

Bill No. 24-07

Concerning: Amendment to Chapter 1-19 (Zoning Ordinance) to Update the Definitions of Bodywork And Add New Approval Criteria.

Introduced: May 7, 2024

Revised: _____ Draft No. _____

Enacted: June 18, 2024

Effective: August 17, 2024

Expires: August 5, 2024

Frederick County Code, Chapter 1-19

Section(s) 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Members Renee Knapp and M.C. Keegan-Ayer on behalf of
County Executive Jessica Fitzwater

AN ACT to: Amend Chapter 1-19 of the Zoning Ordinance to Update the Definitions of Bodywork and Add New Approval Criteria.

Date Council Approved: 6/18/2024 Date Transmitted to Executive: 6/20/2024

Executive: Jessica Fitzwater Date Received: 6/20/2024

Approved: ✓ Date: 6/24/24

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

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

Other: _____

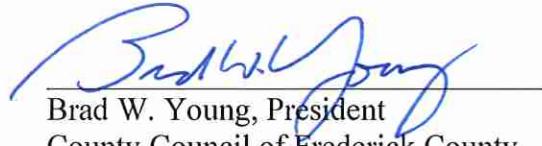
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Heading or defined term.
Added to existing law.
Deleted from existing law.
Existing law unaffected by bill.

Bill No. 24-07

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend Chapter 1-19 of the Frederick County Code to update the definitions of Bodywork and add new approval criteria.

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.



Brad W. Young, President
County Council of Frederick County,
Maryland

§ 1-19-5.310. USE TABLE.

Uses	Zoning Districts												
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI
<i>Commercial Business and Personal Services</i>													
Advertising agency									PS	PS	PS		
Bank or savings and loan									PS	PS	PS	PS	
<u>Bodywork</u>									PS	PS	PS		
Broadcasting studio									PS	PS	PS	PS	PS
Communication towers**	E	E								PS	PS	PS	PS
Barber and beauty shops									PS	PS	PS		

1-19-8.491. BODYWORK

10 The establishment of a new Bodywork use shall be permitted only if the following requirements
11 are met:

13 (A) Prior to applying for a Building Permit, a Zoning Verification letter must be submitted to
14 the Zoning Administrator which includes:

15 1. A description of the business,
16 2. A list of current employees, and
17 3. Copies of all required licenses from the State of Maryland for each listed
18 employee or, for uses that do not require a license, verification of professional
19 training.

Underlining indicates matter added to existing law.

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*** - indicates existing law unaffected by bill.

(B) The owner or operator of a Bodywork use shall file an annual report, as required by the Zoning Administrator, which includes an updated list of employees and copies of all required State licenses or verification of professional training.

(C) A Bodywork use shall not be used as a place of human habitation.

(D) Bodywork instruction may only be provided:

1. to individuals who are enrolled in a bodywork training program recognized by the Maryland Higher Education Commission; and
2. in accordance with applicable State law and regulations governing bodywork licensure and education.

(E) The Zoning Administrator, or designee, is authorized pursuant to 1-19-2.100(B) to conduct periodic inspections of a Bodywork use to verify compliance with this section.

(F) A violation of this section will result in the suspension or revocation of the Zoning Certificate approval.

* * *

§ 1-19-11.100. DEFINITIONS.

[Subsection (A) remains unchanged.]

(B) In this chapter the following terms are used as defined unless otherwise apparent from the context.

* * *

BODYWORK. The practice of therapeutic touching or manipulation of another person's body by rubbing, stroking, kneading or tapping with one's hands or another part of the body. [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:

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

([b] a) An athletic trainer who:

Underlining indicates matter added to existing law.

[Single boldface brackets and ~~strike-through~~] indicate matter deleted from existing law.

*** - indicates existing law unaffected by bill.

1. 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;
2. Is employed by an accredited educational institution, while performing professional duties at that institution; or
3. Is employed by a professional sports team, while treating members of that team; or

~~[(c) A business in which every person who provides services is a certified massage therapist or registered massage practitioner under state law.]~~

~~[(d) 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 provides 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.]

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