owner, person in control, or any employee, the person is suffering from an infectious or communicable disease.

Sec. 15-2095. Off-premises massage restricted; record.

No massage establishment nor any massagist shall either arrange for or conduct the administration of a massage under the license applicable to the party except upon the premises of the massage establishment and at the location specified in the application for the license unless, within the application, information is specifically set forth that it is the intention of the holder of the license to administer massages or arrange for the same at unspecified locations within the city and, in such event, the holder of the license shall maintain records subject to the same provisions as in this article above which shall specify as to each massage so arranged or conducted, the name, residential address, and telephone number of the person receiving the massage, and the date, hour and place at which such massage was administered.


SO ENACTED this 1st day of June, 2010.

CITY OF PERRY, GEORGIA

By:


James E. Faircloth, Jr., Mayor

Attest:


Lee Gilmour, City Clerk

1st Reading: May 18, 2010

2nd Reading: June 1, 2010

J:\DAVID\ORDINANCE\2010 Ordinances\Ordinance No.10.wpd


ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended by deleting Sec. 15-28.1 in its entirety.

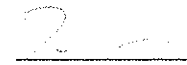
SO ENACTED this 1st day of June, 2010.

CITY OF PERRY, GEORGIA

By:


James E. Faircloth, Jr., Mayor

Attest:


Lee Gilmour, City Clerk

1st Reading: May 18, 2010

2nd Reading: June 1, 2010