

**TOWNSHIP OF RARITAN
HUNTERDON COUNTY, NEW JERSEY**

NOTICE OF PENDING ORDINANCE

ORDINANCE #17-41

PLEASE TAKE NOTICE that the foregoing ordinance was adopted on first consideration by the Township Committee of the Township of Raritan at a meeting held on December 5, 2017 and the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of December 19, 2017 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, N.J. at which time all interested persons will be heard. Said Ordinance may be reviewed at the Office of the Municipal Clerk during regular business hours.

SUMMARY OF ORDINANCE

Ordinance No. 17-41 establishes a licensing requirement for the operation of massage, bodywork or somatic therapy establishments (“establishments”) within the Township of Raritan (“Township”). Currently, these establishments are not regulated by the Township. This ordinance would require that each establishment annually procure a license from the Township and also requires annual inspections to ensure compliance with health and safety requirements. The ordinance also imposes a number of record keeping requirements.

Pursuant to Ordinance No. 17-41, the application for a license requires a number of disclosures from the person or entity wishing to operate a massage, bodywork or somatic therapy establishment. These disclosures include, but are not limited to, disclosure of personal information regarding the applicant or its stockholders, the names and addresses of all massage, bodywork or somatic therapists employed by the establishment, business history, and a list of any criminal convictions, other than misdemeanor traffic violations. Ordinance No. 17-41 does not impose an application fee or a renewal fee. Applicants must also submit a New Jersey Uniform Fingerprint Form. The ordinance does not impose a license fee. However, the ordinance does impose a fifty-dollar (\$50.00) late fee and a one hundred and fifty-dollar (\$150) re-inspection fee where an initial inspection discloses violations.

Ordinance No. 17-41 also proscribes certain activities. These prohibited activities include, but are not limited to prostitution, the use of any part of the establishment as sleeping quarters and bulk food storage.

Ordinance No. 17-41 allows for the Township of Raritan to, at any time, suspend an establishment’s license if it finds that a subsequent health hazard or nuisance has arisen and/or that there is a failure to comply with the requirements of the ordinance. If the Township determines that an establishment’s license should be revoked, then the ordinance provides for a hearing thereon. This ordinance does not apply to massage or bodywork therapies given: 1) in the office

of a licensed physician, chiropractor or physical therapist; 2) by a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or 3) by any licensed physician, chiropractor or physical therapists in the residence of his or her patient; or 4) by a licensed barber or cosmetologist/hairdresser to the areas of the face, neck, scalp or upper part of the body as set for in the Cosmetology and Hairstyling Act of 1984.

Ordinance No. 17-41 establishes penalties for violations. Any person, firm, corporation or entity, upon their first conviction of a violation of the provisions of the ordinance shall be subject to a fine of two hundred and fifty dollars (\$250.00), and five hundred dollars (\$500.00) upon their second conviction, and one thousand dollars (\$1,000.00) and/or imprisonment in jail for a period not exceeding 90 days, or both, at the discretion of the judge imposing such a penalty/fine, upon their third conviction.

Lisa Fania
Township Clerk