

ORDINANCE NO. 607

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING PART II: GENERAL LEGISLATION TO ESTABLISH REGULATIONS CONCERNING THE OPERATION OF “MASSAGE PARLORS,” REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain illegal businesses or enterprises in the Township that offer massages and have the word "massage" and/or "spa" in the name of the business may offer prostitution services and may involve human trafficking and otherwise violate the laws of the Commonwealth of Pennsylvania; and

WHEREAS unsanitary and otherwise unhealthful conditions have a propensity to exist in these unregulated businesses or enterprises; and

WHEREAS the Commonwealth of Pennsylvania regulates individuals that provide massages but does not regulate massage establishments, alternative therapy establishments, and individuals that provide alternative therapies; and

WHEREAS, the Pennsylvania Second Class Township Code, 53 Pa. C.S. § 66506, grants the East Norriton Township Board of Supervisors (the “Township”) the authority to enact certain ordinances and regulations relating to the public health, safety, and welfare of the citizens of the community of East Norriton Township; and

WHEREAS, regulation of establishments that offer massages and alternative therapy as hereinafter defined is necessary to protect the public health, safety, and welfare of the residents, visitors, property owners, and business owners in the Township.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the East Norriton Township Board of Supervisors, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1: AMENDMENT OF THE CODE

Article II, General Legislation, is hereby amended to establish a new Chapter 126, which shall be entitled “Licenses, Permits and General Business Regulations” and which shall state as follows:

Article I, Massage Parlors

§ 126-1 Definitions and word usage.

- A. The following words, terms, and phrases, when used in this article, shall have the following meanings ascribed to them:

ALTERNATIVE THERAPY:

- 1) The practice of an individual who uses touch to affect the energy systems, acupoints, Qi meridians, or channels of energy of the human body while engaged within the scope of practice of a profession with established standards and ethics. Such practices include acupressure, Asian bodywork therapy, polarity therapy bodywork, Quigong, reiki, shiatsu, and tui na;
- 2) Reflexology;
- 3) The practice of an individual who uses touch, words and directed movement to deepen awareness of existing patterns of movement in the body and to suggest new possibilities of movement, while engaged within the scope of practice of a profession with established standards and ethics; and/or
- 4) Any massage-like activity that does not meet the definition of “massage therapy” set forth hereinafter.

ALTERNATIVE THERAPY ESTABLISHMENT:

Any place in the Township where alternative therapy is administered for the payment of a fee or other compensation or consideration but not including a hospital, nursing home, medical clinic or the office of a physician, surgeon, physical therapist, chiropractor or osteopath, currently licensed as such by the Commonwealth of Pennsylvania, and including barbershops or practices licensed by the Department of Cosmetology.

ALTERNATIVE THERAPY TECHNICIAN:

Any person who administers alternative therapy to another as part of a massage business or alternative therapy business that is licensed as such by East Norriton Township.

MASSAGE THERAPIST:

An individual licensed by the State Board of Massage Therapy to practice massage therapy.

MASSAGE THERAPY:

The application of a system of structured touch, pressure, movement, holding, and treatment of the soft tissue manifestations of the human body in which the primary intent is to enhance the health and well-being of the client without limitation, except as provided in this act. The term includes the external application of water, heat, cold, lubricants or other topical preparations, lymphatic techniques, myofascial release techniques and the use of electro-mechanical devices which mimic or enhance the action of the massage techniques. The term does not include the diagnosis or treatment of impairment, illness, disease or disability; a medical procedure; a chiropractic manipulation, adjustment, physical therapy mobilization; manual therapy; therapeutic exercise; electrical stimulation; ultrasound or prescription of medicines for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry or other practice of the healing arts is required, or any other area licensed by the Commonwealth of Pennsylvania.

MASSAGE THERAPY ESTABLISHMENT:

Any place in the Township where massage therapy is administered for the payment of a fee or other compensation or consideration but not including a hospital, nursing home, medical clinic or the office of a physician, surgeon, physical therapist, chiropractor or osteopath currently licensed as such by the Commonwealth of Pennsylvania, and including barbershops or practices licensed by the Department of Cosmetology.

PERSON:

Any individual, association, firm, partnership, limited partnership, corporation, trust or other legally recognized entity.

RECOGNIZED SCHOOL:

Any school or educational institution licensed to operate as a school or educational institution in the state in which it is located, or any school recognized or approved by the American Massage and Therapy Association, Inc., or such other bona fide educational institution that provides education on massage therapy and/or alternative therapy. Such a school or educational institution shall have the purpose of teaching the theory, method, profession, or work of an alternative therapy, and issue a diploma or certificate of graduation.

SEXUAL OR GENITAL AREA:

The genitals, pubic area, anus or perineum of any person, and the vulva and breasts of a female.

THERAPY:

"Alternative therapy" or "massage therapy" as defined herein.

In this article, any word used in the singular shall include the plural, any word used as a plural shall include the singular, and the masculine shall include the feminine and the neuter.

§ 126-2 License requirements; fee.

A. License requirements for massage establishments. Requirements for the issuance of a license as a massage establishment are as follows:

- 1) All massage establishments must register with and be licensed by the Township. All massage therapists practicing massage therapy at a massage establishment must be licensed by the Commonwealth of Pennsylvania. The owner and/or operator of massage establishments shall register their business as well as all massage therapists and provide copies of the licenses issued by the Commonwealth of Pennsylvania for all massage therapists to the Township on a fully completed application provided by the Township. The application must be filed in person by the person seeking the license during regular business hours. The owner and operator of the massage establishment shall have an ongoing obligation to update the names of massage therapists practicing in the establishment. The license fee for such license shall be determined from time to time by resolution of the Board of Supervisors.
- 2) All massage establishments must provide proof that all other required business licenses have been obtained and provide confirmation from the taxing entity that arrangements have been made for the payment of all applicable taxes, including business privilege tax, local service tax, and/or earned income tax for its employees.

B. License requirements for alternative therapy establishments. Requirements for the issuance of a license as an alternative therapy establishment are as follows:

- 1) All alternative therapy establishments must register with and be licensed by the Township. No alternative therapy establishment shall engage in alternative therapy business unless all alternative therapy technicians are licensed by the Township. The owner and/or operator of alternative therapy establishments shall register their business as well as all alternative therapy technicians on a fully completed application provided by the Township. The application must be filed in person by the person seeking the license during regular business hours. The owner and operator of the alternative therapy establishment shall have an ongoing obligation to update the names of alternative therapy technicians and shall provide and updated list of such names of alternative therapy technicians to the Township within thirty (30) days of the date of each hire and/or termination that occurs within the establishment. The license fee for such license shall be determined from time to time by resolution of the Board of Supervisors.
- 2) All alternative therapy establishments must provide proof that all other required business licenses have been obtained and provide confirmation from the taxing entity that arrangements have been made for the payment of all applicable taxes, including business privilege tax, local service tax, and/or earned income tax for their employees.

C. Licensing requirements for alternative therapy technicians. Requirements for the issuance of a license as an alternative therapy technician are as follows:

- 1) Fee and contents. Any person desiring to obtain a license to provide services as an alternative therapy technician shall submit an application to the Township. A fee shall accompany the submission of the application to defray the costs of administration and investigation. The amount of the fee for the alternative therapy technician license shall be set by resolution of the East Norriton Township Board of Supervisors. The application must be filed in person by the person seeking the license during regular business hours. Applicant shall be required to identify the alternative therapy establishment where the applicant will be employed.
- 2) Diploma or certification of graduation. Applicant must receive training and education and receive a diploma or certification of graduation from a recognized school. In the event that such person was previously licensed to perform massages in the Township and has not received a diploma or certificate of graduation, then not having completed such course of study, at the expiration of such person's current license, such person shall be issued a provisional license for a six-month period for the purpose of enrolling and completing such course of study.
- 3) Investigation. Applications for licenses for alternative therapy technicians shall be referred to the East Norriton Township Police Department, which shall cause an investigation to be made and report the findings to the Chief of Police. Applicants shall cooperate with any investigation conducted pursuant to the provisions of this Article Part and shall permit access to the proposed place of business and facilities in conjunction with such investigation. In addition, each applicant for licenses for an alternative therapy technician must submit the following:
 - i. Two forms of identification issued by either the federal or state government, with one containing a photograph.
 - ii. FBI criminal background check per the directions at FBI website (must be the sealed and unopened envelope from FBI).
 - iii. Certified state police criminal background check for the state in which they reside (must be notarized).
 - iv. Signed release permitting East Norriton Township Police Department to conduct local records check.

D. Granting of license. Within 60 days of the receipt of an application, including all required documents as set forth above and all applicable fees, East Norriton Township shall either grant or deny the license applied for by the applicant. The license shall be granted, provided that applicant, as applicant's name as it appears on the application, has not been convicted of or entered a plea of guilty to any felony or has a felony charge currently pending or has forfeited bail or has been convicted of or pleaded guilty to a violation of Section 5902 of

the Crimes Code of the Commonwealth of Pennsylvania, 18 Pa. C.S. § 5902, pertaining to prostitution and related offenses, or any law of any other jurisdiction involving sexual misconduct.

§ 126-3 Massage establishments and alternative therapy establishment premises minimum requirements.

Each massage establishment and alternative therapy establishment premises shall comply with the following minimum requirements:

- A. The premises shall have adequate equipment for disinfecting instruments and materials. Such instruments and materials shall be disinfected after every use.
- B. All tables, bathtubs, shower stalls, steam rooms, sauna rooms, bath areas and floors shall have surfaces which may be readily disinfected. The surfaces of all tables or other apparatus used to perform massages or alternative therapies shall be of a nonporous material that can be disinfected after each use.
- C. All walls, ceilings, floors, showers, bathtubs, steam rooms, sauna 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, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. When carpeting is used on the floors, it shall be kept dry.
- D. The premises shall be equipped with a service sink for custodial services.
- E. The premises shall have a minimum of one toilet and one washbasin.
- F. Treatment rooms shall be at least 50 square feet of floor area and shall maintain a light level of no less than 20 foot-candles as metered at three feet above the surface of the floor (for illustrative purposes only, such light level is equivalent to light from a single forty-watt fluorescent lightbulb in the fifty-square-foot room). Such rooms shall contain a door incapable of being locked from either the exterior or the interior.
- G. The premises must comply with applicable ordinances of the Township, including but not limited to the building, fire prevention and zoning ordinances of the Township.

§ 126-4 Massage establishment and alternative therapy establishment operation minimum requirements.

Every massage establishment, massage therapist, alternative therapy establishment and alternative therapy technician shall comply with the following minimum requirements:

- A. Prohibited conduct. Only employees of the respective establishments may offer and provide therapy to clients. Independent contractors are specifically prohibited.

- B. Therapies may commence operation no earlier than 9:00 a.m. The hours of operation shall extend no later than 9:00 p.m.
- C. All licenses issued by the Township or Commonwealth of Pennsylvania shall be conspicuously displayed at the establishment in an area accessible to the public for public inspection. Price rates charged for any and all therapies shall be prominently posted in the reception area in a location available for view, and no charges may be made other than in accordance with such posted rates.
- D. No person under the age of 18 years of age shall be permitted to enter or remain on the premises or receive any massage therapy or alternative therapy unless accompanied at all times by a parent or legal guardian.
- E. There shall be an adequate supply of clean towels, linens, and coverings. Towels, linens, and coverings shall not be used by or on more than one patron unless they have first been laundered and disinfected. Disposable towels, linens, and coverings shall not be used by or on more than one patron. Soiled towels, linens, and coverings shall be deposited in approved receptacles; disposable items shall not be deposited in the same receptacle as non-disposable items.
- F. Instruments used in administering therapies shall not be used on more than one patron unless they have first been disinfected. Table pads and reusable table coverings shall be disinfected after each use.
- G. The owner, licensee, or duly authorized manager shall be on duty at all times during the hours an establishment is open for business.
- H. Other than while the premises are open for business, eating or drinking shall not be permitted on the premises. The sale and/ or the serving of alcoholic beverages shall be strictly prohibited at all times unless duly licensed by the Commonwealth of Pennsylvania.
- I. Animals, except for guide and service animals for the handicapped, shall not be permitted within the premises.
- J. All employees must be at all times fully clothed.
- K. No patron or persons, other than employees of the establishment, shall remain on the premises more than one hour after closing. The premises shall not be used as a dwelling unit and may not have a stove in the premises.
- L. Massage therapists and alternative therapy technicians shall wash their hands immediately prior to and immediately after the administration of any therapies and shall observe hygiene practices as set forth in the Pennsylvania Massage Law, 65 P.S. § 627.1, *et seq.*, and accompanying regulations in Chapter 20 of the Pennsylvania Code.

M. It shall be unlawful for any person providing therapies to place his or her hands upon, touch, fondle or otherwise have any physical contact with, including massaging a sexual or genital area of any other person or to offer to so touch any person in a sexual or genital area. It shall be unlawful for any person providing therapies to expose his or her sexual or genital area to any other person.

N. For the purposes of ascertaining violations of this ordinance and conducting routine inspections, federal, state and county officials, Code Enforcement Officer(s), health inspectors, building inspectors, the Fire Marshal or duly authorized fire code inspectors of the Township, or police officers of the East Norriton Township Police Department may request the right of entry into the premises of any massage establishment or alternative therapy establishment during the hours such respective establishment is open for business or occupied during such hours permitted under § 126-4.B above. If such an establishment refuses entry, the Township may revoke its license to operate.

§ 126-5. Sale or transfer of license.

No license issued under the provisions of this article shall be transferable or assignable.

§ 126-6. Revocation of license.

Every license issued under the provisions of this article is subject to revocation for violation of any of the provisions of this Part; said license may be revoked by East Norriton Township after notice of the basis for such revocation. The license holder shall have the right to appeal from such proposed revocation to the Board of Supervisors and request a hearing. Notice of revocation shall be given in writing and shall be served at least 10 days prior to the effective date of the revocation by certified mail, by personal service on the license holder, or by posting the notice upon the entrance to the massage establishment. The notice shall advise the license holder of the right to appeal the proposed revocation by the submission of an application for appeal submitted within thirty (30) days of the effective date of the revocation. A hearing shall be held before the Board of Supervisors, and the license holder shall have the right to be represented at such hearing and to produce evidence.

§ 126-7. Expiration of license.

All licenses issued pursuant to the provisions of this Part shall expire one year after the date of issuance. No later than thirty (30) days before the expiration, licensees shall make an application for renewal of said license.

§ 126-8. Violations and penalties.

In addition to the refusal or revocation of a license as provided under this article, any violation of this article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm, or corporation that shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and/or to imprisonment

for a term not to exceed ten (10) days. Each day that a violation of this article continues, or each section of this article that shall be found to have been violated, shall constitute a separate offense. For purposes of this article, the doing of any act or thing prohibited by any provision of this article, or the failure to do any act or thing as to which any provision of this article creates an affirmative duty, shall constitute a violation of this article, punishable as herein stated. It shall be an affirmative defense that the violation alleged occurred without the knowledge of or outside the control of such owner of the property.

§ 126-9. Time for compliance.

Massage establishments, alternative therapy establishments, and alternative therapy technicians operating in East Norriton Township as of the time of the effective date of this article shall have sixty (60) days from said effective date in which to comply with the provisions of this article.

SECTION 2: REPEALER.

All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of inconsistency.

SECTION 3: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the East Norriton Township Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall be effective immediately after enactment.

ORDAINED AND ENACTED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this 24th day of June, 2025.

Attest:



**EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS**

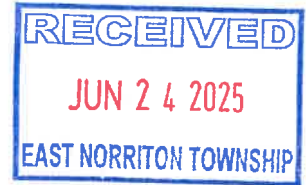
Laura Rivera, Chairwoman

Robert R. Hart, Esq., Secretary

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2501 STANBRIDGE ST
EAST NORRITON, PA 19401-1616
Attention: Carol Nowakowski



STATE OF PENNSYLVANIA,

The undersigned Richard L. Crowe, being duly sworn the he/she is the principal clerk of The Times Herald, Times Herald Digital, published in Montgomery, Bucks Counties for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

NOTICE
EAST NORRITON TOWNSHIP

NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS OF EAST NORRITON TOWNSHIP AT ITS REGULARLY SCHEDULED PUBLIC MEETING ON JUNE 24, 2025, AT 7:00 P.M. AT THE TOWNSHIP BUILDING LOCATED AT 2501 STANBRIDGE STREET, EAST NORRITON, PA 19401, WILL CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE, THE TITLE AND SUMMARY OF WHICH APPEARS BELOW:

AN ORDINANCE OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING PART II: GENERAL LEGISLATION TO ESTABLISH REGULATIONS CONCERNING THE OPERATION OF "MASSAGE PARLORS," REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance amends the Township Code of Ordinances to impose regulations on establishments that offer massages and alternative therapy in an effort to prevent illegal businesses or enterprises in the Township that may offer massage services that violate the laws of the Commonwealth of Pennsylvania, prostitution services and/or involve human trafficking and otherwise to prevent unsanitary and unhealthy conditions that have a propensity to exist in unregulated businesses or enterprises involving massage.

A COPY OF THE FULL TEXT OF THE PROPOSED ORDINANCE IS AVAILABLE FOR INSPECTION AND COPYING BY THE PUBLIC DURING REGULAR BUSINESS HOURS AT THE TOWNSHIP BUILDING LOCATED AT 2501 STANBRIDGE STREET, EAST NORRITON, PA 19401.

PERSONS WITH A DISABILITY WHO WISH TO ATTEND THE MEETING AND REQUIRE AN AUXILIARY AID, SERVICE, OR OTHER ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE TOWNSHIP AT (610) 275-2800.

Robert Hart
East Norriton Township
NTH June 10; 1a

EAST NORRITON TOWNSHIP

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Commonwealth of Pennsylvania - Notary Seal
Maureen Schmid, Notary Public
Montgomery County
My Commission Expires March 31, 2029
Commission Number 1248132

Sworn to the subscribed before me this 6/10/25.

Maureen Schmid
Notary Public, State of Pennsylvania
Acting in County of Montgomery

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