

## **Borough of Matawan**

### **Public Notice of Pending Ordinance 19-14**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on September 3, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on October 1, 2019 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at [www.matawanborough.com](http://www.matawanborough.com).

Karen Wynne, RMC  
Municipal Clerk

**ORDINANCE 19-14**  
**AMENDING ORDINANCE 12-14**  
**AN ORDINANCE REVISING**  
**CHAPTER 4-9: MASSAGE PARLORS; MASSEURS AND MASSEUSES OF THE**  
**REVISED GENERAL ORDINANCES OF THE**  
**BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Governing Body of the Borough of Matawan that the following revisions to Chapter 4-9: Massage Parlors; Masseurs and Masseuses is hereby revised as follows due to superseding New Jersey Statutes that regulate the business.

#### **1. General Provisions**

##### **1.1 Purpose.**

The purpose of this Ordinance is to administer the local operation of therapeutic massage establishments in order to promote the public health, safety, and general welfare.

##### **1.2 Severability.**

In the event that any section or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall be deemed to not affect the validity of any other section, subsection or portion of this Ordinance.

#### **2. Definitions**

##### **2.1 Massage**

Massage therapy is a manual therapy that manipulates a person's muscles and tissues, which also affects the nervous system to provide relief from stress, muscle tension, muscle pain, stiffness, joint aches and pain, headaches, increasing circulation, helps recovery before and after joint surgery and the list goes limitless.

## 2.2 Therapeutic Massage Establishment

Any business, including but not limited to sole proprietorship, in which the business operation consists of providing or making available massage in the Borough of Matawan for consideration or with the expectation of receiving consideration or any gratuity whether or not the business has a fixed place of business within the limits of the Borough.

## 2.3 Massage Therapist

Any person who performs massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

## 2.4 Patron

Any person who receives a massage.

## 2.5 Person

Any individual, partnership, corporation, or other entity.

# 3. Maintenance and Cleaning

3.1 Every person who conducts or operates a therapeutic massage establishment shall keep the same at all times in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning.

3.2 All sheets and towels provided patrons in massage facilities shall be clean and laundered after each use and stored in a sanitary manner.

3.3 Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the facility is in operation. Bathtubs or showers shall be thoroughly cleaned after each use.

# 4. Prohibited Activities

4.1 No massage therapist shall administer a massage to a patron whose genitals are exposed.

4.2 No massage therapist shall administer or agree to administer a massage to the genitals or anus of a patron.

4.3 No massage therapist shall administer a massage unless he or she is fully clothed with non-transparent clothing of the type customarily worn by massage therapists while administering a massage.

4.4 No alcoholic beverages or intoxicating liquor or non-intoxicating beer shall be sold, nor the consumption thereof by the client or any other person, shall be permitted on the premises pursuant to this ordinance.

## **5. Closing Hours**

5.1 No massage establishments shall be kept open for business purposes between the hours of 10 p.m. and 7 a.m., provided that any massage begun before 10 p.m. may be completed.

## **6. Supervision**

6.1 At all times when open for business, the licensed establishment shall have upon the premises a licensed massage therapist or person who possesses a combination massage establishment/massage therapist license who shall be available to supervise the operation of the establishment and assure that no violations of this Ordinance occur.

## **7. List of employees**

7.1 The establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the Chief of Police, the Police Department's authorized representative, the Borough Clerk, or the Clerk's representative, upon request.

7.2 All massage therapists shall be clean and wear clean clothes. Provisions for a separate massage therapist/employee dressing room for each sex must be available on the premises with individual lockers for each massage therapist and employee. Doors to such dressing rooms shall open inward.

## **8. Grounds for Suspension or Revocation**

8.1 Any license may be suspended or revoked upon a determination that the licensee:

A. failed to notify the Borough Clerk of any change in material facts set forth in the Application for such license; or

B. violated any provision of this Ordinance.

8.2 In addition to the provisions of subsection 13.1, either a Therapeutic Massage Establishment license or massage therapist license may be suspended or revoked upon a determination that the licensee:

A. permitted any person to perform massage without a valid license to do so;

B. permitted or allowed an employee, massage therapist or to violate any provision of this Ordinance on the premises of the establishment or in the course of conduct of the business of the establishment.

## **9. Inspections, immediate right of entry**

9.1 The Matawan Police Department or County Health officials may from time to time inspect a licensed massage facility to determine compliance with any provisions of this ordinance. It shall be unlawful for any person holding a massage facility business license, a massage therapist business license or an employee of such licensee to refuse such inspection officer immediate access to the premises or to hinder such officer in any manner; such refusal or hindrance on the part of any license holder or employee shall be grounds for the issuance of summons for the revocation of the Business License and complaints issued for the violations of this Ordinance.

## **10. Application Fees**

10.1 The fees are payable at the time of application for the Business License are non-refundable.

## **11. Penalty**

11.1 The violation of any provision of this Ordinance shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Borough may enjoin or abate any violation of this Ordinance by appropriate action.