

**RARITAN BOROUGH**  
**BOARD OF HEALTH**  
**ORDINANCE NO. BH: 2025-02**

**ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH OF  
RARITAN, COUNTY OF SOMERSET, STATE OF NEW JERSEY ENTITLED  
“MASSAGE AND BODYWORK THERAPY ESTABLISHMENTS” TO  
ESTABLISH PROCEDURES FOR THE LICENSURE AND INSPECTIONS  
OF MASSAGE AND BODYWORK THERAPY ESTABLISHMENTS IN THE  
BOROUGH OF RARITAN**

**WHEREAS**, the Board of Health of the Borough of Raritan believes that a need exists to regulate the licensure and inspections of massage and bodywork therapy establishments; and

**WHEREAS**, the Board of Health further believes that certain rules and regulations must be adopted by the Borough to ensure proper standards are undertaken in the operation of such establishments; and

**WHEREAS**, the Board of Health believes it to be in the best interest of the Raritan Borough and its residents that the Ordinance of Raritan Borough Board of Health entitled “Massage and Bodywork Therapy Establishment in the Borough of Raritan” be created.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Health of the Borough of Raritan, County of Somerset, State of New Jersey that Raritan Borough Board of Health Ordinance entitled “Massage and Body work Therapy Establishments in the Borough of Raritan” to establish certain procedures for the licensure, inspection, and operation of massage and bodywork therapy establishments in the Borough of Raritan.

**SECTION I:**

**§1. Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**MASSAGE, BODYWORK AND SOMATIC THERAPIES**

Refers to systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to access the body for the purpose of applying therapeutic massage, bodywork or somatic

principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage, bodywork and somatic therapies. Massage, bodywork and somatic therapy practices are designed to affect the energetic system of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

## **MASSAGE, BODYWORK AND SOMATIC THERAPIST**

Any person licensed pursuant to the provisions of the Massage and Bodywork and Therapist Licensing Act, N.J.S.A. 45:11-53.

## **MASSAGE, BODYWORK OR SOMATIC THERAPY ESTABLISHMENT**

Any establishment or operation wherein massage, bodywork or somatic therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration. The definition shall not include premises where therapies are applied solely on an on-call basis, such as home or office visits.

### **§2. Permits Required.**

- A. Establishment Permit Required. No person, firm or corporation shall operate any establishment in the Borough of Raritan as or for a massage, bodywork or somatic therapy establishment as defined herein unless or until there has first been obtained a permit for such establishment from the Borough of Raritan in accordance with the terms and provisions in 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, pursuant to the terms and provisions of N.J.S.A. 45:11-53 et seq.
- C. The provisions of this subsection shall not apply to massage, bodywork or somatic therapy given:
  1. In the office of a licensed physician, chiropractor or physical therapist or other practitioners that are licensed by the New Jersey Board of Medical Examiners; or
  2. In a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical

therapists or other practitioners that are licensed by the New Jersey Board of Medical Examiners; or

3. On the premises of a licensed barber or cosmetologist/hair stylist 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.

### **§3. Application Establishment Inspection Fees.**

- A. Every applicant for a permit to maintain, operate or conduct a massage, bodywork and somatic therapy establishment shall file an application with the Borough Clerk's Office upon a form to be furnished by said office, and pay an annual fee of three hundred dollars (\$300.00) at the time of new application or renewal, for the cost to the Borough for the inspections required. Permits to be issued are valid until December 31 of the year application is filed and shall be renewed annually beginning January 1.
- B. Should a reinspection of a massage establishment become necessary as determined by the Health Department officials because of violations observed during the initial inspection, a reinspection fee of one hundred and fifty dollars (\$150.00) 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 Borough of Raritan within ten (10) calendar days of the date the charge was issued.
- C. All fees shall be paid to the Borough Clerk's office prior to being considered for approval. All fees are non-refundable and/or non-transferable. All permits under this Chapter are subject to a late fee of twenty-five dollars (\$25.00) if the permit is not renewed by the expiration (12/31) of the current permit (December 31<sup>st</sup>).

### **§4. Application for Permit.**

- A. Any person desiring a massage, bodywork or somatic therapy establishment permit shall file a written application with the Borough Clerk's office on a form to be furnished by the Borough Clerk's office. The completed application shall be returned to the Borough Clerk's office for processing with the established inspection fee as required.
- B. The applicant, who shall be the 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, i.e., whether individual, partnership, corporation or otherwise.
2. The name, style and designation under which the business is to be conducted.
3. The business address and all telephone numbers, including facsimile, where business is to be conducted.
4. A complete list of the names and addresses of all massage, bodywork and somatic therapists, along with proof of certification by the State of New Jersey pursuant to the provisions of N.J.S.A. 45:11-53 et seq., and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business. It shall be the responsibility of the owner/operator to maintain an updated employee list and provide the same to the Brough Clerk's Office. The Brough Clerk shall be notified in writing within seven days, transmitted by mail, email or facsimile, of any changes to the list. Said list shall also be made available during all inspections.
5. The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than ten percent (10%) of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
  - (a) The name, complete residence address, residence telephone number, mobile telephone number and email address.
  - (b) The two previous residential addresses immediately prior to the present residential address of the applicant.
  - (c) Copy of current driver's license or another government-issued photo ID.
  - (d) Two front-facing portrait photographs taken within thirty (30) days of the date of the application and at least two inches by two (2) inches in size (passport size).
  - (e) The massage therapy or similar business history and experience, including, but not limited to, whether or not such a person has previously operated in this or another municipality or state under a license or permit which was ultimately denied, revoked or suspended and the reason

therefore and the business activities or occupations subsequent to such action or denial, suspension or revocation.

- (f) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow fingerprint and criminal background check by the Police Department.
- (g) 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.
- (h) The names and addresses of three adult residents of Somerset County, or the abutting counties of Hunterdon, Mercer, Middlesex or Union, who will serve as character references. These references must be people other than relatives and business associates.
- (i) A copy of a zoning permit or change of tenant occupancy issued by the Zoning Officer of the Borough of Raritan specifically for this establishment, or a certificate of compliance with the conditions set forth by the Planning Board or Board of Adjustment of Raritan Borough specifically for this establishment, signed by the Board Secretary. In cases where a construction and/or building subcode permit is required, the establishment permit under this Chapter will not become final until a certificate of occupancy is issued by the Construction Official of Raritan Borough specifically for this establishment.

#### **§5. Building Requirements Inspections.**

- A. All applications for a massage, bodywork or somatic therapy establishment permit shall be accompanied by an application for a zoning permit or change of tenant occupancy. The Borough Clerk shall refer the application to the Construction Code Department, the Fire Prevention Department, the Police Department, the Health Department, and the Zoning/Planning Department, which departments shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the Borough Clerk concerning compliance with the codes that they administer.

B. No massage, bodywork or somatic therapy establishment shall be issued a permit or be operated, established or maintained in the Borough unless an inspection by the Health Department, Construction Code Department and Fire Prevention Division reveals that the establishment complies with the minimum requirements of the Building, Fire and Health Codes for businesses operating in the Borough of Raritan. In addition, the establishment must comply with each of the following minimum requirements:

1. 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.
2. 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.
3. 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.
4. A shower area for clients shall be provided within the facility; such an area shall be always maintained in a clean and sanitary condition.

**§6. Review and Approval of Permit Validity; Prohibition on Transferability.**

All permit applications under this Chapter are subject to an administrative review by the Borough staff. Upon completion of the administrative review, a written report shall be filed with the Borough Clerk. If all of the requirements of this Chapter have been fully satisfied, the Borough Clerk shall then approve said permit. Any permit granted under this Chapter shall only be valid to the persons to whom it was granted and shall not be transferable.

**§7. Enforcement Agents.**

The enforcement agents for massage, body work and somatic therapy permits shall be the Health Officer, Police Chief, Fire Prevention Director, and/or their duly appointed designees.

**§8. Display of Permit.**

The owner of any massage, bodywork or somatic therapy establishment shall display his/her permit and that of each and every massage, bodywork or somatic therapist

employed in the establishment in an open and conspicuous place on the premises of the establishment. In addition, all therapists on site must have in their possession a valid and unexpired government-issued photo ID.

**§9. Operating Requirements.**

- A. Every portion of the massage, bodywork or 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 area in a location available to all prospective customers.
- C. All employees, including massage, bodywork or somatic therapists, shall be clean and wear clean, nontransparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward and be self-closing. If the dressing room is also used as the therapy/massage room, then adequate procedures shall be in place to safeguard the privacy of the client. In no case shall these doors be locked when both a client and any employee are present.
- 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. It shall be unlawful for any person in a massage establishment knowingly to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage a sexual or genital area of any other person unless said therapy is prescribed by a licensed physician.
- G. No massage, bodywork or somatic therapist, employee or operator shall perform, or offer to perform, any act which would require the touching of the patron's sexual or genital area unless said therapy is prescribed by a licensed physician.
- H. 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. 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 thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

- I. Oils, creams, lotion and other preparations used in administering massage, bodywork or somatic therapies shall be kept in clean, closed containers or cabinets.
- J. Animals, except for handicap service animals, or when they are clients, shall not be permitted in the massage work area.
- K. Each massage, bodywork and somatic therapist shall wash his or her 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 washed 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.
- L. No minors shall be allowed in the facility other than the waiting area which shall be physically separate from the therapy areas, except when the minors are clients and accompanied in all areas by a parent or guardian.
- M. 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.
- N. A written disinfection plan for all linens, towels and reusable instruments used by the establishment must be approved by the Health Department, always kept on site and available for review by the inspecting official. The establishment must always operate in conformance with the approved plan.
- O. Client records must be kept for 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 New Jersey State massage and bodywork therapist license number and the signature of the client. These records must be always stored on the premises and available by the Health Department for a period of not less than three (3) years from the date the service was performed.

- P. Signage specifying the age restriction and the required record-keeping requirements must be posted in English, conspicuously always displayed and clearly readable from the customer entrance of the establishment.
- Q. Employees shall, at all times, provide access to a sanitary restroom for clients of the massage establishment.
- R. The massage establishment shall conform to and observe all applicable rules, regulations and prohibitions set forth by the New Jersey Board of Cosmetology.

#### **§10. Inspections.**

The Health Department and/or the Zoning Inspector and/or Fire Inspector and Borough Police Department shall, from time to time, at least once a year, inspect each massage, bodywork or somatic therapy establishment granted a permit under the provisions of this chapter for the purpose of determining whether the provisions of this chapter 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 an inspection of the officer access to the premises or to hinder such an officer in any manner.

#### **§11. Sleeping Quarters.**

No part of any quarters of any massage, bodywork or somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters, nor shall any person sleep in such massage, bodywork or 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 or somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or club or residence if the same has been approved by the Zoning Department or granted a variance by the Raritan Borough Zoning Board of Adjustment.

#### **§12. Prohibited Acts.**

- A. No owner or manager of a massage, bodywork or somatic therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not exclusive of, 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; laws relating to the commission of adultery; and laws proscribing fornication; nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this chapter.

- B. Any conviction of a bodywork or somatic therapy establishment, or any 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.
- C. The owner or operator of the massage establishment shall not permit:
  - 1. Ear candling.
  - 2. All procedures and services that involve ear picks, ear scoops or ear spoons.
  - 3. 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.
  - 4. Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy, including but not limited to fish foot spas.
  - 5. Any activities or therapies that utilize animal waste or products that contain animal waste as an ingredient.
  - 6. 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 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 the 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.

**§13. Denial, Suspension, or Revocation of Permit.**

- A. Establishment permits issued under this chapter may be denied, suspended or revoked by the Chief of Police, after notice and a public hearing. Reasons for

denial, suspension and revocation of an establishment permit include but are not limited to:

1. Fraud, misrepresentation or false statement in the application for the establishment permit.
  2. Fraud, misrepresentation or false statement made while operating the licensed business in the Borough.
  3. Any violation of this Chapter.
  4. 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.
  5. Conducting the permitted business within the Borough in an unlawful manner or in such a manner as to constitute a danger to the health, safety or general welfare of the public.
  6. The owner and/or operator or any employee refuses to permit any duly authorized Borough police officer or Health Official to inspect the premises or the operations therein.
- B. The conviction of any employee of the establishment for a violation of the prohibited acts set forth 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 permit.
- C. Notice of the hearing for the denial, suspension or revocation of a permit shall be given in writing, setting forth specifically the grounds therefore and the date, time and place of the hearing. Such notice shall be given personally or mailed to the permittee at the address provided on the application or permit at least five days prior to the date set for the hearing. The Township Manager shall serve as hearing officer for any hearing pursuant to this subsection.

#### **§14. Violations and Penalties.**

Any person violating the provisions of this chapter shall, upon conviction, be punished as provided in Chapter 1, Article 11, General Penalty, in the discretion of the court.

#### **SECTION II: Repealed.**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION III: Severability.**

If any article, section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION IV: Effective Date.**

This ordinance shall take effect immediately upon final publication as provided by law.

