

**BOROUGH OF EDGEWATER
ORDINANCE NO. -2025-020**

**AN ORDINANCE AMENDING CHAPTER 494, MASSAGE ESTABLISHMENTS, OF THE CODE OF THE
BOROUGH OF EDGEWATER**

WHEREAS, the Mayor and Council of the Borough of Edgewater adopted on 5-21-2012 by Ord. No. 1471-2012, the Borough of Edgewater (the "Borough") adopted a new Chapter 494 of the Borough Code governing Massage Establishments to ensure that such establishments are appropriately registered under the Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq. (the "Act") so that only those establishments that meet standards that protect and preserve the health, safety and welfare of their patrons and of Borough citizens, as a whole, are licensed to conduct business within the Borough; and

WHEREAS, in October 2024, the New Jersey State Commission of Investigation ("SCI") issued a report (the "SCI Report") of findings and recommendations stemming from their investigation into questionable practices and illicit activity, including prostitution and potential human trafficking, at massage establishments operating across the State; and

WHEREAS, the SCI report documented a 38% increase in illicit establishments across the State since 2019, when the Borough adopted the existing Chapter 494 of the Borough Code; and

WHEREAS, the SCI report recommended, among other things, that local municipalities adopt ordinances, or strengthen existing ones, to prohibit conduct associated with illicit massage establishments and impose rigorous standards on their operation, including, for example, denying local licenses to owners with criminal backgrounds, prohibiting sleeping quarters, locked entrance doors during operating hours and long operating hours, and to conduct vigorous inspections and enforcement activities; and

WHEREAS, the Borough is committed to imposition and enforcement of the strictest standards possible to regulate massage establishments operating within the Borough and, while the Borough's existing licensing scheme for massage establishments contains many of the recommendations contained in the SCI report, the Borough deems it appropriate and necessary to employ additional standards recommended by the SCI report, or otherwise, to combat the evils presented by criminal establishments masquerading as legitimate businesses,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater as follows:

SECTION 1. Chapter 494, Massage Establishments, is amended by deleting the existing language and replacing the language to read as follows:

§494-1 Purpose.

The Borough acknowledges that licensure, certification or registration of massage and bodywork therapists is regulated by the massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53, et seq. (the "Act"). However, the purpose of this chapter is to establish business permit requirements to confirm that massage and bodywork therapy establishments are appropriately registered under the Act and employ only licensed massage and bodywork therapists licensed under the Act to ensure that the establishments meet standards that protect and preserve the health, safety and welfare of the citizens of the Borough and the patrons of such establishments.

§ 494-2 Definitions.

For the purposes of this chapter 494, the following words, terms, and phrases, when used herein, shall have the meanings set forth below, except where the context indicates a different meaning:

ACT

The massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq., as may be amended from time to time.

BOROUGH PERMIT

A permit issued by the Borough permitting the operation of an establishment within the Borough.

EMPLOYEE

Any person who renders any service in connection with the operation of an establishment and receives compensation from the operator of the establishment or its patrons, including but not limited to a massage and bodywork therapist.

LICENSED THERAPIST

A person certified and/or licensed to practice massage and bodywork therapies pursuant to the provisions of the Act.

MASSAGE AND BODYWORK THERAPY ESTABLISHMENT or ESTABLISHMENT

Any establishment, business or operation wherein massage and bodywork therapies are administered or are permitted to be administered in accordance with the Act.

PATRON or CLIENT

Any person who receives a massage or bodywork therapy under such circumstances that it is reasonably expected that he or she will pay compensation therefor.

REGISTERED MASSAGE ESTABLISHMENT

An establishment employer that engages in, advertises or holds itself out as offering massage and bodywork therapies and is registered with the state in accordance with the Act.

SEXUAL OR GENITAL AREA

The genitals, anus or perineum of any person or the breast or vulva of a female.

§ 494-3 Massage, bodywork, and somatic therapy establishment permit required.

A. Borough permit required. No person, firm, corporation, organization or other entity shall maintain or operate and establishment or conduct a massage and bodywork therapy business or utilize any premises in the Borough as or for providing massage and bodywork therapies governed by the Act unless or until such person or entity first obtains a Borough permit from the Municipal Clerk in accordance with the terms and provisions of this chapter. A Borough permit hereunder shall not issue unless the applicant therefor is a licensed massage and bodyworks therapist or employs licensed massage and bodywork therapist(s) and is registered with the state pursuant to N.J.S.A. 45:11-76.

B. Borough permits shall be effective for one year commencing January 1 and ending on December 31 of each year, except that applications for a Borough permit (initial or renewal) that are submitted after November 1 may not be processed and approved until after January 1, in which event they shall be effective from date of issuance to December 31.

C. Application fees shall be \$1,500 annually and inspection fees for establishment permits shall be as set forth in Chapter 479, Fees. Applications submitted after November 1 will be subject to the "late fee" charge in addition to the application fee.

§ 494-4 Application requirements.

A. Application for Borough permit; requirements. Any person, firm, corporation, organization or other entity applying for a Borough permit under this chapter shall submit the required application, upon forms to be provided by the Municipal Clerk, which shall include the following information:

(1) The name under which applicant will provide massage and bodywork therapy (e.g., trade name, partnership name, corporate name), and the address at which the massage and bodywork therapy will be conducted, as well as telephone numbers(s) for such location.

(2) Whether applicant is a sole proprietor, partnership, corporation or other business entity. A copy of applicant's business registration certificate (BRC) issued by the Division of Revenue in the New Jersey Department of the Treasury must be provided.

(3) Contact information, including address, if different from location at which the massage and bodywork therapy will be conducted in the Borough, telephone number(s), including mobile phone number(s), facsimile number(s) and e-mail address(es) for applicant or applicant's named representative(s).

(4) A complete list of the name(s) and address(es) of each licensed therapist, together with a copy of each therapist's certificate and/or license issued by the State of New Jersey pursuant to the Act and all relevant regulations. It shall be an ongoing responsibility of the establishment and each licensed therapist to notify the Borough, in writing, of any change in name, address or telephone number. Additionally, two front-faced portrait photographs of the licensed therapist, at least two inches by two inches in size, taken within 30 days of the date of the application shall be submitted with the application.

(5) The name(s) and address(es) of other employees who will work or perform any services at the establishment, and the name and residence address of the manager or other person who will be principally in charge of the day-to-day operations of the establishment, together with

emergency contact information where the manager/principal person in charge can be reached on a 24/7 basis.

(6) Within 15 days of the hiring of any additional licensed therapists or other employees, the establishment shall provide the information required in Subsection A(4) and (5) of this § 494-4, as the case may be, to the Municipal Clerk's Office.

(7) Proof of liability insurance coverage with a company licensed to do business in the State of New Jersey in an amount not less than \$500,000 per occurrence and in the aggregate for all claims of personal injury.

(8) Required information.

(a) The following information concerning the applicant, if an individual; concerning each stockholder holding more than 10% of the stock of the corporation and concerning each officer and director, if the applicant is a corporation; concerning each partner, including limited partners, if the applicant is a partnership; concerning the managing members, if the applicant is a limited liability company; and concerning the manager or other person principally in charge of the day-to-day operation of the establishment:

[1] The name, residence address and residence and/or mobile telephone number.

[2] All addresses at which the identified individuals have resided within the past five years.

[3] Proof of age (birth certificate, passport, driver's license or other acceptable proof).

[4] Height, weight, sex and color of hair and eyes.

[5] Two front-faced portrait photographs of the individuals taken within 30 days of the date of the application, and at least two inches by two inches in size.

[6] Whether the identified individuals have previously operated a massage establishment or similar business, along with the location of such prior operations; whether such individuals have previously applied for a license or permit for a massage establishment or similar business in the Borough or other municipality, and if same was denied, revoked or suspended, the reasons therefor.

[7] If any of the identified individuals have been convicted of any crime in any jurisdiction, provide details of the offense for the arrest and conviction, including but not limited to a police report.

(b) It shall be an ongoing responsibility of the applicant to notify the Borough, in writing, of any change in name, address or telephone number or the occurrence of any subsequent criminal conviction of the individuals identified.

(9) All applications shall include a scale drawing of the space proposed to be used for massage and bodywork therapy, including a floor plan, building layout and diagram as well as a copy of the zoning permit and/or certificate of occupancy, as applicable.

(10) If applicant is not the owner of the real property at which the establishment will be located, provide a copy of the signed lease for the property location; applicant must be listed as the lessee on the lease.

§ 494-5 Inspections.

A. Upon receipt of a complete application for a Borough permit complying with all the requirements in § 494-4 hereof, the Municipal Clerk shall refer the application to the Building Department, the Fire Department, the Health Department, the Zoning Office and the Police Department.

B. No establishment shall be issued a Borough permit or be maintained, operated or conducted in the Borough unless: (1) approval by each of the Health Officer or his/her designee, the Construction Official or his/her designee, and Fire Prevention Officer or his/her designee (collectively, the "Inspecting Parties") has been granted, indicating that the establishment complies with the minimum requirements of the construction, building and health codes for businesses operating in the Borough, (2) the background checks required by § 494-6 hereof have been completed or waived by the Police Department, and (3) a zoning permit or other approval of the Zoning Officer has been granted.

C. Upon completion of the inspection of the applicant's premises, the inspecting parties shall prepare a report detailing all inspection findings, including violations and required corrective measures to be taken, if any, prior to the issuance of a Borough permit under this chapter. A copy of the report shall be provided to the applicant. An applicant that fails to take all required corrective measures detailed in an inspection report issued by the inspecting parties, or any of them, shall be subject to denial of the permit.

D. Upon receipt of a (i) complete application, (ii) inspection approvals from the inspecting parties, (iii) completion of background checks or a waiver thereof by the Police Department

pursuant to § 494-6 hereof, and (iv) issuance of zoning permit or other approval from the Zoning Officer, as applicable, the Municipal Clerk shall issue a Borough permit. The inspecting parties, Police Department and Zoning Officer are granted up to 30 days to review and act on the application following receipt of a complete application.

E. The establishment must comply, at a minimum, with the regulatory requirements set forth at N.J.A.C. 13:37A-1 et seq., "New Jersey Massage and Bodywork Therapy Regulations," as same may be amended and supplemented from time to time.

F. The inspecting parties and Police Department shall, from time to time but at least once a year, inspect each establishment for determining compliance with the provisions of this chapter and/or other applicable rules, regulations and laws. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any establishment to fail to permit such inspections or hinder such inspections in any manner.

§ 494-6 Applicant and employee investigations.

Unless an applicant for a Borough permit can produce proof reasonably satisfactory to the Police Department that a criminal background check was conducted at the time of registration with the New Jersey Board of massage and bodywork therapy pursuant to N.J.S.A. 45:11-76 and N.J.S.A. 45:11-80, all applicants for a Borough permit shall appear at the Borough of Edgewater Police Department with a current driver's license or other government-issued photo identification. The applicant shall be photographed and provided with a fingerprint application form to obtain fingerprints from a vendor licensed by the State of New Jersey. The applicant, at the applicant's sole expense, shall respond to the authorized fingerprint vendor's location for a fingerprint check.

§ 494-7 Non-transferability of Borough permit.

All Borough permits issued pursuant to this chapter shall be valid only for the sole proprietor, partnership, limited liability partnership or company, corporation or other form of business organization to which the Borough permit has been issued and shall not be transferable to another entity or to a different location. A new application, including payment of the applicable fee, must be submitted for any change of location and any change of ownership interest.

§ 494-8 Display of permits/licenses and insurance.

The establishment shall display the state-issued registration evidencing that the establishment is a registered massage establishment, if applicable, the state-issued certification/license of each licensed therapist employed and/or conducting business at the establishment, the establishment's state-issued registration evidencing that it is a registered massage establishment or its certification to the Borough attesting that the establishment does not have any employees that requires it to be a registered massage establishment under state law, and the Borough permit issued by the Borough under this chapter, all to be displayed in an open and conspicuous place within the premises of the establishment. All licensed therapists on site must have in their possession a valid driver's license, passport or other government-issued photo identification. Proof of the establishment's liability insurance required by this chapter must be conspicuously posted at the premises.

§ 494-9 Operating requirements.

Every establishment operating in the Borough shall comply with the following:

A. Every portion of the establishment, including all appliances and apparatus, shall be kept clean and operated in a sanitary condition.

B. Prices/rates for all services shall be prominently displayed in the reception area in a location available to all prospective customers.

C. All employees, including licensed therapists, shall maintain personal cleanliness and wear clean, nontransparent outer garments that prevent display of sexual or genital areas, which shall remain covered with nontransparent outer garments at all times.

D. Dressing areas for employees and customers shall be available on the premises. Such dressing areas shall be shielded from public view and provide the individual utilizing same privacy from all other individuals. If the dressing area is also used as the therapy/massage room, adequate procedures shall be in place to safeguard the privacy of the individual using same as a dressing area. In no case shall the dressing areas be locked when both a client and an employee are in the dressing area.

E. No part or portion of any establishment shall be used for or connected with any bedroom or sleeping quarters, nor shall any person sleep in such establishment, except for limited periods incidental to and directly related to a massage and bodywork therapy treatment. This provision shall not preclude the siting of an establishment in separate quarters of a building housing a hotel, motel or similar separate business.

- F. All establishments shall provide clean, laundered sheets and towels in sufficient quantity, which shall be laundered after use by each customer and stored in a sanitary manner.
- G. All infection control precautions required pursuant to N.J.A.C. 13:37A-3.2 shall be followed, and the establishment must operate in conformance therewith at all times.
- H. Access to a sanitary restroom shall be provided for patrons.
- I. Any patron under the age of 18 years of age must be accompanied by a parent or legal guardian or adult with written permission from the parent or legal guardian.
- J. A landline telephone shall be made available in the establishment. Emergency telephone numbers for Emergency Medical Services, the Borough Police Department and Department of Health, along with 911, shall be posted conspicuously and unobstructed from view adjacent to the landline telephone.
- K. The sexual or genital areas of patrons must be covered by towels or undergarments when in the presence of a licensed therapist, employee or another individual.
- L. It shall be unlawful for any person to knowingly place his or her hand or any part of his or her body upon, or fondle or massage, a sexual or genital area of any other person, or to fondle, touch or massage a sexual or genital area of himself/herself. No licensed therapist, employee, manager, operator or other individual shall offer or be permitted to offer to perform any act that would require the touching of another's sexual or genital area.
- M. No licensed therapist, employee, manager, operator or other individual shall perform, or offer to perform, any act that would require the touching of a patron's sexual or genital area.
- N. 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, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the establishment 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.
- O. Animals, except for service animals, shall not be permitted in the massage and bodywork work area.
- P. Each licensed therapist shall wash his or her hands in hot running water, using antibacterial soap or disinfectant before administering massage or bodywork therapy to each patron.
- Q. Hours of operation of all massage and bodywork therapy establishments shall not commence prior to 9:00 a.m., and shall not extend beyond 10:00 p.m.
- R. It shall be the responsibility of the holder of the Borough permit and all owners of the establishment to ensure that all licensed therapists, employees, managers, operators and other persons comply with all provisions of this chapter.
- S. Client records must be maintained and kept for every client who receives services from the establishment, in accordance with the requirements of N.J.A.C. 13:37A-5.2. Access to the records shall be provided in accordance with the provisions of N.J.A.C. 13:37A-5.3. The records shall include, at a minimum, an intake form completed by each client to include the client's name, address, phone number, date of birth, date of service, the specific service received, the licensed therapist's full name and therapist license number, and the signature of the client.
- T. Signage specifying the age restriction and the establishment's recordkeeping requirements must be posted in English, conspicuously displayed and clearly readable from the establishment's customer entrance at all times.

§ 494-10 Other prohibited acts.

- A. No owner, operator or manager of an establishment shall tolerate or permit any activity or behavior at the establishment that is prohibited by law particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material nor shall any owner, operator or manager tolerate or permit any activity or behavior at the establishment that violates any other federal, state or local law.
- B. The arrest and/or conviction of any employee of the establishment for an offense involving moral turpitude, any indictable offense, an offense involving sexual misconduct, keeping or residing in a house of prostitution, or any offense involving dishonesty shall devolve upon the owner, manager and operator of such establishment and subject the establishment to suspension or revocation of its Borough permit.
- C. The following activities are prohibited in the establishment:
- (1) Table showers.
 - (2) Ear candling.
 - (3) Any procedure that involves ear picks, ear scoops or ear spoons.
 - (4) Cupping or applying the open end of a glass vessel or vessel of another material onto the client's skin and utilizing an open flame 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 or therapies that utilize animal waste or products that contain animal waste as an ingredient.

(7) Colon cleansing.

D. Pest control or sprays are prohibited unless performed by NJDEP-licensed pest control contractors.

E. On-premises laundering is restricted to only those linens and towels used within the operation.

F. No bulk food storage or meal preparation is permitted on the premises.

G. No alcoholic beverages shall be stored or consumed on the premises.

§ 494-11 Advertising and solicitation practices.

A. No person or entity shall advertise, provide or offer to provide massage-related services for compensation within the Borough unless such person or entity holds a valid Borough permit issued by the Borough pursuant to this chapter.

B. No advertisement is permitted on any outlet (internet, social media, radio, print, television) implying or promoting the offering or possibility of any act that would require the touching or fondling of another's sexual or genital area.

§ 494-12 Responsibility of owners and license holders.

It shall be the responsibility of the owner, operator or manager of the establishment issued a Borough permit under this chapter to ensure that all persons and employees affiliated with the establishment comply with the provisions of this chapter.

§ 494-13 Causes for closure; suspension or revocation of establishment permit/license.

A. Any person or entity found to be operating any establishment or utilizing any premises in the Borough as or for a massage and bodywork therapy establishment without a Borough permit or after having been denied a Borough permit or after failing to renew a Borough permit may be ordered closed by the Health Officer or his/her designee or the Chief of Police or his/her designee and, in addition, may be subject to the general penalty provisions of the Code of the Borough of Edgewater provided by Chapter [1](#), Article [II](#), § [1-15](#), entitled "Violations and penalties," of the Code of the Borough of Edgewater.

B. Borough permits issued under this chapter may be suspended or revoked by the Borough Council, or a by a hearing officer duly appointed by the Borough Council, after notice and a hearing, as applicable, for any of the following causes:

(1) Fraud, misrepresentation or false statements in the application for a Borough permit.

(2) Fraud, misrepresentation or false statements made in the course of operating the establishment.

(3) Conviction of or an arrest for an offense involving moral turpitude, any indictable offense, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any offense involving dishonesty.

(4) Conducting the business of the establishment in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

(5) Failure to submit a valid State of New Jersey massage and bodywork employer registration issued by the New Jersey Board of Massage and Bodywork Therapy and/or submitting a fraudulent certification attesting that the establishment has no employees that would require the establishment to apply for and hold a valid New Jersey massage and bodywork employer registration.

(6) Employing, permitting or otherwise utilizing persons at the establishment who are not licensed therapists to perform massage or bodywork therapy.

(7) Hindering, obstructing or refusing to permit the Health Officer or his or her designee, any duly authorized police officer or other Borough Official to inspect the establishment premises or the operation therein.

(8) Failure of the establishment, its employees or others affiliated with the establishment to comply with any provisions of this chapter or with any federal, state or local laws.

(9) The establishment is engaged in the practice of massage and bodywork therapy under a false or assumed name or is operating under another establishment's Borough permit.

C. Notice of the hearing for suspension or revocation of a Borough permit shall be given in writing by the Municipal Clerk setting forth specifically the grounds of the complaint for revoking or suspending the Borough permit, and the time and place of the hearing. Notice may be given either by personal delivery to the establishment's representative, or by regular mail

and certified mail, return receipt requested, in a sealed envelope, postage prepaid, addressed to such representative at the establishment's business address appearing upon such Borough permit.

D. At the hearing before the Borough Council, or a hearing officer duly appointed by the Borough Council, the permittee shall have an opportunity to appear and be heard, and upon due consideration and deliberation by the Borough Council or the hearing officer, the complaint may be dismissed or, if charges are sustained, the Borough permit may be suspended or revoked or denied reinstatement, as applicable, and conditions required for reinstatement may be imposed.

E. If any Borough permit shall have been revoked, neither the holder thereof nor any person acting therefore, directly or indirectly, shall be entitled to apply for another Borough permit to operate a massage and bodywork therapy establishment within the Borough.

F. A person or entity whose Borough permit has been revoked or suspended shall immediately close the establishment and request all patrons at the establishment to vacate the premises.

G. Notwithstanding anything in this § 494-13 to the contrary, a Borough permit may be immediately suspended for not more than 10 days by the Health Officer, Chief of Police, or other Borough official if, in his/her opinion, the continued operation of the establishment will be detrimental to the health, safety and general welfare of patrons and/or the public. A hearing in accordance with this § 494-13 shall be held prior to the expiration of such ten-day period.

§ 494-14 Enforcement.

The Health Officer, his/her designee, any police officer of the Borough and/or the Construction Official shall enforce the provisions of this Chapter 494.

SECTION 2. In the event any section, paragraph, clause or provision of this Ordinance shall be held unconstitutional or otherwise invalid by any Court of competent jurisdiction, such determination shall apply only to such section, paragraph, clause or provision so adjudged, and the remainder of this Ordinance be deemed valid and shall remain in full force and effect.

SECTION 3. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect upon passage and publication according to law.

COUNCILPERSON	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
GUTIERREZ						
LAWLOR						
MONTE						
VIDAL						
MARTIN						
BARTOLOMEO						
MAYOR						

Introduced: October 20, 2025

Adopted: November 10, 2025

Michael J. McPartland, Mayor

Stephanie Evans, Borough Clerk