

FREDERICK COUNTY PLANNING COMMISSION
October 17, 2018 9:30 a.m.

TITLE: Bill #18-27 Bodywork Establishment

FILE NUMBER: N/A

REQUEST: Bill #18-27 Bodywork Establishment Public Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: Council Member Jessica Fitzwater

STAFF:

RECOMMENDATION: That the Planning Commission provide a recommendation to the Frederick County Council regarding the Text Amendment.

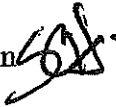
ATTACHMENTS:
Proposed Bill
Summary Memorandum



FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

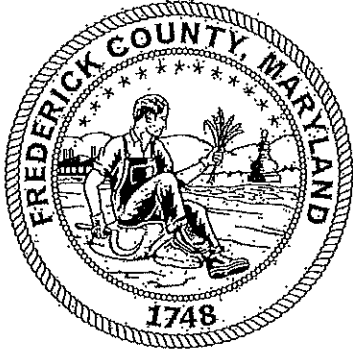
Steven C. Horn, Division Director

To: Frederick County Planning Commission
From: Steven C. Horn, Director, Planning & Permitting Division 
Date: October 2, 2018
Subject: Bill #18-27 Bodywork Establishment (By: Council Member Jessica Fitzwater)

Attached, please find the proposed Bill and summary memorandum from Steve Horn, Director, Division of Planning & Permitting

Thank you for your attention to this matter.

Attachment
Proposed Bill
Summary Memorandum



Bill No. 18-27

Concerning: Bodywork Establishment

Introduced: September 25, 2018

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: October 31, 2018

Frederick County Code, Chapter 1-19

Section(s) 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jessica Fitzwater

AN ACT to: Define "Body-work" establishments within Frederick County, as a use within Frederick County Code, Chapter 1-19 (Zoning Ordinance).

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-19 Section(s) 11.100

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. 18-27

The County Council of Frederick County, Maryland, recognizes that under Section 1-19-2.110 (A) of the Frederick County Code (F.C.C.), it is unlawful to begin a new use in any structure without first obtaining a Zoning Certificate.

Further, the Council observes that under F.C.C. Section 1-19-2.110 (C), a Zoning Certificate issued on the basis of an approved application authorizes only the specific use set forth in that application and no other use. A use different than that approved is a violation of F.C.C. Chapter 1-19. *Id.*

Additionally, the Council notes that a Zoning Certificate is revocable by the Zoning Administrator upon noncompliance with any condition or requirements imposed under F.C.C. Chapter 1-19, Section 1-19-2.110 (G).

The Council is given to understand that the Frederick County Division of Planning and Permitting has agreed to prepare an Addendum to the standard application for a Zoning Certificate by which an applicant for a Zoning Certificate for a Bodywork Establishment will certify, under penalty of perjury, to certain background information. This data will inform the Zoning Administrator in determining whether or not to issue a Zoning Certificate and what conditions should properly be placed thereon.

Given this statutory assurance, and the existing process for the application, administration and enforcement of a Zoning Certificate, the Council is persuaded that including Bodywork and Bodywork Establishment as a use subject to the issuance and conditions of a Zoning Certificate is a necessary and appropriate manner to address the potential of Human Trafficking in Bodywork Establishments.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby,
amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

§1-19-11.100. DEFINITIONS.

BODYWORK. The practice of using one's hands or another part of the body to apply pressure on an individual's body or bare feet to affect the electromagnetic energy, energetic field, or energy meridians of the human body. The term Bodywork does not apply to:

(1) an individual with a license, registration, or other approval issued by the Maryland State Board of Massage Therapy Examiners to provide massage therapy under § 6-101 of the Health Occupations Article;

(2) an athletic trainer who:

(a) is certified by a nationally recognized athletic trainer certification agency identified by the Director and works under the supervision of a physician, while functioning in the athletic trainer's professional capacity;

(b) is employed by an accredited educational institution, while performing professional duties at that institution; or

(c) is employed by a professional sports team, while treating members of that team; or

(3) a business in which every person who provides services is a certified massage therapist or registered massage practitioner under State law.

(4) a professionally trained reflexologist as identified through the use of a stand-alone, non-profit, psychometrically valid national testing process.

BODYWORK ESTABLISHMENT. Any business that advertises bodywork services or where any employee, agent, or contractor, who is not a certified massage therapist or registered massage practitioner under state law, performs bodywork on an individual.

SEXUAL ACTIVITY. Any direct or indirect physical contact between persons intended to erotically stimulate either person or both persons or is likely to cause such stimulation. Sexual activity includes intercourse, fellatio, cunnilingus, anal intercourse, masturbation, or manual stimulation. Any person who operates a bodywork establishment must not engage in or allow another person to engage in the performance of any sexual activity with another person in the establishment.

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.

Bill No. 18-27



FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

Jessica Fitzwater
Council Member District 4

To: County Council
From: Jessica Fitzwater, District 4
Date: September 11, 2018
Subject: Bodywork Establishment

Issue: Should the County Council amend the Frederick County Code to define and regulate “Bodywork Establishment” within Frederick County?

Background: Human trafficking is a market-driven, multi-billion dollar criminal industry. Maryland is reported to be one of the top ten states known for human trafficking. Frederick is prime for human trafficking activity as highlighted by the discovery of several recent cases in Frederick County. Survivors endure physical and emotional trauma as traffickers exploit vulnerabilities of men, women, and children. The covert nature of the crime prevents easily identifying and rescuing survivors.

Too often human trafficking operations circumvent the state and local massage regulations by claiming themselves as venues offering only acupuncture, reflexology, or other unregulated “bodyworks.” Unregulated bodyworks establishments offer patrons unfettered physical contact. There have been multiple cases within the last several years of “massage parlors” in Frederick County that have been covers for human trafficking and prostitution operations.

The City of Frederick already has a bodyworks license as do other counties such as Montgomery County.

What would the new bill do?: This bill would define bodywork into the Frederick County Code.

It provides an additional tool for the Sheriff’s Office and the State Attorney’s Office when charging and prosecuting those involved in human trafficking crimes in these types of establishments.