

**TOWNSHIP OF BELLEVILLE
ESSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 01-24

DATE OF RE-INTRODUCTION: 3/26/24 DATE OF RE-ADOPTION: 4/23/24
Legal Advertisement: 4/11/24 Legal Advertisement: 5/2/24

TITLED:

AN ORDINANCE AMENDING ORDINANCE#33-23 CHAPTER 4, ARTICLE 23, MASSAGE THERAPIST, MASSAGE TECHNICIAN, OR MASSEUR OF THE REVISED ORDINANCES OF THE TOWNSHIP OF BELLEVILLE WITH A NEW CHAPTER 4, ARTICLE 23 ENTITLED MASSAGE, BODYWORK AND SOMATIC THERAPY

BE IT ORDAINED, by the Municipal Council of the Township of Belleville, New Jersey:

WHEREAS, the Governing Body of the Township of Belleville has the power pursuant to N.J.S.A. 40:48-2 to make, amend, and repeal and enforce such ordinances, regulations, rules, and by-laws not contrary to the laws in the State of New Jersey or the United States, as it may be necessary and proper for the good government, order, and protection of persons and property, and for the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and

WHEREAS, the Governing Body of the Township of Belleville, has determined that Chapter 4, Article 23, Massage Therapist, Massage Technician, or Masseur be deleted in its entirety and replaced with the following:

CHAPTER 4-23 MASSAGE BUSINESS

4-23 MASSAGE, BODYWORK AND SOMATIC THERAPY

§4-23.2 License required.

- A. No person, firm or corporation shall operate any establishment or utilize any premises in the Township as or for a massage, bodywork and somatic therapy establishment

unless or until there has been obtained a license for such establishment or premises from the Township, in accordance with the terms and provisions of this chapter.

- B. No person shall practice massage or related therapies as a massage, bodywork or somatic therapist, employee or otherwise, unless he or she has a valid and subsisting massage, bodywork and somatic therapist's license issued to him or her by the New Jersey Board of Massage and Body Work Therapy, pursuant to the terms and provisions of N.J.S.A. 45:11-53 et seq.

§4-23.3 Application for establishment license; requirements.

Any person desiring a massage, bodywork and somatic therapy establishment license shall file a written application with the **Building and Construction Code Department** on a form to be furnished by the **Building and Construction Code Department**. The completed application shall be returned to the **Building and Construction Code Department** for processing. 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, building layout, diagram, zoning permit and/or Certificate of Occupancy as applicable to the application. The application form shall contain the following information:

- A. The business name and type of ownership of the business, i.e., whether individual, partnership, corporation or any other form of organization. When required, a copy of the entity's Business Registration Certificate (BRC) must be provided, as required by the State of New Jersey, Department of the Treasury.
- B. The trade name under which the business is to be conducted.
- C. The addresses and all telephone numbers associated with the business, including facsimile and email address, where business is to be conducted.
- D. A complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees of the business and the name and residence address of the manager or other person principally in charge of the operation of the business. Detailed job descriptions of those employees whose duties do not include those of a therapist must be included. It shall be the responsibility of the owner/operator to maintain an updated employee list and provide same to the **Building and Construction Code Department**. The **Building and Construction Code Department** shall be notified in writing within 7 days, transmitted by regular mail, email or facsimile, of any and all changes to the list. This list shall also be made available during all inspections.
- E. A certified statement attached to the list required in paragraph D above shall be provided indicating that all massage, bodywork and somatic therapists employed or to be employed by the establishment or otherwise permitted to work at the

establishment have been certified by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.

- F. The following personal information shall be provided concerning the applicant, if an individual; if a corporation, each officer and each director; if a partnership, including limited partners, each partner; and the manager or other person principally in charge of the operation of the business:
 - 1. The name, complete residence address and residence telephone number.
 - 2. The two previous residential addresses immediately prior to the present residential address of the applicant.
 - 3. Copy of a current driver's license or other government issued photo I.D.
 - 4. Two front-face portrait photographs taken within 30 days of the date of the application and shall be approximately 2 inches by 2 inches in size (passport size).
 - 5. The massage therapy or similar business history and experience, including, but not limited to, whether or not such person(s) has previously operated in this or another municipality or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefore and the business activities or occupations subsequent to such action or denial, suspension or revocation.
 - 6. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof.
- G. Upon filing a completed application with the **Building and Construction Code Department**, the **Building and Construction Code Department** shall direct the applicant to respond to the Police Department's Records Bureau with a current driver's license or other government issued photo identification. The applicant shall be photographed and be provided with a fingerprint form from a fingerprint vendor authorized by the State of New Jersey. The applicant, at the applicant's expense, shall respond to the authorized fingerprint vendor's location for a fingerprint check.
- H. Upon receipt of the results of the fingerprint check and subsequent criminal history check, the Police Department shall notify the **Building and Construction Code Department** of those results. The **Building and Construction Code Department** shall then notify the applicant of said results.
- I. The submitted application must be accompanied by a copy of the signed lease for the property location where the proposed massage establishment will be in operation. The applicant must be listed as the lessee on the lease.

§4-23.4 Establishment inspection fee.

- A. Every applicant for a license to maintain, operate or conduct a massage, bodywork and somatic therapy establishment shall file an application with the **Building and Construction Code Department** upon a form to be furnished by said office, and pay an annual fee of \$500 at the time of new application or renewal, for the cost to the Township for the inspections required by Section 4-23.5 with the exception of the Fire Department inspection fee which shall be in accordance with Chapter ____, Section _____.
- B. Should a reinspection of a massage establishment become necessary as determined by the Health Department official because of violations observed during the initial inspection, a reinspection fee of \$250 shall be charged to the establishment for each subsequent reinspection until all violations have been corrected. The fee must be paid by the establishment to the Township of Belleville within 10 calendar days of the date the charge was issued.

§4-23.5 Building requirements; inspections.

The **Building and Construction Code Department** or his/her designee, upon receiving an application for a massage, bodywork and somatic therapy establishment license, shall refer the application to the Health Department, the Construction Code Official, the Fire Bureau, the Police Department and Planning Department which, after an inspection of the premises proposed for such uses, shall make written recommendations to the **Building and Construction Code Department** concerning compliance with the applicable municipal and State codes. No massage, bodywork, and somatic therapy establishment shall be issued a license or be operated, established or maintained in the Township unless an inspection by the Health Officer, Construction Code Official and Fire Inspector reveals that the establishment complies with the minimum requirements of the Building, Health and Fire Codes for businesses operating in the Township. 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 which may be readily disinfected and shall be maintained in a sanitary condition and regularly cleaned and disinfected by a method approved by the Health Department.
- B. Each massage, bodywork and somatic therapy area/room shall be equipped with a sink and an adequate area within each room for clients to store personal items.

- C. The owner or operator shall submit a disinfection/sterilization plan for non-disposable instruments and materials used in administering massages, bodywork and/or somatic therapies to the Health Department for approval and must operate in compliance with an approved plan. Such non-disposable instruments and materials shall be disinfected after use on each patron and stored in a clean and sanitary manner.
- D. A shower area for clients shall be provided within the facility; such area shall be maintained in a clean and sanitary condition at all times.

§4-23.6 Review and approval of license; validity/transferability.

- A. All license applications under this chapter are subject to an administrative review as applicable to the application before it is presented to the Township Council for consideration. Upon completion of the administrative review a written report shall be filed with the **Building and Construction Code Department and Municipal Clerk**. If all the requirements of this chapter have been fully satisfied the **Township Clerk** shall then present the application to the Township Council for review and approval.
- B. Any license granted under this chapter shall only be valid to the person to whom it was granted and for the location as indicated on the application. Licenses shall not be transferable between individuals, entities or locations of the respective establishments.

§4-23.7 Suspension or revocation of establishment license.

- A. Establishment licenses issued under this chapter may be revoked or suspended by the Township Council, after a public hearing. Reasons for automatic suspension or revocation of an establishment license include but are not limited to the following:
 - 1. Fraud, misrepresentation or false statement in the application for the establishment license.
 - 2. Fraud, misrepresentation or false statement made while operating the licensed business in the Township.
 - 3. 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.

4. Conducting the licensed business within 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.
 5. The owner and/or operator or any employee refuses to permit any duly authorized Township Police Officer or health official to inspect the premises or the operations therein.
 6. The conviction of an employee of the establishment for a violation of the prohibited acts set forth in Section 4-23.12 shall create a rebuttable presumption that the owner/operator had actual or constructive knowledge of the violation resulting in the conviction and shall constitute cause for the suspension or revocation of the establishment license.
 7. Any violation of this chapter.
- B. In addition to any penalty prescribed, any license under this chapter is subject to revocation for violating any provision of this chapter or where the operation of the licensed premises is otherwise detrimental to the preservation of the health, safety and welfare of the public. The **Building and Construction Code Department** shall serve the licensee with a written complaint setting forth specifically the grounds of the complaint along with a notice indicating the time and place to appear before the Township Council for a hearing. Such service shall be made by personal service or certified and regular mail at least 10 days before the hearing date. The Township Council after such hearing may revoke the license.
- C. Should it be determined that the conduct of the licensee is detrimental to the health, safety and general welfare of the public, such establishment's license may be suspended by the Health Officer or designee and the establishment shall close until all violations are corrected. The Health Officer may also recommend revocation of the license and suspend the license pending the revocation hearing referred to in paragraph B above. This hearing must be concluded within 45 days of the date of the suspension and closure of the establishment.

§4-23.8 Display of license.

The massage, bodywork and somatic therapy establishment shall display its license as well as the license of each and every massage, bodywork and somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment. A 2 inch by 2 inch passport sized color photo of the licensed therapist must be affixed to the displayed license of each and every massage, bodywork and somatic therapist employed by the establishment. In addition, all therapists on site must have in their possession a government-issued photo I.D.

§4-23.9 Operating requirements.

Every massage, bodywork and somatic therapy establishment shall comply with the following:

- A. Every portion of the massage, bodywork and somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B. Price rates for all services shall be prominently posted in the reception areas in a location available to all prospective customers.
- C. All employees, including massage, bodywork and somatic therapists, shall be clean and wear clean, nontransparent outer garments.
- 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. 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.
- F. All walls, ceilings, floors, pools, showers, bathtubs, sinks, steam rooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat-rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be kept dry, clean and sanitary at all times.
- G. Oils, creams, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be from an approved source and kept in clean closed containers or cabinets. Single service products shall be used when available.
- H. Animals, except for Service dogs, shall not be permitted in the massage work area.
- I. Each massage, bodywork and somatic therapist shall wash his or her hands and arms up to and including the elbows in hot running water, using a proper soap and/or disinfectant before administering a massage, bodywork or somatic therapy to a patron. All restroom and workstation hand wash 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 wash sinks must have signs 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 a bactericidal agent.
- J. No massage establishment shall knowingly serve any patron infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician

may certify that a person may be safely provided with a massage, bodywork or somatic therapy, prescribing the conditions thereof. No therapist may perform service if they themselves are infected with any fungus or other skin infections, skin inflammation or eruptions unless a medical physician duly licensed by the State of New Jersey has certified that a therapist may safely provide the massage, bodywork or somatic therapy, prescribing the conditions thereof.

- K. A written disinfection plan for all linens, towels and reusable instruments used by the establishment must be approved by the Health Department, kept on site and available for review by the inspecting official at all times. The establishment must operate in conformance with the approved plan at all times.
- L. Client records must be kept for each and every client who receives services from the massage establishment. These records shall include at a minimum an intake form filled out by each customer to include their name, address, phone number, date of birth, date of service, the specific service they've received, the licensed therapist's full name, their NJ State Massage and Bodywork Therapist License number and the signature of the client. These records must be stored on the premises and available for review by the Health Department at all times for a period of not less than 3 years of the date the service was performed.
- M. Signage specifying the age restriction and the required record keeping requirements must be posted in English, conspicuously displayed and clearly readable from the customer entrance of the establishment at all times.
- N. Employees shall at all times provide access to a sanitary restroom for clients of the massage establishment.
- O. The massage establishment shall conform to and observe all applicable rules, regulations and prohibitions set forth by the NJ Board of Cosmetology.

§4-23.10 Inspections.

The Health Department and Fire Bureau, shall, from time to time, at least twice a year, make an inspection of each massage, bodywork and somatic therapy establishment granted a license under the provisions of this chapter for the purpose of determining whether the provisions of this chapter and/or applicable rules, regulations and laws are being complied with. Such inspection shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

§4-23.11 Sleeping quarters.

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

§4-23.12 Prohibited acts.

- A. No owner or manager of a massage, bodywork and somatic therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by 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 section.
- B. Any conviction of any employee of a massage, bodywork and somatic therapy establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such establishment, to the extent that it constitutes sufficient cause for the suspension or revocation of the establishment license.
- C. The licensee of the massage establishment shall not permit:
 - 1. Table Showers.
 - 2. Ear candling.
 - 3. All procedures and services that involve ear picks, ear scoops or ear spoons.
 - 4. Cupping, or applying the open end of a glass vessel or vessel of another material onto the client's skin and utilizing an open flame to heat the vessel.
 - 5. Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy including but not limited to fish foot spas.
 - 6. Any activities or therapies that utilize animal waste or products that contain animal waste as an ingredient.
 - 7. Colon cleansing.
- D. Pest control chemicals or sprays are prohibited. Pest control services must be performed by NJDEP licensed pest control contractors.

- E. Laundering is restricted to only those linens and towels used within the operation. The laundering of personal clothing and/or other items is prohibited. Personal clothing or other personal items may not be commingled with the linens or towels used in the operation nor shall personal clothing not specific to the operation be stored on the premises.
- F. No bulk food storage or meal preparation is permitted on premises.
- G. Personal effects of establishment owner(s) or employee(s) are not permitted on premises.
- H. No one under 18 years of age shall be served unless accompanied by a parent or legal guardian.
- I. Alcoholic beverages shall not be stored nor consumed on the premises.

§4-23.13 Exceptions.

The provisions of this section shall not apply to massage, bodywork or somatic therapies given:

- A. In the office of a licensed physician, chiropractor or physical therapist; or
- B. By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or
- C. By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or
- D. By a licensed barber or cosmetologist/hairstylist limited to the areas of the face, neck, scalp or upper part of the body, manicurists and pedicurists, as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.;
- E. By a chair massage establishment as defined in Section 4-23.1 of this chapter as to the provisions set forth at Sections 4-23.5 B. and D. 4-23.9 D, G, K, L, and N only.

§4-23.14 Violations and penalties.

In addition to the revocation or suspension of the license granted under this chapter, any person who violates any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$2,000 or imprisonment for a term not to exceed 90 days or by a period of community service not to exceed 90 days.

§4-23.15 Enforcement Agent.

The enforcement agent for massage, bodywork and somatic therapy licenses shall be the Health Officer or his/her designee.

§4-23.16 License term.

Licenses shall be issued for a term of one year commencing on July 1 and expiring June 30 of the year of issuance.

§4-23.17 License fees.

All fees for licenses under this Chapter are as set forth in Chapter 36 Fees, unless otherwise prescribed. All fees shall be paid to the **Building and Construction Code Department** prior to being considered for approval. All fees are non-refundable and/or transferable. All licenses issued under this chapter are subject to a \$25 late fee if the license is not renewed by the expiration date of the current license.

ORDINANCE#01-24
MARCH 26, 2024
RE-INTRODUCTION

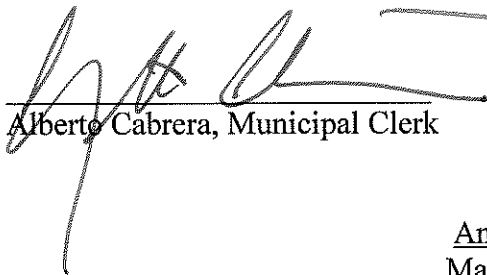
On a motion by Council Member: COZZARELLI

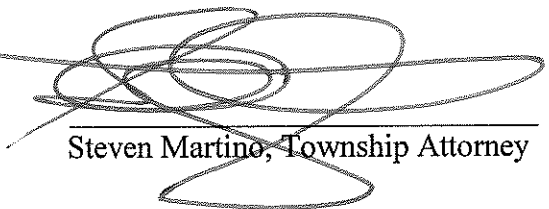
Seconded by Council Member: NOTARI

INTRODUCTION

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI	X				ROVELL	X			
DE PEÑA	X								
GRAZIANO	X				MAYOR MELHAM	X			
NOTARI	X								
X - Indicates Vote				N.V. – Not Voting			AB - Absent		

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 26th day of MARCH, 2024.


Alberto Cabrera, Municipal Clerk


Steven Martino, Township Attorney

Anthony Iacono
Manager's Office

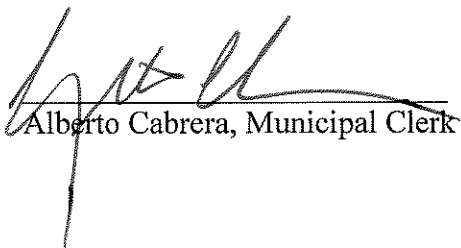
ORDINANCE#01-24
APRIL 23, 2024
RE-ADOPTION

On a motion by Council Member: ROVELL
Seconded by Council Member: De PEÑA

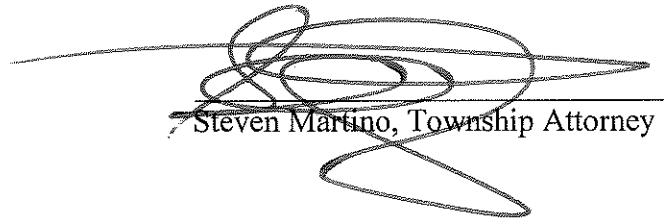
ADOPTION

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI				X	ROVELL	X			
DE PEÑA	X								
GRAZIANO	X				MAYOR MELHAM	X			
NOTARI	X								
X - Indicates Vote				N.V. - Not Voting			AB - Absent		

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 23rd day of APRIL, 2024.


Alberto Cabrera, Municipal Clerk

Anthony Iacono
Manager's Office


Steven Martino, Township Attorney