

NORTH COVENTRY TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE No. _____

AN ORDINANCE OF NORTH COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF NORTH COVENTRY TOWNSHIP, TO REGULATE MASSAGE ESTABLISHMENTS AND ALTERNATIVE THERAPY ESTABLISHMENTS, AND TO PRESCRIBE PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, North Coventry Township is a duly organized Township of the second class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania;

WHEREAS, the Supervisors have determined that reasonable regulations and restrictions governing Massage Establishments and Alternative Therapy Establishments within the Township are necessary to protect the safety, health and welfare of the community;

WHEREAS, the North Coventry Township Board of Supervisors has determined that the Code of Ordinances of North Coventry Township shall be amended for the health, safety, and general welfare of the Township and inhabitants thereof; and

WHEREAS, this ordinance enactment is authorized by “The Second Class Township Code,” Act of May 1, 1933, P.L. 103, No. 69, reenacted and amended November 6, 1996, P.L. 350, No. 60 (53 P.S. Section 65101, et seq.).

THEREFORE, BE IT ENACTED AND ORDAINED, in accordance with the provisions hereof that the North Coventry Township Ordinance is hereby amended, reconfirmed, and readopted as follows:

§100-1. Purpose.

The North Coventry Township Board of Supervisors finds as follows:

- A. That those businesses or enterprises known as Massage Businesses or Alternative Therapy Businesses, as hereinafter defined, frequently operate in violation of the laws of the Commonwealth of Pennsylvania;
- B. That in many instances unsanitary and otherwise unhealthful conditions exist in those businesses or enterprises known as Massage Businesses and Massage Establishments, as those terms are hereinafter defined; and

- C. Existing controls do not satisfactorily address or regulate serious criminal and public health problems, nor have the existing controls regulated the profession to sufficiently encourage compliance with state and local laws; and
- D. That the purpose of close regulation of those businesses or enterprises known Massage Businesses and Massage Establishments, as hereinafter defined, is necessary to protect the public health, safety, and welfare.

§100-2. Definitions and word usages.

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

ALTERNATIVE THERAPY –

(1) The practice of an individual who uses touch to affect the energy systems, acupoints, Qi meridians or channels of energy of the human body while engaged within the scope of practice of a profession with established standards and ethics. Such practices include acupressure, Asian bodywork therapy, polarity therapy bodywork, quigon, reiki, shiatsu and tui na;

(2) Reflexology;

(3) The practice of an individual who uses touch, words and directed movement to deepen awareness of existing patterns of movement in the body and to suggest new possibilities of movement, while engaged within the scope of practice of a profession with established standards and ethics; and/or

(4) Any massage-like activity that does not meet the definition of "Massage Therapy" set forth hereinafter.

ALTERNATIVE THERAPY BUSINESS — The administering of Alternative Therapy in return for the payment of a fee or other compensation or consideration to the person administering the Alternative Therapy either directly or indirectly.

ALTERNATIVE THERAPY ESTABLISHMENT – Any place in the Township where Alternative Therapy is administered for the payment of a fee or other compensation or consideration, but not including a hospital, nursing home, medical clinic or the office of a physician, surgeon, physical therapist, chiropractor or osteopath, currently licensed as such by the Commonwealth of Pennsylvania, but excluding barbershops and beauty salons in which Massages are administered only to the scalp, face, neck or shoulders, or any athletic program of an accredited junior and senior high school, or college in which Alternative Therapy is administered by a trainer within the scope of such athletic program.

ALTERNATIVE THERAPY TECHNICIAN – Any person who administers Alternative Therapy Business to another as part of a Massage Business or Alternative Therapy Business that is not licensed as such by the Commonwealth of Pennsylvania

MASSAGE — Any method of treatment or therapy of the superficial soft parts of the body by rubbing, stroking, tapping, pressing, shaking, or kneading with the hands, feet, or elbow, and similar therapeutic practices whether or not aided by any mechanical or

electrical apparatus, appliances, or supplementary aids such as rubbing alcohol, liniments, antiseptic oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice.

MESSAGE BUSINESS — The administering of a Massage in return for the payment of a fee or other compensation or consideration to the person administering the Massage either directly or indirectly. A massage business shall also include a location where sauna baths, Turkish baths, Swedish baths or the like are made available to members of the public.

MESSAGE ESTABLISHMENT — Any place in the Township where Massages are administered for the payment of a fee or other compensation or consideration, but not including a hospital, nursing home, medical clinic or the office of a physician, surgeon, physical therapist, chiropractor or osteopath, currently licensed as such by the Commonwealth of Pennsylvania, but excluding barbershops and beauty salons in which Massages are administered only to the scalp, face, neck or shoulders, or any athletic program of an accredited junior and senior high school, or college in which a Massage is administered by a trainer within the scope of such athletic program.

MESSAGE TECHNICIAN — Any person who administers a Massage to another as a part of a Massage Business, but not including a physician, surgeon, chiropractor, osteopath, physical therapist or nurse currently licensed as such by the Commonwealth of Pennsylvania, or any coach or trainer of an athletic program of an accredited junior or senior high school or college in which a Massage is administered by such coach or trainer within the scope of such athletic program.

MESSAGE THERAPIST – An individual licensed by the Pennsylvania State Board of Massage Therapy to practice Massage Therapy.

MESSAGE THERAPY — As defined in the Massage Therapy Act (63 P.S. § 627.1 et seq.), (the “Act”), as the Act may be amended from time to time, the application of a system of structured touch, pressure, movement, holding and treatment of the soft tissue manifestations of the human body in which the primary intent is to enhance the health and well-being of the client without limitation, except as provided in the Act. The term includes the external application of water, heat, cold, lubricants or other topical preparations, lymphatic techniques, myofascial release techniques and the use of electro-mechanical devices which mimic or enhance the action of the message techniques. The term does not include the diagnosis or treatment of impairment, illness, disease or disability, a medical procedure, a chiropractic manipulation – adjustment, physical therapy mobilization – manual therapy, therapeutic exercise, electrical stimulation, ultrasound or prescription of medicines for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry or other practice of the healing arts is required. The term also shall not include barbers and beauticians who are duly licensed by the Commonwealth and Massage the neck, face, scalp, or hair of their patrons.

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

RECOGNIZED SCHOOL — Any school or educational institution licensed and

accredited to operate as a school or educational institution in the state in which it is located or any school recognized or approved by the American Massage and Therapy Association, Inc.

SEXUAL OR GENITAL AREA — The genitals, pubic area, buttocks, anus or perineum of any person and the vulva and breasts of a female.

TOWNSHIP OFFICIAL — A member of the Police Department or an official assigned to enforce the Code.

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

§100-3. License Requirement; fee.

- A. License requirements for Massage Establishments. Requirements for the issuance of a license to operate a Massage Establishment are as follows :

- (1) Licensing of Massage Establishments. All Massage Establishments must register with and be licensed by the Township. All Massage Therapists practicing Massage Therapy at a Massage Therapy Establishment must be licensed by the Commonwealth of Pennsylvania.¹ The owner and/or operator of Massage Establishments shall register their business as well as all Massage Therapists working at the Massage Establishment. Copies of all licenses issued by the Commonwealth of Pennsylvania for all Massage Therapists shall be supplied to the Township on a fully completed application provided by the Township. The application must be filed in person by the person seeking the license to operate a Massage Establishment during regular business hours. The owner and operator of the Massage Establishment shall have an ongoing obligation to update the names of the licensed Massage Therapists practicing at the Massage Establishment. The license fee for such a license shall be determined from time to time by Resolution of the Board of Supervisors.

- (2) All Massage Establishments must provide proof that all other required business licenses have been obtained and provide confirmation from the taxing entity that arrangements have been made for the payment of required business privilege tax, local service tax and/or earned income tax for its employees.

- B. License requirements for Alternative Therapy Establishments. Requirements for the issuance of a license to operate an Alternative Therapy Establishment are as follows:

- (1) Licensing of Alternative Therapy Establishments. All Alternative Therapy Establishments must register with and be licensed by the Township. No Alternative Therapy Establishment shall engage in Alternative Therapy Business unless all Alternative Therapy Technicians are licensed by the Township. The owner and/or

¹ Massage Therapists licensed by the Commonwealth of Pennsylvania do not require a separate license by the Township.

operator of Alternative Therapy Establishment shall register its business as well as all Alternative Therapy Technicians on a fully completed application provided by the Township. The application must be filed in person by the person seeking the license during regular business hours. The owner and operator of the Alternative Therapy Establishment shall have an ongoing obligation to update the names of all Alternative Therapy Technicians who work at the Alternative Therapy Establishment. The license fee for such license shall be determined from time to time by resolution of the Board of Supervisors.

- (2) All Alternative Therapy Establishments must provide proof that all other required business licenses have been obtained and provide confirmation from the taxing entity that arrangements have been made for the payment of required business privilege tax, local service tax and/or earned income tax for it employees.

C. Licensing requirements for Alternative Therapy Technicians. Requirements for the issuance of a license to a person providing services as an Alternative Therapy Technician are as follows:

- (1) Fee and contents. Any person desiring to obtain a license to provide services as an Alternative Therapy Technician shall submit an application to the Township. A fee shall accompany the submission of the application to defray the costs of administration and investigation. The amount of the fee the Alternative Therapy Technician license shall be set by resolution of the Board of Supervisors. The application must be filed in person by the person seeking the license during regular business hours. Applicant shall be required to identify the Alternative Therapy Establishment where applicant will be provide services.

D. Investigation. Applications for licenses to operate a Massage Establishment, Alternative Therapy Business, or for Alternative Therapy Technicians shall be referred to the North Coventry Township Police Department, which shall cause an investigation to be made and report the findings to the Township official. Applicants shall cooperate with any investigation conducted pursuant to the provisions of this chapter and shall permit access to the proposed place of business and facilities in conjunction with such investigation. In addition, each applicant must submit the following:

- a. Two forms of identification issued by either the federal or state government with one containing a photograph.
- b. FBI criminal background check per the directions at FBI website (must be the sealed and unopened envelope from FBI).
- c. Certified state police criminal background check for the state in which they reside (must be notarized).
- d. Signed release permitting North Coventry Township Police to conduct local records check.

- E. Granting of License. Within 60 days of the receipt of a complete application and fee, the Township Official shall either grant or deny the license applied for by the applicant. The License shall be granted provided that:
- (1) The proposed Massage Establishment or Alternative Therapy Establishment complies with all applicable ordinances of the Township, including but not limited to the building code, fire prevention code, and zoning ordinances of the Township.
 - (2) No person whose name appears on the application, including owners and prospective employees, has been convicted of or entered a plea of guilty to any felony or has a felony charge currently pending or has forfeited bail or has been convicted of or pleaded guilty to a violation of Chapter 31 (pertaining to Sexual Offenses) or Section 5902 (pertaining to prostitution and related offenses) of the Crimes Code of the Commonwealth of Pennsylvania, or any law of any other jurisdiction involving sexual misconduct.
 - (3) The Massage Establishment or Alternative Therapy Establishment or Alternative Therapist, as applicable, applies for and obtains any required business licenses and arranges for the payment of any required business privilege taxes, occupational privilege taxes, or earned income taxes imposed by the Township.

§100-4. Minimum requirements for Massage Establishments and Alternative Therapy Establishments.

Every owner and operator of a Massage Business or Alternative Therapy Business has a duty to ensure that their respective Massage Establishment and/or Alternative Therapy Establishment complies with the following minimum requirements:

- A. Adequate equipment for disinfecting instruments and materials shall be provided.
- B. All tables, bathtubs, shower stalls, steam rooms, sauna rooms, bath areas and floors shall have surfaces which may be readily disinfected. Surfaces of all tables or other apparatus used to perform Massages or Alternative Therapies shall be of a nonporous material that can be disinfected after each use. No stuffed or upholstered furniture or beds and mattresses shall be permitted in rooms in which massage is to be administered. Such rooms shall be equipped with massage tables having a hard surface impervious to liquids, with a width of no more than three feet and a length of no more than eight feet. Such tables may be equipped with either non disposable pads or coverings or disposable coverings not more than 2 ½ inches thick.
- C. All walls, ceilings, floors, showers, bathtubs, steam rooms, sauna rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. When carpeting is used on the floors, it shall be kept dry.
- D. A service sink shall be made available for custodial services.

- E. Massage and/or Alternative Therapy treatment rooms shall be at least 50 square feet of floor area and shall maintain a light level of no less than 20 foot-candles as metered at three feet above the surface of the floor. (For illustrative purposes only, such light level is equivalent to light from a single forty-watt fluorescent lightbulb in the fifty-square-foot room). Lighting in colors other than white shall be prohibited. Such rooms shall contain a door incapable of being locked from either the exterior or the interior.
- F. The main entrance to the establishment must remain unlocked and opened to the public during regular business hours.
- G. All licensed Massage Establishments and Alternative Therapy Establishments shall comply with applicable ordinances of the Township, including but not limited to the building, fire prevention and zoning ordinances of the Township.

§100-5. Additional regulations governing Massage Businesses and Alternative Therapy Businesses.

Every owner and operator of a Massage Business or Alternative Therapy Business shall comply with the following regulations to protect the public health, safety and welfare:

- A. Hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m. each day. No overnight accommodations are permitted.
- B. All licenses issued by the Township or Commonwealth of Pennsylvania shall be on display and available for inspection. Price rates charged for any and all Massages and/or therapies shall be prominently posted in the reception area in a location available for view and no charges may be made other than in accordance with such posted rates.
- C. No person under the age of 18 years of age shall be permitted to enter or remain on the premises or receive any Massage Therapy or Alternative Therapy unless accompanied at all times by a parent or legal guardian.
- D. There shall be an adequate supply of clean towels, linens and coverings. Towels, linens and coverings shall not be used by or on more than one patron unless they have first been laundered and disinfected. Disposable towels, linens and coverings shall not be used by or on more than one patron. Soiled towels, linens and coverings shall be deposited in approved receptacles; disposable items shall not be deposited in the same receptacle as non-disposable items.
- E. Lotions and powder used during the administration of the Massage or Alternative Therapy shall be stored separately in containers clearly labeled as to contents and shall be stored in cabinets used solely for such purposes.
- F. For the purposes of ascertaining violations of this article and conducting routine inspections, building inspectors, the Fire Marshal or duly authorized fire code inspectors

of the Township, or police officers of the North Coventry Township Police Department shall have the right of entry into the licensed Massage Establishments and Alternative Therapy Establishments during regular hours of operation.

- G. The owner, operator or duly authorized manager (as identified on the license) shall be on duty at all times during the hours of operation.
- H. Retail food service shall not be permitted, including but not limited to either food and drink for sale or otherwise, or the possession of any alcoholic beverages unless expressly permitted by license of the Commonwealth of Pennsylvania and the Township.
- I. No alcoholic beverage or drug, other than a prescription medication in the possession of the person for whom the prescription was written, shall be stored or kept on the premises.
- J. Animals, except for service animals as defined in the Americans with Disabilities Act (28 C.F.R. § 36.104), shall not be permitted within Massage Establishments.
- K. A written record of the date and hour of each Massage or Alternative Therapy Service shall be maintained. The record shall include: (a) the name and address of each client receiving therapy service; (b) the name of the Massage Therapist or Alternative Therapists administering the service; (c) the address at which the service was provided; (d) the type of service administered and amount charged. Such written record shall be open to inspection by Township officials including the police department for the administration and enforcement of the North Coventry Township Code and all applicable state laws. Such records shall be maintained at the Massage Establishment or Alternative Therapy Establishment for a period of two years.
- L. No person shall be permitted to enter or remain in any part of the Massage Establishment or Alternative Therapy Establishment, or provide any Massage or Alternative Therapy Service, while in the possession of, consuming, or using any alcoholic beverage or drugs except for prescription issued by a medical provider. The licensee shall not permit any such person in the possession of, consuming, or using any alcoholic beverage or drugs to enter or remain at the Massage Establishment or Alternative Therapy Establishment.

§100-6. Regulations for Alternative Therapy Technician

No person shall provide services as an Alternative Therapy Technician unless such person possesses a valid license issued pursuant to the provisions of this article. An Alternative Therapy Technician shall comply with the following requirements when providing services:

- A. Disposable towels, linens and coverings shall not be used by or on more than one patron. Soiled towels, linens and coverings shall be deposited in approved receptacles; disposable items shall not be deposited in the same receptacle as reusable items.
- B. Instruments used in administering Alternative Therapy shall not be used on more than one patron unless they have first been disinfected. Table pads and reusable table coverings shall

be disinfected after each use.

- C. Alternative Therapy Technicians shall only have contact with patrons while fully clothed in clean and opaque clothing that fully covers the body from the shoulders to the thighs and is no shorter than six inches above the knee. The wearing of any form of lingerie as the sole garment shall be prohibited.
- D. Alternative Therapy Technicians shall wash their hands immediately prior to and subsequent to the administration of any Alternative Therapy.
- E. It shall be unlawful for any Alternative Therapy Technician to place his or her hands upon, touch, fondle or otherwise have any physical contact, including massaging or rubbing a sexual or genital area of any other person or to offer to so touch any person. It shall be unlawful for an Alternative Therapy Technician to expose his or her sexual or genital area to any other person.

§100-7. Failure to obtain license.

Any person who owns or operates a Massage Business or Alternative Therapy Business which engages in operations without having obtained a license from the Township, or any person who provides services as an Alternative Therapy Technician without having obtained a license from the Township constitutes a violation of this Article and shall be subject to the violations and penalties set forth in § 100-15.

§100-8. Right of Inspection.

For the purposes of ascertaining violations of this ordinance and conducting routine inspections, the Township Code Enforcement Officer(s), building inspectors, Fire Marshal or duly authorized fire code inspectors, or police officers shall have the right of entry into any licensed Massage Establishment or Alternative Therapy Establishment as a condition of said license during the regular hours of operation pursuant to this chapter.

§100-9. Sale or transfer of license.

No license issued under the provisions of this article shall be transferable to another person or entity. Upon the sale or transfer of any interest in a Massage Establishment or Alternative Therapy Establishment, the license therefore shall be null and void. Any person desiring to continue to operate such establishment following the sale or transfer of any interest shall make application therefore pursuant to the provisions of this article.

§100-10. License revocation.

Every license issued under the provisions of this article is subject to revocation for violation of any of the provisions of this article. Said license may be revoked by the Township Official after notice of the basis for such revocation. The license holder shall have the right to appeal from such proposed revocation to the Board of Supervisors and request an administrative agency hearing consistent with the Local Agency Law. Notice of revocation shall be given in writing and shall be served at least 10 days prior to the effective date of the revocation by certified mail, by personal service on the license holder or by posting the notice upon the entrance to the Massage

Establishment or Alternative Therapy Establishment. The notice shall advise the license holder of the right to appeal the proposed revocation. A hearing shall be held before the Board of Supervisors, and the license holder shall have the right to be represented by legal counsel of license holder's sole choosing and at the license holder's sole cost at the hearing.

§100-11. Expiration of license.

All licenses issued pursuant to the provisions of this article shall expire December 31 of each year after the date of issuance. No later than two months prior to the expiration, licensees shall make application for renewal of said license.

§100-12. Civil remedies.

In addition to the refusal or revocation of a license as provided under this article, the owner(s) or operator(s) of a Massage Establishment or Alternative Therapy Establishment shall be liable for a civil penalty not to exceed six hundred dollars (\$600.00) per violation in a civil proceeding initiated by complaint or other means before a Magisterial District Court by the Township in accordance with the Pennsylvania Rules of Civil Procedure. Upon a finding of liability, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reimbursement of reasonable attorney fees incurred by the township in the enforcement proceedings. A separate offense shall arise for each day or portion thereof in which a violation is found to exist, and for each section of the ordinance which is found to have been violated.

§100-13. Time for compliance.

Persons subject to the provisions of this article shall have 60 days from the effective date in which to comply with the provisions of this article.

§100-14. Notification.

A licensee shall immediately notify the Township's Code Enforcement Official of any of the following occurrences:

- A. Arrests of any owners, managers, employees, Massage Therapists or Alternative Therapy Technicians for an offense other than a traffic citation.
- B. Resignations, terminations, or transfers of a Massage Therapist or Alternative Therapy Technician employed or otherwise retained by the licensee to provide Massage or Alternative Therapy.
- C. Any event involving the licensee (Massage Business, Alternative Therapy Business, or Alternative Therapy Technician) that constitutes or may constitute a violation of this chapter, North Coventry Township Code, or state or federal law.

§100-15. Violations and Penalties.

Any person who violates any rule or regulation set forth in this Article shall, upon conviction in a summary proceeding, be subject to a fine of not more than \$1,000, plus cost of prosecution; provided however, that each day's violation of any of the provisions of this article shall constitute a separate offense.

Any person who violates any section of this Article shall, upon conviction in a summary proceeding before a Magisterial District Court under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to a fine of not more than \$1,000.00 plus costs of prosecution. In default of payment therefore, the defendant may be sentenced to imprisonment for a term not to exceed 90 days. Each day or portion thereof that such a violation continues or is permitted to continue shall constitute a separate offense, and each section of this Chapter that is violated shall also constitute a separate offense.

§100-16. Authority of Board of Supervisors.

The Board of Supervisors of North Coventry Township shall be empowered to make and provide such rules and regulations from time to time as may be necessary to supervise any such Massage Business or Alternative Therapy Business and the manner in which the operation is conducted including the requirement to obtain a license, the cost of such license fee, and any other property and necessary regulation to protect the public health, safety and welfare of the citizens of North Coventry Township.

§100-17. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Ordinance. The Board of Supervisors hereby declares that it would have adopted the Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereto irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

§100-18. Repealer.

All Ordinances inconsistent with the above provisions are repealed to the extent of their consistency.

§100-19. Renumbering.

The location and numerical designation of these above-referenced Sections shall be delegated to the discretion of the General Code Publishers who may renumber or reorder these revised sections as is necessary.

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§100-20. Effective Date.

This Ordinance shall be effective _____ () days from the date of Board approval.

ORDAINED and **ENACTED** by the Supervisors of the North Coventry Township in lawful session duly assembled this _____ day of _____, 2026.

**BOARD OF SUPERVISORS
NORTH COVENTRY TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

By: _____

By: _____

By: _____

By: _____

By: _____

ATTEST:

By: _____
Township Secretary