

ORDINANCE NUMBER 22-2584

AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE II, SECTION 8-16-7(o) MASSAGE PARLOR OR MASSEUR/MASSEUSE OF THE MUNICIPAL CODE OF THE CITY OF HOOVER, ALABAMA.

BE IT ORDAINED by the City Council of the City of Hoover at a regular meeting, duly assembled, a quorum being present that the *Municipal Code of the City of Hoover, Alabama* is hereby amended as follows:

Section 1. MODIFICATION OF CHAPTER 8 – LICENSES AND BUSINESS REGULATIONS, ARTICLE II – GENERAL BUSINESS LICENSE, SECTION 8-16-7(o). Chapter 8, Article II, Section 8-16-7(o) of the *Municipal Code of the City of Hoover, Alabama* is hereby amended as follows:

The following amendments shall be made to Section 8-16-7(o):

Delete the following:

- (o) Massage parlor or masseur/masseuse. Every owner, proprietor or operator of a massage parlor which applies manual, mechanical or other massages to the human body, trunk or limbs for a fee, hire, reward or without such fee, hire or reward and applies or administers such manual, mechanical or other massages to members of the public generally or to other persons shall pay a minimum of 100.00

Plus an amount equal to three (3) percent of gross receipts in excess of \$10,000.00 from the previous year.

In addition to the above license payment and any other license payments provided for herein, such owner, proprietor or operator shall pay annually to the city, for each individual masseur or masseuse or other attendant who shall be employed at any time during a license year by such licensee for the purpose of applying or administering massages, the sum of fifty dollars (\$50.00).

Add the following:

- (o) Massage Establishment. Every owner, proprietor or operator of a massage establishment which applies manual, mechanical or other massages to the human body, trunk or limbs for a fee, hire, reward or without such fee hire or reward and applies or administers such manual, mechanical or other massages to members of the public generally or to other persons shall pay a minimum of 100.00

Plus an amount equal to three-twentieths (3/20) of one (1) percent of the gross receipts in excess of fifty thousand dollars (\$50,000.00) from the previous year.

In addition to the above license payment and any other license payments provided for herein, such owner, proprietor or operator

shall pay annually to the city, for each individual massage therapist who shall be employed at any time during a license year for the purpose of applying or administering massages, the sum of fifty dollars (\$50.00).

Section 3. ORDINANCES REPEALED. All other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

Section 4. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. LEGAL RIGHTS NOT IMPAIRED. That nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6. PUBLICATION OF ORDINANCE. That the City Clerk of the City of Hoover is hereby ordered and directed to cause this Ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

Section 7. EFFECTIVE DATE OF ORDINANCE. That this Ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall be in full force and effect upon its adoption and publication/posting hereof as provided by law and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Hoover does hereby enact the foregoing Ordinance for the City of Hoover.

ADOPTED this the 7th day of November, 2022.

John B. Lyda, Council President

APPROVED BY:

Frank V. Brocato, Mayor

ATTESTED BY:

Wendy Dickerson, City Clerk