

**BOROUGH OF ROYERSFORD
MESSAGE THERAPY ESTABLISHMENT LICENSE APPLICATION**

**In accordance with Ordinance No. 933 adopted on February 11, 2025, all
Massage Parlors, Establishments Providing Massage Therapy, and Alternative
Therapy, require a License and Inspection from the Borough to operate.**

Business Name: _____

Business Location: _____

Business Phone: _____ Hours of Operation: _____

Business Owner Name, Mailing Address and Phone Number: _____

Business Manager (if owner is an Entity): _____

Business Manager Phone Number: _____

Emergency Contact: _____ Phone: _____

THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:

- () Floor plan depicting and identifying all rooms
- () Any licenses issued by the Commonwealth of Pennsylvania
- () Employee List, Identification (2 forms) and Criminal Background Check for each
- () Written confirmation relative to business, local and earned income tax
- () \$500.00 Fee – Payable to Royersford Borough Payment : _____

Owner or Authorized Signature: _____ Date: _____

BOROUGH REVIEW: () APPROVED () DENIED

Borough Signature: _____ Date: _____

Inspection Date: _____ Initials: _____

Royersford Borough
Montgomery County, Pennsylvania
ORDINANCE NO. 933

AN ORDINANCE OF THE BOROUGH OF ROYERSFORD, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF ROYERSFORD, IN ORDER TO EFFECTIVELY PROVIDE FOR THE LICENSING, INSPECTION AND REGULATION OF MASSAGE PARLORS AND ALTERNATIVE THERAPY ESTABLISHMENTS LOCATED WITHIN THE BOROUGH

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Borough Council of the Borough of Royersford as follows:

SECTION 1. Legislative Intent. The purpose of this ordinance, and the policy of Royersford Borough, shall be to protect and promote the public health, safety and welfare of its residents and the patrons of the businesses located within the Borough based on the following findings:

- A. The practice of massage therapy and alternative therapy under certain circumstances can scientifically promote physical well-being.
- B. The physical contact involved in massage therapy and alternative therapy can provide a source of communication of disease for which the health and safety of the community requires local government control and supervision.
- C. Various businesses operating under the guise of practicing massage therapy and alternative therapy are intended to stimulate sexual and erotic reactions which is criminal under Pennsylvania's Criminal Code and contrary to the morals and welfare of this Borough.

SECTION 2. Definitions. With respect to the interpretation of this ordinance, the following terms shall be defined as follows:

ALTERNATIVE THERAPY - 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, qigong, shiatsu and tui na; reflexology; 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 any massage-like activity that does not meet the definition of "massage therapy" set forth hereinafter.

ALTERNATIVE THERAPY ESTABLISHMENT - Any place 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.

MASSAGE PARLOR - Any place in the Borough where massage 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.

MASSAGE THERAPY - 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 this chapter. The term includes the external application of water, heat, cold, lubricants or other topical preparations, lymphatic techniques, myofascial release techniques and the use of electromechanical devices which mimic or enhance the action of the massage 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, or any other area licensed by the Commonwealth of Pennsylvania.

REGULATED ESTABLISHMENT - Any massage parlor or alternative therapy establishment operating within Royersford Borough.

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

THERAPY ROOM - Any separate area within a regulated establishment where services are, or are to be, rendered.

SECTION 3. Applicability. This Ordinance shall apply to regulated businesses established after the effective date of this Ordinance. Such businesses that were in existence prior to the effective date of this Ordinance shall not be subject to its terms except that they shall be required to register the business by name and location with the Borough, and shall obtain and display licenses and certificates. Should a presently existing business be sold after the effective date of this Ordinance, the new owner shall comply fully with the requirements of this Ordinance.

SECTION 4. Registration and License.

A. The application for registration and the issuance of a license shall be filed in-person, during regular business hours, by the owner of the regulated business or an authorized representative, as evidenced by a duly adopted resolution or executed letter of authorization, on a fully completed application provided by the Borough, which shall be available upon request. In addition to any other pertinent information requested by the Borough to serve the legislative intent of this ordinance, an application shall be accompanied by all of the following, if applicable:

- (1) A nonrefundable application fee/license fee which shall be set by resolution and amended thereafter from time-to-time by resolution.
- (2) The owner's name, address, telephone number, email, and an emergency telephone number.
- (3) The name, address, telephone number, email, and

an emergency telephone number for the business manager, if the owner is an entity.

- (4) The address of the regulated business.
- (5) The hours of operation.
- (6) A scaled floor plan of the interior of the building in which the regulated business operates which depicts and identifies all rooms contained therein.
- (7) A copy of the any licenses issued by the Commonwealth of Pennsylvania if the regulated business is a massage parlor.
- (8) A copy of the licenses issued by the Commonwealth of Pennsylvania for all massage therapists employed by the regulated business or working as independent contractors.
- (9) Written 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 the business's employees and independent contractors.
- (10) A listing of all employees, independent contractors, and other persons working at the regulated business.
- (11) For each employee and independent contractor working at the regulated business:
 - (a) Two forms of identification issued by either the federal or state government with at least one containing a photograph.
 - (b) An **FBI** criminal background check per the directions at the FBI website (must be the scaled and unopened envelope from the FBI).
 - (c) A signed release permitting Royersford Borough Police Department to conduct a local records check.

- B. Inspection. An application for a license shall be referred to the Code Enforcement Officer, or his or her designee, which shall cause an investigation to be made. An applicant shall cooperate with any investigation conducted pursuant to the provisions of this ordinance and shall permit access to the proposed place of business and facilities in conjunction with such investigation. Failure to do so shall be grounds for the denial of a license.
- C. Approval/Denial of License Application. Within 60 days of the filing of an application, the Borough's Code Enforcement Officer, or his or her designee, shall either grant or deny the license applied for by the applicant. The license shall be granted, provided that (i) the regulated establishment meets or is capable of meeting all minimum requirements set forth herein, and (ii) neither the applicant, nor any of the applicant's independent contractors or employees have been convicted of or entered a plea of guilty to any felony or have a felony charge currently pending or has forfeited bail or have been convicted of or pleaded guilty to a violation of Section 5902 of the Crimes Code of the Commonwealth of Pennsylvania, 18 Pa.C.S.A. § 5902, pertaining to prostitution and related offenses, or any law of any jurisdiction involving prostitution and related offenses.
- D. The owner of the regulated business shall have an ongoing obligation to update the names of all massage therapists practicing in the establishment and all other persons employed by or serving as independent contractors to the massage parlor and the related documentation required hereby.
- E. A license shall not be transferable or assignable.
- F. A license is subject to revocation for a violation of any of the provisions of this Ordinance. Said license may be revoked by the Borough's Code Enforcement Officer, or his or her designee, after notice of the basis for such revocation. The license holder shall have the right to appeal a revocation to Council and request

a hearing. 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 regulated establishment. The notice shall advise the license holder of the right to appeal the revocation. A hearing shall be held before Council and the license holder shall have the right to be represented at such hearing and to produce evidence.

- G. A license expires one year after the date of issuance. No later than 60 days before the expiration, licensees shall make application for a new license.

SECTION 5. Regulations for Regulated Businesses.

- A. Only employees and independent contractors of the regulated business may offer and provide services to clients.
- B. Regulated Establishments may commence operations no earlier than 7:00 a.m. The hours of operation shall extend no later than 9:00 p.m.
- C. All licenses issued by the Borough or Commonwealth of Pennsylvania shall be on display and available for inspection.
- D. Price rates charged for any and all 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.
- E. No person under the age of 18 years of age shall be permitted to enter or remain on the premises or receive any massage parlor or alternative therapy unless accompanied at all times by a parent or legal guardian.
- F. 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.

- G. Instruments used in administering therapies 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.
- H. Therapy rooms shall be at least 50 square feet of floor area and accessible only by a door incapable of being locked from either the exterior or the interior.
- I. The owner or a duly authorized manager shall be on duty at all times during the hours a regulated establishment is open for business.
- J. All employees and independent contractors must be at all times 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.
- K. No patron or persons, other than employees and independent contractors of the regulated establishment, shall remain on the premises more than one hour after closing.
- L. Employees and independent contractors shall wash their hands immediately prior to and subsequent to the administration of any therapies and shall observe hygiene practices as set forth in the Pennsylvania Massage Law, 63 P.S. § 627.1 et seq., and accompanying regulations in Chapter 20 of the Pennsylvania Code.
- M. It shall be unlawful for any person providing therapies to place their hands upon, touch, fondle or otherwise have any physical contact with, including massaging, a sexual or genital area of any other person or to offer to so touch any person in a sexual or genital area.
- N. It shall be unlawful for any employee or independent contractor of a regulated establishment to expose their sexual or genital area to any customer or other person.

SECTION 6. Penalties. Each violation of a section or subsection of this ordinance shall constitute a separate violation. Each day the violation persists shall then constitute a separate summary offense for which the maximum criminal fine of \$1,000 and/or a maximum term of imprisonment of ninety (90) days may be imposed upon conviction. For the enforcement of this ordinance or to correct any violation thereof, the Borough may also, or in the alternative, institute appropriate action or proceeding at law or equity. The offender shall also be assessed all court costs and be required to reimburse all attorneys' fees reasonably incurred by the Borough in association with securing a conviction and/or related to any other proceedings instituted pursuant hereto.

SECTION 7. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining ordinance provisions, sentences, clauses, or sections. It is the intent of the Royersford Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

SECTION 8. Effective Date. This Ordinance is effective immediately upon enactment. Its provisions do not apply to any such business covered by this Ordinance which exists in the Borough at the time of its enactment.


ENACTED and ORDAINED this 11th day of February, 2025, by the Borough Council of the Borough of Royersford.

ATTEST:

BOROUGH OF ROYERSFORD



Donna Ziegler,
Borough Secretary



Anil Dham, President
Borough Council

I hereby certify and approve the foregoing Ordinance this
11th day of February, 2025.

Alexandra Metricarti
Alexandra Metricarti, Mayor