

**STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN**

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN, GEORGIA, ENACTING A TEMPORARY EMERGENCY MORATORIUM ON THE ACCEPTANCE OR CONSIDERATION OF ALL APPLICATIONS FOR ZONING DECISIONS, LAND DISTURBANCE PERMITS, AND LICENSES FOR MASSAGE PARLORS.

WHEREAS, the Mayor and Councilmembers of the City of Calhoun, Georgia (“the City”) are charged with the responsibility of protecting the health, safety and welfare of the residents of the City of Calhoun; and

WHEREAS, the City is vested with substantial powers to regulate land use, approve zoning decisions, issue land disturbance permits, and license massage parlor establishments in order to maintain the health, morals, safety, security, peace, and general welfare of the City; and,

WHEREAS, the City’s current Code of Ordinances does not address appropriate districts or regulations for massage parlors; and,

WHEREAS, the City is aware of the risks of massage parlors operating with unlicensed therapists and having been found in other jurisdictions within this state to be tied to incidents of sex-trafficking; and,

WHEREAS, the City wishes to consider possible policies which would regulate the location and operation of massage parlors in a manner that is consistent with the public health, safety, and welfare and also consistent with the City’s authority to engage in zoning and land use planning; and,

WHEREAS, while the regulations and ordinances are being drafted and considered, the City Council wishes to preserve the status quo and not allow any applications for new business licenses for businesses which are engaged in the business of massage therapy as a massage clinic/corporation/parlor until such time as the regulations and ordinances are complete and adopted to prevent any claims of vested rights being obtained under the existing ordinances of the City; and,

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant such action, and the Mayor and Councilmembers have determined that a

temporary moratorium is necessary to examine and revise the City's zoning and licensing codes to address these emerging concerns and protect the public welfare; and,

WHEREAS, the proposed moratorium duration is 150 days, which duration is determined to be the minimum adequate time to review the City's ordinances, consider new potential regulations and ordinances, advertise and hold public hearing(s), and adopt said changes;

NOW, THEREFORE IT IS HEREBY RESOLVED, by virtue of the authority vested in the municipal governing authority by law, that a moratorium is temporarily established as follows:

SECTION 1. FINDINGS OF FACT. The Mayor and Councilmembers hereby make the following findings of fact:

- (a) It appears that the City's development, zoning, and licensing ordinances require additional review as these ordinances relate to businesses engaged in the business of massage therapy as a massage clinic/corporation/parlor.
- (b) For purposes of this moratorium, the following definitions apply:

Massage clinic/corporation/parlor means any business where one or more massage therapists perform massage therapy.

Massage therapist means a person who performs massage on the human trunk or limbs.

Massage therapy means the manipulation of soft tissue for therapeutic purposes and includes, but is not limited to, effleurage (stroking skin without going deep), petrissage (kneading movement by lifting and grasping), tapotement (brisk blows in rapid alternating fashion), compression, vibration, friction, nerve strokes and other movements, whether by hand or with mechanical or electrical apparatus, for the purpose of muscular message. This may include the use of oil, salt glows, hot and cold packs, and other recognized forms of massage therapy. Massage therapy shall not include a diagnosis, service or procedure normally provided by a doctor of medicine, doctor of chiropractic or doctor of podiatry, nor shall it apply to athletic trainers, technicians, or physical therapists who act by a prescription or under the supervision of a person authorized to practice medicine or surgery. Massage therapy shall not include any conduct or activity which is otherwise prohibited by state, federal or local law.

- (c) Substantial disorder, detriment and irreparable harm would result to the citizens, businesses and the City of Calhoun if the current land use regulation scheme were to be utilized by property owners prior to a more thorough review of these businesses.
- (d) The City's ongoing revision of its code, comprehensive plan and zoning ordinances requires the enactment of a limited cessation of development and building permits and business licenses with respect to the uses described in subsections (a) and (b) above.
- (e) It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any applications for such establishments, to ensure that the design, development and location of the same are consistent with the long-term planning

objectives of the City.

- (f) Georgia courts have favored limited moratoria and determined that the exercise of police power to impose such moratoria is reasonable and does not constitute a taking when applied throughout the jurisdiction. *City of Roswell v. Outdoor Systems Inc.*, 274 Ga. 130 (2001).

SECTION 2. IMPOSITION OF MORATORIUM.

- (a) Effective immediately upon the approval of this resolution, the Mayor and Councilmembers hereby issue a moratorium on accepting applications and issuing land disturbance permits, zoning decisions, or licenses for businesses engaged in the business of massage therapy as a massage clinic/corporation/parlor.
- (b) This moratorium is enacted for temporary and emergency purposes only, and shall be in effect through and including 150 days from its adoption, unless it is expressly extended or repealed.
- (c) As a result of this resolution, all City staff, agents and employees are directed not to accept applications or issue any new permits or licenses for the establishments described in subsection (a) above.
- (d) The duration of this moratorium shall be until the City adopts a revision of the Code of the City of Calhoun related to these businesses or 150 days has elapsed, whichever occurs first.
- (e) This moratorium shall have no effect upon approvals, permits, or licenses previously issued or as to developments plans previously received and approved by the City, provided however that businesses subject to validly issued permits or licenses will be subject to any regulations of operation that may be adopted during the moratorium.
- (f) No action taken by any person or entity during this temporary moratorium shall serve to vest rights to allow the issuance of permits, licenses or approvals as described above in regard to businesses engaged in the business of massage therapy.

SECTION 3. INTENT.

- (a) It is hereby declared to be the intention of the Mayor and Councilmembers that all sections, paragraphs, sentences, clauses and phrases of this resolution are and were upon their enactment, believed by the Mayor and Councilmembers to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Councilmembers that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this resolution is severable from every other section, paragraph, sentence, clause or phrase of this resolution. It is hereby further declared to be the intention of the Mayor and Councilmembers that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this resolution is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Councilmembers that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the


resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. All resolutions or parts of resolutions in conflict with this resolution are, to the extent of such conflict, hereby repealed.

SECTION 5. The preamble of this resolution shall be and is hereby incorporated by reference as if fully set out herein.

SECTION 6. This resolution shall be effective on the date of its approval by the Mayor and Councilmembers.

SO ADOPTED, this 23rd day of February, 2026.



JAMES F. PALMER, MAYOR

ATTEST:



SHARON NELSON, CITY CLERK

