TOWNSHIP OF OHIO
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 100

Ordinance of the Township of Ohio, County of Allegheny, Commonwealth of Pennsylvania.

BE IT ORDAINED AND ENACTED by the Township of Ohio in council assembled and it is hereby ordained and enacted by the authority of the same.

Section 1. Definitions As used in this Ordinance:

1. Health Club means any establishment which offers service in the form of body massage, baths, exercises, or similar services in combination to club members or to the public for a charge, fee, or donation; but shall exclude hospitals, nursing homes, medical clinics, and the office or quarters of licensed health profession practitioners.

2. Body Massage means the application to the human body by the hands or mechanical apparatus, any touching, stroking, kneading, vibration, percussion, oil alcohol rubs, mechanotherapy, hot or cold packs, heat, cold, salt glows, cabinet tub, shower, sitz, sauna, vapor, steam, or any other special type of bath.

3. Massage Technician means any masseur (male) and masseuse (female) who administers body massage to any other person for a charge, fee, or donation; but shall exclude persons licensed by the Commonwealth of Pennsylvania to practice medicine, chiropractic, osteopathy, podiatry, nursing, and physical therapy, and barbers, beauticians, and manicurists insofar as they deal with the head, hands and feet.

4. Persons shall include a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit.

Section 2. License Required

No Health Club or Massage Technician may operate or practice within the Township of Ohio without a license to operate or practice upon proper application to the Township Building Inspector and the fulfillment of the requirements set forth herein, and payment of a fee of Two Hundred ($200.00) Dollars per annum for a Health Club and One Hundred ($100.00) Dollars per annum for a Massage Technician. Licenses granted under this Ordinance shall be renewed yearly, and may be revoked for any failure to comply with this Ordinance.

Section 3. Licensing Requirements for a Health Club

No Health Club shall be granted a license to operate until the fulfillment of the following:

a. Compliance with all Zoning, Building, Fire, Electrical, Plumbing, and Health Codes applicable to the Township of Ohio.

b. An application for a license shall include the names of all owners, stockholders, and managing personnel, their addresses, occupations, and satisfactory proof that they have not been convicted of any violation of laws proscribing prostitution, pandering, obsecnity, indecency or pornography.

c. Plans and specifications of the quarters proposed to be occupied shall be submitted to the Building Inspector, which shall include details of entrances, partitions, windows, openings, ventilation, plumbing fixtures, water supply, waste and vent connections. Such quarters must be equipped with separate toilet and lavatory facilities for patrons and personnel, and a service sink for custodial services. No part of the quarters may be used for or connected with any bedroom or sleeping quarters.

d. All tables, tubs, shower stalls and floors, with the exception of receiption and administrative areas, shall be of non-porous materials which may be readily disinfected.

e. Closed containers must be provided for wet towels and waste material.

f. All equipment, shower stalls, toilets, lavatories, tubs, cabinets and other accoutrements of the establishment shall be regularly treated with disinfectants, and shall be maintained in a clean and sanitary condition at all times.

g. As a condition of receiving a license, the owners and operators of the Health Club must expressly grant access to health, plumbing, fire, electrical, and other authorized Borough Inspectors to any part of the quarters of the Health Club for purposes of inspection at all reasonable times.

h. The Health Club must require and retain on file Certificates of Good Health issued by a licensed physician for all employees practicing any services of the Health Club. Such Certificates shall be renewed every six (6) months.

i. No Health Club shall serve any patrons infected with any fungus or skin infection.

j. All personnel shall wash his or her hands in hot, running water, using proper soap or disinfectants, before giving any service or treatment to each separate patron.

k. All towels and tissues, all sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.

l. Non-disposable tools or equipment shall be disinfected after use upon one patron.

m. The applicant must have a valid lease or title to the quarters which meet the requirements of this Ordinance.

n. No body massage shall be provided to the genitals of the patron.

Section 4. Licensing Requirements for a Massage Technician

No person shall be granted a license to practice as a Massage Technician without satisfactory proof of the following:

a. That the applicant is at least eighteen (18) years of age.

b. That the applicant has never been convicted of prostitution, pandering, obscenity, indecency, or related crimes.

c. That the applicant has a diploma from a recognized school of massage having a curriculum approved by the Pennsylvania Department of Education certifying that he or she has completed four hundred (400) hours of study in the basic subjects of anatomy, physiology, hygiene, hydrotherapy, technique of massage, clinical internship, contra-indications of massage, physical and mechanical exercise.

d. In leiu of subsection c., the applicant can furnish equivalent credentials by way of experience and training of at least one (1) year's duration.

e. The license shall contain a photograph of the Massage Technician and shall be carried on the person of the Massage Technician or conspicuously displayed in the Health Club wherein the Massage Technician is employed.

f. The application for a license shall contain the name, address, Social Security Number, photograph and fingerprints of the applicant and shall be kept on file in the Township Office. Photographing and fingerprinting shall be done by the Ohio Township Police Department.

Section 5. Revocation of License

The Township Building Inspector may revoke the license of a Health Club or Massage Technician upon satisfactory proof of any of the following:

a. That the licensee does not meet the licensing requirements of this Ordinance.

b. That the licensee has been convicted of prostitution, pandering, obscenity, indecency, promoting prostitution, keeping or maintaining a disorderly house, or related crimes and offenses.

c. That the licensee has diagnosed or treated classified diseases, practiced spinal adjustments, or prescribed medicines.

d. That the licensee is guilty of fraud or willful negligence in the practice of body massage.

e. That the licensee is a habitual user of narcotics or other drugs.

f. That the licensee has allowed or permitted an unlicensed person to perform body massage.

g. That the licensee has provided body massage to the genitals of any patron.

h. That the licensee has violated any of the provisions of this Ordinance or other applicable Ordinances of the Township of Ohio, or any applicable laws of the Commonwealth of Pennsylvania, or of the United States of America. Any violation by an employee of a Health Club or by a Massage Technician shall be considered a violation by the Health Club.

Section 6. Deferred Compliance

The owner or manager of any Health Club operating in the Township as of the effective date of this Ordinance, may apply for and may be granted by the Building Inspector a grace period not to exceed six (6) months in order to comply with Section 3, subsections c and d. With these exceptions, the Ordinance becomes effective upon all Health Clubs and proposed Health Clubs upon enactment.

Section 7. Administration and Appeal

This Ordinance shall be administered by the Township Building Inspector or Licensing Officer appointed by him. An appeal from the denial of a license or the revocation of a license shall be filed with the Building Inspector within fifteen (15) days of such action, and shall be heard and determined by him within thirty (30) days of the filing of the appeal. The applicant or licensee shall be informed in writing five (5) days prior to the hearing of the reasons for denial or revocation of the license.

Section 8. Penalty

Any person who violates this Ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a fine not exceeding Three Hundred ($300.00) Dollars or undergo thirty (30) days imprisonment, or both. In addition, any Health Club which is found to operate without a current license shall suffer the immediate revocation of its occupancy permit and shall not be permitted to operate.

Section 9. Severability

If any part of this Ordinance is found by a Court to be unsupportable in law or unconstitutional, it is the intent of the Board of Supervisors that such part is severable, and that the Ordinance would have been passed without such part, and that the remainder shall continue effective.

Section 10. That any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ORDAINED AND ENACTED INTO law this 14th day of November, 1977.

ATTEST: TOWNSHIP OF OHIO

Secretary By Chairman