

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 8000

ORDINANCE COUNCIL SERIES NO.: 25-_____

COUNCIL SPONSOR: MRS. SEIDEN

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 6TH DAY OF OCTOBER, 2025

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, PART I, CHAPTER 22 – LICENSES, TAXATION AND REGULATIONS TO REPEAL AND REPLACE ARTICLE VII. – HEALTH SPAS; RECREATIONAL, ATHLETIC CLUBS; WEIGHT REDUCING CENTERS WITH ARTICLE VII. – MASSAGE ESTABLISHMENTS.

WHEREAS, the Code of Ordinances, Part I, Chapter 22 – Licenses, Taxation and Regulations, Article VII. – Health Spas; Recreational, Athletic Clubs; Weight Reducing Centers predates the formation of the St. Tammany Home Rule Charter and contains outdated practices which are no longer practical to administer; and

WHEREAS, the St. Tammany Parish Council, the governing authority of St. Tammany Parish Government, may promulgate ordinances to promote the public health, safety and welfare; and

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the Code of Ordinances, Part I, Chapter 22 – Licenses, Taxation and Regulations, to repeal and replace Article VII as follows, to wit:

Chapter 22 – LICENSES, TAXATION AND REGULATIONS

~~Article VII. – HEALTH SPAS; RECREATIONAL, ATHLETIC CLUBS; WEIGHT REDUCING CENTERS~~

~~Sec. 22-274. – Definitions.~~

~~For the purposes hereof and unless the context indicates a different meaning, the words and/or phrases hereinafter listed for establishments selling memberships for such purpose shall mean:~~

~~*Athletic club* means any facility which is designed for, and provides athletic equipment, a gymnasium, track, basketball, handball and/or volleyball, tennis and racquetball courts, steam rooms, weight lifting equipment; which provides for the teaching of any of the foregoing or any of the martial arts, etc.; which holds itself out to the public for such purpose or any combination of the foregoing purposes.~~

~~*Commencement of business* means, for a new business, the date of the first subscription or sale of membership or the date the establishment opens for business, whichever comes first. For an existing business, commencement of business shall mean the date of any new membership or the opening of any additional establishment or location.~~

~~*Health spa* means any facility which provides sauna baths, suntan lamps, exercises and/or exercise equipment, massages, steam baths, diet regimens and the like for group or individual sessions, and which holds itself out to the public for such uses or any combination of the foregoing.~~

~~*Recreational club* means any facility which provides pool tables, tennis courts, racquetball and/or handball courts, swimming pool and the like for the purpose of providing recreation and recreational facilities and which holds itself out to the public for such purpose or any combination of the foregoing.~~

~~*Selling memberships* mean the sale for cash or on terms to any person of a membership which extends more than 12 consecutive months or which exceeds in amount the sum of \$125.00, including interest for a shorter duration.~~

~~*Weight reducing center* means any facility which is designed for and provides equipment for weight control and/or muscle tone; which provides diets, dietary supplements, and the like; which holds itself out to the public for such purpose or any combination of the foregoing.~~

~~Sec. 22-275. Applicability~~

- ~~(a) — Said establishments shall not be permitted to sell memberships for lump sums of cash which exceed a time period of 12 months or which exceeds in amount the sum of \$125.00, including interest, for a shorter duration if financed by the facility.~~
- ~~(b) — Nothing contained herein shall be interpreted to restrict or impair in any way any obligation or contract in existence prior to the enactment of this article. Prior contracts of membership shall not be affected by the article. All contracts of membership to be entered into after the effective date of the ordinance from which this article is derived shall be governed by the provisions herein.~~

~~Sec. 22-276. Restrictions on contracts for membership.~~

~~Contracts for membership in said establishment shall not be binding until 72 hours, excluding holidays and weekends, after both parties have executed said contract. During the first 72 hours after the contract has been signed, either party to the contract shall have the uncontested right to cancel said contract. Financial contracts for memberships shall be owned and maintained by the establishment selling the memberships. It shall be a violation of this article to sell or otherwise transfer or pledge ownership of said notes and/or financial contracts to any other agency or institution.~~

~~Sec. 22-277. Licensing.~~

- ~~(a) Before commencement of business, the owners thereof shall apply to the sheriff of the parish for a commercial license, in addition to an occupational license and they shall make an affidavit listing name and addresses of the owner, the name and addresses of the establishment, the cost of membership therein, the names and addresses of the operator thereof, if different from the owner; attached thereto will be the membership contract or contracts to be used; the affidavit will include the fact that the owners are citizens of the United States and that they have not been convicted of a felony, or pleaded guilty thereto, within the five years immediately preceding the application.~~
- ~~(b) In the event the owner or operator is a corporation, those holding more than ten percent each of the issued shares must each execute such an affidavit.~~
- ~~(c) If the establishment or facility is leased, a copy of the lease must be attached to the application.~~
- ~~(d) After processing the application, the sheriff shall forward same to the parish department of development permits indicating that he has no objection thereto.~~
- ~~(e) The parish department of development permits shall thereafter, at the first parish council meeting immediately following the receipt thereof, place same before the parish council for issuance or rejection of the license.~~
- ~~(f) The facility shall not be open for business until after the parish license is actually received and also a permit is received from DHHR or appropriate health agency, if the latter is required.~~
- ~~(g) The license shall be posted within the facility at a conspicuous place and readily available for inspection.~~
- ~~(h) The fee for the application for the parish license shall be \$50.00 payable to the sheriff's department.~~
- ~~(i) Once issued, the license need not be reissued, however the occupational license must be paid to the parish, unless:
 - ~~(1) The ownership changes; or~~
 - ~~(2) The license is revoked for cause.~~~~

~~Sec. 22-278. — Bond required.~~

~~Said establishments shall be bonded with a state firm on the sum of \$25,000.00 or in total amount of their prepaid yearly memberships whichever is higher. Said establishment shall supply proof to the sheriff's department of said bond at the time of application and thereafter of the total number of prepaid yearly memberships when their occupational licenses are renewed.~~

~~Sec. 22-279. — Exemptions.~~

~~The provisions of this article shall not apply to:~~

- ~~(1) Such establishments as are already in operation; however, it shall apply if and when there is a change in ownership, in whole or in part.~~
- ~~(2) To any such establishments which are nonprofit and conducted as an adjunct to a school, church, synagogue, governmental agency or bona fide homeowners association or private club.~~
- ~~(3) To any establishment which does not sell or finance memberships, i.e., which operates on a noncontract basis wherein the customer pays only on "per visit" or "per each use."~~

~~Sec. 22-280. — Penalty for violation.~~

- ~~(a) Any violation hereof shall constitute a misdemeanor punishable as is contained in section 1-9; should said violations continue, each day thereof will be a separate offense.~~
- ~~(b) Additionally or alternatively the parish council may suspend or revoke the license after an administrative hearing brought on the complaint of any agency or law enforcement officer of this parish.~~

~~Secs. 22-281 — 22-308. — Reserved.~~

Article VII. — MASSAGE PARLORS

Sec. 22-274. — Definitions.

The words, terms, and phrases, when used in this Article, shall have the following meanings:

Business shall include, but is not limited to, everything about which a person can be employed, and means that which occupies the time, attention, and labor of men and women for the purpose of producing a livelihood or profit, and connotes the efforts of men and women's varied and diverse methods of dealing with each other, to improve their individual economic conditions, and for the purposes of this Article shall include, but are not limited to, the

advertising, solicitation, and/or performance of massages. The term "business" includes, but is not limited to, a massage practitioner who is the sole owner, operator, and employee of a massage business operating as a sole proprietorship, as well as a massage establishment that employs massage practitioners and therapists.

Board shall be defined as the Louisiana Board of Massage Therapy or any other board or entity established by the state to govern the practice of massage therapy.

Client shall be defined as a customer or patron who pays for or receives massage services or any other service offered by the massage establishment.

Compensation shall include, but is not limited to, the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

Employee means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business or its owner or other employee.

Licensed massage practitioner shall be defined as a person licensed to practice massage by the Louisiana Board of Massage Therapy.

Lobby means the area of the building in which registration of clients occurs, including, but not limited to, the area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors.

Massage and massage therapy means any method of treating the external parts of the body for remedial, health or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments.

Massage business, establishment, or parlor, used interchangeably, refers to any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a massage business under this chapter. The term massage business includes but is not limited to a licensed massage practitioner who is the sole owner, operator, and employee of a massage business operating as a sole proprietorship.

Massage establishment license is the license issued by the department of code compliance and enforcement in connection to any business that performs, and/or advertises massages, message therapy and/or conducts and/or operates a massage business, establishment and/or parlor.

Outcall means a massage scheduled and performed by a licensed massage therapist at any location other than the massage establishment.

Outer garments means garments worn over other garments, and does not include underwear, bras, lingerie or swimsuits.

Owner, proprietor, operator, or massage business owner, used interchangeably, means any of the following persons:

(1) Any person who is a general partner of a general or limited partnership that owns a massage business;

(2) Any person who has a five (5) percent or greater ownership interest in a corporation that owns a massage business;

(3) Any person who is a member of a limited liability company that owns a massage business;

(4) Any person who has a five (5) percent or greater ownership interest in any other type of business association that owns a massage business.

Person means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals, or any juridical entity.

Practitioner, massage practitioner or licensed massage therapist, used interchangeably, means any person who administers massage to another person, for any form of consideration (whether for the massage, as part of other services, or a product, or otherwise.)

Sexually oriented business shall be defined as a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult model, or other commercial enterprise which has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Sec. 22-275. – Massage establishment license required.

(a) It shall be unlawful for massage businesses, establishments, or parlors to transact any phase, or take any steps or actions of business in the parish without first obtaining a message establishment license from the St. Tammany Parish Government Department of Planning & Development. Every person, whether natural or juridical, who desires to lease or buy private property to conduct any of the businesses or callings hereinafter set forth, shall first apply for and be granted a massage establishment license on the forms provided by the St. Tammany Parish Government Department of Planning & Development after providing the approved state issued license from the board and landlord information if applicable.

- (b) Massage establishment license fees shall be \$100.00.
- (c) No massage establishment license shall be issued until all requisite approvals and permits by the state board of massage therapy, are finalized and received by the St. Tammany Parish Government Department of Planning & Development.
- (d) All licensees shall comply with the applicable laws and regulations of the state and the parish Code.
- (e) Upon obtaining a massage establishment license, the St. Tammany Parish Government Department of Planning & Development will verify annually that the establishment maintains good standing with the State licensing board on or before May 1st of each year.
- (f) Massage establishment license and all requisite approvals shall be conspicuously displayed and affixed to the wall of the lobby of the massage establishment in a manner clearly visible to patrons within the lobby at all times during operation of the business.
- (g) Obtaining a massage establishment license shall be the responsibility of the entity which controls the physical location where the services are provided, which entity may be a sole proprietor, lessee, owner, partnership, corporation, cooperative, association or other legal entity.
- (h) A massage establishment shall apply to the St. Tammany Parish Government Department of Planning & Development to amend its license within thirty (30) days after material change in the registration information, including but not limited to a change in the business's address or changes made to the state permit.
- (i) Nothing herein relieves an individual or business from obtaining any other licenses, or permits if otherwise required by law.
- (j) All licenses issued pursuant to this Article are nontransferable and shall be for the sole use and benefit the licensee or location issued.
- (k) All massage establishment licenses are the property of the parish and shall be surrendered upon demand of the parish. Failure to comply with the requirements of this article, and local or federal law may result in the revocation and/or suspension of the message establishment license.
- (l) The requirements set forth in this section shall not apply to persons exempt by R.S. 37:3556.
- (m) Any existing massage businesses, establishments, or parlors operating at the time the provisions of this Article are adopted and enacted shall be provided a period of ninety (90) days from notice by the parish of the massage establishment license requirement to submit the application for said license. Notice shall be provided to the massage

establishment businesses via registered mail to the address provided in the state permit and/or the last known place of business.

Sec. 22-276. – Rules and regulations for massage establishment proprietors and massage therapists.

In addition to all other applicable state and local laws and ordinances pertaining to licenses and franchises, all massage establishments operating pursuant to this Article shall also be subject to the following provisions:

(1) No person shall engage in the practice of massage therapy without a current license issued pursuant to R.S. 37:3556 unless such a person is exempt under the laws of the state.

(2) Each person engaging in the practice of massage therapy shall be the holder of a licensed massage therapist identification card (LMT-ID card), which shall identify the therapist as being properly licensed and shall authorize the therapist to provide off-site massage services.

(3) A massage establishment shall employ or contract only licensed massage therapists to perform massage therapy.

(4) Each licensed massage therapist who works at a massage establishment shall display their LMT-ID card in plain view in an appropriate public manner. A licensed massage therapist who is working outside of a massage establishment shall have in their possession their LMT-ID card and shall present it for review upon request of a client, board representative, parish representative or law enforcement officer.

(5) All massage business operators and their employees, including massage practitioners, shall wear clean, non-transparent outer garments. These garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest.

(6) No massage shall be given unless the client's genitals are, at all times, fully covered. A massage practitioner shall not, at any time during the course of business, make physical contact with the genitals or private parts of any other person, regardless whether the contact is over or under the person's clothing.

Sec. 22-277. – Massage establishments.

(a) All massage establishments must obtain and display the massage establishment license and licenses of each massage therapist employed thereby in a public area of the massage establishment in a manner clearly visible to patrons within the lobby at all times during operation of the business.

- (b) Quiet and good order shall be maintained upon the premises and the owner/manager shall not permit disorderly or immoral conduct or loitering thereon, nor shall the owner/manager cause or permit any noise or nuisance on the parking area of the establishment whereby the quiet and good order of the neighborhood are disturbed.
- (c) A list of the services available and the cost of such services shall be posted in the lobby area of the massage establishment, and shall be described in readily understandable language. Outcall service providers shall provide such a list to clients in advance of performing any service. No owner, manager, operator or responsible managing employee shall permit, and no massage practitioner shall offer or perform, any service other than those posted or listed as required herein, nor shall any operator or massage practitioner request or charge a fee for any service other than those listed therein.
- (e) No person shall enter, be, or remain in any part of a massage business while in possession of an open container of alcohol, or consuming or using any alcoholic beverage or drugs except pursuant to a prescription for such drugs, except as allowed by the Louisiana Office of Alcohol and Tobacco Control and the parish. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises except as permitted by the office of alcohol and tobacco control and the parish.
- (f) No massage business shall allow any person to reside within the massage business or in attached structures owned, leased or controlled by the massage business.
- (g) No massage establishment shall provide massages after 10:00 p.m. or before 7:00 a.m.

Sec. 22-278. – Inspection by officials.

The investigating and enforcing officials of the parish, including, but not limited to, the sheriff's department, code enforcement officers, building officials, issuers of permits or licenses, or their designees, shall have the right to enter the premises at any time during posted business hours for the purpose of making reasonable inspections and to observe and enforce compliance with building, fire, electrical, plumbing, or health regulations, and to enforce compliance with the applicable regulations, laws, and statutes, and with the provisions of this Article.

Sec. 22-279. – Grounds for penalties.

- (a) The parish may suspend, revoke, or refuse to issue or renew a massage establishment license after notice and opportunity for hearing, upon proof of any of the following:
 - (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts, including making false statements on an application or other document required by the parish;
 - (2) Selling, bartering, or offering to sell or barter a license;

- (3) Engaging in unprofessional conduct that has endangered or that is likely to endanger the health, welfare, or safety of the public;
 - (4) The conviction, nolo contendere plea, or receipt of deferred adjudication of any licensed massage therapist employed or contracted by the massage establishment of any crime arising out of or connected with the practice of massage therapy, unless such a conviction was reversed on appeal;
 - (5) The conviction, nolo contendere plea, or receipt of deferred adjudication of any licensed massage therapist employed or contracted by the massage establishment at the time of commission of the crime to a violent felony or criminal offense involving sexual misconduct or prostitution;
 - (6) Violating or aiding and abetting in the violation of any provisions of this Article or the rules and regulations promulgated hereunder;
 - (7) Failing to comply with license requirement from the parish or renewal requirements from the state, or the state board of massage therapy.
 - (8) That a crime or offense involving prostitution or other sexual offenses and resulting in a conviction, to which a plea of nolo contendere was entered or deferred adjudication received, has occurred on the premises of the establishment.
- (b) Sexual assaults, batteries or other crimes that are reported by the client will not affect the massage establishment license if the massage establishment business dismisses the perpetrator from their employment and there are no more than three (3) such occurrences in a twelve-month period.

Sec. 22-280. – Procedure for and effect of massage establishment license-revocation, refusal, suspension and other penalties for violations.

In addition to the penalty provided for in Sec. 22-279, whosoever violates the provisions of this Article shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred (\$500.00) dollars per day. Each day on which a business, employee or owner operates in violation of the provisions of this Article shall be considered a separate offense for purposes of this Section.

A person shall be subject to fines and penalties upon good cause shown at a hearing conducted by the Bureau of Administrative Adjudication, through the notice, hearing practice and procedures set forth in Part I, Article XIV, Sec. 2-541, et seq.

Sec. 22-281. – Exemptions.

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties.

- (1) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the state, and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.
- (2) Barbers and cosmetologists, duly licensed under the laws of the state, while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of their clients.
- (3) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the state, and employees of these licensed institutions, while acting within the scope of their employment.
- (4) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are trained in therapeutic sports massage, acting within the scope of their employment, performing massages for athletic purposes.
- (5) Trainers of amateur, semi-professional or professional athletes or athletic teams who are trained in therapeutic sports massage, while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.
- (6) Individuals administering massages or health treatment involving massage to persons participating in single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events; provided, that all of the following conditions are satisfied:
 - a. The massage services are made equally available to all participants in the event;
 - b. The event is open to participation by the general public or a significant segment of the public, such as employees of sponsoring or participating corporations;
 - c. The massage services are provided at the site of the event, either during, immediately preceding or immediately following the event;

d. The sponsors of the event have been advised of and have approved the provisions of massage services; and

e. The persons providing the massage services are not the primary sponsors of the event.

Sec. 22-282. Penalties.

(a) Violations of the provisions of this Article shall be considered a misdemeanor and any person, including the owner or operator of a massage establishment, upon conviction, shall be fined an amount not exceeding five hundred (\$500.00) dollars per day of violation or imprisoned for not more than sixty (60) days, or both.

(b) Any person, proprietor, or establishment convicted of a violation of any provision of this Article shall additionally be ineligible for licensure as a massage establishment for a period of up to five (5) years from the date of conviction.

(c) The parish shall impose a fine at a rate and/or penalty allowed by law, including but not limited to, the parish prohibiting entry into the business when a business is operating as a massage establishment without a proper massage establishment license.

Secs. 22-283 – 22-308. – Reserved.

REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared severable.

EFFECTIVE DATE: This ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AN DRESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 4TH DAY OF DECEMBER, 2025; AND BECOMES ORDINANCE COUNCIL SERIES NO. 25-_____.

JOE IMPASTATO, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: OCTOBER 29, 2025

Published Adoption: _____

Delivered to Parish President: _____

Returned to Council Clerk: _____