

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**ORDER OF FORT BEND COUNTY ADOPTING THE FORT BEND
COUNTY REGULATIONS PROHIBITING MASSAGE PARLORS**

WHEREAS, the authority to promulgate and enforce this Order is granted to the Fort Bend County Commissioners Court by Chapter 234, as amended, of the Texas Local Government Code; and

WHEREAS, the Fort Bend County Commissioners Court desires to pass regulations prohibiting the operation of Massage Parlors to promote and protect the health, safety, and general welfare of the residents of Fort Bend County; and

WHEREAS, a Massage Parlor is an establishment that purports to provide massage services, and allows (a) a nude person to provide massage services to a customer; (b) a person to engage in sexual contact for compensation; or (c) a person to provide massage services in clothing intended to arouse or gratify the sexual desire of any person; and

WHEREAS, Massage Parlors promote or encourage illicit criminal activity, including but not limited to prostitution, promotion of prostitution, and human trafficking, which is a crime that includes the exploitation of innocent persons for the performance of an involuntary commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such an act is 17 years or younger; and

WHEREAS, these Regulations are needed to penalize and discourage persons from engaging in the business of Massage Parlors which negatively impacts the health, safety, and general welfare of the residents of Fort Bend County; and

WHEREAS, the Fort Bend County Regulations Prohibiting Massage Parlors (“these Regulations”) shall not be construed to limit or make ineffective any state, county, or local law, ordinance or regulation applicable to the operation of a massage establishment or a business that advertises massage therapy or offers other massage services licensed by the Texas Department of Licensing and Regulation as provided by Title 16 of the Texas Administrative Code, Chapter 117; and

WHEREAS, Massage Parlors are associated with a wide variety of adverse secondary effects, including but not limited to personal and property crimes, illicit drug use and drug trafficking, and negative impacts on surrounding properties; and

WHEREAS each of the foregoing negative acts and adverse secondary effects constitutes a harm to the residents of Fort Bend County which the County has a substantial governmental interest in preventing and abating;

THEREFORE BE IT HEREBY ORDERED, ADJUDGED, AND DECREED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, THAT THE REGULATIONS ATTACHED HERETO, ENTITLED FORT BEND COUNTY REGULATIONS PROHIBITING MASSAGE PARLORS, ARE MADE A PART OF THIS ORDER AND ARE ADOPTED AS THE REGULATIONS OF FORT BEND COUNTY, EFFECTIVE JANUARY 25TH, 2022 AND ALL OFFICIALS OF FORT BEND COUNTY HAVING DUTIES UNDER SAID REGULATIONS ARE ORDERED AND DIRECTED TO PERFORM SUCH DUTIES AS REQUIRED OF THEM UNDER SAID REGULATIONS.

PASSED, APPROVED and ORDERED on this ____ day of _____, 2022.

KP GEORGE, COUNTY JUDGE

ATTEST:

Laura Richard, County Clerk

(COMMISSIONERS COURT SEAL)

EXHIBIT A

FORT BEND COUNTY
REGULATIONS PROHIBITING MASSAGE PARLORS



EFFECTIVE ON JANUARY 25, 2022

BY
FORT BEND COUNTY COMMISSIONERS COURT

COUNTY JUDGE
KP GEORGE

COUNTY COMMISSIONERS

COMMISSIONER PCT. 1, VINCENT MORALES
COMMISSIONER PCT. 2, GRADY PRESTAGE
COMMISSIONER PCT. 3, ANDY MEYERS
COMMISSIONER PCT. 4, KEN DEMERCHANT

FORT BEND COUNTY REGULATIONS PROHIBITING MASSAGE PARLORS

Effective January 25, 2022.

1.0 AUTHORITY TO REGULATE.

- (a) The Regulations Prohibiting Massage Parlors (herein referred to as “the Regulations”) are promulgated pursuant to and in conformity with Chapter 234 of the Local Government Code, as amended.
- (b) It is the purpose of the Fort Bend County Commissioners Court to exercise its police power, as established under Chapter 234 of the Local Government Code, to:
 - (1) prohibit Massage Parlors in order to promote and protect the health, safety, and general welfare of the citizens of Fort Bend County, and
 - (2) prohibit business activities which merely serve as a front for criminal activities, including but not limited to, human trafficking, prostitution, and the promotion of prostitution.
- (c) The Regulations Prohibiting Massage Parlors have neither the intent nor the effect of imposing limits or restrictions on the content of any communicative material, including sexually oriented material.
- (d) The Regulations Prohibiting Massage Parlors have neither the intent nor the effect of imposing limits or restrictions on adult’s access to sexually oriented material protected by the First Amendment.
- (e) These Regulations do not legalize anything prohibited under the Texas Penal Code and any other law(s) or regulation(s).
- (f) Nothing in these Regulations shall be construed to limit or make ineffective any state, county, or local law, ordinance or regulation applicable to the operation of a massage establishment or a business that advertises massage therapy or offers other massage services regulated by the Texas Department of Licensing and Regulation as provided by Title 16 of the Texas Administrative Code, Chapter 117.

2.0 AREAS COVERED BY THESE REGULATIONS.

- (a) These Regulations apply only to Massage Parlors, as defined in section 3.0(c) of these Regulations, located in the unincorporated areas of Fort Bend County.

3.0 DEFINITIONS.

- (a) **“Fort Bend County”** means the parts of Fort Bend County, Texas outside the corporate limits of a municipality.
- (b) **“Massage Establishment”** means a business establishment that advertises or offers massage therapy or other massage services. The term includes a place of business that advertises or offers any services described by a derivation of the terms “massage therapy” or “other massage services”.
- (c) **“Massage Parlor”** means a business establishment that purports to provide massage services and that allows:
 - (1) a nude person to provide massage service to a customer;
 - (2) a person to engage in sexual contact for compensation; or,
 - (3) a person to provide massage services in clothing intended to arouse or gratify the sexual desire of any person.
- (d) **“Nude”** means a person who is:
 - (1) entirely unclothed; or,
 - (2) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts or any portion of the genitals or buttocks.
- (e) To **“Operate(s) a Massage Parlor”** means to
 - (1) engage in the business of operating a Massage Parlor;
 - (2) cause the operation of a Massage Parlor;
 - (3) be a part of the operation of a Massage Parlor;
 - (4) fund the operation of a Massage Parlor;
 - (5) have a financial interest in a Massage Parlor; or
 - (6) receive any profit from a Massage Parlor;
- (f) **“Sexual Contact”** means:
 - (1) any touching of any part of the genitalia or anus;

- (2) any touching of the breasts of a female without the written consent of the female;
- (3) any offer or agreement to engage in any activity described in Paragraph (1) or (2);
- (4) kissing without the consent of both persons;
- (5) all forms of sexual intercourse, sexual contact, indecent exposure, sex assault, prostitution, and promotions of prostitution as described in Chapter 21, 22, and 43 of the Texas Penal Code, or any offer or agreement to engage in such activities;
- (6) any behavior, gesture, or expression that may reasonably be interpreted as inappropriately seductive or sexual; or,
- (7) inappropriate sexual comments about or to a client, including sexual comments about a person's body.

4.0 MESSAGE PARLORS STRICTLY PROHIBITED.

- (a) It shall be unlawful for any person, individual, business, company, corporation, or other entity to operate a Massage Parlor in Fort Bend County.
- (b) Pursuant to section 234.105 of the Local Government Code, a person commits an offense if the person intentionally or knowingly operates a Massage Parlor in Fort Bend County. An offense under this section is a Class A misdemeanor.
- (c) Pursuant to section 234.104 of the Local Government Code, a person who Operates a Massage Parlor in Fort Bend County is liable to the county for a civil penalty of not more than \$1,000 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing the civil penalty. Fort Bend County may bring suit in district court to recover a civil penalty authorized by these Regulations.
- (d) Pursuant to section 234.103 of the Local Government Code, Fort Bend County may sue in district court for an injunction to prohibit the violation of these Regulations against any person or entity who maintains, owns, uses, is a party to the use, or who owns the real property where the violation or threatened violation of these Regulations is occurring and/or has occurred.

5.0 SEVERANCE CLAUSE.

The Commissioners Court hereby declares the adoption of these Regulations and each separate part hereof. Any part of these Regulations held to be invalid shall not affect the validity of the remaining portions.

6.0 CUMULATIVE EFFECT.

Authority under these Regulations is cumulative of other authority that Fort Bend County and its incorporated municipalities have to regulate massage parlors and does not limit that authority.