

**Explanation:** This Ordinance provides for the licensing of massage therapists in the Township of Hillsborough.

**ORDINANCE NO. 2006 –06**

**AN ORDINANCE LICENSING MASSAGE  
THERAPISTS IN THE TOWNSHIP OF HILLSBOROUGH**

**BE IT ORDAINED**, by the Township Committee of the Township of Hillsborough, County of Somerset and State of New Jersey, as follows:

**Section 1. Preamble.** No person shall own a business for the purpose of providing a massage service, be engaged or employed as a massage practitioner or therapist for whom any form of compensation is charged or accepted without first having obtained a license from the Clerk of the Township of Hillsborough. The license, when issued, is personal and shall not be constructed to grant a certificate of occupancy or approval for the use of any premises or location.

**Section 2. Definitions.** As used in this Chapter, the following terms shall have the meanings indicated:

**Employee.** Any person other than a massage practitioner or therapist who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

**Licensee.** The operator of a massage establishment or a massage practitioner or therapist.

**Massage.** Any method of pressure on or friction against stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of the external soft parts of the body with the hands, feet or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oil, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

**Massage establishment.** Any establishment having a fixed place of business where any person, firm, association or corporation engages in, carries on or permits to be engaged in or carried on any of the activities mentioned in the definition of massage.

**Massage practitioner or therapist.** An individual who has taken courses in massage therapy and has received a diploma or certificate of completion in the area of massage therapy from an educational institution offering degrees and/or certifications in massage therapy and approved or accredited by the State Department of Education within this State or an equivalent governing body within this State; an

individual who is a member of a national association of certification board and meets all requirements as outlined by the Board of Nursing, State of New Jersey.

Patron. Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give other consideration therefore.

Person. Any individual, firm, association, corporation or combinations of individuals of whatever form or character.

Sexual or genital area. Genitals, anus or perineum of any person or the breasts or vulva of a female.

### **Section 3. Requirements for licensure of a massage establishment.**

No license for a massage establishment shall be issued to any person if the person is:

- a) License A: Owner/Practitioner
  1. Under 18 years of age.
  2. Convicted of a crime of moral turpitude or any sex-related offense.
  3. Unable to submit proof establishing the applicant's satisfactory completion of a minimum of 500 hours of study of massage, anatomy or physiology, and professional ethics as outlined in the Code of Ethics of the National Certification for Therapeutic Massage and Bodywork (NCBTMB), or comparable professional code of ethics.
  4. Unable to submit proof of compliance with the standards and applicable laws pertaining to massage therapy as regulated by the New Jersey Division of Consumer Affairs, Board of Nursing, Massage Bodywork and Somatic Therapy Examining Committee.
  5. Unable to accurately and correctly complete a comprehensive written application, in a form to be provided by the Township Clerk, which application, among other things, requires a detailed description of the applicant, to include photographing and fingerprinting by the Police Department, and prior residence and employment of the last ten years, to include addresses and persons to contact for a reference.
  6. Unable to pay a license fee of \$250.00. An additional fee will be charged for State Police fingerprinting, with the fee made payable to New Jersey State Bureau of Investigation.
  7. Unable to present proof of membership in a nationally recognized massage therapy association.
  8. Unable to disclose the funding source for opening the establishment and all parties who hold an interest in the establishment of ten (10%) percent or greater.

9. Unable to submit proof of liability insurance.
  10. Unable to submit proof that building, zoning, health and fire codes are complied with and satisfactory inspection certificates are granted.
- b) License B: Owner only
1. Under 18 years of age.
  2. Convicted of a crime of moral turpitude or any sex-related offense.
  3. Unable to comply with the standards and applicable laws pertaining to massage therapy as regulated by the New Jersey Division of Consumer Affairs, Board of Nursing, Massage Bodywork and Somatic Therapy Examining Committee.
  4. Unable to accurately and correctly complete a comprehensive written application, in a form to be provided by the Township Clerk, which application, among other things, requires a detailed description of the applicant, to include photographing and fingerprinting by the Police Department, and prior residence and employment of the last ten (10) years, to include addresses and persons to contact for a reference.
  5. Unable to pay a license fee of \$250.00. An additional fee will be charged for State Police fingerprinting, with the fee made payable to New Jersey State Bureau of Investigation.
  6. Unable to disclose the funding source for opening the establishment and all parties who hold an interest in the establishment of ten (10%) percent or greater.
  7. Unable to submit proof of liability insurance.
  8. Unable to submit proof that all building, zoning, health and fire codes are complied with and satisfactory inspection certificates are granted.

**Section 4. Requirements for licensure of a massage practitioner or therapist.**

No license for a massage practitioner or therapist shall be issued to any person if the person is:

- a) Under 18 years of age.
- b) Convicted of a crime of moral turpitude or any sex-related offense.
- c) Unable to submit proof establishing the applicant's satisfactory completion of a course of massage therapy, a minimum of 500 hours, by a Department of Education recognized school.
- d) Unable to comply with the standards and applicable laws pertaining to massage therapy as regulated by the New Jersey Division of Consumer Affairs, Board of Nursing,

Massage Bodywork and Somatic Therapy Examining Committee.

- e) Unable to submit proof of membership in a nationally recognized massage therapy association.
- f) Unable to submit proof of liability insurance.
- g) Unable to accurately and correctly complete a comprehensive written application, in a form to be provided by the Township Clerk, to include, among other things, a detailed description of the applicant to include photographing and fingerprinting and prior residence and employment of the last ten (10) years to include addresses and persons to contact for a reference.
- h) Unable to pay a license fee of \$100.00. An additional fee will be charged for State Police fingerprinting, with the fee made payable to New Jersey State Bureau of Investigation.

**Section 5. Investigation.**

When the application is properly completed and signed by the applicant, the original and duplicate thereof shall be filed with the Township Clerk. The Clerk shall refer the original to the Chief of Police, who shall make or cause to be made an investigation of the applicant's business responsibilities and moral character as deemed necessary to protect the public good as outlined in this Ordinance.

- a) If through the investigation the applicant is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval stating the reasons thereof and return the application to the Township Clerk. Disapproval of the Chief of Police shall be based on determination of the applicant's compliance with the licensure requirements contained in this Ordinance.
- b) If through the investigation the applicant is found to be satisfactory, the Chief of Police shall endorse said application as such and return it to the Township Clerk who shall cause the license to be issued.
- c) Every year at the designated time of renewal, any changes on the application will be referred to the Chief of Police for reinvestigation.

**Section 6. Display of license.**

Every license shall be displayed in a conspicuous place within the massage establishment so that it may be readily seen by persons entering the premises.

**Section 7. Terms of license.**

Massage establishment. Every massage establishment license issued pursuant to this Ordinance shall expire at the end of the calendar year or unless sooner suspended or revoked and may be renewed upon compliance with the licensure requirements above, except that the renewal fee shall be \$100.00 annually.

Massage practitioner or therapist. Every massage practitioner or therapist license issued pursuant to this Ordinance shall expire at the end of the calendar year or unless sooner suspended or revoked and may be renewed upon compliance with the licensure requirements above, except that the renewal fee shall be \$100.00 annually.

**Section 8. Operating requirement.**

- a) Price rates for all services shall be prominently posted in the reception area and in each massage room in a location available to all prospective customers. Such posting shall include a statement as follows: Pursuant to the Code of the Township of Hillsborough, the genital areas of all customers shall be covered at all times when in the presence of an employee. No employee or patron shall touch or fondle in any manner the sexual or genital area of any person. Any person or customer violating this Ordinance shall be subject to prosecution under this Ordinance and applicable law.
- b) All employees, including persons performing a massage, shall wear non-transparent outer garments, covering the sexual and genital areas.
- c) The sexual or genital area of patrons must be covered by towels or cloths and undergarments when in the presence of an employee, or massage therapist or practitioner.
- d) Hours of operation will be limited to 9:00 a.m. to 10:00 p.m.
- e) A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment that shall comply with all other Township Ordinances regarding sign use.

**Section 9. Change of location.**

Once a license has been issued, any changes of the location of the premises shall require the approval of the Township Clerk, provided all other applicable Ordinances are met and a change of location fee of \$100.00 is paid.

**Section 10. Employees.**

It shall be the responsibility of the holder of the license for the massage establishment to ensure that all persons employed comply with this Ordinance. All employee licenses will be prominently displayed with the establishment license.

**Section 11. Inspections.**

The Township Police Department may make inspections of any and all parts of the licensed establishment to ensure compliance with this Ordinance.

**Section 12. Revocation of license.**

- a) The conviction of any applicant or licensee of any criminal offense, quasi-criminal offense related to the licensee's business or any sex-related offense shall constitute

forfeiture of its license, and said license shall be deemed revoked.

- b) That the licensee is engaged in the practice of massage under false or assumed name, or is impersonating another practitioner.
- c) That the licensee is found to knowingly or unknowingly employ, allow, or permit any unlicensed person to perform massage in the establishment.
- d) The Township Clerk shall cause notice to the licensee at the licensee's most recent address on file, that the license has been revoked. Within ten (10) days of the delivery of said notice, the applicant may appeal to the Township Committee to reinstate the license. A hearing shall be held with the majority of the Township Committee to determine the merits of the revocation. Once the ten (10) day appeal period has passed, or if upon appeal to the Township Committee the license revocation is upheld, the massage establishment or individual will be barred from providing service within the Township for a period of five (5) years.

**Section 13. Violations and penalties.**

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction, be fined a minimum of \$500.00 and a maximum of \$2,000.00, and may be imprisoned for up to ninety (90) days in jail for each offense.

**Section 14. Exemptions.**

- A. The requirements of this Ordinance shall have no application and effect upon any physician, surgeon, chiropractor, osteopath, nurse, nurse practitioner, physician's assistant, or physical therapist duly licensed to practice such professions in this State. Nor shall it apply to any New Jersey State certified Massage or Bodyworks Therapist who has been certified under the most current applicable law.
- B. Nor shall it apply to any school certified to teach massage by the New Jersey Department of Education.
- C. An individual working within an establishment where the owner is licensed by the municipality or certified by the state shall have thirty (30) days to apply for state certification and must be successfully approved.

**Section 15. Severability.**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

**Section 16. Effective Date.**

This Ordinance shall take effect as provided by law.

*Introduced: 3/14/06*  
*Published: 3/23/06*  
*Public Hearing: 4/11/06*  
*Adopted: 4/11/06*  
*Published: 4/20/06*

**ATTEST:**

**HILLSBOROUGH TOWNSHIP COMMITTEE**

\_\_\_\_\_  
Kevin P. Davis, Township Clerk

By: \_\_\_\_\_  
Carl Suraci, Mayor