

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 160

An Ordinance prohibiting the operation of massage treatment businesses and the practice of massage treatment without an appropriate license from the State Board of Massage Technicians.

Multnomah County ordains as follows:

Section 1. Title, Pleading and Jurisdictional Scope.

This ordinance shall be known as the Multnomah County Massage Treatment Ordinance, may be so pleaded, shall be referred to herein as "this ordinance", and shall apply to the unincorporated areas of Multnomah County.

Section 2. Findings and Purpose.

A. The Board of County Commissioners finds that there has been an increase in Multnomah County of various business enterprises in which non-licensed persons offer to manipulate or touch the bodies of paying customers for the purpose of sexual arousal and/or sexual gratification. These enterprises operate under names such as massage parlor, lotion studio, rapport studio, sexy sauna and other names generally identifying the nature of the erotic services available.

B. The Board finds that the businesses referred to above present law enforcement problems by fostering prostitution, lewd displays, pornography and other criminal activity including the harboring and illegal employment of runaway minors, and the purchase and sale of narcotics and other drugs.

C. It is the purpose of this ordinance to prohibit the businesses and practices referred to in subsection A. in order

to provide an effective means of preventing violations of and enforcing the criminal law, and to protect the public health, safety and welfare by assuring that persons practicing massage treatment for compensation are doing so for legitimate reasons relating to the establishment and maintenance of good health and body conditioning, and not as a subterfuge for prostitution and other criminal acts.

Section 3. Interpretation and Definitions.

A. For the purpose of this ordinance, words in the present tense include the future, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory and not directory, the masculine gender includes the feminine, and the term "this ordinance" shall be deemed to include the text of this ordinance and all amendments hereafter made.

B. As used in this section, unless the context requires otherwise, the following terms are defined as follows:

1. "Compensation" means any form of remuneration, direct or indirect, either received from the person upon whom the massage treatment is performed, or performed by, or from another.
2. "Director" means the Director of Public Safety of Multnomah County and includes any person or persons designated by the Director to perform any function under this ordinance.
3. "Manual" includes the use of hands, feet, or any other part of the human anatomy.
4. "Person" means any natural person, association, trust, partnership, firm or corporation.
5. "Practice of Massage Treatment" means the performance

of massage treatment or the permitting of massage treatment to be performed by another on one's own body, for compensation.

6. "Massage Treatment" means the manipulation or touching of the body of another person by pressure, friction, stroking, tapping, kneading, painting, or any other manipulating or contact, direct or indirect, by manual or mechanical means or by gymnastics, with or without appliances such as vibrators, infra-red heat, sun lamps and external baths, and with or without lubricants or pigments, including but not limited to oils, soaps, alcohol, paint, powders, lotions, shampoos or salts.

7. "Massage Treatment business" means the operation of an establishment at which the practice of massage treatment is performed.

Section 4. State License Required; Prohibited Conduct.

A. It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, the operation of a massage treatment business unless a massage business license has first been obtained from the State Board of Massage Technicians pursuant to ORS Chapter 687.

B. It shall be unlawful for a person to engage in the practice of massage treatment without first having obtained a permit as a Massage Technician or Apprentice Massage Technician from the State Board of Massage Technicians pursuant to ORS Chapter 687.

Section 5. Exemptions.

A. This ordinance shall not apply to:

1. Persons who practice massage relaxation treatment as an incident to another profession licensed under the authority of the State and who hold the license in good standing from

the State Board having authority to license that profession, or to persons working under the direction of such licensed persons in the performance of said licensed persons' professional capacity;

2. Trainers of any amateur, semi-professional, or professional athletic team or athlete;

3. Massage practiced at any bona fide athletic club or at any athletic department of any bona fide fraternal organization.

4. Massage treatment practices under the auspices of the athletic department of any institution supported in whole or part by public funds;

5. Massage treatment practices under the auspices of the athletic department of any school, college or university.

Section 6. Enforcement.

The Director shall be responsible for the administration and enforcement of this ordinance.

Section 7. Existing Businesses and Technicians.

Persons who are doing business as operators of massage treatment businesses and persons employed as massage treatment technicians on the effective date of this ordinance shall make application for the required license within thirty (30) days of the effective date of this ordinance and may continue to do business until a decision is made upon the application.

Section 8. Penalties.

In addition to abatement as provided in Section 9, violation of any provision of this ordinance is punishable upon conviction by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding six months, or both.

Section 9. Maintenance of Premises in Violation of Ordinance
Declared a Nuisance; Abatement.

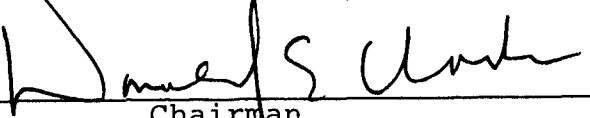
Any premises established or maintained in violation of the provisions of this ordinance is hereby declared to be a public nuisance subject to injunction and abatement, regardless of whether any individual has been convicted of a violation of this ordinance.

Section 10. Severability.

If any section, subsection, provision, clause or paragraph of this ordinance is adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decree shall not affect the validity of the remaining portion of this ordinance, and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph in this ordinance would have been enacted irrespective of the enactment or validity of the portion declared or adjudged to be unconstitutional or invalid.

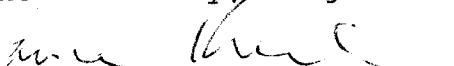
ADOPTED this 9th day of March, 1978, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By 
Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By 
Laurence Kressel
Deputy County Counsel