

**ORDINANCE TO IMPOSE A MORATORIUM ON  
MASSAGE THERAPY AND RELATED ESTABLISHMENTS**

**CITY OF WOODSTOCK, GEORGIA**

**WHEREAS**, the City of Woodstock (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

**WHEREAS**, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly;<sup>1</sup> and

**WHEREAS**, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto;<sup>2</sup> and

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1 Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.

2 O.C.G.A. '36-35-3(a) provides as follows:

(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.

**WHEREAS**, the profession of Massage Therapy is regulated and licensed by the State of Georgia under O.C.G.A § 43-1, et seq.; and

**WHEREAS**, the City of Woodstock regulates the professions of Massage Therapy and Bodywork Therapy, along with Massage Therapy Establishments and Bodywork Therapy Establishments, under Article IV, Chapter 22 of the Code of Woodstock, Georgia; and

**WHEREAS**, in addition to a business license, both a State and City license are required to operate as a Massage Therapist and a Bodywork Therapist in the City of Woodstock; and

**WHEREAS**, since the beginning of 2016, no fewer than four massage therapy establishments, inclusive of individuals therein, have been cited by the City of Woodstock for violations of Article IV, Chapter 22; and

**WHEREAS**, common violations of Article VI, Chapter 22 include: (1) the failure of the owner, manager, or supervisor to be present on the premises during operating hours, and, (2) massages occurring by personnel without a state or city license, even at times as a state licensed massage therapist oversees the operation; and

**WHEREAS**, violations of a lascivious nature have also been witnessed during a compliance inspection, also while not infrequently, both men and women have suspiciously exited the premises hurriedly, as code and law enforcement have arrived to conduct compliance inspections; and

**WHEREAS**, unfortunately, the 2016 revisions to Article IV, Chapter 22 have proven ineffective in the regulation of Massage Therapy; and

**WHEREAS**, it has become apparent that many operators of massage therapy establishments, even those who are Massage Therapists duly licensed by the State of Georgia, are willing to abuse the state and City licenses to perhaps achieve monetary and illicit goals; and

**WHEREAS**, no significant penalties appear to exist that would dissuade these operators from willfully operating outside of City and State licensing regulations or in some cases, outside of criminal statutes; and

**WHEREAS**, the governing body of the City of Woodstock has determined that an emergency exists as to the lack of concise controls over the regulation of Massage Therapy in the City of Woodstock; and

**WHEREAS**, the Mayor and City Council of the City of Woodstock have determined that the life, health, property, or public peace, safety and wellbeing of the citizens of the City could be negatively impacted thereby; and

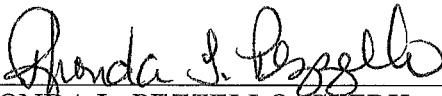
**NOW THEREFORE**, the Mayor and the City Council of the City of Woodstock hereby ordain that a temporary moratorium is imposed as follows:

- 1.) No new licenses authorized under Article IV, Chapter 22 shall be issued by the City of Woodstock, including Massage Therapist, Massage Therapy Establishment, Bodywork Therapist, or Bodywork Therapy Establishment license, or Work Permits, except as follows:
  - a.) A Massage Therapy Establishment licensed prior to the adoption of this moratorium seeks to hire a Massage Therapist who requires a City license or an employee who requires a Work Permit; or
  - b.) A Massage Therapist seeking to work at a Spa Establishment, as defined in Section 22-138, Article IV, Chapter 22, if less than twenty (20) percent gross floor area of the Spa Establishment is dedicated to Massage Therapy; or
  - c.) A Massage Therapist seeking to operate as an employee or a sole proprietor under the supervision of a state licensed physician or chiropractor.

This moratorium is in effect from this date forth until November 13, 2018. It is anticipated that this moratorium shall last until November 13, 2018, but it is subject to change by the Mayor and City Council. During the time this moratorium is in place, the City staff is hereby directed to review the City's land use requirements and zoning ordinances and propose appropriate revisions thereto.

This Ordinance to Impose a Moratorium as detailed herein is effective immediately and shall remain in force until November 13, 2018.

This 27<sup>th</sup> day of August, 2018.

  
RHONDA L. PEZZELLO, CLERK  
CITY OF WOODSTOCK

  
DONNIE HENRIQUES, MAYOR  
CITY OF WOODSTOCK, GEORGIA

First Reading: August 13, 2018, effective August 27, 2018.

For Second Reading and Adoption August 27, 2018.

90-DAY MORATORIUM

