

TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. ___07-02___

SOUTH MIDDLETON TOWNSHIP'S
REGISTRATION ORDINANCE FOR
QUALIFIED MASSAGE THERAPISTS

An ordinance regulating the registration of qualified massage therapists in South Middleton Township, Cumberland County, and providing penalties for violation of the provisions of this ordinance.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained under the authority of the Second Class Township Code, Act of May 1, 1993, P.L. 102, as amended, (52 P.S. 651010 et seq.) by the Board of Township Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 1. **PREFACE: POLICY AND INTENTION**

The people and citizens of the Township of South Middleton acting by and through their duly elected governing body, this Board of Township Supervisors, recognize that each local government has a responsibility to provide for the safety, welfare, and health of its citizens and because the Commonwealth of Pennsylvania has no licensure and/or registration statutes governing massage therapy and/or qualified massage therapists and in an effort to better serve and benefit the safety, welfare and health of its citizens, South Middleton Township adopts the following registration ordinance governing massage therapy and qualified massage therapists.

SECTION 2. **DEFINITIONS**

For the purpose of this ordinance, the following words and phrases shall have the meanings ascribed to them by this section:

a. Applicant. Any individual applying for a registration under this ordinance.

b. Massage. Any manual manipulation of the human body, and includes holding, positioning, causing movement, and applying touch and pressure to the body with the hands or with the aid of any mechanical/electrical apparatus or appliance, with or without supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

c. Massage Establishment. Any establishment having a fixed place of business where any person, partnership, corporation or associations, engages in, carries on, or permits to be engaged in or carried on, the practice of massage as is

defined herein, but shall exclude licensed hospitals, licensed nursing homes, medical clinics and the offices and quarters of licensed health profession practitioners, said licenses as issued by the State or Federal Governments.

d. Person. Any individual or any firm, partnership, corporation or other association of individuals or group acting as a unit.

e. Qualified Massage Therapist. Any individual with a high school education and at least one of the following: (1) graduation from a massage school that is accredited and licensed as a private school with the Commonwealth of Pennsylvania which required the successful completion of a program of at least five hundred (500) hours of supervised instruction or; (2) current professional class membership in a recognized national professional society whose members are pledged to a code of ethics and pursuit of continuing education or; (3) current certification by the National Certification Board of Therapeutic Massage and Body Work or its successor or a national certification program meeting similar standards or; (4) approval after review and investigation by the South Middleton Township Board of Supervisors.

SECTION 3. MESSAGE THERAPY REGISTRATION LICENSE REQUIRED

It shall be unlawful for any person, and/or qualified massage therapist or any owner of a massage establishment to maintain, operate and/or carry on the practice of massage in South Middleton Township without first having obtained a registration certificate for all individuals practicing massage therapy from the South Middleton Township Codes Enforcement Officer, as provided herein.

SECTION 4. APPLICATION FOR A MESSAGE THERAPY REGISTRATION LICENSE

a. Each qualified massage therapist seeking a registration certificate shall submit to the Codes Enforcement Officer a written application containing the following:

- (1) Name and residence address of the applicant.
- (2) a) Proof of graduation from a massage school that is accredited and licensed as a private school with the Commonwealth of Pennsylvania which required the successful completion of a program of at least five hundred (500) hours or supervised instruction or;

 (b) Current professional class membership in a recognized national professional society whose members are pledged to a code of ethics in pursuit of continuing massage therapy education or;

(c) Current certification by the national certification board o therapeutic massage and body work or its successor or a national certification program meeting similar or;

(d) Approval after formal leave and investigation by the South Middleton Township Board of Supervisors.

(3) The application shall be made under oath before a notary public or other officer of the Commonwealth of Pennsylvania authorized to administer oaths;

(4) The exact location wherein the qualified massage therapist will engage in such massage activities.

b. Each registration applicant shall pay to the Township of South Middleton at the time of submitting the application for registration a non-refundable filing fee of \$5.00 for the registration.

c. A license issued hereunder shall have a life or term of one (1) year renewable January 1st of every year. An application for renewal of said registration for one (1) year may be filed at any time prior to December 15th of the preceding year.

SECTION 5. MASSAGE THERAPIST ESTABLISHMENTS

a. It shall be the responsibility of any owner of a massage establishment to require and maintain registration for all massage therapists employed by such business or establishment. Failure to maintain registration for any massage therapist shall be a violation of this ordinance and subject to the penalties contained herein.

b. The Township of South Middleton may at its discretion inspect the records of a massage establishment to determine if the registration requirements of this ordinance are in compliance. Owners of a massage establishment shall make available for inspection and review such records necessary to determine compliance with this ordinance.

SECTION 6. ISSUANCE OF MASSAGE REGISTRATION LICENSE

Within thirty (30) days after receiving a complete application for registration, the Codes Enforcement Officer may issue said registration certificate to the applicant unless the Codes Enforcement Officer determines that the applicant has not met the provisions of Section 4.

SECTION 7. SUSPENSION AND REVOCATION OF REGISTRATION CERTIFICATE

a. A massage registration certificate may be suspended and/or revoked immediately upon a determination by the Board of Township Supervisors that there are reasonable grounds to believe that any of the following have occurred:

(1) The application for such registration certificate contained a false statement and/or false statements;

(2) The qualified massage therapist or massage establishment owner has violated the provisions of the ordinance;

(3) The qualified massage therapist or massage establishment owner is convicted of or has forfeited bond or bail on the charge of violating a criminal law or ordinance in this or any other jurisdiction involving sexual misconduct, dishonesty, fraud or deceit, or any other crime of moral turpitude.

b. The Codes Enforcement Officer shall serve, via certified mail, return receipt requested, the qualified massage therapist or massage establishment owner with written notice of said suspension or revocation, specifying the reasons therefore, before said suspension or revocation shall be come effective.

c. The qualified massage therapist shall have the right to a hearing on said suspension or revocation, which hearing shall be held before the Board of Township Supervisors within ten (10) days after the service of the notice of such suspension or revocation.

d. The registration certificate license for each qualified massage therapist shall be displayed in a conspicuous location within the place of employment in such manner that the same may be readily seen by persons upon entering the place of employment.

SECTION 8. DEFERRED COMPLIANCE

a. Each qualified massage therapist may apply to the Codes Enforcement Officer for and may be granted a grace period not to exceed three (3) months in order to comply with the requirements for the issuance of a registration certificate.

b. With the sole exception of the foregoing provisions of paragraph a, all other provisions of this ordinance shall become effective upon enactment thereof.

SECTION 9. PENALTIES

a. Any qualified massage therapist who violates any provision of this ordinance shall, in addition to the revocation of said certificate, be fined in the amount of \$50.00. Each day the violation continues shall constitute a separate violation.

b. Any person who fails to register as a qualified massage therapist in South Middleton Township and is discovered engaged in the practice of massage therapy shall be notified to register under the provisions of this ordinance via certified mail, return receipt requested. If, after thirty (30) days said person fails to register, said person shall be permanently disqualified from making application for any such registration.

c. Any person who violates any section of this ordinance shall not be permitted to engage in the practice of massage therapy.

SECTION 10. EFFECTIVE DATE

This ordinance shall become effective immediately.

SECTION 11. SEVERABILITY

In the event that any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or part of this ordinance or other ordinances effected by this ordinance it being the intent of this Board of Township Supervisors that such remain and shall remain in full force and effect.

ENACTED AND ORDAINED this __18th__ day of __January__, 2007.

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP

Attest:

THOMAS E. FALEY, Chairman

SANDRA A. QUICKEL, Secretary

RONALD L. REEDER, Vice Chairman

JAMES N. BAKER

BRYAN A. GEMBUSIA

WALTER G. REIGHARD