

ORDINANCE NUMBER 17-06

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF MARICOPA, ARIZONA, AMENDING SECTION
8-8-26 OF THE MARICOPA CITY CODE REGARDING
EXEMPTIONS TO THE REQUIREMENTS FOR MASSAGE
ESTABLISHMENT LICENSES AND PROVIDING FOR
SEVERABILITY AND THE EFFECTIVE DATE THEREOF.**

WHEREAS, on February 17, 2015, the City of Maricopa adopted Article 8-8, Massage Establishments, as part of the City Code; and

WHEREAS, Section 8-8-26 of the City Code specifically deals with the exemptions from the requirements set forth in Article 8-8 for Massage Establishments; and

WHEREAS, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Section 8-8-26 of the Maricopa City Code to provide a limited exemption for businesses providing mobile massage services to individuals in their place of residence would be in the best interest of the City of Maricopa.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Maricopa, Arizona as follows:

SECTION 1. That Section 8-8-26 of the Maricopa City Code be deleted in its entirety and replaced with the following:

Sec. 8-8-26 Exemptions

(a) Complete Exemption. The provisions of this Article shall not apply to:

- (1) Massage Establishments whose Employees are authorized by the laws of this state to practice medicine, osteopathy, chiropractic, podiatry, naturopathy, or acupuncture.
- (2) Massage Establishments whose Employees are acting as trainers for any bona fide amateur, semiprofessional, or professional athletic team or athlete.
- (3) Massage Establishments whose Employees are authorized by the laws of this state as barbers or cosmetologists, provided their activity is limited to the scope of their barber or cosmetology license.
- (4) Massage Establishments whose Employees are providing colon irrigation only.
- (5) Massage Establishments or other businesses that are operating solely as a school that is Arizona State Board of Massage Therapy approved.

(b) Limited Exemption. The following provisions of this Article shall not apply to Massage Establishments or Massage Therapists that are performing Massage or Touching Techniques or Massage Therapy solely in their Clients' place of residence:

- (1) Section 8-8-6(a)(19) – (21);
- (2) Section 8-8-8(e); and
- (3) Section 8-8-20(a).

This Section does not exempt the above Massage Establishments or Massage Therapists from maintaining all other applicable licenses or permits required by the State or City to lawfully operate including, but not limited to, obtaining a valid Home Occupation Permit issued pursuant to Section 410.12 of Chapter 16 of the City Code for their administrative office.

SECTION 2. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 6th day of June, 2017.

APPROVED:

Christian Price
Mayor

ATTEST:

Vanessa Bueras, CMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney