

(Published in The Journal Record April 27, 2022)

ORDINANCE NO. 27,046

ORDINANCE RELATING TO MASSAGE, AMENDING CHAPTER 28 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, SECTIONS 28-1, DEFINITIONS, AND 28-30, ISSUANCE OF LICENSE.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. Section 28-1 of Article I of Chapter 28 of the Oklahoma City Municipal Code, 2020, is amended to read as follows:

CHAPTER 28.

MASSAGE

ARTICLE I. IN GENERAL

§ 28-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Employee* means any person at least 18 years of age, other than a massage therapist, who renders any service in connection with the operation of a massage business and receives compensation from the manager of the business or patrons but has no physical contact with the customer.
- (2) *Licensee* means the person to whom a license has been issued to own or operate a massage establishment or to engage in massaging.
- (3) *Manager* means the person owning, controlling, conducting, operating or managing a massage establishment, but shall not include the massage therapist, as defined in this section.
- (4) *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 electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, mud, paraffins, salts 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 or her behalf will pay money or give any other consideration or any gratuity therefor. Massage shall include seated massage.

- (5) *Massage establishment* means any establishment having a source of income or compensation derived from the practice of massage as defined in Paragraph (4) and which has a fixed place of business where any person engages in or carries on any of the activities as defined in Paragraph (4).
- (6) *Massage therapist* means any person who, for any consideration whatsoever, engages in the practice of massage as defined in Paragraph (4).
- (7) *Off-site massage service* means any business, the functioning of which is to engage in or carry on massages as defined in Paragraph (4) above at a location designated by the customer or client or at a location other than at a massage establishment. Off-site massage service may include seated massage.
- (8) *Patron* means any person at least 18 years of age or if under 18 years of age with written parental or legal guardian consent who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.
- (9) *Person* means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form and character.
- (10) *Seated massage* means any massage of the neck, arms, shoulders and back area above the waist where the client is fully clothed, sitting in a special chair designed for upper body massage and done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, mud, paraffins, salts, or other similar preparations commonly used in the practice of massage. Seated massage may be performed either at a massage establishment or off-site.
- (11) *Sexual misconduct* means any criminal ~~conviction~~ violation, either misdemeanor or felony, within the City, this State or any other state for the crime of rape, child molestation, prostitution, acts of lewdness or any crime where ~~the convicted~~ a person is required to register as a sex offender under the statutes of this State.
- (12) *Sexual or genital areas* means genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

SECTION 2. Section 28-30 of Article II of Chapter 28 of the Oklahoma City Municipal Code, 2020, is amended to read as follows:

CHAPTER 28.

MASSAGE

ARTICLE II. LICENSES AND PERMITS

DIVISION 2. MASSAGE ESTABLISHMENT LICENSE

§ 28-30. - Issuance.

If the Health Department approves the issuance of a massage establishment license, it shall cause such approval to be delivered to the Supervisor of Licenses who shall issue the license unless she/he finds:

- (1) The correct license fee has not been tendered to the City, and, in the case of a check or bank draft, not honored with payment upon presentation.
- (2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and health ordinances.
- (3) The applicant, if an individual; or any of the stockholders holding more than ten percent of the stock of the corporation, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses, or has a pending charge for any of the following offenses:
 - a. an offense involving the use of force and violence upon the person of another that amounts to a felony.
 - b. an offense involving sexual misconduct, as defined in Section 28.1 of this chapter.
 - c. an offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

The Supervisor of Licenses may issue a license to any person convicted of any of the crimes described above if such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for any such crime mentioned above.

- (4) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the application or in any document required by the City in conjunction therewith.
- (5) The applicant has had a massage establishment, massage therapist or other similar permit or license denied, revoked, or suspended by the City or any other state or local agency within five years prior to the date of the application.
- (6) The applicant, if an individual; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not at least 18 years of age.
- (7) The applicant's facility has not met the requirements of Section 28-29.
- (8) The applicant is applying to do business at an address in which sexual misconduct has occurred within the last two years.

INTRODUCED AND CONSIDERED in open meeting of the Council of the City of Oklahoma City the 29th day of March, 2022.

PASSED by the Council and **SIGNED** by the Mayor of the City of Oklahoma City this 26th day of April, 2022.

David Holt
MAYOR

ATTEST: (Seal)

Amy K. Simpson
CITY CLERK



REVIEWED for form and legality.

Orval Edwin Jones
Assistant Municipal Counselor