



ORDINANCE 7-2002

LICENSING OF MASSAGE THERAPY ESTABLISHMENTS AND THERAPISTS

WHEREAS, the Governing Body has established that the regulation of massage and related bodywork modalities is necessary to ensure that only qualified practitioners are working with the public,

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey as follows:

SECTION ONE

Massage and Bodywork Therapy.

License Required for Massage/Bodywork Therapy Establishment. No person, corporation or business entity shall operate, utilize or work at any establishment any premises in the Borough as and for a massage therapy, acupressure therapy, reflexology or a bodywork therapy business without obtaining a Massage/Bodywork Therapy Establishment License from the Municipal Clerk in according with the terms and provisions of this section. Maximum hours of operation shall be limited to 8 AM to 9 PM.

License Required for a Therapist. No person shall render or perform services of, or engage in the business of, or be employed as, a massage therapist, bodywork therapist, acupressure therapist, reflexologist, masseur or masseuse (Therapist) without obtaining a Therapist License from the Municipal Clerk in according with the terms and provisions of this section. A therapist may only operate at a Licensed Establishment.

Application for License.

Each and every application for an Establishment License or a Therapist License shall provide the Municipal Clerk with satisfactory evidence of:

- a. The name and address of the applicant and all residences used in the last three years;
- b. Significant details of all employment in the last three years; including but not limited to, business name, address, phone, supervisor, time period, position, conditions of employment and termination;
- c. The applicant being 18 years of age or older;

- d. Active professional membership in good standing with the Associated Bodywork & Massage Professionals, or American Massage Therapy Association.

Additionally, for applicants desiring an Establishment License:

- e. A statement as to whether or not the applicant, any person or entity with an ownership interest in the business of 5% or more, or any officer or director thereof, if a corporation, has ever been convicted of a crime in this or any other state and any details thereof;
- f. The address of the premises where business will be conducted, a physical description and sketch of the property and facilities, and evidence that the business and use is permitted at that location.

Additionally, for applicants desiring a Therapist License:

- g. A statement as to whether or not the applicant has ever been convicted of a crime in this or any other state and any details thereof;
- h. The address of the Licensed Establishment where they will work;
- i. Certification by the State of New Jersey under NJSA 45:11-53, et. sec., or subsequent legislation; or, only until State certification is available;
- j. A diploma or certificate of graduation from an approved school or other institution of learning wherein the method, profession and work of a Therapist is taught. The term "approved school or other institution of learning" shall mean and include any school or institution of learning that complies with the following criteria:
 - 1. It has been accredited by either The Accrediting Commission of Career Schools and Colleges of Technology or The Commission on Massage Therapy Accreditation; or,
 - 2. It has been approved by the New Jersey Department of Education; and,
 - 3. It shall require a course of study of not less than 550 hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such course of study or learning.

Schools offering correspondence courses and not requiring actual class attendance shall not be deemed "approved school". It shall be the responsibility of the applicant to provide the Municipal Clerk with the information substantiating that the applicant meets the above criteria.

The Clerk shall have the right to confirm information submitted.

License Fees.

Establishment License. The applicant for an Establishment License shall pay an annual license fee of \$100, renewable on January 1st of each year.

Therapist License. The applicant for a Therapist License shall pay an annual license fee of \$100, renewable on January 1st of each year.

Approval.

Each application for a license, or the renewal thereof, shall be approved by the Borough Council before any license is issued. The Borough Council shall not approve such application if, on the basis of the past criminal record of the applicant or of the principals thereof, or on the basis of other evidence of bad character or morals, or on the basis that the individual applicant or establishment has violated this or any other Borough ordinance, it shall determine that the granting or renewal of such license would tend to encourage or permit criminal or immoral activities within the Borough.

Exceptions.

The provisions of this section shall not apply to massage, acupuncture or physical therapy treatments, given:

- a. In a regularly established medical center, hospital, or sanitarium having a staff that includes licensed physicians, osteopaths, chiropractors and/or physical therapists.
- b. By any licensed physician, osteopath, chiropractor or physical therapist.

Violation; Penalty.

Any person, corporation or business violating the provisions of this section, shall, upon conviction, be punished by imprisonment in the county jail for a term not exceeding six months, or by a fine not exceeding \$500, or both in the discretion of the Court.

Any person, corporation or business violating the provisions of this section may, at the discretion of the Borough Council, have their license to operate and perform services suspended and/or revoked. Any violation of an employee, agent or servant shall be deemed a violation by the employer business.

SECTION TWO

The Development Regulations of the Borough of Atlantic Highlands shall be amended as follows:

Article 2, Section 2.4 Definitions, "Massage Parlor" means any establishment devoted to the providing of massage services to persons not in connection with any medical, osteopathic, chiropractic, prescribed therapeutic or athletic or callisthenic activities.

Massage Parlor shall not include a Massage/Bodywork Therapy Establishment, which is a "Professional Service" licensed by the Borough and is a "Professional Office" use.

SECTION THREE

Any Ordinances or portions thereof inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION FOUR

If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.