

Chapter 251. Massage Parlors¹

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251.001 Authority to Regulate

- (a) The Travis County Commissioners Court is authorized to adopt these regulations pursuant to and in conformity with Chapter 234 of the Local Government Code, as amended.
- (b) It is the purpose of the Travis 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 residents of Unincorporated Travis 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) This chapter has neither the intent nor the effect of imposing limits or restrictions on the content of any communicative material, including sexually oriented material.
- (d) This chapter has neither the intent nor the effect of imposing limits or restrictions on an adult's access to sexually oriented material protected by the First Amendment
- (e) This chapter does not legalize anything prohibited under the Texas Penal Code or any other law(s) or regulations.

251.002 Application

This chapter applies to Massage Parlors located in the unincorporated area of Travis County.

¹ Chapter 51 was adopted by the Travis County Commissioners Court 3/28/1995 (Item 3). Chapter 51 was renumbered as Chapter 251 on June 1, 2018 (approved May 15, 2018, Item 7). Chapter 251 was replaced and retitled on December 22, 2020, Item 33 (effective December 22, 2020).

251.003 Definitions

In this chapter:

- (1) "Travis County" means the parts of Travis County, Texas, outside the corporate limits of a municipality.
- (2) "Massage Parlor" means a business establishment that purports to provide massage services and that 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.
- (3) "Nude" means a person who is:
 - (A) Entirely unclothed; or,
 - (B) 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.
- (4) "Sexual Contact" means:
 - (A) Any touching of any part of the genitalia or anus;
 - (B) Any touching of the breasts of a female without the written consent of the female;
 - (C) Any offer or agreement to engage in any activity described in Paragraph (A) or (B);
 - (D) Kissing without the consent of both persons;
 - (E) Deviate sexual intercourse, sexual contact, sexual intercourse, indecent exposure, sex assault, prostitution, and promotions of prostitution as described in Chapters 21, 22, and 43 of the Texas Penal Code, or any offer or agreement to engage in such activities;
 - (F) Any behavior, gesture, or expression that may reasonably be interpreted as inappropriately seductive or sexual; or
 - (G) Inappropriate sexual comments about or to a client, including sexual comments about a person's body.

251.004 Massage Parlors Strictly Prohibited

- (a) It is unlawful for any person, individual, business, company, corporation, or other entity to operate a Massage Parlor in Travis 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 Travis 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 Travis 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. Travis County may bring suit in district court to recover a civil penalty authorized by this chapter.
- (d) Pursuant to Section 234.103 of the Local Government Code, Travis County may sue in district court for an injunction to prohibit the violation of this Section or Subsection 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 this chapter is occurring and/or has occurred.