

**TOWNSHIP OF MORRIS
MORRIS COUNTY – NEW JERSEY
ORDINANCE NO. 20-23**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS
AMENDING CHAPTER 577, MASSAGE, AND BODY WORK ESTABLISHMENTS**

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris, Morris County, State of New Jersey as follows:

SECTION ONE. Chapter 577 Massage and Bodywork Establishments, is hereby amended to read in its entirety as follows:

577-1 Definitions:

The following terms, words, and phrases, when used in this chapter, shall have the meanings ascribed to them pursuant to N.J.S.A. 45:11-53 "Massage and Bodywork Therapist Licensing Act: "massage and bodywork therapies", "massage and bodywork therapist", and "massage and bodywork therapy establishment."

577-2 Permit required:

- A. Massage, and bodywork therapy establishment permit required. No person, firm or corporation shall operate any establishment or utilize any premises in the Township of Morris as or for a massage, and bodywork therapy establishment unless or until there has first been obtained a permit for such establishment or premises from the Township of Morris in accordance with the terms and provisions of this section.
- B. Massage, and bodywork therapist's license required as per N.J.A.C. 13:37A, New Jersey Board of Massage and Bodywork Therapy. No person shall practice massage or related therapies as a massage or bodywork therapist, employee or otherwise, unless he or she has a valid and subsisting massage, and bodywork therapist's permit issued to him or her by the New Jersey Board of Massage and Bodywork Therapy.

577-3 Establishment permit application requirements

Any person desiring a massage, and bodywork therapy establishment permit shall file a written application with the Board of Health upon a form to be furnished by the Health Department. The application form shall contain the following information:

- A. The type of ownership of the business i.e., whether individual, partnership, corporation, or otherwise.
- B. The name, style and designation under which the business is to be conducted.
- C. The business address and all telephone numbers, where business is to be conducted.
- D. An email address for owner, manager or other responsible party

- E. Name and phone number of manager or other person principally in charge of the day-to-day operation of the business.
- F. The following personal information concerning the owner:
 - a. The name, complete residence address and residence telephone number
 - b. Email address of the applicant
- G. A sworn statement indicating that all massage, and bodywork therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act., P.L. 199, c 19. And P.L. 2007, c 337.

577-4 Establishment permit fee

Every applicant for a permit to maintain, operate or conduct a massage, and bodywork therapy establishment shall file an application with the Department of Health upon a form to be furnished by the Health Department, and pay an annual non-refundable fee of \$500.00, which permit fee shall become due on the first day of January each year.

577-5 Building requirements; inspection

The Department of Health, upon receiving an application for a massage, and bodywork therapy establishment permit application, shall refer the application to the Building Department, Zoning Officers, Fire Department, and Police Department and Planning Board, and shall inspect the premises proposed to be operated as such an establishment and shall make written recommendation to the division of licensing and permits concerning compliance with the codes that they administer. No massage, and bodywork therapy establishment shall be issued a permit or be operated, established or maintained in the township unless an inspection by the Health Officer, Zoning Officer, Building Inspector and Fire Inspector reveals that the establishment complies with the minimum requirement of the building and health codes and zoning ordinances for business operating in the Township of Morris. In addition, the establishment must comply with each of the following minimum requirements:

- A. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces that shall be constructed of non-absorbent easily cleanable, smooth, and non-porous materials which may be readily disinfected, and shall be maintained in a sanitary condition and regularly cleaned and disinfected.
- B. Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event that male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided. The exterior door to such rooms shall be labeled to identify it as male or female.
- C. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in

- administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
- D. Adequate hand washing facilities shall be provided in each operating area at convenient locations, as necessary, to maintain clean hands and arms of all employees during hours of operation. Hot and cold water, liquid and powder soap and paper towels shall be provided at all times.
 - E. A utility sink or curbed cleaning facility shall be provided for cleaning janitorial equipment and custodial services. Hot and cold water must be provided at the sink.

577-6 Therapist requirements

- A. All people employed to do massage and bodywork in the establishment must be of good moral character and have a valid license issued by the New Jersey Board of Massage and Bodywork therapy in accordance with N.J.S.A. 45:11-60 and N.J.A.C. 13:37A-2.1.
- B. Should the license be issued, the applicant's license and the license of all people employed to do massage and bodywork must be on display at all times at the massage and bodywork establishment.

577-7 (omit)

577-8 Suspension or revocation of permit; hearing

- A. Permits issued under this section may be revoked by the Health Officer, after notice and a hearing, for any of the following causes:
 - 1. Fraud, misrepresentation or false statement in the application for the permit.
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on the permitted business in the township.
 - 3. Any violation of this chapter.
 - 4. Any violation of N.J.S.A. 45:11-60 or N.J.A.C. 13:37A.
 - 5. Conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty.
 - 6. Conducting the permitted business in the Township in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for the revocation of a permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be given personally or mailed

to the permit holder at his/her last known address at least five days prior to the date set for the hearing.

- C. Such permit may, pending revocation proceedings, be suspended for not more than ten days by the Health Officer if, in his/her opinion, the conduct of the permit holder is detrimental to the health, safety and general welfare of the Township of Morris.
- D. The Health Officer shall serve as hearing officer for any hearing pursuant to this subsection.

577-9 Regulations and requirements

A. Every Massage and Bodywork therapy establishment shall comply with the entirety of N.J.A.C. 13:37A

B. All licensed therapists must have a copy of their license on site while employed at the establishment.

577-10 Inspections

The Department of Health, Police Department and/or the Building Department shall, from time to time, at least twice a year, make an inspection of each massage, and bodywork therapy establishment granted a permit under the provisions of this chapter for the purpose of determining whether the provisions of this chapter are being complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permit holder to fail to allow such inspection officers access to the premises or to hinder such officer in any manner.

577-11 Sleeping quarters prohibited

No part of any quarters of any massage, and bodywork therapy establishment shall be used for or connected with any bedroom or sleeping quarters nor shall any person sleep in such massage, and bodywork therapy establishment except for limited period incidental to and directly related to a massage, and bodywork therapy treatment or bath. This provision shall not preclude the location of massage, and bodywork therapy establishment in separate quarters of a building housing a hotel or other separate businesses or club.

577-12 Prohibited acts.

A. No owner or manager of a massage and bodywork therapy establishment shall suffer or allow in his or her establishment any activity or behavior prohibited by this chapter or by the laws of the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material, laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this Chapter.

B. Alcoholic beverages and controlled dangerous substances shall not be distributed, possessed or consumed on the premises.

577-13 Exceptions

A. The provisions of this section shall not apply to massage, and bodywork therapies given:

1. In the office of a licensed physician, chiropractor or physician therapist; or
2. By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or
3. By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or
4. By a licensed barber or cosmetologist/hairstylist limited to the areas of the face, neck, scalp or upper part of the body as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A.

B. Exceptions shall also be made for students enrolled in accredited schools of massage, and bodywork therapy that, as a school requirement must practice such therapy as part of the establishment educational curriculum under the direct supervision of school personnel, and provide they receive no monetary compensation.

577-14 Location and hours of operation

A. Residential zoned property: not permitted

B. Business zoned property. Normal operation during the hours of 8:00 a.m. to 7:00 p.m., daily.

577-15 Violations and penalties

In addition to the revocation or suspension of the permit granted under this chapter, any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$1000 or by imprisonment for a term not exceeding 90 days, or both, in the discretion of the court.

SECTION TWO. All ordinances and parts of ordinances or resolutions inconsistent herewith are hereby repealed.

SECTION THREE. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

SECTION FOUR. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

TOWNSHIP OF MORRIS

Mark J. Gyorfy, Mayor

ATTEST:

Suzanne Walsh, Township Clerk

INTRODUCTION: September 20, 2023

ADOPTION: October 18, 2023