

BOARD OF HEALTH
BOROUGH OF NEW PROVIDENCE
ORDINANCE 2016-01

“AN ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 333 OF THE CODE OF THE BOROUGH OF NEW PROVIDENCE ENTITLED ‘MASSAGE ESTABLISHMENTS’”

BE IT ORDAINED by the Board of Health of the Borough of New Providence, County of Union and State of New Jersey, as follows:

Section §333-187. Article XXXI of the Sanitary Standards Code of the Borough Of New Providence entitled “Massage Establishments” is amended as follows:

§333-187 Definitions

For the purposes of interpretation and enforcement, and unless the context requires otherwise, words and terms used in this chapter shall have the meanings ascribed to them in Article I of the Sanitary Standards or as follows:

MASSAGE

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the human body with the hand and/or with the aid of any object or mechanical or electrical apparatus or appliance, with or without any supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice. For purposes of this definition, the use of any aids or processes used or offered as supplementary or incidental to the above, including heat lamps, hot and cold packs, tubs, showers, cabinet bath or steam and dry-heat baths, shall be considered a part of the massage.

MASSAGE-ACCESSORY

A use where massages occur either permanently or temporarily and the area where the massage occurs covers less than 20 percent of the gross floor area of the principal use. Establishments that qualify for accessory status shall be required to properly inform the Board of Health on their annual establishment application but shall not be required to obtain a license. The following professions and services shall not be classified as a massage establishment:

- A. Any duly licensed medical physician, surgeon, osteopath, chiropractor, acupuncturist, registered nurse, or other persons licensed by the state while engaging in practices as part of their license.
- B. Any barber, beautician, manicurist, cosmetologist and esthetician who is licensed under the laws of the State of New Jersey while engaging in practices as part of their license. This exception shall include hospitals, nursing homes, sanitariums or any other health facility duly licensed by the State of New Jersey or to accredited high schools, junior colleges, colleges or universities whose coaches and trainers are acting within the scope of their employment.
- C. Shall not apply to physical therapists and trainers of amateur, semi-professional and professional athletes or athletic teams while engaging in their training responsibilities for and with athletes.
- D. Any massage technicians offering massage services to a fully clothed client in public commons areas where the primary use is not a massage establishment (i.e., chair massage services in the courtyard or common areas of a shopping center).

§333-191 Massage permit required; fee; procedure

- A. Permit required. No person shall engage in the practice of massage without first having obtained a massage permit from the Health Officer.
- B. Application. All applications for a massage permit shall be in writing, signed and sworn to by the applicant, and shall set forth:
 - 1. The name and address of the applicant.
 - 2. That the applicant is at least 18 years of age.
 - 3. Such other information as may be necessary in order for the Health Officer to make any determination required by this chapter.
 - 4. Two portrait photographs of the applicant at least two inches by two inches and a complete set of the applicant's fingerprints which shall be taken by the Chief of Police or the Chief's authorized representative. The applicant shall pay, in addition to the fee in Subsection D, whatever processing fee is in effect at the time of the application.
- C. Identification. Each applicant shall provide sufficient identification to establish that the applicant is, in fact, the person applying for the permit.

D. Fee. Each application shall be accompanied by a fee as set forth in §333-8, R(2), which shall not be refundable, to defray the cost of administration.

E. Issuance.

1. The Health Officer shall issue a massage permit upon finding that:

- a. The applicant has successfully completed a course of study at a recognized school, as defined in this chapter, or that the applicant, through past experience and training, possesses a sufficient knowledge of the theory, practice, method, profession or work of massage and of anatomy, physiology, hygiene and professional ethics such that the granting of a permit to the applicant would not impair the public health, safety or welfare.
- b. The applicant, through past experience or training, has adequate knowledge of anatomy, physiology, personal hygiene, diseases of the skin, communicable diseases and methods of sanitation so as to protect the health or safety of clients of the masseur or masseuse.
- c. The applicant has not been convicted of a felony, an offense involving the unauthorized practice of the healing arts, sexual misconduct with minors, obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering and has not had a permit to operate a massage establishment or a massagist permit suspended or revoked in this or any other state or that such conviction, suspension or revocation occurred at least five years prior to the date of the application.

2. The applicant shall furnish authorization to the Health Officer and to the Chief of Police, or their authorized representatives, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit. The Health Officer and/or the Chief of Police may require, and the applicant shall furnish, any other identification and information necessary to discover the truth of the matter hereinbefore specified as required to be set forth in the application.

F. A person seeking to engage in the practice of massage who holds an unexpired license as a "Massage and bodywork therapist" issued by the New Jersey Board of Massage and Bodyworks Therapy shall be deemed to have satisfied the requirements of §333-191B. and §333-191E. upon presentation of that license to the Health Officer.

INTRODUCED: January 6, 2016
PUBLIC HEARING: March 2, 2016
ADOPTED: March 2, 2016

BOARD OF HEALTH
BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY