

Chapter 281

MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS

§ 281-1. 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 — 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 assess the body for purposes 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, movement and neural myofascial education and education in self-care and stress management. 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, male or female, who administers massage, bodywork and/or somatic therapies for any form of consideration.

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.

§ 281-2. Permits required.

- A. Business permit required. No person, firm or corporation shall operate any establishment or utilize any premises in the City of Rahway in Union County as or for a massage, bodywork or somatic therapy establishment unless or until there has first been obtained a permit for such establishment or premises from the Clerk of the City of Rahway in accordance with the terms and provisions in this chapter.
- B. Massage, bodywork and somatic therapist permit required. No person shall practice massage or related therapies as a massage, bodywork and somatic therapist, employee or otherwise, unless he or she has a valid and subsisting massage, bodywork and somatic therapist's permit issued to him or her by the City of Rahway pursuant to the provisions of this chapter.

§ 281-3. Application fee for message, bodywork or somatic therapy establishment.

Every applicant for a permit to maintain, operate or conduct a massage, bodywork or somatic therapy establishment or out-call massage, bodywork or somatic therapy service shall file an application with the City Clerk upon form provided by said Clerk and pay an annual fee of \$500.

§ 281-4. Application for massage, bodywork or somatic therapy establishment permit.

Any person desiring a massage, bodywork or somatic therapy business permit shall file a written application with the City Clerk on a form to be furnished by the City Clerk. The applicant shall accompany the application with a tender of correct fee as hereinafter provided and shall, in addition, furnish the following:

- A. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.
- B. The name, style and designation under which the business is to be conducted.
- C. The business address and all telephone numbers, including facsimile, where business is to be conducted.
- D. A complete list of the names and residence addresses of all massage, bodywork and somatic therapists 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.
- E. The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than 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:
 - (1) The name, complete residence address and residence telephone number.
 - (2) The two previous addresses immediately prior to the present address of the applicant.
 - (3) Written proof of age.
 - (4) Height, weight, sex and color of hair and eyes.
 - (5) Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
 - (6) The massage therapy or similar business history and experience, including but not limited to whether or not such person has

previously operated in this or another city or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.

- (7) 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 a fingerprint and criminal background check by the Police Department.
- F. The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

§ 281-5. Building requirements; inspections.

- A. The City Clerk, upon receiving an application for a massage, bodywork or somatic therapy establishment permit, shall refer the application to the Building Division, the Fire Department, the Police Department, the Health Department and the Planning Department, which departments shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the City 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 city unless an inspection by the Health Officer, Building Inspector and Fire Inspector reveals that the establishment complies with the minimum requirements of the building and health codes for businesses operating in the City of Rahway.

§ 281-6. Application for massage, bodywork and somatic therapist's permit; requirements.

- A. To be eligible for a permit as a massage, bodywork and somatic therapist, an applicant shall submit satisfactory evidence of:
 - (1) Successful completion of a minimum of 500 hours in-class study in the field of massage, bodywork or somatic therapy; or
 - (2) Successful completion of the written examination offered by the National Certification Board for Therapeutic Massage and Bodywork.
- B. For up to one year (365 days) after the date procedures are established by this chapter for applying for a permit to conduct massage, bodywork or somatic therapy in the City of Rahway, any person engaged in the full-time practice of massage, bodywork or somatic therapy for two years preceding the enactment of this chapter, or any person engaged in the part-time practice of massage, bodywork or somatic

therapy for five years preceding the enactment of this chapter, or any person who has successfully completed 1,000 hours in the practice of massage, bodywork or somatic therapy with a minimum completion of 200 hours of education or training in massage preceding the enactment of this chapter, may acquire a permit to practice without satisfying the requirements in Subsection A(1) and (2) above. One year after the enactment of this chapter, any person wishing to be permitted as a massage, bodywork or somatic therapist in the City of Rahway must fulfill the requirements listed in Subsection A(1) or (2) above.

- C. The following information concerning the applicant will also be required:
- (1) The name, complete residence address and residence telephone number.
 - (2) The two previous addresses immediately prior to the present address of the applicant.
 - (3) Written proof of age.
 - (4) Height, weight, sex and color of hair and eyes.
 - (5) Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
 - (6) The massage therapy or similar business history and experience, including but not limited to whether or not such person has previously operated in this or another city or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.
 - (7) 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 a fingerprint and criminal background check by the Police Department.
 - (8) The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

§ 281-7. Massage, bodywork and somatic therapist permit fee.

The applicant for a massage, bodywork and somatic therapist's license shall pay an annual permit fee of \$100, which permit fee shall become due on the first day of January each year.

§ 281-8. Display of permits.

The massage, bodywork or somatic therapy establishment shall display his permit and that of each and every massage, bodywork and somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment.

§ 281-9. 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, and each dressing room shall contain a tub or shower in good working order. Doors to such dressing rooms shall open inward and be self-closing.
- 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 knowingly, in a massage establishment, 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.
- G. No massage, bodywork or somatic therapist, employee or operator shall perform, offer to perform any act which would require the touching of the patron's sexual or genital area.
- 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, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be kept in clean, closed containers or cabinets.

- J. Animals, except for Seeing Eye dogs, 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 a proper soap or disinfectant before administering a massage, bodywork or somatic therapy to each patron.

§ 281-10. Inspections.

The Municipal Clerk and/or the Department of Health and/or the Building Division shall, from time to time, at least twice a year, make an inspection of 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 inspection officer access to the premises or to hinder such officer in any manner.

§ 281-11. 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 clubs.

§ 281-12. Prohibited acts.

- A. No owner or manager of a massage, bodywork or somatic therapy establishment shall tolerate in his 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; relating to the commission of adultery; and 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 any employee of a massage, bodywork or somatic therapy establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such club, it being specifically declared by that, following such a conviction of an employee, the owner or manager of the club shall be prosecuted as an accessory to such a violation and the required permits will be automatically revoked.

§ 281-13. Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction, be punished by imprisonment for a term not exceeding 90 days or by a fine not exceeding \$1,000, or both, in the discretion of the court.



City of Rahway
Office of the City Clerk
1 City Hall Plaza, Rahway, NJ 07065
(732) 827-2100 Phone / (732) 815-1417 Fax
www.cityofrahway.org

**MESSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS
BUSINESS PERMIT APPLICATION**

Type of ownership of the business:

Individual Partnership Corporation Other

Business name, style and designation:

Business Address: _____

Phone: _____ Fax: _____

E-mail: _____ Website: _____

APPLICANT PERSONAL INFORMATION

Individual Applicant: _____

Present Residence Address: _____

Prior Residence Address #1: _____

Prior Residence Address #2: _____

Phone: _____ E-mail: _____

Age: _____ Height: _____ Weight: _____

Gender/Sex: _____ Color of Hair: _____ Color of Eyes: _____

Manager: _____

Present Residence Address: _____

Prior Residence Address #1: _____

Prior Residence Address #2: _____

Phone: _____ E-mail: _____

Age: _____ Height: _____ Weight: _____

Gender/Sex: _____ Color of Hair: _____ Color of Eyes: _____

**Please provide same information as above for each stockholder holding more than 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 on a separate sheet.*



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1 City Hall Plaza, Rahway, NJ 07065
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MESSAGE THERAPY BUSINESS HISTORY AND EXPERIENCE

Business name: _____

Business Address: _____

Dates of Operation: _____

License or permit denied, revoked or suspended: YES NO

If yes, state the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation: _____

CHARACTER REFERENCES

Adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

Reference #1: _____

Address: _____

Phone: _____ E-mail: _____

Reference #2: _____

Address: _____

Phone: _____ E-mail: _____

Reference #3: _____

Address: _____

Phone: _____ E-mail: _____

1. Please attach a complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees in the business.
2. Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
3. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Rahway Police Department.

For office use only

Annual Fee: \$500

Review: Building Division Fire Department Police Department

Health Department Planning Department

Approved City Clerk: _____ Date: _____



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**MESSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS
THERAPIST PERMIT APPLICATION**

Applicant Name: _____

Present Residence Address: _____

Prior Residence Address #1: _____

Prior Residence Address #2: _____

Phone: _____ E-mail: _____

Age: _____ Height: _____ Weight: _____

Gender/Sex: _____ Color of Hair: _____ Color of Eyes: _____

MESSAGE THERAPY BUSINESS HISTORY AND EXPERIENCE

Business name: _____

Business Address: _____

Dates of Operation: _____

*Attach additional sheets if necessary.

License or permit denied, revoked or suspended: YES NO

If yes, state the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation: _____

CHARACTER REFERENCES

Adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

Reference #1: _____

Address: _____

Phone: _____ E-mail: _____

Reference #2: _____

Address: _____

Phone: _____ E-mail: _____

Reference #3: _____

Address: _____

Phone: _____ E-mail: _____



To be eligible for a permit as a massage, bodywork and somatic therapist, an applicant shall submit satisfactory evidence of:

1. Successful completion of a minimum of 500 hours in-class study in the field of massage, bodywork or somatic therapy; or Successful completion of the written examination offered by the National Certification Board for Therapeutic Massage and Bodywork.
2. Proof of age.
3. Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
4. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Rahway Police Department.
5. Proof of New Jersey Board of Massage and Bodywork Therapy License

For office use only

Annual Permit Fee: \$100

Review: Police Department Health Department

Approved City Clerk: _____ Date: _____