

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

**RESOLUTION #17-320**

**A RESOLUTION AUTHORIZING 2017 BUDGET TRANSFER #5  
(UNFUNDED)**

**WHEREAS**, N.J.S.A. 40A:4-58 of the Local Budget Law provides for the transfer of funds from appropriations deemed to have an excess, to appropriations where sufficient balances are not available to fulfill the purpose of the appropriation to the end of the fiscal year, providing that no transfers may be made to appropriations for contingent expenses or deferred charges, and no transfers may be made from appropriation for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvements fund and debt service; and

**WHEREAS**, N.J.S.A. 40A:4-45a and 45.38 of the Budget Law restrict transfers from appropriations excluded from the Cap Law to appropriations within the Cap Law and also between appropriations excluded from the Cap Law except that transfers may be made to debt service;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that the following transfers are authorized between appropriations in the 2017 budget and that a certified copy of this resolution adopted **by not less than a two-thirds (2/3) vote of the full membership of the governing body** be transmitted to the Administrator and Chief Financial Officer.

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Police S & W	Snow Removal S & W	\$ 5,000.00
Legal Services OE	Snow Removal OE	\$ 5,000.00
Construction OE	Snow Removal OE	\$10,000.00
Elections	Snow Removal OE	\$ 2,000.00
Planning OE	Snow Removal OE	\$ 2,000.00
Zoning OE	Snow Removal OE	\$ 2,000.00
Engineering OE	Snow Removal OE	\$ 2,000.00
	<b>Total</b>	<hr/> \$28,000.00

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**ATTEST:**

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN**

\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

\_\_\_\_\_  
Karen Gilbert  
Mayor

**CERTIFICATION**

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee at a meeting held on December 19, 2017.

\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

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

**RESOLUTION #17-318**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT  
BETWEEN THE TOWNSHIP OF RARITAN AND THE RARITAN TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY**

**WHEREAS**, the Township Committee of the Township of Raritan (“Township”) has, by way of Resolution 17-284, authorized allocation of sewer capacity for affordable housing at municipal property on Dayton Road, Block 63.14, Lot 23; and

**WHEREAS**, the Township Committee is desirous of entering into an agreement with the Raritan Township Municipal Utilities Authority (RTMUA) for the use of this sewer capacity for affordable housing purposes; and

**WHEREAS**, the Township Attorney has negotiated such an agreement, attached herein as Exhibit “A;” and

**WHEREAS**, the Township Committee has reviewed this agreement and found same acceptable.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, does hereby authorize the following:

- 1. The Mayor of the Township of Raritan is authorized to execute the agreement between the Township and the RTMUA attached herein as Exhibit “A.”

**ATTEST:**

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN**

\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

\_\_\_\_\_  
Karen Gilbert  
Mayor

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Resolution #17-318  
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**CERTIFICATION**

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Lisa Fania, RMC  
Township Clerk

# Exhibit "A"

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

**RESOLUTION #17-317**

**RESOLUTION HONORING RICHARD CHEN  
FOR HIS SERVICE AS TOWNSHIP COMMITTEEMAN**

**WHEREAS**, on this 19<sup>th</sup> day of December, 2017, the Township Committee wishes to acknowledge the contributions of Committeeman, Richard Chen; and

**WHEREAS**, Richard Chen was first elected to the Township Committee in Two Thousand and Fifteen and has served the community for three years; and

**WHEREAS**, during his time in office, he played a significant role in advancing the Township's Information Technology system; worked tirelessly to establish a Deer Management Program; and was a strong advocate for the construction and maintenance of Township facilities, roads and open space amenities; and

**WHEREAS**, it is truly appropriate for the Township Committee to recognize Richard Chen as an outstanding individual for his efforts and contributions to the residents of Raritan Township.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Township Committee, of the Township of Raritan, County of Hunterdon, State of New Jersey hereby express heartfelt gratitude and appreciation for the time, effort and commitment that Richard Chen has exemplified during his term as a member of the Township Committee. He has demonstrated characteristics of citizenship, public service and devotion to his community that are in keeping with the highest traditions of our republic.

**BE IT FURTHER RESOLVED**, that the Mayor and the Township Committee, the staff and all the citizens of Raritan Township wish Richard Chen best wishes for success and fulfillment in his future endeavors.

**ATTEST:**

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN**

\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

\_\_\_\_\_  
Karen Gilbert  
Mayor

15K

Resolution #17-317  
Page 2

**CERTIFICATION**

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\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

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

**RESOLUTION #17-319**

**A RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM  
OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY  
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1985) 2015 NJDEP  
RECYCLING TONNAGE GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Raritan has been awarded \$48,971.86 from the Department of the Treasury for 2015 Recycling Tonnage Grant and wishes to amend its 2017 Budget to include this amount as a revenue.

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$48,971.86 which is available as a revenue from:

- Miscellaneous Revenues
  - Special Items of General Revenue Anticipated with
  - Prior Written Consent of the Director of Local
  - Government Services:
    - Public and Private Revenues Off-Set with
    - Appropriations:
    - 2015 Recycling Tonnage Grant

**BE IT FURTHER RESOLVED** that a like sum of \$48,971.86 is hereby appropriated under the caption of:

- General Appropriations
  - (a) Operations Excluded from Caps
    - Public and Private Programs Off-Set by Revenues:
      - 2015 Recycling Tonnage Grant
      - Other Expenses

**BE IT FURTHER RESOLVED** that the Township Clerk forward two copies of the required Certification to the Director of Local Government Services within three days.

**ATTEST:**

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN**

\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

\_\_\_\_\_  
Karen Gilbert  
Mayor

**CERTIFICATION**

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee at a meeting held on December 19, 2017.

\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

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

**RESOLUTION #17-321**

**AUTHORIZING THE RETURN OF ESCROW  
FOR OFF-TRACK IMPROVEMENTS  
(MAGNA-POWER ELECTRONICS)**

**WHEREAS**, Magna-Power Electronics (also known as BGA Properties) has requested a refund of its escrow posted for Off-Track Improvements for a traffic light at the intersection of Church Street and Royal Road; and

**WHEREAS**, Tony Hajjar, Township Engineer, has submitted a memo dated December 12, 2017, and recommended the refund of such escrow in the amount of \$16,917.80.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that the escrow posted in the amount of \$16,917.80 by Magna-Power Electronics (also known as BGA Properties) is hereby refunded.

**ATTEST:**

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN**

\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

\_\_\_\_\_  
Karen Gilbert  
Mayor

**CERTIFICATION**

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee at a meeting held on December 19, 2017.

\_\_\_\_\_  
Lisa Fania, RMC  
Township Clerk

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

**ORDINANCE #17-41**

**AN ORDINANCE AMENDING TITLE 5 ENTITLED “BUSINESS LICENSES AND REGULATIONS” BY AMENDING SECTION 5.04.010 ENTITLED “PURPOSE,” AND BY ADDING CHAPTER 5.50 ENTITLED “MASSAGE, BODYWORK OR SOMATIC THERAPY ESTABLISHMENTS” THERETO**

**BE IT ORDAINED** by the Township Committee of the Township of Raritan, in the County of Hunterdon, State of New Jersey as follows:

**SECTION 1.** Section 5.04.010 “Purpose” is hereby amended as follows:

The purpose of this chapter is to provide a uniform set of procedures for administering the issuance, renewal, and revocation of all licenses issued by the township, except alcoholic beverage licenses, dog licenses, massage therapy establishments and bodywork therapy establishment licenses, and taxicab licenses.

**SECTION 2.** Chapter 5.50 “Massage, Bodywork or Somatic Therapy Establishments” is hereby added as follows:

**5.50.010 Definitions.**

The following words, terms and phrases, as used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Administrative Authority of the Raritan Township Board of Health” or “Administrative Authority” shall mean the entity acting as the enforcement and compliance agent of the Raritan Township Board of Health.

“Massage, Bodywork or Somatic Therapies” means any 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 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, bodywraps, the use of moist hot or cold external applications, external applications of herbal or topical preparations not classified as prescription drugs, movement and neuromyofacial education and education in self-care and stress management. Massage and bodywork therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

“Massage, Bodywork or Somatic Therapist” means any person licensed pursuant to the provisions of the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.

“Massage, Bodywork or Somatic Therapist Employer” means any individual or entity that employs another person to engage in providing massage, bodywork or somatic therapy.

“Massage, Bodywork or Somatic Therapy Establishment” means any establishment wherein Massage, Bodywork or Somatic Therapies are administered or are permitted to be administered, when such therapies are administered for any form of compensation.

**5.50.020 License required.**

A. No person, firm, corporation or other entity shall operate any establishment or utilize any premises in the Township of Raritan as a Massage, Bodywork or Somatic Therapy Establishment unless or until such person, firm or corporation has first obtained a license from the Raritan Township Clerk in accordance with the terms and provisions of this section.

B. No person shall practice massage or related therapies as a Massage, Bodywork or Somatic Therapist, employee or otherwise unless such person has a valid and subsisting massage and bodywork therapist’s license issued to him or her by the New Jersey Board of Massage and Bodywork Therapy pursuant to the terms and provisions of the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.

C. No person or entity shall employ a Massage, Bodywork or Somatic Therapist as an employee unless such employee has a valid New Jersey Board of Massage and Bodywork Therapy therapist license.

D. No Massage, Bodywork or Somatic Therapist Employer shall engage in, advertise or hold itself out as offering Massage, Bodywork or Somatic Therapies unless such employer has registered with the New Jersey Board of Massage and Bodywork Therapy.

**5.050.030 Application for massage and bodywork therapy establishment license.**

Any person desiring a Massage, Bodywork or Somatic Therapy Establishment license shall file a written application with the Raritan Township Board of Health upon a form provided by the Raritan Township Clerk.

**5.050.040 Application requirements.**

A. Any person, firm, corporation, organization or other entity applying for a Massage, Bodywork or Somatic Therapy establishment license shall submit the required application, which shall include the following information:

1. The business name and type of ownership of the business, i.e., whether individual, partnership, corporation or any other form of business organization.

2. The trade name, style and designation under which the business is to be conducted.
3. The address and all telephone numbers, including facsimile, where the establishment will be maintained, operated and conducted, and the email address of the applicant.
4. A list and full description of all Massage, Bodywork or Somatic Therapy services to be offered.
5. A complete list of the names and residence addresses of all Massage, Bodywork or Somatic Therapists and employees of the business and the name and residence address of the owner, manager or other person principally in charge of the business. It shall be the responsibility of the owner, manager or other person principally in charge of the business to maintain an updated employee list and to provide same to the Raritan Township Board of Health. The Raritan Township Board of Health shall be notified in writing within thirty (30) days, transmitted by regular mail, email or facsimile, of any and all changes to the employee list. The employee list shall be made available during all inspections of the massage, bodywork or somatic therapy establishment.
6. A sworn statement attached to the employee list required above indicating that all Massage, Bodywork or Somatic Therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.
7. A written disinfection plan for all linens, towels and reusable instruments used by the establishment, and all surfaces within the establishment, which disinfection plan must comply with the requirements of N.J.A.C. 13:37A-3.2.
8. Personal information concerning the applicant shall be provided for each of the following persons:
  - a. An individual applicant;
  - b. Each stockholder holding more than 10% of the stock of the corporation, and each officer and director, if the applicant is a corporation;
  - c. Each partner, including each limited partner, if the applicant is a partnership; and
  - d. The manager or other person principally in charge of the operation.

The information to be provided for each of the above shall be as follows:

- 1). The applicant name, complete residence address, residence telephone number and email address;

- 2). Two previous residence addresses immediately prior to the present residence address of the applicant;
- 3). A copy of a current driver's license or other government-issued photo identification;
- 4). Two front-face portrait photographs taken within thirty (30) days of the date of the application and at least two (2") inches in size;
- 5). The massage, bodywork or somatic therapy establishment business history and experience, including, but not limited to, whether or not such person has previously operated or is currently operating, in this or another municipality or state, under a license agreement or permit, or has a license or permit ever been denied, revoked or suspended and the reason therefor, in addition to the business activities or occupations subsequent to such action or denial, suspension or revocation;
- 6). All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.

B. In addition to the completed application, the applicant, who shall be a principal of the business, may be required to submit additional documentation, including, but not limited to, a sketch, floor plan, building layout, diagram, zoning permit and/or certificate of occupancy as applicable to the application.

C. In addition to the completed application, the applicant shall provide a criminal background check to be provided through the filing of a New Jersey Uniform Fingerprint Form provided by the Raritan Township Clerk.

D. The applicant shall provide proof of General Liability insurance. This policy shall be maintained at all times by the establishment.

E. The applicant shall provide proof of ownership or shall provide a copy of a signed lease agreement for the property location where the Massage, Bodywork or Somatic Therapy Establishment shall be operated. If a signed lease, the applicant must be listed on the lease agreement.

F. All changes in ownership of ten (10%) percent or more must be reported to the Raritan Township Board of Health by regular mail, email or facsimile, within ten (10) days of the occurrence of such change.

G. The Raritan Township Board of Health may refuse, after notice, to grant a Massage, Bodywork or Somatic Therapy Establishment license. Reasons for such refusal include, but are not limited to, the following:

1. Fraud, misrepresentation, false statement, or omission of any requires information in the application for the establishment license.

2. The conviction of an owner/operator, manager or any employee of the establishment for a crime or disorderly person offense involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, or any crime involving dishonesty, or evidence that applicant has had its Massage, Bodywork or Somatic Therapy Establishment license revoked previously in the Township or another municipality.

3. Failure to provide a criminal background check as required by Section 5.05.040(C) of the Revised General Ordinances of the Township of Raritan.

**5.050.050 Building requirements; Inspections.**

A. The Administrative Authority of the Raritan Township Board of Health, upon receipt of the application, shall refer same to the Construction Department, the Fire Safety Services Department, the Police Department, the Building, Planning and Engineering Department, and any other department deemed necessary. Such departments shall make recommendations to the Administrative Authority of the Raritan Township Board of Health concerning compliance with all municipal and state codes.

B. No Massage, Bodywork or Somatic Therapy Establishment license shall be issued until an applicant has satisfactorily passed inspections by all governmental entities provided for by subsection A of this section.

C. In addition, the establishment must comply with the hygiene requirements found at N.J.A.C. 13:37A-3.2

**5.050.060 Transferability; Licenses; Renewal: Reinspections**

A. Massage, Bodywork or Somatic Therapy Establishment licenses granted under this Chapter are only valid to the applicant to whom it was granted at the address stated on the application, and are not transferable in any way. A new license must be obtained in the event of the sale or other transfer of the establishment.

B. All licenses issued pursuant to this Chapter shall expire each year on December 31, unless sooner suspended or revoked. In order to renew a Massage, Bodywork or Somatic Therapy Establishment license, licensee shall submit a renewal form provided by the Raritan Township. Said renewal form shall require licensee to update its list of Massage, Bodywork or Somatic Therapists and certify that licensee has not been convicted of a crime related to its massage

activities, or a sexual offense. Upon satisfactory review of same, the Raritan Township Board of Health shall issue a renewal license. As a requirement of the annual renewal, the Raritan Township Police Department may request an updated background check from any Massage, Bodywork or Somatic Therapy Establishment owner(s), therapist(s), and employee(s).

C. All licenses issued pursuant to this Chapter are subject to a fifty (\$50.00) dollar late fee for failure to renew the license with payment by January 15 of each calendar year.

D. All establishment licenses are subject to immediate suspension and closure of the establishment as described in Section 5.050.70 for failure to renew the license by January 15 of each year.

E. Should a re-inspection of a Massage, Bodywork or Somatic Therapy Establishment be required as determined by the Administrative Authority of the Raritan Township Board of Health as a result of a violation observed during an initial inspection, a re-inspection fee of one hundred fifty (\$150.00) dollars shall be charged to the establishment for each subsequent re-inspection, until all violations have been abated. The re-inspection fee must be paid by the establishment to the Raritan Township Board of Health within ten (10) business days of the date the violation requiring re-inspection was issued. All licenses are subject to immediate suspension and the establishment subject to closure for failure to remit the re-inspection fee within ten (10) business days of the date the violation requiring re-inspection was issued.

#### **5.050.070 Inspections.**

The Administrative Authority of the Raritan Township Board of Health shall, from time to time, at least once a year, make an inspection of each Massage, Bodywork or Somatic Therapy Establishment granted a license under the provisions of this Chapter, for the purpose of determining whether the provisions of this Chapter and any applicable rules, regulations, ordinances and/or laws are being complied with. Such inspections shall be made at reasonable times and in a reasonable manner. In addition to an annual inspection, the Administrative Authority of the Raritan Township Board of Health may also perform an inspection upon any reasonable report of a violation by any person. It shall be unlawful for any Massage, Bodywork or Somatic Therapy Establishment or employee thereof to fail to allow such inspection officer to gain access to the establishment or to hinder such officer in any manner.

- A. The Administrative Authority of the Raritan Township Board of Health shall ensure that:
1. That the establishment has a written disinfection plan as required by Section 5.050.040(8) of the Revised General Code of the Township of Raritan and is in conformance all requirements of N.J.A.C. 13:37A-3.2.
  2. That all licenses issued by the state and the Township are posted in a visible place as required by Section 5.050.80 of the Revised General Ordinances of the Township of Raritan.

3. The establishment is maintaining records as required by Section 5.050.90(E) & (F) of the Revised General Ordinances of the Township of Raritan.
4. There is no evidence of sleeping or living quarters in the establishment.
5. That the establishment is in conformance with all other requirements of the Revised General Ordinances of the Township of Raritan, state statute and state regulation.

**5.050.080 Display of licenses.**

A. All Massage, Bodywork or Somatic Therapy Establishments shall display the establishment license issued pursuant to this Chapter in an open and conspicuous place on the premises of the establishment near the public entrance.

B. The State license of each and every Massage, Bodywork or Somatic Therapist employed in the establishment must be posted prominently in an open and conspicuous place on the premises of the establishment near the public entrance. A two (2") inch by two (2") inch passport-sized color photograph of each licensed Massage, Bodywork, or Somatic Therapist must be affixed to each therapist's displayed license.

C. Each and every Massage, Bodywork or Somatic Therapist employed in the establishment shall have in his or her possession at all times while on the premises government-issued photographic identification, which must be available for review.

**5.050.090 Requirements.**

A. Each room of the establishment in which Massage, Bodywork or Somatic Therapy is conducted shall have an adequate area within the room for clients to store personal items during therapy sessions.

B. With the exception of guide animals, hearing animals and service animals, no animals shall be permitted in the establishment.

C. Price rates for all services shall be prominently displayed in an open and conspicuous area on the premises of the establishment near the public entrance.

D. A written exclusion policy shall be kept on the premises stating that the establishment shall not knowingly serve any patron infected with any fungus or other skin infections, nor perform any service 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. The written exclusion policy shall be prominently displayed in an open and conspicuous area on the premises of the establishment near the public entrance.

E. Client intake records must be kept for each and every client who receives services from the Massage, Bodywork or Somatic Establishment pursuant to N.J.A.C. 13:37A-5.2.

F. The establishment shall prominently post signage specifying the age restriction of patrons and the client record-keeping requirements in an open and conspicuous area on the premises of the establishment near the public entrance.

G. The written disinfection plan submitted with the application for the establishment license shall be kept on the premises at all times for review by the Board of Health. The employees of the massage, bodywork or somatic therapy establishment shall demonstrate to the Administrative Authority of the Raritan Township Board of Health an understanding of and compliance with the written disinfection plan. The establishment shall comply with all parts of the written disinfection plan at all times.

H. All employees, including Massage, Bodywork or Somatic Therapists, shall wear nontransparent outer garments. Employee dressing rooms must be available on the premises of the establishment. Doors to such dressing rooms shall be self-closing.

I. All Massage, Bodywork or Somatic Therapy Establishments shall provide clean linens (including, but not limited to, laundered sheets and towels) in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner. All linens shall either be laundered on the premises of the establishment with properly functioning commercial-grade washer and drying appliances, or shall be laundered by a professional linen supply service, the contract of which shall be made available to the Administrative Authority of the Raritan Township Board of Health at any time.

J. The Sexual or Genital Area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or a massage, bodywork or somatic therapist.

K. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities and surfaces 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 and sanitized each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned and sanitized after each use. When carpeting is used on the floors, it shall be kept in a dry, clean and sanitary condition.

L. Each Massage, Bodywork or Somatic Therapist shall wash his or her hands and arms up to and including the elbows with soap and hot running water prior to administering any Massage, Bodywork or Somatic Therapy to each client.

M. All Massage, Bodywork or Somatic Therapy Establishments and employees thereof shall at all times provide access to a sanitary restroom for patrons of the establishment.

N. If ordered closed by the Administrative Authority of the Raritan Township Board of Health, the Massage, Bodywork or Somatic Therapy Establishment must immediately cease operations

and close to the public, and must remain closed until the Raritan Township Board of Health permits the establishment to reopen.

O. The Massage, Bodywork or Somatic Therapy Establishment shall observe and conform to all applicable rules, regulations and prohibitions set forth by the New Jersey Board of Massage and Bodywork Therapy, as same may be amended from time to time.

**5.050.100 Prohibited acts.**

A. 1. No owner of a Massage, Bodywork or Somatic Therapy Establishment or any employee thereof shall tolerate in any Massage, Bodywork or Somatic Therapy Establishment any activity or behavior prohibited by the State of New Jersey, particularly, but not limited to, (i) laws proscribing prostitution, indecency and obscenity, including the sale, uttering or public communication of obscene material; or (ii) N.J.A.C. 13:37A-3.5.

2. 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 establishment, to the extent that it constitutes sufficient cause for the suspension or revocation of the establishment's license.

B. The owner, manager or any employee of the Massage, Bodywork or Somatic Therapy Establishment shall not permit the following upon the premises:

1. The presence or use of table showers.
2. Ear candling.
3. Any and all procedures that involve ear picks, ear scoops or ear spoons.
4. Cupping, or applying the open end of a vessel of glass or other material onto the client's skin and utilizing a heating mechanism to heat the vessel.
5. Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy, including, but not limited to, fish foot spas.
6. Any activities that utilize animal waste or the use of any products that contain animal waste as an ingredient.
7. Colon cleansing.
8. Electrical muscle stimulation.
9. Any materials, paraphernalia, or acts depicting, promoting or associated with sexual activity.
10. Controlled dangerous substances or illegal drugs.

11. Alcoholic beverages.
12. The use of any part of the establishment as sleeping quarters. 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 business or club.
13. Any owner, operator, employee or patron knowingly placing his or her hand upon or touching 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, and/or any owner, manager or employee performing or offering to perform any act which would require the touching of any other person's Sexual or Genital Area.
14. The application of any pest control chemicals by any person other than a Commercial Pesticide Applicator licensed by the State of New Jersey.
15. Laundering of any personal items belonging to the owner, manager or any employee upon the premises of the establishment, or the commingling of any personal items with linens laundered by a professional linen supply service.
16. Storage on the premises of excessive personal items belonging to the owner, manager or any employee of the establishment.
17. Bulk food storage, cooking apparatus or meal preparation on the premises of the establishment.
18. The presence of any individual under the age of 18 years old, unless accompanied by a parent or legal guardian.
19. Any therapy performed on any individual under the age of 18 without the express written authorization of, and presence of, a parent or legal guardian.
20. The presence upon the premises of the establishment of any therapist infected with any fungus, skin infection, skin inflammation, skin eruption or any communicable disease, and/or tolerating any such therapist to perform any massage, bodywork or somatic therapy on any client or other person upon the premises of the establishment.
21. The presence of any persons upon the premises who are not necessary to the operation of the establishment.
22. Removing any signage posted by any Township Department upon the premises of the establishment.
23. Placing, publishing, distributing or causing to be placed, published or distributed any print or electronic advertising material that depicts any portion of the human body that would

reasonable suggest to prospective clients that any services are available other than those therapies described in the establishment license application.

24. Indicating in text in any print or electronic advertising material that any services are available other than those therapies included in the establishment license application.

25. Depicting in any print or electronic advertising material any persons dressed in such a manner or behaving in such a manner as to suggest that they or the establishment is engaged in keeping or residing in a house of ill repute, soliciting of a lewd or unlawful act, prostitution or pandering.

#### **5.050.110      Suspension or revocation of establishment license; closure**

A. The Administrative Authority of the Raritan Township Board of Health may at any time suspend the establishment license if it finds that a subsequent health hazard or nuisance has arisen and/or that there is a failure to comply with any part of this Chapter. Upon suspension of the license, the establishment must immediately cease operations, and may not resume operations until the suspension of the license has been lifted by the Raritan Township Board of Health. The suspension of a license may be lifted only after all of the violations have been abated to the satisfaction of the Health Officer or his or her designee and all applicable fees and penalties have been remitted in full.

B. If the Administrative Authority of the Raritan Township Board of Health finds, determines or has reason to believe that an establishment license should be permanently revoked, then in such event the Administrative Authority of the Raritan Township Board of Health shall schedule a hearing on the matter, and shall so notify the license holder in writing by delivering a copy to him or her personally or by mailing a copy of the notice by certified mail, return receipt requested, at the last known address. The notice shall include the time, date and place of the hearing.

C. The Township Administrator or his or her designee shall serve as the hearing officer for any hearing pursuant to this section. The hearing officer shall notify the license holder of his or her decision either personally at the conclusion of the hearing, which decision shall be confirmed in writing, or by written notice sent by certified mail, return receipt requested.

D. Any license holder who fails to appear at the time and place designated for the hearing shall not be entitled to any further hearing, and in that event, the license may, as a matter of course, be revoked. In such an event, the hearing officer shall so notify the license holder by written notice sent by certified mail, return receipt requested.

E. Reasons for automatic suspension and/or revocation of a license include, but are not limited to, the following:

1. Fraud, misrepresentation, false statement, or omission of any required information in the application for a license.

2. Fraud, misrepresentation, or omission of any required information made or given while operating the establishment.

3. Any violation of this Chapter.

4. Conviction of the owner, manager or any employee of the establishment of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and/or any crime involving dishonesty.

5. The owner, manager or any employee refusing entry to any duly authorized official from the Administrative Authority of the Raritan Township Board of Health, Police Department, Construction Department, Fire Safety Services Department or Building, Planning and Engineering Department, or any other authorized Township Official to inspect the premises or operations therein.

F. Should an establishment have its license revoked for any reason, at no point in the future shall the same premises be used again for the purpose of operating a massage, bodywork or somatic therapy establishment.

#### **5.050.120 Exceptions.**

A. The provisions of this Chapter shall not apply to massage and bodywork therapies given:

1. In the office of a licensed physician, chiropractor or physical therapist; or

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 therapist 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 forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1.

#### **5.050.130 Enforcement**

The Administrative Authority of the Raritan Township Board of Health and any other designated official, shall implement, administer and enforce this Chapter, and are hereby authorized to issue all rules and regulations consistent with this Chapter, and shall have all necessary powers to carry out the purposes of this Chapter and to enforce this Chapter, and are authorized to issue citations for any violation of this Chapter.

**5.050.140      Violations and Penalties.**

A. Any person, firm, corporation or entity, upon their first conviction of a violation of any of the provisions of this Chapter, shall be subject to a fine of two hundred fifty (\$250.00) dollars. Any person, firm, corporation or entity, upon their second conviction of a violation of any of the provisions of this Chapter, shall be subject to a fine of five hundred (\$500.00) dollars. Any person, firm, corporation or entity, upon their third conviction of a violation of any of the provisions of this Chapter, shall be subject to a fine of one thousand (\$1000.00) dollars and/or by imprisonment in jail for a period not exceeding 90 days, or both, at the discretion of the judge imposing such penalty and/or fine.

B. Each and every day that a violation of this Chapter is found to occur shall constitute a unique and separate violation of this Chapter.

C. Any conviction of any owner, manager, operator or employee of a Massage, Bodywork or Somatic Therapy Establishment of any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not limited to laws proscribing indecency, prostitution and obscenity, including the sale, uttering or public communication of obscene material; or N.J.A.C. 13:37A-3.5 shall devolve upon the owner of such establishment, it being specifically declared that following such conviction of an employee, manager or owner of the establishment, the owner shall be prosecuted as an accessory to such violation, and the license which has been issued for the establishment shall be revoked.

**Section 3.** All ordinances or parts of ordinances inconsistent with this Chapter are hereby repealed to the extent of any inconsistencies.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason deemed invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**Section 5.** This Ordinance shall take effect upon final passage according to law.

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**Note to Codifier: language in brackets [ ] is to be deleted from the original text. Underlined language is new language to the original text.**

**ATTEST:**

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN**

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Lisa Fania  
Township Clerk

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Karen Gilbert  
Mayor

## NOTICE OF PENDING ORDINANCE

**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, NJ at which time all interested persons will be heard.

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Lisa Fania, RMC  
Township Clerk