



**TOWN OF DOVER
NOTICE OF PENDING ORDINANCE NO. 09-2026**

The following Ordinance published herewith was submitted in writing, introduced and passed upon first reading at a meeting of the Municipal Council of the Town of Dover in the County of Morris and State of New Jersey, held on 03-24-2026.

The public hearing for consideration for final passage of this ordinance will be held at a meeting of the Municipal Council in the Dover Municipal Building, 37 North Sussex Street, Dover, NJ 07801 on 04-14-2026 at 6:00 P.M.

During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Office of the Municipal Clerk in said Town of Dover, to the members of the general public who shall request same.

ORDINANCE NO. 09-2026

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DOVER, COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 246, MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS

WHEREAS, the State of New Jersey regulates the business activity and conduct of massage establishments, parlors, and therapists throughout the State under the Massage, Bodywork and Somatic Therapist Licensing Act, N.J.S.A. § 45:11-53 et seq. and N.J.A.C. 13:37A-1.1 et seq.; and

WHEREAS, the Town of Dover (hereinafter the “Town”) regulates the business activity and conduct of Massage, Bodywork and Somatic Therapy Establishments under Chapter 246 of the Code of the Town of Dover; and

WHEREAS, the Town now seeks to amend and further supplement Chapter 246 in accordance with the laws and regulations of this State; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Town Council, Town of Dover, County of Morris, State of New Jersey that Chapter 246 entitled, “Massage, Bodywork and Somatic Therapy Establishments” is hereby renamed “Massage, Bodywork and Somatic Therapy Establishments and Therapists” and is amended and supplemented as follows:

Section 1. CODE OF THE TOWN OF DOVER

CHAPTER 246 – MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS AND THERAPISTS

§ 246-1 Definitions.

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

MESSAGE AND BODYWORK THERAPIES OR MESSAGE AND BODYWORK

A system of activity of structured touch as defined in N.J.S.A. § 45:11-55.

MESSAGE, BODYWORK AND SOMATIC THERAPIST

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

MESSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENT

Any establishment wherein massage, bodywork and/or somatic therapies are or may be administered, where such therapies are administered for any form of consideration. References to a “Massage Establishment”, “massage business” or an “Establishment” under this Chapter shall mean the same.

§ 246-2 Permit required.

- A. Each Massage, Bodywork and Somatic Therapy Establishment shall require a permit. No person, firm or corporation shall operate any establishment or utilize any premises in the Town of Dover as or for a Massage, Bodywork and Somatic Therapy Establishment unless or until there has first been obtained a permit for such Establishment or premises issued by the Town of Dover Health Department (hereinafter referred to as “Health Department”) in accordance with § 138-1 upon compliance with the terms and provisions of this section.
- B. Each Massage, Bodywork and Somatic Therapist shall require a permit to work. No person shall, in the Town of Dover, shall practice massage or related therapies as a Massage, Bodywork or Somatic Therapist, employee or otherwise unless he or she has a valid and subsisting Massage, Bodywork and Somatic Therapist's license issued to him or her by the New Jersey Board of Massage and Bodywork Therapy pursuant to the terms and provisions of the Massage, Bodywork and Somatic Therapist Licensing Act, N.J.S.A. 45:11-53 et seq. and a permit from the Health Department. A license shall not allow an unlicensed person to engage in activity for which licensure is required. Employment of a minor or person under the age of eighteen (18) years old is prohibited.
- C. A Massage, Bodywork and Somatic Therapy Establishment shall only employ licensed Massage Therapist to perform massage therapy or other massage services.

§ 246-3 Application for permits; requirements.

The Health Department shall issue a permit any person or entity desiring a Massage, Bodywork and Somatic Therapy Establishment or Therapist permit (hereinafter an “Applicant”), upon the Health Department’s satisfaction that the Applicant has met all the requirements of N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37A-1.1 et seq. and the requirements specified herein this Article.

The Applicant shall file a written application with the Health Department, upon a form to be furnished by the Health Department. The application form shall contain the following information:

- A. The name and the type of ownership of the business (i.e., whether individual, partnership, corporation or otherwise), business address, and all business telephone numbers, including facsimile, under which the business is to be conducted.
- B. If the Applicant desires a permit for such an Establishment:

- (1) A complete list of the names and residence addresses of all Massage, Bodywork and Somatic Therapists and employees of the business and the name and residence address of the manager or other person principally in charge of the operation of the business.
 - (2) A sworn statement indicating that all Massage, Bodywork and Somatic Therapists employed or to be employed by the Establishment or otherwise permitted to work at the Establishment have been licensed by the State of New Jersey pursuant to the Massage, Bodywork and Somatic Therapist Licensing Act., N.J.S.A. 45:11-53 et seq.
 - (3) The following personal information concerning the Applicant, if an individual; concerning each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business shall be provided:
 - i. The name, complete residence address and residence telephone number.
 - ii. The two previous addresses immediately prior to the present address of the applicant.
 - iii. Written proof of age.
 - iv. Height, weight, sex, color of hair and eyes.
 - v. Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
 - vi. The massage therapy or similar business history and experience, including, but not limited to, whether or not such person has previously operated, in this or another municipality or state, under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.
 - vii. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow fingerprint and criminal background check by the Town of Dover Police Department. Failure to execute such a waiver and consent shall result in a denial of a permit. An establishment permit shall be denied to any person who has been convicted of any crime or disorderly persons offense, other than traffic violations.
- C. If the Applicant desires a Therapist permit:
- (1) The Applicant's name, current residential address, and cell phone number
 - (2) All previous residential addresses within the last five (5) years prior to the present address
 - (3) Written proof of age
 - (4) Height, weight, sex, hair color, and eye color.
 - (5) A statement of all employment history for a period of three (3) years prior to making and filing of the application.
- D. Upon initial application, each Applicant shall sign a written waiver and consent to allow a fingerprint and criminal background check by the Town of Dover, or its designee. For this, a fee shall be paid by the Applicant.
- E. Each application shall include a written declaration by the Applicant under penalty of perjury that the foregoing information contained in the application is true and correct.

§ 246-4 Massage, Bodywork and Somatic Therapy Establishment and Therapist permit fee.

- A. Every Applicant for a permit to maintain, operate or conduct a Massage, Bodywork and Somatic Therapy Establishment shall file an application with the Health Department upon a form to be furnished by said Department. Upon initial application, and every year thereafter, Establishment owners are required to tender payment for their Establishment permit with the Town no later than January 31st as set forth below:

Size of Establishment

(square feet)	Annual Permit Fee
1 to 1,499	\$500.00
1,500 to 2,999	\$750.00
3,000 to 4,999	\$1,000.00
5,000 to 9,999	\$1,250.00
Over 10,000	\$1,500.00

Failure to renew permits by the identified deadline may result in penalties against the Establishment, including fines or suspension of the Establishment's permit.

- B. Every Applicant for a Massage, Bodywork and Somatic Therapist permit shall pay an initial license fee of two hundred fifty dollars (\$250.00) to the Dover Health Department which permit fee shall become due on January 31st of each year. which permit fee shall become due on January 31st of each year. This is in addition to the establishment fee.
- C. Business Establishment permits are only valid for the individual or entity to whom it was issued and for the location specified in the original application. Any request for transfer or change in business ownership shall be provided in writing to the Health Department within thirty (30) days before the transfer is to occur and must be approved by the Town of Dover. Upon notification, the department shall require the submission of a new application under the name of the new ownership. A new application, including payment of the applicable fee, must be submitted for any change of location or ownership interest. Failure to abide by the terms of this provision may result in the revocation of the Establishment's permit.

§ 246-5 Building requirements; inspections.

No Massage, Bodywork, and Somatic Therapy Establishment shall be issued a permit or be operated, established, or maintained in the Town of Dover unless a walk-through inspection by the Health Officer, Health Inspector, Building

Inspector, or Fire Inspector reveals that the Establishment complies with the minimum requirements of the Town of Dover Property Maintenance Code, and all other building and health codes for businesses operating in the State of New Jersey and Town of Dover. In addition, the Establishment must comply with each of the following minimum requirements:

- A. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall be maintained in a sanitary condition and regularly cleaned and disinfected.
- B. Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event that male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.
- C. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
- D. Closed cabinets are provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials are kept in properly covered containers or cabinets, which containers or cabinets are kept separate from the clean storage area.
- E. Adequate hand-washing facilities shall be provided at convenient locations as necessary to maintain clean hands and arms of all employees during hours of operation.
- F. Pest control services must be performed by NJDEP licensed pest control contractors. Pest control chemicals or sprays are prohibited.
- G. Effective the date of this Amendment, no new Massage, Bodywork, and Somatic Therapy Establishment shall be located within one thousand (1,000) square feet of a pre-existing Massage Establishment or business, or any residential zone, or property presently used for residential purposes, or any school or place of worship.

§ 246-6 Refusal of permit.

The Health Officer, or his designee, may refuse to issue permits within thirty (30) days following receipt of a completed application and the certifications set forth in this Chapter if the Health Department finds that:

- (1) The Applicant(s) is under the age of eighteen (18) years old.
- (2) The permit fee has not been tendered and, in the case of a check or bank draft, honored with payment upon presentation.
- (3) Fraud, misrepresentation or false statement in the application for the permit or any document required part of.
- (4) The operation as proposed by the Applicant, if permitted, would not comply with all applicable laws, including but not limited to the Town of Dover building, zoning, fire and health codes and regulations.
- (5) The Applicant has had a Massage Establishment or Therapist permit or other similar permit or license denied, revoked or suspended by the Town of Dover or any other state or local agency, which finding may be waived by the Mayor and Town Council in its discretion.

(6) Conviction by the owner or any employee of an Establishment of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty.

(7) Refusal to permit any duly authorized Health Inspector, Police Officer, Code Enforcement Officer or fire inspector to inspect the premises or the operations therein.

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

(9) Any other violation of this Chapter.

§ 246-7 Operating Regulations.

Every Massage, Bodywork, and Somatic Therapy Establishment shall comply with the following:

- A. Every portion of the Massage, Bodywork and Somatic Therapy Establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B. All advertising and solicitation for a Massage, Bodywork and Somatic Therapy Establishment shall be done in accordance with N.J.A.C. § 13:37A-5.1.
- C. Each Massage Establishment must identify clear operating hours for the business, including days and hours of operation. Hours of operation shall not exceed 10:00 pm.
- D. Operating hours, services offered and their corresponding price rates shall be prominently posted in the reception area in a location available to all prospective customers.
- E. Permittees shall display their state-issued licenses in view of clients whenever providing Massage and Bodywork services in their place of business or office.
- F. Prior to providing an initial service to a client, a permittee shall have the client read and sign a patient acknowledgement form, which includes a statement consistent with the provisions of N.J.A.C. § 13:37A-3.7.
- G. All employees, including Massage, Bodywork and Somatic Therapists, shall wear nontransparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.
- H. All Massage, Bodywork and Somatic Therapy Establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner.
- I. The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or Massage, Bodywork or Somatic Therapist.
- J. It shall be unlawful for any person knowingly, in a Massage, Bodywork and Somatic Therapy Establishment, to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage a sexual or genital area of any other person. No Massage, Bodywork and Somatic Therapist, employee or operator shall perform or offer to perform any act which would require the touching of the patron's sexual or genital area.
- K. All walls, ceilings, floors, pools, showers, bathtubs, steamrooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business 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, clean and sanitary.

- L. Oils, creams, lotions and other preparations used in administering Massage, Bodywork and Somatic Therapies shall be kept in clean closed containers or cabinets. Establishments must regularly review and improve their sanitary practices, including the handling, storage and use of oils, creams, and lotions to ensure compliance with health and safety standards.
- M. Animals, except for Seeing Eye dogs, shall not be permitted in the massage work area.
- N. Each Massage, Bodywork and Somatic Therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a Massage, Bodywork or Somatic Therapy to a patron.
- O. Each Establishment and Therapist regulated hereunder shall prominently display its permit to operate issued by the Town of Dover.
- P. All Massage, Bodywork and Somatic Therapists employed in an Establishment shall wear a badge displaying their name, title and state license number at all times during work.
- Q. Signage specifying age restrictions, in addition to customer reporting and recordkeeping requirements must be posted in English, conspicuously displayed and clearly readable from the customer entrance of the establishment at all times.
- R. Eating in a massage business shall not be permitted except in a designated cafeteria/kitchen.
- S. No person shall permit any person under the age of eighteen (18) years to receive a massage without advance written permission from his or her parent, caregiver or guardian or unless a parent, caregiver or guardian is present in the room during the time of the massage.
- T. The individual or entity who owns the Massage Establishment shall be responsible for all actions which occur on the premises of a Massage Establishment, whether by Massage Therapists, employees, subcontractors or other agents, where the permittee has actual or constructive knowledge of such actions.

Nothing contained herein shall be construed to eliminate other requirements of statute or chapters concerning the maintenance of premises or to preclude authorized inspection thereof.

§ 246-8 Sleeping quarters prohibited.

No part of any quarters of any Massage, Bodywork and Somatic Therapy Establishment shall be used for or connected with any bedroom or sleeping quarters, nor shall any person sleep in such Massage, Bodywork and Somatic Therapy Establishment except for limited periods incidental to and directly related to a Massage, Bodywork or Somatic Therapy treatment or bath. This provision shall not preclude the location of Massage, Bodywork and Somatic Therapy Establishment in separate quarters of a building housing a hotel or other separate businesses or clubs.

§ 246-9 Prohibited acts.

- A. A permittee and/or employee shall not perform:
 - (1) Colonic irrigations;
 - (2) Prostate massages;
 - (3) Vaginal or penile massages;
 - (4) Rectal massages;
 - (5) Animal therapies prohibited by the Veterinary Medical Act, N.J.S.A. 45:16-1 et seq.;

- (6) Any application of electrical current to the body (Transcutaneous Electronic Nerve Stimulation, TENS machine);
 - (7) Ultrasound therapy; and
 - (8) Diagnosis of illness, disease, impairment or disability.
- B. Any conviction of any employee of a Massage, Bodywork and Somatic Therapy Establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such Establishment, it being specifically declared that following such conviction of an employee, the owner or manager of the Establishment shall be prosecuted as an accessory to such violation, and the permits which have been issued shall be automatically revoked.

§ 246-10 Exceptions.

The provisions of this Chapter shall not apply to Massage, Bodywork or Somatic Therapies given:

- A. In the office of licensed physician, chiropractor or physical therapist; or
- B. By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or
- C. By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or
- D. By a licensed barber or cosmetologist/hairstylist limited to the areas of the face, neck, scalp or upper part of the body as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.

§ 246-11 Recordkeeping.

- A. Consistent with the provisions of N.J.A.C. § 13:37A-5.2, records must be kept for each and every client who receives services from each Massage, Bodywork and Somatic Therapy Establishment. These records shall include at a minimum:
- (1) An intake form filled out by each customer which shall include the client's name, address, phone number, and date of birth;
 - (2) Date of service;
 - (3) Reason(s) for visits, including a physician's prescription, if applicable;
 - (4) The specific service the customer or patron received;
 - (5) The modalities used and areas of focus on the body;
 - (6) The name of the permittee who provided services if there is more than one permittee practices at the business; and
 - (7) Any referral to another healthcare professional;

These records must be stored on the premises and available for review by the Health Department during normal business hours for a period of not less than seven (7) years from the date the service was performed.

- B. Each Massage, Bodywork and Somatic Therapy Establishment must maintain a register of all persons employed as Massage Therapists and their license numbers, and all other employees and agents. Such register shall include the name, address, date of birth and social security number of all Massage, Bodywork and Somatic Therapists, employees and agents and shall be available for inspection at all times during regular business hours.

§ 246-12 Inspections.

The Health Department, Police Department and/or the Building Department shall, from time to time, announced or unannounced, make an inspection of each Massage, Bodywork and Somatic Therapy Establishment granted a permit under the provisions of this Chapter for the purpose of determining whether the provisions of this chapter are being complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such an officer in any manner.

§ 246-13 Revocation or Suspension of Permit.

- A. Permits issued under this section may be revoked or suspended by the Health Officer, or designee, after written notice and a hearing, for good cause, or in any case where permit holder violates any of the provisions of this Chapter and/or violates any of the state or local laws or ordinances. Any Establishment permits may be revoked or suspended if any permit holder, or its employee or representative, refuses to permit any duly authorized Health inspector, police officer, building department inspector or fire inspector to inspect the premises or the operations therein. Any Massage Establishment permit may also be revoked or suspended by the Health Department if such business is being managed, conducted or maintained without regard for the public health or health of patrons or without due regard for proper sanitation and hygiene.
- B. Notice of the hearing for the revocation of a permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be given personally or mailed to the permittee at his/her last known address at least five (5) days prior to the date set for the hearing.
- C. Such permit may, pending revocation proceedings, be suspended for not more than ten (10) days by the Health Officer, or designee, if, in his/her opinion, the conduct of the permittee is detrimental to the health, safety and general welfare of the Town of Dover.
- D. The Health Officer shall serve as hearing officer for any hearing pursuant to this subsection.

§ 246-14 Patron or Customer Reporting.

The safety and wellbeing of the Dover community is paramount. The purpose of this provision is to establish a reporting system for patrons of massage establishments. Should any person have a concern regarding the health, safety or sanitary standards of a massage establishment in this Town, that person may submit a written complaint to the Health Department.

Complaints may concern, but are not limited to, unlicensed massage therapists, unsanitary or hazardous conditions, allegations of illegal activities such as trafficking or abuse, and potential violations of local, state, or federal zoning and labor laws. In the event a complaint is made wherein the complainant alleges the occurrence of unlawful activities, such as violations of sexual consent, a Town police officer shall be present during all inspections.

Upon receipt of the complaint, the Health Department may initiate an investigation. The investigation shall aim to assess the legitimacy of the reported violation and shall be conducted in a prompt manner. If the Health Department determines that a health and safety violation has occurred, the Town shall take appropriate enforcement action, which may include:

1. Issuance of fines or penalties;

2. Suspension or revocation of the business' permit; or
3. Referral to local or state law enforcement agencies or departments, if necessary.

Any person who knowingly or maliciously submits a false report may be subject to penalty, including fines.

§ 246-15 Violations and penalties.

In addition to the revocation or suspension of the permit granted under this chapter, any person who violates any provision of this chapter shall, upon conviction hereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding ninety (90) days, or both, in the discretion of the court.

Section 2. Severability

If any section, subsection, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

Section 3. Repealer

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 4. Effective Date

This Ordinance shall take effect twenty (20) days after final passage, approval, and publication as provided by law.

Tara M. Pettoni, RMC
Municipal Clerk
Date: 03-26-2026