

ORDINANCE NO. 2502
ROSS TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF ROSS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 13 OF THE ROSS TOWNSHIP CODE OF ORDINANCES, LICENSES, PERMITS, AND GENERAL BUSINESS REGULATIONS TO REGULATE HEALTH CLUBS AND MASSAGE TECHNICIANS.

WHEREAS, Ross Township (the “Township”) is a First Class Township in Allegheny County, Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the Pennsylvania First Class Township Code, 53 P.S. section 56544, the Board of Commissioners has the authority to enact and amend provisions of the Code of Ordinances of Ross Township (the “Code”) at any time it deems necessary for the health, safety, morals, cleanliness, beauty, convenience, comfort and general welfare of Ross Township and the inhabitants thereof; and

WHEREAS, the Board of Commissioners has deemed it to be in the best interest of the citizens of Ross Township to amend the Code to regulate health clubs and massage technicians in the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ROSS TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY AND WITH THE SAME THAT:

SECTION 1: Incorporation of Clauses.

The aforementioned Title/Summary and WHEREAS clauses are incorporated by reference, the same as if fully set forth herein at length.

SECTION 2. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

BODY MASSAGE - The application to the human body, by the hands or mechanical apparatus of any touching, stroking, friction, kneading, vibration, percussion, oil or alcohol, rubs; any mechanotherapy; the application of any hot or cold packs, heat, cold, or soft glows; or the use of any cabinet, tub, shower, sitz, sauna, vapor, steam, or any other special type of bath.

HEALTH CLUB - Any establishment which offers service in the form of body massages, baths, exercises, or similar services in combination to club members or to the public for a charge, fee, or donation, but excluding hospitals, nursing homes, medical clinics and the office or quarters of licensed health profession practitioners.

MASSAGE TECHNICIAN - Any masseur (male) and masseuse (female) who administers Body Massage to any other person for a charge, fee, or donation; but excluding persons licensed by the Commonwealth of Pennsylvania to practice medicine, chiropractic, osteopathy, podiatry, nursing and physical therapy, and barbers, beauticians, and manicurists insofar as they deal with the head, hands and feet.

PERSONS - An individual, firm, partnership, association of persons, trust, corporation, organization, or any other group acting as a unit.

SECTION 3. License Required.

No Health Club or Massage Technician may operate or practice within the Township without a license to so operate or practice, which license shall be issued upon proper application to the Township, fulfillment of the requirements set forth herein and payment of a fee of \$50.00 per year for a Health Club and \$100.00 per year for a Massage Technician. Licenses granted under this chapter shall be renewed yearly and may be revoked for any failure to comply with this chapter.

SECTION 4. Licensing Requirements for Health Clubs.

No Health Club shall be granted a license to operate until the following requirements are fulfilled:

A. All Zoning, Building, Fire, Electrical, Plumbing, and Health Codes applicable to the Township, including, but not limited to, regulations of the Department of Health of Allegheny County, shall be complied with.

B. An application for a license shall include the names of all owners, stockholders, and managing personnel, their addresses and occupations, and satisfactory proof that they have not been convicted of any violations of laws proscribing prostitution, obscenity, indecency, or pornography.

C. Plans and specifications of the quarters proposed to be occupied shall be submitted to the Township, which shall include details of entrances, partitions, windows, openings, ventilation, plumbing fixtures, water supply, and waste and vent connections. Such quarters must be equipped with separate toilet and lavatory facilities for patrons and personnel, and a service sink for custodial services. No part of the quarters may be used for or connected with any bedroom or sleeping quarters.

D. All tables, tubs, shower stalls, and floors, with the exception of reception and administrative areas, shall be of nonporous materials which may be readily disinfected.

E. Closed containers must be provided for wet towels and waste materials.

F. All equipment, shower stalls, toilets, lavatories, tubs, cabinets, and other accoutrements of the establishment shall be regularly treated with disinfectant and, at all times, shall be maintained in a clean and sanitary condition.

G. As a condition of receiving a license, the owners and operators of the Health Club must expressly grant access to health, plumbing, fire, electrical, and other authorized Township inspectors at all reasonable times.

H. The Health Club must require and retain certificates of good health issued by a licensed physician for all employees practicing any services of the Health Club.

I. No Health Club shall serve any person infected with a fungal or skin infection.

J. All personnel shall wash their hands in hot, running water, using proper soap or disinfectant before providing any service or treatment to each separate patron.

K. All towels and tissues as well as all sheets or other coverings shall be used singularly for each patron and discarded for laundry service or disposal after each use.

L. Non-disposable tools or equipment shall be disinfected after use upon one patron.

M. The applicant must have a valid lease or title to the quarters which meet the requirements of this chapter.

N. Body massage to the genitals is prohibited.

SECTION 5. License Requirements for Massage Technicians.

A. No person shall be granted a license to practice as a Massage Technician without satisfactory proof of the following:

(1) That the applicant is at least 18 years of age.

(2) That the applicant has never been convicted of prostitution, obscenity, indecency or a related crime.

(3) that the applicant has a diploma from a recognized school of massage, having a curriculum approved by the Pennsylvania Department of Education, certifying that he or she has completed 400 hours of study in the basic subjects

of anatomy, physiology, hygiene, hydrotherapy, technique of massage, clinical internship, contraindications of massage and physical and mechanical exercise. In lieu of the requirements of this subsection, the applicant may furnish equivalent credentials by way of experience and training of at least the duration of one year.

B. The license shall contain a photograph of the Massage Technician and shall be carried on the person of the Massage Technician or conspicuously displayed in the Health Club wherein the Massage Technician is employed or performs services.

C. The application for a license shall contain the name, address, social security number, photograph and fingerprints of the applicant and shall be kept on file in the Township office. Photographing and fingerprinting shall be performed by the Ross Township Police Department.

SECTION 6. Revocation of License.

The Township may revoke the license of a Health Club or Massage Technician upon satisfactory proof of any of the following:

A. That the licensee does not meet the licensing requirements of this chapter.

B. That the licensee has been convicted of prostitution, obscenity, indecency, promoting prostitution, keeping or maintaining a disorderly house, or a related crime or offense.

C. That the licensee has diagnosed or treated classified diseases, practiced spinal adjustment, or prescribed medicine.

D. That the licensee is guilty or has been adjudicated guilty of fraud or willful negligence in the practice of Body Massage.

E. That the licensee is a habitual user of narcotics or other drugs.

F. That the licensee has allowed or permitted an unlicensed person to perform Body Massage.

G. That the licensee has provided Body Massage to the genitals of any patron.

H. That the licensee has violated any of the provisions of this chapter or other applicable ordinances of the Township, any laws of the Commonwealth of Pennsylvania or any laws of the United States of America. Any violation by an employee of a Health Club or by a Massage Technician shall be considered a violation by the Health Club.

SECTION 7. Deferred Compliance With License Requirements.

The owner or manager of any Health Club operating in the Township as of the effective date of this chapter may apply for and may be granted by the Township a grace period not to exceed six months in order to comply with Section 3, C and D. With these exceptions, this chapter becomes effective upon all Health Clubs and proposed Health Clubs upon enactment.

SECTION 8. Administration; Appeals.

- A. This chapter shall be administered by the Department of Community Development or a Township official appointed by the Manager.

- B. A written appeal from the denial of a license or the revocation of a license shall be filed with the Township within 15 days of such action. The applicant or licensee shall be granted a hearing before the Township Public Safety Committee within 30 days of the filing of the appeal. The applicant or licensee shall be informed in writing no later than five days prior to the hearing of the reason for the denial of the application for or revocation of the license.

SECTION 9. Violations and Penalties.

Any person who violates this chapter shall be guilty of a summary offense, and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1000, plus costs of prosecution, and in default of the payment of the fine and costs, to imprisonment of 30 days. In addition, any Health Club which is found to operate without a current license shall suffer the immediate revocation of its occupancy permit and shall be prohibited from further operations.

SECTION 10. Authorization.

The appropriate Officers of Ross Township are hereby authorized and directed to execute any and all documents necessary to effectuate the purposes of this Ordinance.

SECTION 11. Savings Clause.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining provisions of this ordinance.

SECTION 12. Other Ordinances.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, each such inconsistency or conflict is hereby specifically repealed.

**ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF ROSS TOWNSHIP THIS 16TH
DAY OF OCTOBER, 2023.**

ATTEST:

TOWNSHIP OF ROSS

Ronald L. Borczyk
Township Manager

By:_____
Daniel DeMarco, President
Board of Commissioners