

ORDINANCE NO. 14993

FILE OF CITY COUNCIL

BILL NO. 27 - 2012

INTRODUCED BY

APRIL 18, 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLENTOWN, PENNSYLVANIA, REPEALING ORDINANCE NO. 13360, NOW ARTICLE 1157 OF THE CODIFIED ORDINANCES, IN ITS ENTIRETY TO CONFORM TO THE STATE MASSAGE THERAPY ACT OF OCT. 9, 2008, P.L. 1438, AS AMENDED

WHEREAS, the City adopted Ordinance No. 13360 on October 4, 1995, now Article 1157 of the Codified Ordinances, under which the City regulates massage establishments and practitioners; and

WHEREAS, under the Message Therapy Act of Oct. 9, 2008, P.L. 1438, as amended, 63 P.S. Section 127.16, any local Ordinance relating to the regulation of massage therapists is preempted and superseded.

WHEREAS, the City Council of the City of Allentown desires to repeal in its entirety Ordinance No. 13360, now Article 1157 of the Codified Ordinances, with respect to massage establishments and practitioners to conform to the state Massage Therapist Law which preempts local legislation on the same subject.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLENTOWN AS FOLLOWS:

Section 1.Repeal of Article 1157 of the Codified Ordinances

Ordinance No. 13360, now Article 1157 of the Codified Ordinances of the City of Allentown, is hereby repealed in its entirety.

Section 2. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

Section 3. Severability.

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

Section 4. Effective Date.

This Ordinance shall be effective in thirty (30) days from the date of adoption.

	Yea	Nay
Joe Davis	X	
Jeanette Eichenwald	X	
Cynthia Y. Mota	X	
Ray O'Connell, VP	X	
Mike Schlossberg	X	
Peter G. Schweyer	X	
Julio A. Guridy, Pres.	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on May 16, 2012 and signed by the Mayor on May 22, 2012.

Michael P. Hombin

CITY CLERK

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Health Bureau

- **Summary and Facts of the Bill**

This Ordinance repeals Ordinance No. 13660, adopted on October 4, 1995, now codified in Article 1157 of the City of Allentown Codified Ordinances, under which the City regulates massage establishments and massage practitioners. The repeal is required because the state Massage Therapy Act of October 9, 2008 expressly preempts local legislation governing massage therapists. The state law must apply.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City’s Vision/Mission/Priorities**

This Ordinance, upon passage, repeals Ordinance No. 13360, now Article 1157 of the City of Allentown Codified Ordinances, under which the City regulates massage establishments and massage practitioners to conform with state law which preempts local legislation on the same subject matter.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

The are no costs associated with this Ordinance.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

No funding sources are implicated by this Ordinance.

- **Priority status/Deadlines, if any**

City Council's consideration is requested in due course. There are no deadlines.

- **Why should Council unanimously support this bill?**

State statute preempts local legislation on the subject of massage establishments and massage practitioners.