



PLEASE TYPE OR PRINT ALL INFORMATION

Initial Fee: \$2500.00

Renewal Fee: \$250.00

**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, STYLE, AND DESIGNATION UNDER WHICH BUSINESS IS TO BE CONDUCTED:

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

Phone: _____

3) DAYS OF WEEK AND HOURS OF OPERATION DURING THE DAY WHICH THE LICENSED ACTIVITY WILL BE CONDUCTED: _____

4) STATE WHETHER OWNERSHIP OF BUSINESS IS BY AN INDIVIDUAL, A PARTNERSHIP, A 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	RESIDENCE PHONE
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 6) **NAMES, HOME ADDRESSES AND PHONE NUMBERS OF PROPOSED OPERATORS OF LICENSED PREMISES (INCLUDING ALL OWNERS OF AT LEAST 2% OF BUSINESS) (Attach a separate sheet if more space is needed):**

	BUSINESS PHONE	RESIDENCE PHONE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

NAME: _____ **TITLE:** _____

HOME ADDRESS: _____

HOME TELEPHONE NUMBER: _____

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

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

DATE OF BIRTH: _____ **PLACE:** _____

SOCIAL SECURITY #: _____

NAME: _____ **TITLE:** _____

HOME ADDRESS: _____

HOME TELEPHONE NUMBER: _____

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

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

DATE OF BIRTH: _____ **PLACE:** _____

SOCIAL SECURITY #: _____

NAME: _____ TITLE: _____

HOME ADDRESS: _____

HOME TELEPHONE NUMBER: _____

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

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

DATE OF BIRTH: _____ PLACE: _____

SOCIAL SECURITY #: _____

NAME: _____ TITLE: _____

HOME ADDRESS: _____

HOME TELEPHONE NUMBER: _____

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

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

DATE OF BIRTH: _____ PLACE: _____

SOCIAL SECURITY #: _____

8) THE TWO MOST RECENT PREVIOUS ADDRESSES FOR EACH OF THE PERSONS REFERRED TO IN ITEMS 5, 6, AND 7 ABOVE. (Attach a separate sheet of paper if necessary)

- 9) **PLEASE SET FORTH THE BUSINESS HISTORY AND EXPERIENCE OF THE PRINCIPALS REFERRED TO IN ITEM 6 ABOVE. IF YOU HAVE OPERATED A HEALTH SPA PREVIOUSLY, PLEASE STATE WHETHER YOU HAVE BEEN INVOLVED IN A DENIAL OF APPLICATION FOR A PERMIT OR LICENSE FOR SAME, OR A REVOCATION OR SUSPENSION OF A HEALTH SPA LICENSE OR PERMIT.**

- 10) **IF YOUR ANSWER TO THE PREVIOUS QUESTION SO INDICATES, STATE THE REASON FOR DENIAL, REVOCATION OR SUSPENSION AND SET FORTH ALL BUSINESS ACTIVITIES OR OCCUPATIONS SUBSEQUENT TO SUCH ACTION OF DENIAL, SUSPENSION OR REVOCATION.**

- 11) **SET FORTH ALL CRIMINAL CONVICTIONS OF ANY PERSON REFERRED TO IN ITEMS 5, 6 & 7 ABOVE WITHIN SEVEN (7) YEARS PRIOR TO THE FILING OF THIS APPLICATION OTHER THAN TRAFFIC OR DISORDERLY PERSONS VIOLATIONS, FULLY DISCLOSING THE JURISDICTION IN WHICH CONVICTED, THE OFFENSE FOR WHICH THERE WAS A CONVICTION, THE DATE OF THE CONVICTION AND THE SENTENCE ISSUED BY THE COURT.**

- 12) YOU MUST COMPLY WITH ALL REQUIREMENTS OF SECTION 135-1 THROUGH 135-7 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____

(Applicant's Signature)

(Notary signature)

TOWNSHIP USE ONLY

Department of Zoning	Approved ☐	Not Approved ☐	_____ Signature	_____ Dated
Fire Inspector	Approved ☐	Not Approved ☐	_____ Signature	_____ Dated
Construction Inspection	Approved ☐	Not Approved ☐	_____ Signature	_____ Dated
Dept. of Public Safety	Approved ☐	Not Approved ☐	_____ Signature	_____ Dated

§ 135-63. Definitions. [Amended 10-9-06 by Ord. No. 06-31; 11-09-15 Ord. 15-24; 11-9-15 Ord. 15-24; 6-23-2025 by Ord. No. 25-24]

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

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.

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.

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.

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.

MASSAGE, BODYWORK AND SOMATIC THERAPIES — Any and all systems of activity 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 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, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, movement and neural myofascial education and education in self-care and stress management. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

MASSAGE, BODYWORK AND SOMATIC THERAPIST — Any person, male or female, who administers massage, bodywork and/or somatic therapies for any form of consideration.

MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENT — Any establishment or operation wherein massage, bodywork or somatic therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration.

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.

§ 135-64. Application for Licenses for Health Spas, Massage, Bodywork and Somatic Therapy Establishments or Related Uses. [Amended 10-9-06 by Ord. No. 06-31; 11-09-15 Ord. 15-24; 6-23-2025 by Ord. No. 25-24]

Any person desiring to own or operate a health spa, massage, bodywork and/or somatic therapy

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 initial license fee of \$2,500.00 and shall in addition furnish the following information:

- 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.
- L. A complete list of the names and residence address of all massage, bodywork and therapists and employees in the business.
- 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.

§ 135-64.1. Investigation and Background Checks. [Added 6-23-2025 by Ord. No. 25-24]

- A. When the application is properly completed and signed by the applicant, an original, duplicate and applicable fee shall be filed with the Municipal Clerk. The Clerk shall refer the duplicate to the Chief of Police, or his/her designee, who shall make or cause to be made an investigation and criminal background check of each person having an ownership interest in the massage, bodywork and/or somatic therapy establishment and of each massage, bodywork and somatic therapist providing massage, bodywork and somatic therapy services for the massage, bodywork and somatic therapy establishment.
- B. Upon completion of the criminal background investigation, the Chief of Police or his/her designee shall endorse the application noting approval or disapproval and forward the application to the Municipal Clerk with supporting information and/or documentation. Disapproval by the Chief of Police or his/her designee shall be based on information disclosed by the investigation and criminal background check that indicates the issuance of the license would not be in the best interest of the public.
- C. Upon approval by the Chief of Police or his/her designee, the Municipal Clerk shall forward the application to the Township Planning and Engineering Department to verify that all building, zoning, health and fire code requirements have been met.
- D. If the Chief of Police or his/her designee approves the application and the Municipal Clerk has determined that the remaining requirements are satisfied, the Municipal Clerk shall cause said license to be issued.

§ 135-65. Issuance or Denial of Health Spa, Massage, Bodywork and Somatic Therapy License. [Amended 6-23-2025 by Ord. No. 25-24]

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.

§ 135-65.1. Licensing of health spas, massage, bodywork and somatic therapy establishments. [Added 6-23-2025 by Ord. No. 25-24]

Every massage establishment license issued pursuant to this chapter shall expire at the end of the calendar year, unless sooner suspended or revoked, and shall be renewed upon compliance with the licensure requirements above, except that the renewal fee shall be \$250 annually. Licensees shall submit an application for renewal no later than October 31st of the year prior to that requested on the application. Those failing to submit a timely renewal application shall be required to reapply as and be subject to the conditions and fees of an initial applicant. Every such establishment existing as of the date this act becomes effective shall, within 90 days of adoption, comply with all of the requirements of this act except that the fee to be paid shall be \$250.

§ 135-65.2. License renewal. [Added 6-23-2025 by Ord. No. 25-24]

- A. The \$250 annual renewal fee and application for a massage establishment shall be submitted to the Municipal Clerk by October 31st of each year.
- B. From the date of original issuance, each licensee shall be subject to periodic criminal background investigations by the Department of Public Safety.

§ 135-65.3. Changes in ownership and change in massage, bodywork or somatic therapist. [Added 6-23-2025 by Ord. No. 25-24]

Any health spa, massage, bodywork or somatic therapy establishment licensed in accordance with this chapter shall immediately notify the Municipal Clerk of any change in ownership interest or any change in each massage, bodywork and somatic therapists performing massage, bodywork and somatic therapy services at the health spa, massage, bodywork and somatic therapy establishment. The information set forth in § 135-64 above shall be provided for each new owner or each massage, bodywork and/or somatic therapist. The Municipal Clerk shall forward the information to the Chief of Police or his/her designee for investigation and criminal background check. The cost of the criminal background check shall be paid for by the applicant in advance. No massage, bodywork and/or somatic therapy establishment shall permit a massage, bodywork or somatic therapist to perform massage, bodywork or somatic therapy services at the establishment until an investigation and criminal background check of each massage, bodywork or somatic therapist has been completed and approval has been given by the Chief of Police or his/her designee.

§ 135-66. Facilities Necessary. [Amended 10-9-06 by Ord. No. 06-31; 11-9-15 Ord. 15-24; 6-23-2025 by Ord. No. 25-24]

No health spa, massage, bodywork and somatic therapy 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, massage, bodywork, somatic therapist 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, bodywork and somatic therapy establishment.
- G. No massage, bodywork or somatic therapy establishment may conduct business between 11:00 p.m. and 8:00 a.m. the following day.

§ 135-66.1. Display of permits and certifications. [Added 6-23-2025 by Ord. No. 25-24]

The massage, bodywork or somatic therapy establishment shall display its permit in an open and conspicuous place on the premises of the establishment. The massage, bodywork or somatic therapy establishment shall ensure that the Certificate issued under the Massage and Bodywork Therapist Licensing Act for each and every massage, bodywork or somatic therapist employed in the establishment is displayed in an open and conspicuous place on the premises of the establishment. The massage, bodywork or somatic therapy establishment shall ensure that the Certificate issued under the Licensing Act for each and every massage, bodywork or somatic therapist employed in the establishment is displayed in an open and conspicuous place on the premises of the establishment.

§ 135-66.2. Suspension or revocation of establishment license. [Added 6-23-2025 by Ord. No. 25-24]

- 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, including, but not limited to, the following activities and/or behaviors:

- (1) Violation of laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material;
 - (2) Anyone with an ownership interest in the massage, bodywork or somatic therapy establishment is convicted of a criminal or quasi-criminal offense related to the massage, bodywork or somatic therapy establishment business or any sex related offense;
 - (3) Any person or massage, bodywork or somatic therapist employed by the massage, bodywork and somatic therapy establishment is convicted of a criminal or quasi-criminal offense related to the massage establishment business or any sex related offense;
 - (4) The massage, bodywork and somatic therapy establishment is engaged in the practice of massage, bodywork and somatic therapy under a false or assumed name, or is using the name of a licensed massage, bodywork and somatic therapist not associated with the massage, bodywork and somatic therapy establishment; and
 - (5) The massage, bodywork and somatic therapy establishment employs or permits any person without a valid certification or license from the New Jersey Board of Massage and Bodywork Therapy to provide massage, bodywork or somatic therapy services for the massage, bodywork or somatic therapy establishment.
- B. Any license issued for a massage, bodywork or somatic therapy establishment may be revoked or suspended by the Township, after hearing before the Township License Revocation Committee, 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 License Revocation Committee, before revoking or suspending any license, shall give the licensee at least 10 days' written notice of the charges against the licensee and the opportunity for a hearing before the Township License Revocation Committee, at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

§ 135-66.3. Criteria for immediate closure. [Added 6-23-2025 by Ord. No. 25-24]

The licenses issued under this section may be immediately suspended by the Mayor, Chief of Police, the Director of the Health Department or their designee(s) for the following reasons:

- A. Massage, bodywork, or somatic therapy is provided by unlicensed therapist; or
- B. Unsanitary or unsafe conditions which may adversely impact the health and/or safety of the public.

§ 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 License Revocation Committee. [Amended 6-23-2025 by Ord. No. 25-24]

- A. Any person affected by the findings and determinations of the Municipal Clerk with regard to an application filed under this chapter or any license revocation may appeal to the Township License Revocation Committee of the Township of East Brunswick, provided such appeal is filed within 20 days after the date of such determination by the Municipal Clerk. The Township License Revocation Committee may extend the time within which to file an appeal by an additional 30 days upon a showing of good cause.
- B. The Township License Revocation Committee shall conduct a hearing via videoconference 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 Township License Revocation Committee hearing. The Township License Revocation Committee may permit testimony to be taken at the request of the licensee made in writing at least five days prior to the date of the hearing. If the licensee requests that testimony from any undercover police officer be taken, steps will be taken to shield the identity of the undercover police officer, including, but not limited to, any technology that will distort the undercover police officer's appearance and/or voice.
- C. The Township License Revocation Committee shall file its decision with the Municipal Clerk within five business days of the hearing either confirming or denying the license revocation.

§ 135-69.1. Township License Revocation Committee Membership. [Added 6-23-2025 by Ord. No. 25-24]

The Township License Revocation Committee shall be comprised of the following members:

- A. The Chief of Police (or his/her designee);
- B. The Township Business Administrator (or the Township Business Administrator's designee); and
- C. The Township Clerk (or the Township Clerk's designee).

§ 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.