



APPLICATION FOR HEALTH SPA LICENSE
TOWNSHIP OF EAST BRUNSWICK
MUNICIPAL CLERK'S OFFICE
P.O. BOX 1081
EAST BRUNSWICK, NJ 08816
(732) 390-6850

DATE: _____

LOCATION: _____ BLOCK: _____ LOT: _____

1) THE NAME AND DESIGNATION UNDER WHICH BUSINESS IS TO BE CONDUCTED:

2) BUSINESS ADDRESS AND ALL TELEPHONE NUMBERS WHERE THE BUSINESS IS TO BE CONDUCTED: _____

3) DAYS OF WEEK AND HOURS OF OPERATION DURING THE DAY WHICH THE LICENSED ACTIVITY WILL BE CONDUCTED: *Chapter 135-66 Hours are regulated*

4) STATE WHETHER OWNERSHIP OF BUSINESS IS BY AN INDIVIDUAL, PARTNERSHIP, CORPORATION OR OTHERWISE. IF CORPORATION, NAME AND ADDRESS OF REGISTERED AGENT.

5) NAMES, ADDRESSES, AND PHONE NUMBERS OF OWNERS OF LAND AND BUILDING(S), INCLUDING ALL OWNERS OF AT LEAST 2% OF PREMISES.

	BUSINESS PHONE NO.	RESIDENCE PHONE NO.
_____	_____	_____
_____	_____	_____
_____	_____	_____

6) NAMES, HOME ADDRESSES AND PHONE NUMBERS OF PROPOSED OPERATORS OF LICENSED PREMISES, INCLUDING ALL OWNERS OF AT LEAST 2% OF BUSINESS

	BUSINESS PHONE NO.	RESIDENCE PHONE NO.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7) FOR PRINCIPALS OF APPLICANT, MANAGER, AND ASSISTANT MANAGER, OF THE PREMISES, PLEASE FURNISH THE FOLLOWING:

NAME: _____ TITLE: _____

HOME ADDRESS: *PO Box Not Allowed* _____

HOME TELEPHONE NUMBER: _____

HEIGHT: _____ WEIGHT: _____ HAIR COLOR: _____ EYE COLOR: _____

SEX: _____ AGE: _____ TATTOOS, SCARS, AMPUTATIONS: _____

PLACE & DATE OF BIRTH: _____

SOCIAL SECURITY #: _____

NAME: _____ TITLE: _____

HOME ADDRESS: *PO Box Not Allowed* _____

HOME TELEPHONE NUMBER: _____

HEIGHT: _____ WEIGHT: _____ HAIR COLOR: _____ EYE COLOR: _____

SEX: _____ AGE: _____ TATTOOS, SCARS, AMPUTATIONS: _____

PLACE & DATE OF BIRTH: _____

SOCIAL SECURITY #: _____

NAME: _____ TITLE: _____

HOME ADDRESS: *PO Box Not Allowed* _____

HOME TELEPHONE NUMBER: _____

HEIGHT: _____ WEIGHT: _____ HAIR COLOR: _____ EYE COLOR: _____

SEX: _____ AGE: _____ TATTOOS, SCARS, AMPUTATIONS: _____

PLACE & DATE OF BIRTH: _____

SOCIAL SECURITY #: _____

NAME: _____ TITLE: _____

HOME ADDRESS: *PO Box Not Allowed* _____

HOME TELEPHONE NUMBER: _____

HEIGHT: _____ WEIGHT: _____ HAIR COLOR: _____ EYE COLOR: _____

SEX: _____ AGE: _____ TATTOOS, SCARS, AMPUTATIONS: _____

PLACE & DATE OF BIRTH: _____

SOCIAL SECURITY #: _____

8) THE LAST TWO ADDRESSES FOR EACH OF THE PERSONS REFERRED TO IN ITEMS 5, 6, AND 7 ABOVE.

9) PLEASE LIST BUSINESS HISTORY AND EXPERIENCE FOR THE PRINCIPALS LISTED IN ITEMS 6 ABOVE. IF YOU HAVE NOT OPERATED A HEALTH SPA PREVIOUSLY, PLEASE STATE WHETHER YOU HAVE BEEN INVOLVED IN A DENIAL OF APPLICATION FOR A PERMIT OR LICENSE, OR A REVOCATION OR SUSPENSION OF A HEALTH SPA LICENSE OR PERMIT.

10) IF YOUR ANSWER TO QUESTION 9 IS YES, THEN STATE THE REASON FOR DENIAL, REVOCATION OR SUSPENSION OF LICENSE OR PERMIT.

11) LIST ALL CRIMINAL CONVICTIONS OF ANY PERSON REFERRED TO IN ITEMS 5, 6 AND 7 ABOVE WITHIN SEVEN (7) YEARS PRIOR TO THIS APPLICATION OTHER THAN TRAFFIC OR DISORDERLY PERSON VIOLATIONS. Indicate fully the jurisdiction in which convicted, the offense for which there was a conviction, the date of conviction and the sentence issued by the Court.

- 12) YOU MUST COMPLY WITH ALL REQUIREMENTS OF SECTION 135 ESPECIALLY SECTIONS 135-63 THROUGH 135-70 OF THE EAST BRUNSWICK TOWNSHIP CODE; COPIES ATTACHED.
- 13) EACH APPLICATION SHALL BE REFERRED TO THE DIRECTOR OF PUBLIC SAFETY OR A POLICE OFFICER DESIGNATED BY HIM. HE/SHE SHALL IMMEDIATELY INSTITUTE WHATEVER INVESTIGATION OF THE APPLICANT'S BUSINESS, MORAL CHARACTER AND ABILITY TO PROPERLY CONDUCT THE LICENSED ACTIVITY HE/SHE CONSIDERS NECESSARY FOR THE PROTECTION OF THE PUBLIC.

WE HEREBY AUTHORIZE THE TOWNSHIP OF EAST BRUNSWICK, ITS AGENTS, AND EMPLOYEES TO SEEK INFORMATION AND CONDUCT AN INVESTIGATION INTO THE TRUTH OF THE STATEMENTS SET FORTH IN THIS APPLICATION AND THE QUALIFICATIONS OF THE APPLICANT FOR A HEALTH SPA LICENSE. WE HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE FOREGOING INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT AND SO SWEAR BEFORE A NOTARY PUBLIC OR ATTORNEY AT LAW OF THE STATE OF NEW JERSEY.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS _____ DAY

OF _____, 20____

(Notary Signature and Stamp/Seal)

TOWNSHIP USE ONLY

Department of Zoning	Approved <input type="checkbox"/> Not Approved <input type="checkbox"/>	_____ Signature	_____ Dated
Health Department	Approved <input type="checkbox"/> Not Approved <input type="checkbox"/>	_____ Signature	_____ Dated
Fire Inspector	Approved <input type="checkbox"/> Not Approved <input type="checkbox"/>	_____ Signature	_____ Dated
Construction Inspection	Approved <input type="checkbox"/> Not Approved <input type="checkbox"/>	_____ Signature	_____ Dated
Dept. of Public Safety	Approved <input type="checkbox"/> Not Approved <input type="checkbox"/>	_____ Signature	_____ Dated

**ARTICLE IX
Health Spas and Related Uses
[Added 12-27-82 by Ord. No. 82-482]**

& 135-63. Definitions. [Amended 10-9-06 by Ord. No. 06-31; Amended 11-9-15 Ord. 15-24]

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

- a. Applicant. Person applying for a license under this ordinance and must include all partners including limited partners, of a partnership applicant, any officer or director of a corporate applicant, and any stockholder holding more than 2% of the stock of a corporation applicant.
- b. Employees. Any and all persons, including independent contractors, who render any services on behalf of a health spa or related use to customers or members and who are paid directly either by the operator or the establishment or by the customers and members.
- c. Health Spa. A place providing shower facilities and affording to its customers or members facilities for physical exercise, including, but not limited to, swimming, dancing, body building, gymnastics, nautilus equipment or equivalent, jogging, aerobic dancing, slimnastics, steam rooms, sauna, whirlpool, tanning and related uses. [Amended 10-9-06 by Ord. No. 06-31; 11-09-15 Ord. 15-24]
- d. Customers and Members. A person who patronizes a health spa or related use and utilizes the services afforded on the premises by any employee or independent contractor under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.
- e. Related Uses. This ordinance shall apply to owners and operators of any facilities offering any of the activities of a health spa, even if such related uses are part of a non-regulated facility, such as a tennis or racquetball club, a gymnasium or other use.
- f. Massage and Bodywork establishments. Any establishment providing massage therapy, reflexology, acupressure, acupuncture that is not related to a medical facility or doctor. [Added 11-09-15 Ord. 15-24]

& 135-64. Application for Licenses for Health Spas, Massage and Bodywork Establishments or Related Uses. [Amended 10-9-06 by Ord. No. 06-31; 11-09-15 Ord. 15-24]

Any person desiring to own or operate a health spa, massage and bodywork establishment or related use within the Township of East Brunswick shall file a written application with the Municipal Clerk to be filed by the owner and operator on a form to be furnished by the Municipal Clerk. The applicant shall pay an annual license fee of \$200.00 and shall in addition furnish the following information [Amended 10-9-06 by Ord. No. 06-31]:

- a. Whether ownership of the business is by an individual, a partnership, a 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 where the business is to be conducted.
- d. Name, complete residence address and residence telephone numbers of Principals of applicant, manager and Assistant Manager.
- e. The two previous addresses immediately prior to the present address of the applicant.
- f. Height, weight, color of hair and eyes, place and date of birth and Social Security number of principals of applicant, manager and Assistant Manager, if any, of the premises.
- g. The business history and experience of the principals of the applicant, including but not limited to whether or not such person in previously operating a health spa has had a license or permit denied, revoked or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
- h. All criminal convictions of the principals of the applicant within seven (7) years prior to the filing of the application, other than traffic or disorderly persons violations, fully disclosing the jurisdiction in which convicted, and the offense for which applicant was convicted and the circumstances thereof. The applicant shall submit to a full criminal history check by an agency approved by the Township and shall submit to the same on a triennial basis thereafter. The applicant shall execute a waiver and consent to permit a fingerprint and criminal background including criminal history check. The cost of the criminal background check shall be borne by the applicant. Upon receipt of the results of their fingerprint and criminal history check, the applicant shall provide all documentation to the East Brunswick Police Department Investigative Division.
- i. All information required by & 135-1 through & 135-7 of the Code of the Township of East Brunswick.
- j. Authorization for the municipality, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualification of the applicant for the permit.
- k. A copy of each massage, bodywork and/or somatic therapists' valid state certificate or license issued pursuant to the Massage, Bodywork and Somatic Therapist Certification Act, N.J.S.A. 45:11-53 et seq. [Added 11-09-15 Ord. 15-24]
- l. A complete list of the names and residence address of all massage, bodywork and therapists and employees in the business. [Added 11-09-15 Ord. 15-24]
- m. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed and sworn to before a Notary Public or attorney of the State of New Jersey. The Police Department will pursue any and all criminal charges applicable against any applicant that provides false information to the Township on its application. [Amended 11-09-15 Ord. 15-24]

& 135-65. Issuance or Denial of Health Spa License.

The applicant shall be subject to the provisions of & 135-3 through & 135-7 of the Code of the Township of East Brunswick. The Director of Public Safety shall file his report with the Municipal Clerk within thirty (30) days of the filing of the application and the license shall be issued by the Municipal Clerk unless the investigation discloses one of the following:

- a. The applicant, a stockholder holding at least two (2%) percent of the stock of the corporation, an officer or director of a corporation or any of the partners including limited partners or the manager or other person principally in charge of the operation of the business have been convicted of any crime involving dishonesty, fraud, deceit, sexual misconduct, prostitution, soliciting for purposes of prostitution or any other crime involving prostitution or any other crimes for which one of the principals has been convicted unless such conviction occurred more than seven (7) years prior to the date of the application.
- b. The applicant or any of its principals has knowingly made any false, misleading or fraudulent statement of fact in the license application or in any document required by the municipality in conjunction therewith.
- c. The applicant has had a municipal license or permit for a similar use denied, revoked or suspended for any of the above causes which action was not reversed by a court of competent jurisdiction within seven (7) years prior to the filing of the application.

& 135-66. Facilities Necessary. [Amended 10-9-06 by Ord. No. 06-31; 11-9-15 Ord. 15-24]

No health spa, massage and bodywork establishment or related use shall be issued a license nor shall the same be operated, established or maintained in the Township of East Brunswick unless the facilities are made available for periodic inspection by representatives of the Department of Public Safety and the Division of Construction Inspection to make certain that the premises are in conformity with all municipal and state requirements. Among other things, the owners and operators of the premises must comply with each of the following minimum requirements:

- a. Tanning Rooms, if any, shall be Underwriter Laboratory approved and comply with all Federal and State requirements including, but not limited to, Food and Drug Administration standards.
- b. Separate facilities for lockers, dressing, showers and massages are to be provided so that male and female customers or members will not be in the changing or shower rooms at the same time, subject to the right of the applicant to provide separate changing rooms or use of such facilities on an alternating basis by male and female customers or members.
- c. Areas shall be provided and used for the storage of clean linen, towels and other materials used in the operation of the health spa. All soiled linen, towels and other materials shall be kept in properly covered containers or cabinets separate from the clean storage area.
- d. All employees shall wear clean, non-transparent outer garments at all times.
- e. The sexual and genital area of customers and members must be covered by towels, clothes or undergarments in the presence of an employee, masseur, masseuse or other patrons except in the shower area.
- f. No employee, masseur or masseuse shall perform any act in violation of the East Brunswick ordinances which prohibit sex clubs and massage parlors.
- g. No Massage or Bodywork establishment may conduct business between 11:00 p.m. and 8:00 a.m. the following day.

& 135.66.1 Suspension or Revocation of Establishment License.

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 law of the State of New Jersey nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this chapter.

b. Any license issued for a massage establishment may be revoked or suspended by the Township, after public hearing before the Township Council, where it is found that any of the provisions of this chapter or the Law of the State of New Jersey are violated by any employee and/or owners and where the licensee has actual or constructive knowledge of the violation.

c. The Township Council, before revoking or suspending any license, shall give the licensee at least ten (10) days' written notice of the charges against the licensee and the opportunity for a public hearing before the Township Council, at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

& 135-67. Massage and Bodywork Therapist Licensing Act. [Added 9-30-13 by Ord. No. 13-20]

Effective September 4, 2012, P.L. 2007, c. 337, the Massage and Bodywork Therapist Licensing Act requires that any person engaged in the practice of massage and/or bodywork therapy, as defined in the Act, must be licensed by the State Board of Massage and Bodywork Therapy.

& 135-68. Transfer of Licenses.

No license for the operation of a licensed premises issued pursuant to the provisions of this article shall be transferable except upon the filing of a new application with the Municipal Clerk and such transfer shall not be valid until the application for transfer is approved; provided, however, that upon the death or incapacity of the licensee, the health spa or related use may continue in business until the anniversary date of the license to allow for an orderly transfer of the license.

& 135-69. Appeals to the Township Council.

Any person affected by the findings and determinations of the Township Clerk with regard to an application filed under this ordinance may appeal to the Township Council of the Township of East Brunswick, provided such appeal is filed within twenty (20) days after the date of such determination by the Township Clerk. The Township Council may extend the time within which to file an appeal by an additional thirty (30) days upon a showing of good cause. The Township Council shall conduct a hearing based upon the documents which have been filed and shall permit oral argument and submission of written argument but shall entertain no new evidence at the time of the Council hearing.

& 135-70. Non-applicability of this Article.

This article shall not apply to licensed hospitals, licensed nursing homes or clinics or persons holding an unrevoked certificate to practice the healing arts under the laws of the State, or persons working under the direct supervision and in their presence, of any such persons or in any such establishments, nor shall this article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State, nor to non-profit corporations, nor to governmental entities.