

ORDINANCE NO. 5820
TOWNSHIP MEETING: July 30, 2024

PUBLIC NOTICE is hereby given that the ordinance set forth below was introduced at a regular meeting of the Township Committee of the Township of Union in the County of Union, held on June 25, 2024, and that said ordinance was further considered for final passage at a Meeting of the Township Committee at the Municipal Building, 1976 Morris Avenue, Union, New Jersey on July 30, 2024 at 7:30 o'clock P.M.

EILEEN BIRCH,
Township Clerk

AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF UNION, STATE OF NEW JERSEY SETTING FORTH THE ALLOWABLE FORMS OF MASSAGE AND BODYWORK SERVICES IN THE TOWNSHIP OF UNION, UNION COUNTY, NEW JERSEY

WHEREAS, the Township wishes to regulate massage and bodywork services to ensure the protection of the health, safety, welfare for residents and visitors by aligning the municipal regulations with that of the state; and

WHEREAS, Chapter 388 of the municipal code is herein created to regulate Massage and Bodywork Services.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Union in the County of Union, State of New Jersey, as follows:

1. The Township Clerk shall publish this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.

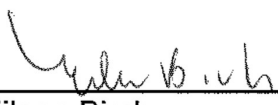
This Ordinance shall take effect after final passage and publication according to law.

PASSED AND APPROVED

JULY 30, 2024

ATTEST:

TOWNSHIP OF UNION IN THE
COUNTY OF UNION



Eileen Birch
Township Clerk

By: 

MANUEL FIGUEIREDO, Chairman
of the Township Committee

APPROVED AS TO FORM BY:
Daniel Antonelli, Township Attorney

Chapter 388 – Massage and Bodywork Services

§ 388-1 Purpose

The purpose of this chapter is to provide definite and narrowly drawn regulations governing massage and bodywork services and entitlements, which regulations further the Township's interest in protecting the health, safety, welfare for residents and visitors; and, in ensuring the proper health and hygiene of such services and establishments.

§ 388-2 Definitions.

The definitions set forth in N.J.S.A. 45:11-55 (definitions relative to practice of massage and bodywork therapies) are hereby incorporated and set forth herein.

§ 388-3 Registration of establishment.

No person shall operate any establishment or utilize any premises in the Township of Union for services related to massage and bodywork therapies or massage and bodywork without first registering with the Township of Union for such establishment. Any applicant must include a copy of a current and valid registration as required by N.J.S.A. 45:11-76 (registration required for advertising as a massage or bodywork therapist) issued by the New Jersey Board of Massage and Bodywork Therapy and full disclosure of any actions or proceedings against the applicant under N.J.S.A. 45:11-77 (suspension or revocation of registration).

§ 388-4 Health license.

No establishment may operate without receiving written approval from the Health Officer of the Township of Union, or his/her designee, indicating that the establishment is sanitary and hygienic for its proposed purpose. The Health Officer or his/her designee shall conduct at least one inspection each year and may conduct periodic inspections at his/her discretion during regular business hours to ensure that an establishment maintains adequate sanitary and hygienic conditions throughout the interim periods.

§ 388-5 Zoning permit.

No establishment may operate without receiving written approval from the Zoning Officer, or his/her designee, of the Township of Union indicating that the establishment has been registered with the Township.

§ 388-6 Licensing of individual provider required.

No person shall render or perform services related to massage and bodywork therapies or massage and bodywork without complying with the provisions set forth in N.J.S.A. 45:11-54 et seq. (Massage and Bodywork Therapist Licensing Act) and providing an annual copy of said license to the Zoning Officer and Health Officer of Union Township prior to rendering or performing said services at the establishment.

§ 388-7 Violations and penalties.

- A. Any person who is found to be operating in violation of the provisions of this chapter shall be subject to the following fines:

- (1) A first offense shall carry a fine of \$500.
 - (2) A second offense occurring within six months of a first offense shall carry a fine of \$1,000.
 - (3) A third offense occurring within six months of a second offense shall carry a fine of \$2,000 and the violator and/or their principal shall be incarcerated no more than 30 days.
- B. Any person, firm, corporation, or type or form of business which has received notice of unsanitary or unhygienic conditions shall be subject to the following penalties and conditions:
- (1) If the violations set forth in the notice are not cured within three business days of its receipt, commencing on the first business day after receipt of the notice, a first offense shall carry a fine of \$500.
 - (2) If a second notice under this provision is issued with six months of the first notice and the violations are not cured within three business days of its receipt, commencing on the first business day after receipt of the notice, a second offense shall carry a fine of \$1,000.
 - (3) If a third notice under this provision is issued with six months of the second notice and the violations are not cured within three business days of its receipt, commencing on the first business day after receipt of the notice, a third offense shall carry a fine of \$2,000, and all business activity related to this chapter conducted by that person shall cease for a period of one year.
 - (4) An establishment shall cease all business operations in the event of any unsanitary or unhygienic violations unless otherwise provided for within this provision.
 - (5) In the event that any establishment cures any violation in accordance with the prior subsections of this provision, the Health Officer shall reinspect the establishment within two business days of receiving notice from the establishment and the establishment remitting an inspection fee of \$250 to the Borough Clerk of Union Township. In the event that the Health Officer fails to timely inspect an establishment, the establishment may resume its normal business operations. In no event may an establishment provide notice later than the aforementioned three-business-day period.
 - (6) A person may file for an appeal from any violation issued by the Health Officer with the Board of Health of Union Township within the aforementioned three-business-day period. In the event of an appeal, an establishment may resume normal business activities after addressing the violations unless the Health Officer has declared an imminent danger of a communicable disease.

§ 388-8 Severability.

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this chapter to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this chapter.