



**Borough of Harrington Park, NJ  
Ordinance # 765  
Governance for Massage Establishments**

Whereas § 350 of the Borough Code supports Retail Shops such as salons, the purpose and intent of Ordinance # 765 is to provide governance for massage establishments via § 380 Therapy Establishment et seq.

§ 380 Therapy Establishment

§ 380-1 Massage, Bodywork and Somatic Therapy Definitions.

Applicant:

Any person or entity who applies to the Board of Health, Borough of Harrington Park, for a permit to operate a massage establishment, and or offer stretch therapy, as defined herein.

New Jersey State Committee:

The Massage, Bodywork and Somatic Therapy Examining Committee established pursuant to N.J.S.A. 45: 11 – 53 et seq.

Massage, Bodywork and Somatic Therapist:

A person certified pursuant to the provisions of N.J.S.A. 45: 11 – 53 et seq. and N.J.A.C. 13: 37 A – 1.1 et seq.

Massage Establishment:

Any establishment having a fixed place of business where massage, bodywork and somatic services are provided.

Permit:

The document issued by the Board of Health, Borough of Harrington Park, authorizing an applicant to operate and maintain a massage establishment and render massage bodywork and somatic therapy in accordance with the provisions of this article.

Permittee:

Any practitioner, who holds a permit from the Board of Health, authorizing the operation of a massage establishment or stretch therapy in the Borough of Harrington Park, in accordance with the provisions of this article.

Person:

A natural person, partnership, association, company, corporation, organization, legal entity, or managing agent, servant, officer, or employee of any of them.

§ 380-1 - 1. Prohibited Conduct.

- A. No person shall operate a massage establishment without first having obtained a permit therefore in accordance with the provisions of this article.
- B. A permittee shall require that the permit be prominently displayed so the same is clearly visible to any patron receiving such services from a permittee.
- C. No person shall render massage, bodywork or somatic services unless such person is licensed pursuant to N.J.S.A. 45: 11 – 53 et seq.
- D. No licensed provider of massage, bodywork or somatic therapies as licensed pursuant to N.J.S.A. 45: 11 – 53 et seq. and N.J.A.C. 13: 37 A – 1.1 et seq. shall perform massage, bodywork and somatic therapies of any kind unless they are supervised by the permittee in accordance with this article.

§ 380-1 - 2. Permit Required for Operation of Massage Establishment; Procedure for Permitting.

- A. A massage establishment license shall be granted to an applicant or other person only upon approval of an application approved by the Board of Health. The application shall be filed with the Health Department and a nonrefundable application license fee of \$150 to \$250 shall be paid at the time of filing. The license shall be valid for the remainder of the calendar year, shall not be transferable, and shall be subject to annual renewal as of January 1<sup>st</sup> of each year. The nonrefundable application license fee shall not be prorated based upon the date of filing or date of approval. All applications shall be forwarded to the Borough agencies of Police, Health, Building, and Zoning for review.
- B. In addition to the completed application, the applicant who shall be a principal of the business, may be required to submit additional documentation, including but not limited to a sketch, floor plan, and or building layout as applicable to the application. The application form shall contain the following information.
  - 1. The type of ownership of the business, ie individual, partnership or corporation.
  - 2. The name, address, and designation under which the business is to be conducted.
  - 3. The business address and all telephone numbers, including email addresses, where the business is to be conducted,
- C. No massage, bodywork or somatic establishment shall be issued a permit, or be operated, established, or maintained in the Borough unless an inspection by the

Health Department, Construction Code Official, Fire Prevention Department reveals that the establishment complies with the minimum requirements of the Health Codes, Building Codes, and Fire Codes for businesses operating in the Borough of Harrington Park. In addition, the establishment must comply with each of the following minimum requirements:

1. All massage tables, bath areas and floors shall have surfaces which may be readily disinfected, and shall be maintained in a sanitary condition, and regularly cleansed and disinfected by a method approved by the Health Department.
2. Each massage, bodywork and somatic therapy area, or room, shall be equipped with a sink, and have an adequate area within each room for clients to store personal belongings.

§ 380-1 - 3. Regulation of Business.

- A. Permittees shall be responsible for all activities conducted on the permitted premises. In the event any violation of the provisions of this article or the provisions of applicable statutory or other rules and regulations of the State of New Jersey referenced in this article occur at the massage establishment, the license shall be subject to suspension by the Harrington Park Health Department following notice, and an opportunity for the licensee to be heard.
- B. Action against a licensee or permittee under this section shall be in addition to, and not in lieu of, penalties provided in § 164 – 1 General Penalty.

§ 380-1 - 4. Operating Requirements.

- A. Every portion of the massage, bodywork or somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in sanitary condition.
- B. Each permit to operate a massage establishment, and each license of a massage therapist employed therein, shall be conspicuously displayed within the establishment.
- C. All massage establishment employees shall be provided clean, and wear clean, nontransparent garments. The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.
- D. All massage, bodywork and somatic therapy establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof, and stored in a sanitary manner.
- E. Massage tables, or pads, used on massage tables shall be sanitized and cleaned after each use.

- F. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair, and maintained in a clean and sanitary condition. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is installed or upon the floors, it shall be kept dry.
- G. Oils, creams, lotions and other preparations used in administering massage, bodywork or somatic therapies shall be kept in clean, closed containers.
- H. Each massage, bodywork and somatic therapist shall wash their hands in hot running water using proper soap or disinfectant, before administering a massage, bodywork or somatic therapy to each patron. All restroom and workstation hand washing sinks are to be stocked with liquid hand soap and paper towels. Dispensers for soap and paper towels are to be wall mounted. Restroom hand washing sinks must have signage conspicuously displayed with the following language: "Employees Must Wash Hands after Using the Restroom." If hand washing facilities are not available, the therapist shall disinfect their hands with bactericidal agent.
- I. The massage establishment shall conform to and observe all applicable rules, regulations and prohibitions set forth by the New Jersey Board of Cosmetology.

§ 380-1 - 5. Enforcement Agents; Right to Inspect.

- A. The enforcement agents for massage, bodywork and somatic therapy permits shall be the Health Officer, Police Chief, Fire Department and or their designees.
- B. The Harrington Park Health Department and or the Zoning Official and or Fire Marshall and Borough Police Department shall, from time to time, at least once a year, make an inspection of each massage, bodywork or somatic therapy establishment granted a permit under the provisions of this article for the purpose of determining whether the provisions of this article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

§ 380-1 - 6. Prohibited Acts.

- A. No owner or manager of a massage, bodywork or somatic therapy establishment shall tolerate in their establishment any activity or behavior prohibited by the law of the State of New Jersey.
- B. Any conviction of a massage, bodywork or somatic therapy establishment, or an employee thereof, of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of the establishment, it being specifically declared that following such a conviction, the owner or the manager of the

establishment shall be prosecuted as an accessory to such a violation, and the required permits will be automatically revoked.

§ 380-1 -7. Hours of Operation: 7:00 am until 10:00 pm.