

**BOROUGH COUNCIL AGENDA
REGULAR MEETING NOVEMBER 10, 2025
7:30 P.M.**

Reading Of Sunshine Notice

Flag Salute

Roll Call

Agenda Session

Public Comment

Borough Council Meeting Minutes

Approval of Borough Council Meeting Minutes of October 27, 2025

Ordinances – Public Hearing

Ord. 2025-18 ORDINANCE AMENDING CHAPTER 193 OF THE CODE OF THE
BOROUGH OF METUCHEN ENTITLED “WRECKERS AND TOWERS”

Ord. 2025-19 ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE
BOROUGH OF METUCHEN ENTITLED, “TREE REMOVAL AND
REPLACEMENT” CREATING A TREE BANK FUND DEDICATED TO
TREE PLNTING AND MAINTENANCE

Ord. 2025-20 ORDINANCE AMENDING CHAPTER 120 OF THE CODE OF THE
BOROUGH OF METUCHEN, ENTITLED, “MASSAGE, BODYWORK
AND SOMATIC THERAPY ESTABLISHMENTS”

Report of the Borough Administrator

Reports of Council Members

Report of the Mayor

Other New Business

R2025-266 RESOLUTION AUTHORIZING PAYMENT OF THE BILL LIST IN THE
AMOUNT OF \$880,368.69

Adjournment

The Borough of Metuchen does not discriminate against persons with disabilities. Those individuals requiring auxiliary aids and services were necessary must notify the ADA Coordinator of the Borough of Metuchen at least seventy-two (72) hours in advance of the meeting or scheduled activity. The ADA Coordinator is Melissa Perilstein, 732-632-8509, mperilstein@metuchen.com.

ORDINANCE 2025-18

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE AMENDING CHAPTER 193 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED “WRECKERS AND TOWERS”

WHEREAS, the Chief of Police have recommended that the Borough revise and update Chapter 193 of the Code of the Borough of Metuchen entitled, “Wreckers and Towers”;

WHEREAS, the Mayor and Council have determined based upon the recommendations of the Chief of Police amend Chapter 193, entitled “Wreckers and Towers”.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that Chapter 193 entitled “Wreckers and Towers” is hereby amended to state as follows:

CHAPTER 193

WRECKERS AND TOWERS

§ 193-1. Purpose.

The purpose of this chapter is to provide standards, regulations and rates for all police-requested towing and roadside repair services on roadways within the Borough of Metuchen. Police requested services shall be rotated among licensees and provided under the supervision of the Police Department of the Borough of Metuchen.

§ 193-2. Definitions.

As used in this section, the following terms shall have the meanings indicated:

BASIC TOWING SERVICE — The removal and transportation of a vehicle from a highway, street, or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto.

CRUISING — The operation of an unengaged tow truck along the public streets in any fashion intended or calculated to solicit business.

EMPLOYEE — Any person employed by a licensee to operate a wrecker.

GROSS VEHICLE WEIGHT — The registration weight, the manufacturer's gross vehicle weight rating or actual weight.

WRECKER — A vehicle used to tow or remove other vehicles usually so damaged or disabled that they cannot proceed under their own power. Class I wreckers are capable of towing or removing a category I vehicle and class II wreckers are capable of removing or towing a category II vehicle.

§ 193-3. License.

A license shall be required to perform police-requested towing and roadside repair services on roadways within the Borough of Metuchen. Any person or entity wishing to obtain a license pursuant to this chapter shall submit a license application to the Borough Clerk. Towing operators shall be licensed for placement on one or both of the following: (1) the Light/Medium Duty Tow List, or (2) the Heavy Duty Tow List. Each list shall be separately maintained and administered by the Chief of Police or the Chief's designee, and towers may apply for inclusion on either or both lists based on eligibility and qualifications.

§ 193-4. Term of license.

Licenses shall be issued by the Borough Clerk. Each license shall be issued for a maximum term of three (3) years and shall terminate upon the expiration of the third (3rd) year. All licensees shall have their facilities and vehicles inspected on an annual basis by a member of the Metuchen Police Department and at that time shall pay their annual fee.

§ 193-5. Annual License fee.

A. A fee of \$100.00 per vehicle shall be paid annually by the license applicant in order to obtain a license for light/medium duty towing.

B. A fee of \$200.00 shall be paid annually by the license applicant in order to obtain a license for heavy duty towing.

C. License fees shall be nonrefundable for any reason.

§ 193-6. Requirements for licenses.

No person or entity shall be eligible for the issuance of a license unless the following requirements are fulfilled:

A. All towing equipment utilized by applicants shall be in compliance with state, federal and local laws.

B. Applicants shall have the following minimum equipment:

(1) One wrecker capable of removing an automobile.

(2) Safety equipment to be carried on all trucks shall include: A universal towing sling, except flatbeds; J-hooks and chains; one snatch block for three-eighths to one-half inch cable; two high-test safety chains; auxiliary safety light kit to place on rear of towed vehicle; four-lamp or three-lamp revolving amber light or lamp bars of at least 500 candle power pointed to the rear, mounted so as not to be obstructed by the towed vehicle(s) and said lights must be engaged during the removal of the vehicle(s); at least three flares or other suitable warning devices visible for a distance of not less than 1,000 feet from the disabled vehicles; toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights;

bodyclearing lights located to clear towed vehicle; blocking choke for wrecker while working safety cones; shovels and broom; steering wheel lock or tiedown; and an operational fire extinguisher designed for vehicular fires which must be 25lb BC dry chemical; and five gallons of absorbent granules for cleaning up fluid spills.

(3) All wreckers must be properly and permanently lettered on both sides according to Title 39 of the Motor Vehicle Code of New Jersey.

C. License applicants shall submit a detailed list of all wreckers and service vehicles, as well as supplementary/auxiliary equipment owned or leased which will be used in performance of this chapter. A copy of the vehicle registration, amber light permit(s), certificate of insurance for vehicles and property, insurance cards and leases must also be provided with this list. The list must contain the following information; type of vehicle, year/make, capacity and condition of the vehicle.

D. License applicants shall demonstrate that they maintain a storage facility properly zoned for such use. Each license applicant must have an outdoor storage area large enough to accommodate at least 10 vehicles. Each license applicant may have an indoor, secured storage area sufficient to house at least two vehicles and provide twenty-four-hour security for the same for the storing of impounded vehicles involved in criminal matters. In order for a towing company to be considered for a towing license, their storage facility must be within six (6) miles of the center point of Metuchen (Metuchen Train Station). This shall include both light/medium duty towing licenses and heavy duty towing licenses.

E. License applicants shall maintain the following insurance:

(1) A garage keeper's liability policy covering fire, theft, and explosion in the minimum amount of \$60,000.

(2) A garage liability policy covering the operation of the licensee's equipment or vehicles for an amount of \$300,000 for any one person killed or injured in any one accident; and \$100,000 for all property damage from one accident.

(3) Automobile liability insurance in the amount of not less than \$1,000,000 combined single limit for bodily injury and property damage liability.

(4) Worker's compensation insurance insuring the obligation of the wrecker operator under the New Jersey Workers' Compensation and Occupational Disease Laws.

(5) Insurance policies shall provide collision coverage for vehicles in tow.

F. License applicants shall submit the following for the applicant and all employees: name, address, date of birth, social security number, photocopies of all New Jersey Drivers' licenses (including commercial drivers licenses), signature, name and address of an individual to contact in case of emergency. The Metuchen Police Department shall conduct background investigations of all license applicants and their employees. Any

person with a criminal record will not be allowed to perform Police Department towing and service and/or be issued a license.

G. In order for a towing company to be considered for a towing license, their storage facility must be within six (6) miles of the center point of Metuchen (Metuchen Train Station). This shall include both light/medium duty towing licenses and heavy duty towing licenses.

§ 193-7. Licensee standards of conduct and performance.

All licensees shall comply with the following requirements of conduct and performance:

A. Signs in view of the public shall be posted at storage facilities which contain the licensee's license number, business name, phone number, hours of operation, and towing fee schedule as outlined in this chapter in its entirety.

B. Outdoor storage areas must be able to be entirely lit from dusk through dawn and must be entirely enclosed by a sturdy fence at least eight feet in height, unless any statute or regulation requires otherwise. Storage areas shall be kept clean so as to be reasonably accommodating to persons who may come upon said premises.

C. Licensees shall not store towed vehicles on top of one another, shall not park any said vehicles on public roadways or sidewalks, nor shall licensees block any public roadways or sidewalks with towed vehicles.

D. Employees of licensees must be registered with the Metuchen Police Department prior to performing any services for licensees. Information on employees shall be updated every 90 days in order to keep current with changes in personnel.

E. Licensees and/or their employees must possess a valid New Jersey driver's license.

F. Licensees and/or their employees shall be fully trained and knowledgeable in the operation of all required equipment.

G. Licensees and/or their employees must be equipped with and trained in the basic tools necessary to perform minor roadside repairs.

H. Licensees and/or their employees must be equipped with and trained in the necessary tools and equipment to perform all facets of the safe and efficient removal of all types of motor vehicles under this chapter regardless of the physical condition of the vehicle.

I. Licensees are responsible for the removal of all debris from an accident scene, which includes sweeping the roadway. Licensees and/or their employees must be equipped with and trained in the necessary equipment needed to completely remove, and must remove, all nonhazardous debris from the scene of the accident. Debris must be

placed in a container or bag. Any minor fluid spills will be picked up by the wrecker operator and may be put out in the regular trash after 24 hours.

J. Licensees and their employees must wear orange reflective safety vests when engaged in the towing or repair of motor vehicles while on public roadways.

K. Licensees and their employees must follow the directions of law enforcement personnel.

L. Licensees and their employees are expected to always act in a professional manner and at all times to be courteous and respectful towards members of the public. Licensees and their employees shall not represent to any member of the public that they are employees of the Borough of Metuchen.

M. Licensees shall not engage in cruising.

N. Licensees shall be responsible for all vehicles and contents in their custody that were towed off the roadway under the direction of the police.

O. Licensees and their employees shall preserve evidence needed for potential criminal and civil cases at the direction of law enforcement personnel. Vehicles involved in criminal matters which are impounded and stored in a licensee's storage area shall not be removed from such storage area until written permission is obtained from the Metuchen Police Department.

P. Licensees shall notify the Metuchen Police Department on a monthly basis if they are in custody of any unclaimed vehicles. The Police Department will file for titles of abandoned motor vehicles left on a licensee's premises. Any licensee failing to notify the Metuchen Police Department within 30 days that a vehicle has been abandoned shall forfeit storage fees for days in excess of 30 days such vehicle is stored.

Q. Licensees and their employees shall cooperate with other licensees and their drivers in case of emergency services at the scene of the accidents and/or disasters.

R. Licensees shall arrive at the scene within 20 minutes from a police request for service.

S. Wreckers shall be maintained and operated in a safe and prudent manner and in accordance with all existing traffic regulations.

T. Licensees shall maintain an accurate file of all vehicles towed. Such files shall be maintained for three years.

U. Licensees shall make their storage facilities open to the public Monday through Friday, 8:00 a.m. to 6:00 p.m.

V. Licensees must post the fee schedule contained in this section in its entirety on each wrecker in easy view of the public.

W. Licensees shall fill out an abandoned vehicle form and bring it to the Metuchen Police Department on the thirty first (31st) day of holding a vehicle. If the vehicle is sold at a public auction, the minimum bid will be the cost of the tow and storage fees unless a lower bid is authorized by the licensee.

X. All licensees must have a phone number where they can be reached 24 hours a day to take calls for police-requested towing and service. Such phone number may not be a beeper number. There will be at least one yearly meeting between all licensees and the Metuchen Police Department. All licensees will have at least one representative present.

Y. If a licensee fails to respond to a towing or service call in a timely manner, the next licensee on the appropriate list shall be called to handle the call. A wrecker which arrives at the site of a towing or service call after the time to respond has expired shall not be allowed to handle that call, in the event a second licensee has already been called to handle the towing or service call.

Z. Licensees may not transfer a license issued pursuant to this chapter under any circumstances.

AA. All towing equipment utilized by licensees shall be in compliance with state, federal, and local laws and shall be inspected by the Metuchen Police Department on an annual basis.

BB. All towing equipment utilized by licensees shall be in compliance with state, federal, and local laws and shall be inspected by the Metuchen Police Department on an annual basis.

CC. Subcontracting. The towing agency shall not assign calls to other tow companies. In the event that the assigned agency is unavailable, the next company on the list will be called until a towing agency is able to complete the request. Subcontracting of any services under this section is only allowed when a towing agency is temporarily in need of an additional tow vehicle or extraordinary circumstances require specialized and unique recovery and transport services. A copy of the subcontractor's invoice must be provided to the patron at the time the vehicle is released. The subcontractor must also follow the fees established in the ordinance. If a vehicle needs to be stored that vehicle must be towed to the originally called towing agency's storage lot.

§ 193-8. Maximum fees to be charged by licensees; response times.

A. The following fees are the maximum fees which may be charged by licensees:

| Service | Rate |
|----------------------------------|----------------------|
| Towing Charge | |
| Light Duty – up to 10,000 lbs. | \$155.00 for hook-up |
| Medium Duty – 10,001-16,000 lbs. | \$300.00 per hour |
| Heavy Duty – 16,001 and above | \$500.00 per hour |

| | |
|---|--|
| Motorcycles | \$155.00 |
| Additional charges | |
| Recovery/Winching (In addition to Towing) | |
| Light/Medium Duty vehicles up to 16,000 lbs. | \$\$\$350.00 per hour charged in ½ hour increments of \$175.00 per ½ hour. |
| Heavy Duty 16,001 lbs. and above | \$650.00 per hour |
| Storage | |
| Storage of all towed vehicles except heavy duty | \$50.00 per day/day in-day out |
| Storage of all heavy duty vehicles 16,001 lbs and above | \$125.00 per unit per day |
| Administrative charges | |
| Moving of vehicles | \$50.00 per vehicle |
| Specialized Recovery Equipment | |
| Rotator / Crane Recovery Unity | \$1,200.00 per hour |
| Tractor with Landoll Trailer or Detach Trailer | \$500.00 per hour |
| Tractor/Transport Hauler | \$350.00 per hour |
| Refrigerator Trailer W/ Tractor | \$550.00 per hour |
| Box Trailer W/ Tractor | \$500.00 per hour |
| Air Cushion Unit | \$1,000.00 per hour |
| Light Tower | \$250.00 per hour |
| Pallet Jack | \$200.00 flat rate |
| Rollers | \$200.00 flat rate |
| Any Other Specialized Equipment | \$300.00 per hour |
| Loader/ Backhoe/ Telescopic Handler/ Bulldozer/ Bobcat | \$400.00 per hour per piece of equipment |
| Forklift | \$400.00 per hour |
| Dump Truck/ Dump Trailer W/ Tractor | \$400.00 per hour |
| Roll-Off W/ Container | \$400.00 per hour plus disposal costs |
| Recovery Supervisor Vehicle | \$150.00 per hour |
| Scene Safety Equipment, Communication Equipment, Traffic Management Equipment | \$250.00 per hour each type used |
| Recovery Support Vehicle/ Trailer Additional Recovery Equipment | \$350.00 per hour |
| Additional Services/Notes | |

| | |
|--|------------------------------------|
| Fuel/ Hazmat/ Cargo Spills Clean-up and Disposal | Time and material costs |
| Hazmat and Trash Recovery | 10% Surcharge |
| Subcontractor Mark-Up | 20% |
| Administrative Charge After 3rd Visit to Vehicle | \$50.00 |
| After Hours Release | \$85.00 |
| Tarping/ Wrapping Vehicle | \$90.00 per car \$250.00 per truck |

B. In accordance with N.J.S.A. 40:48-2.50, all fees paid to a licensee by the Borough of Metuchen for the storage of motor vehicles shall not exceed the following:

- (1) A limit of \$3 per day for the first 30 days of storage per vehicle;
- (2) A limit of \$2 per day for the 31st day of storage and any day thereafter, and;
- (3) A limit of \$400 per vehicle stored regardless of the duration of the storage, except that a waiver may be granted for good cause upon the request of a municipality by the Division of Local Government Services in the Department of Community Affairs.
- (4) Vehicles stored on the property of the Borough of Metuchen shall be subject to a storage fee of \$20 per day payable to the Borough.
- (5) Licensees may accept Visa, MasterCard, or cash as payment for services. Checks, if accepted, will be by mutual consent of tow company and motorist.
- (6) Mileage fees are not permitted within the borders of Metuchen. No other fees or charges are permitted except as set forth above.

C. Response times. Licensee shall arrive at the scene within 20 minutes of the request made by the Police Department. If a licensee/tower does not respond within the allowed response time, the Police Department may call the next licensee/tower on the approved list and the first licensee/tower shall forfeit all rights to any fees or charges for their failure to meet the response time requirements of this chapter. In addition a licensee who fails to meet the response time requirement may also be subject to disciplinary action pursuant to Section 193-9, including not limited to a suspension for up to three days or for repeat offenders license revocation and removal from the list set forth in Section 193-10.

§ 193-9. License suspension or revocation.

A. The Police Chief or his designee may suspend or revoke the license of any licensee if the licensee fails to comply with the requirements of this chapter.

B. The Chief of Police or his designee shall hold a hearing prior to suspending or revoking any license, except that the Chief of Police or his designee may order an immediate temporary license suspension in the interest of public health and safety and welfare. Licensees shall be given notice of the hearing at least five business days prior to a

hearing date. Licensees shall be entitled to a hearing within five business days of any temporary suspension to determine whether any further action is necessary.

§ 193-10. Police-requested towing.

The Police Department shall maintain current rotational lists of wrecker operators for police requested service calls and towing calls. The Police Department shall maintain a list for service calls and two towing call lists; one for wreckers capable of towing light/medium-duty vehicles and one for wreckers capable of towing heavy-duty vehicles. The Borough of Metuchen Tow List will be a 24-hour rotation between tow agencies for Light/Medium Duty tows. The company's individual day will start at 12:00 a.m. and will end at 11:59 p.m. The Borough of Metuchen Heavy Duty Tow list will be a weekly rotation between tow agencies for Heavy Duty tows. The Rotation will start at 12:00 a.m. on Sunday and will end at 11:59 p.m. on Saturday.

§ 193-11. Rules and regulations.

The Chief of Police may promulgate rules and regulations to implement the provisions of this chapter.

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of Code of the Borough of Metuchen not specifically amended herein shall not be affected by the within amendments and shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall take effect after final passage, publication as required by law and on January 1, 2026.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials shall take all necessary actions to in order to effectuate the within Ordinance.

ORDINANCE 2025-19

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED, “TREE REMOVAL AND REPLACEMENT” CREATING A TREE BANK FUND DEDICATED TO TREE PLNTING AND MAINTENANCE

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) required municipalities to adopt NJDEP mandated community-wide regulations for tree removal and tree replacement for all types of properties; and

WHEREAS, the NJDEP Model Ordinance permitted the Borough to accept a payment of a fee the amount of which is to be set by the municipality per tree removed to be placed in a fund dedicated to tree planting and continued maintenance of the trees; and

WHEREAS, pursuant to the NJDEP Model Ordinance, by way of Ordinance No. 2024-2025, the Borough of Metuchen adopted an Ordinance amending Chapter 77, entitled “Tree Removal and Replacement” regulating tree removal and replacement within the Borough and establishing such a fee; and

WHEREAS, the Borough of Metuchen has determined it to be in the best interest of the Borough to create a Tree Bank Fund for the deposit and use of the funds received pursuant to the Chapter 77 dedicated for the use of tree planting and maintenance throughout the Borough.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that Chapter 77 entitled “Tree Removal and Replacement” is hereby amended to include § 77-7 through§ 77-8 as follows:

CHAPTER 77

TREE REMOVAL AND REPLACEMENT

§ 77-7. Tree Bank Fund Established

The Borough of Metuchen hereby establishes a Tree Bank Fund. All funds collected pursuant to Chapter 77, including application and tree removal and replacement fees shall be deposited into a “Tree Bank Fund” which shall be collected, dedicated and utilized consistent with the guidelines set forth herein.

§ 77-8. Tree Bank Fund Management

Tree Bank Funds shall be allocated and expended with the following priority:

A. Replacing trees identified by the Borough Administrator, in consultation with the Shade Tree Commission, Borough Engineer and/or other Borough personnel as having suffered damage sufficient to kill, or eventually kill them due to proposed development activities;

B. Planting trees where the Borough Administrator, in consultation with the Shade Tree Commission, Borough Engineer and/or other Borough personnel have determined there is inadequate forestation;

C. Removing and replacing trees identified by the Borough Administrator, in consultation with the Shade Tree Commission, Borough Engineer and/or other Borough personnel that are dead, dying or diseased;

D. Properly disposing of trees that are dead, dying or diseased such as not to spread any disease or infestation to healthy trees;

E. Preserving trees by performing the appropriate tree maintenance as determined by the Borough Administrator in consultation with the Shade Tree Commission, Borough Engineer and/or other Borough personnel.

F. The Tree Bank Funds shall be allocated and expended with the following priority as to the location of the tree replacement and maintenance:

1. The site of the proposed development;
2. Public parcels of land adjacent to the proposed development site;
3. Other inadequately forested public lands and/or areas and trees requiring maintenance for the preservation of trees throughout the Borough.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Metuchen that § 110-180(G) shall be amended to state as follows:

G. If the Borough Zoning Officer or the approving authority determines that some or all of the street trees cannot be accommodated on or along the front of the subject premises, the applicant shall pay to the **Tree Bank Fund** ~~Shade Tree Commission~~ the sum of \$500 per street tree required, to be used **as provided by § 77-8** ~~by the Shade Tree Commission for the planting of trees on public lands in the Borough.~~; and

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of Code of the Borough of Metuchen not specifically amended herein shall not be affected by the within amendments and shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed, and/or amended to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall take effect after final passage, publication as required by law.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials shall take all necessary actions to in order to effectuate the within Ordinance.

ORDINANCE 2025-20

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE AMENDING CHAPTER 120 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, “MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS”

WHEREAS, the Mayor and Council have determined that the business of operating massage bodywork and somatic therapy establishments are businesses affecting the public health, safety and welfare of the municipality; and

WHEREAS, Chapter 120 of the Code of the Borough of Metuchen regulates and governs Massage, Bodywork and Somatic Therapy Establishments within the Borough of Metuchen; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the health, safety and welfare of the Borough and its residents to amend Chapter 120 of the Code of the Borough of Metuchen the Borough’s regulations relating to Massage, Bodywork and Somatic Therapy Establishments and Massage, Bodywork and Somatic Therapists.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex, that it hereby amends Chapter 120, entitled “Massage, Bodywork and Somatic Therapy Establishments” to state as follows:

Chapter 120

Massage, Bodywork and Somatic Therapy Establishments

§ 120-1. Definitions.

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

MASSAGE, BODYWORK AND SOMATIC THERAPIES — Refers to any systems of activity of structured touch which include, but are not limited to holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such applications may include but are not limited to the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, movement and neural myofascial education and education in self-care and stress management. Massage and bodywork therapy practices are designed to affect the soft tissue of the body for purposes of promoting and maintaining the health and well-being of the client. Massage, bodywork and

somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

MASSAGE, BODYWORK OR SOMATIC THERAPY ESTABLISHMENT — Any establishment or operation wherein massage, bodywork or somatic therapies are administered or are permitted to be administered when such therapies are administered for any form of consideration.

MASSAGE, BODYWORK AND SOMATIC THERAPIST — Any person, male or female, who administers massage, bodywork and/or somatic therapies for a form of consideration.

§ 120-2. Permits required, Permit Limitations.

- A. Business permit required. No person, firm or corporation shall operate any establishment or utilize any premises in the Borough of Metuchen in Middlesex County as or for a massage, bodywork or somatic therapy establishment unless or until there has first been obtained a permit for such establishment or premises from the Clerk of the Borough of Metuchen in accordance with the terms and provisions in this Chapter. There shall be a total limit of five (5) Business Establishment Permits and/or renewal permits issued annually. Notwithstanding the aforementioned limitation, existing permit holders, in good standing, and upon completion of the renewal application and payment of fees contained herein shall be entitled to a renewal permit issued. Upon the effective date of this chapter, no new permit shall issue for a massage establishment to be located within 500 feet of an existing massage, bodywork or somatic therapy establishment. Permits are nontransferable as to location and ownership. A new application, including payment of the applicable fee, must be submitted for any change of location and any change of ownership interest.

- B. Massage, bodywork and somatic therapist permit required. No person shall practice massage or related therapies as a massage, bodywork and somatic therapist, employee or otherwise, unless he or she has a valid and subsisting massage, bodywork and somatic therapist's permit issued to him or her by the Borough of Metuchen pursuant to the provisions of this chapter.

§ 120-3. Massage, Bodywork or Somatic Therapy Establishment Permit fee.

A. Every applicant for a permit to maintain, operate or conduct a massage, bodywork or somatic therapy establishment or outcall massage, bodywork or somatic therapy service shall file an application with the Borough Clerk upon a form provided by said Clerk and pay an initial annual fee of \$1,000.00. The annual fee for renewal of an Establishment Permit shall be \$500.00.

B. The application and renewal fee set forth in sub-section (A) shall not include salons and/or spas where massage, body work or somatic therapy services are determined to only be a peripheral service offered, and not one of the primary businesses conducted at the establishment. The application fee in such an instance shall be \$500.00 and an annual fee for renewal of \$250.00.

C. Business Establishment Permits issued salons and/or spas where massage, body work or somatic therapy services are determined to only be a peripheral service offered, and not one of the primary businesses conducted at the establishment shall not be included in the limitation of permits contained in § 120-2(A).

§ 120-4. Application for permit.

Any person desiring a Massage, Bodywork or Somatic Therapy Business permit and/or a Massage, Bodywork and Somatic Therapist Permit shall file a written application with the Borough Clerk on a form to be furnished by the Borough Clerk. The applicant shall accompany the application with a tender of correct fee as provided for in § 120-3 and § 120-7. The permit fees shall not be pro-rated dependent upon the time of year the Applicant files the application with the Borough Clerk.

§ 120-5. Building requirements; inspections.

The Borough Clerk, upon receiving an application for a massage, bodywork or somatic therapy establishment permit, shall refer the application to the Building Department, the Fire Department, the Police Department, the Health Department and the Zoning Officer, which departments may inspect the premises proposed to be operated as a massage establishment and make written recommendations to the Borough Clerk concerning compliance with the codes that they administer. No massage, bodywork or somatic therapy establishment shall be issued a permit or be operated, established or maintained in the Borough unless an inspection by the Health Officer, Building Inspector and Fire Inspector reveals that the establishment complies with the minimum requirements of the Building and Health Codes for businesses operating in the Borough of Metuchen.

§ 120-6. Application requirements.

A. Massage, Bodywork and Somatic Therapy Establishment Application

1. Any person desiring a massage, bodywork or somatic therapy business permit shall file a written application with the Borough Clerk. The applicant shall accompany the application with a tender of correct fee as provided in § 120-3 and shall, in addition, furnish the following:

(a) The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.

(b) The name, style and designation under which the business is to be conducted.

(c) The business address and all telephone numbers, email address and facsimile, where business is to be conducted.

(d) A complete list of the names and addresses of all massage, bodywork and somatic therapists and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business.

(e) If applicable, proof of Registration with the New Jersey Board of Massage and Bodywork Therapy in the Division of Consumer Affairs.

(f) A copy of a valid certification or license issued by the New Jersey Board of Massage and Bodywork Therapy for each massage therapist who will provide massage and bodywork therapies for the massage establishment.

(g) The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than ten (10%) percent 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:

(1) The name, completed residence address and residence telephone number and date of birth.

(2) A copy of a driver's license, passport or other governmental-issued photo identification. The copy shall be in color and of such a quality so that the owner, partner, manager, or other person principally in charge of operating the business is readily identifiable from the photograph.

(h) The massage therapy or similar business history and experience, including, but not limited to whether or not such a person has previously operated in this or another city or state under a 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.

(i) All criminal convictions other than traffic violations, disorderly persons offenses and petty disorderly persons offenses shall be reported on the applicant's application fully disclosing the jurisdiction in which the crime was committed and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department. Upon completion of the background check, the Police Department, in its discretion and based upon the circumstances of the offense or nature of the crime, shall make a recommendation in writing to the Department of Health as to whether the applicant may receive a permit.

(j) The names and addresses of three (3) adult residents of the County who will serve as character references. These references must be persons other than relatives and business associates.

(k) All criminal convictions of disorderly persons offenses and/or petty disorderly persons offenses involving prostitution shall also be reported on the applicant's application fully disclosing the jurisdiction in which the crime was committed and circumstances thereof.

(l) A sworn statement indicating that all massage and 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 and Bodywork Therapist Licensing Act, *N.J.S.A. 45:11-53 et seq.* and *N.J.A.C. 13:37-16, et seq.*

(m) Proof of appropriate liability insurance coverage with a reputable company licensed by the State of New Jersey in an amount of not less than \$500,000 per occurrence and in the aggregate for all claims caused by personal injury.

(n) Satisfactory proof that all applicable building, zoning, health and fire code requirements have been met and inspection certificates issued.

B. Massage, Bodywork and Somatic Therapist Application

1. Any person desiring a massage, bodywork or somatic therapist permit shall file a written application with the Borough Clerk and personally appear before the Borough Clerk. The applicant shall accompany the application with a tender of correct fee as hereinafter provided and shall, in addition, furnish satisfactory evidence of the following:

- (a) A copy of a valid certification or license issued by the New Jersey Board of Massage and Bodywork Therapy; or
- (b) Successful completion of study or coursework and/or certificate or certification in the field of massage, bodywork or somatic therapy for which the Applicant will be employed and to be utilized in an approved Massage, Bodywork and Somatic Therapy Establishment; or
- (c) Successful completion of the written examination offered by the National Certification Board for Therapeutic Massage and Bodywork.

2. The following information concerning the applicant may also be required:

- (a) The name, complete residence address and residence telephone number.
- (b) The two previous addresses immediately prior to the present address of the applicant.
- (c) A copy of a driver's license, passport or other governmental-issued photo identification. The copy shall be in color and of such a quality so that the owner, partner, manager, or other person principally in charge of operating the business is readily identifiable from the photograph
- (d) Written proof of age.
- (e) Height, weight, sex and color of hair and eyes.
- (f) Two front-face portrait photographs taken within 30 days of the date of the application and at least two by two inches by two inches in size.
- (g) Massage therapy or similar business experience, including but not limited to whether or not such person has previously been employed 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.

- (h) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department.
- (i) The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

§ 120-7. Massage, Bodywork and Somatic Therapist Permit fee.

Every applicant for a Massage, Bodywork and Somatic therapist permit shall file an application with the Borough Clerk “in-person” upon a form provided by said Clerk as set forth above and pay an annual fee of \$100.00 which permit fee shall become due on the first day of January each year.

§ 120-8. Display of permits.

The massage, bodywork or somatic therapy establishment shall display the Business Establishment Permit and a valid License, Certificate and Permit issued by the State and the Borough of each and every massage, bodywork and somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment.

§ 120-9. Operating requirements.

A. Every portion of the massage, bodywork or somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

B. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

C. All employees, including massage, bodywork or somatic therapists, shall be clean and wear clean, nontransparent outer garments.

D. 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.

E. 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.

F. It shall be unlawful for any person knowingly, in a massage 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.

G. No massage, bodywork or 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.

H. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities 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.

I. Oils, creams, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be kept in clean, closed containers or cabinets.

J. Animals, except for Seeing-Eye dogs, shall not be permitted in the massage work area.

K. 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 each patron.

L. Laundering is restricted to only those linens and towels used within the operation and must be laundered in accordance with *N.J.A.C. 13:37A-3.2(j)*. The laundering of personal clothing and/or other items is prohibited. Personal clothing or other personal items may not be commingled with the linens or towels used in the operation nor shall personal clothing not specific to the operation be stored on the premises.

M. No bulk food storage or meal preparation shall be permitted on premises.

N. No person under 18 years of age shall be served unless accompanied by a parent or legal guardian.

O. Alcoholic beverages shall not be stored nor consumed on the premises.

P. Each massage and bodywork therapy area/room shall be equipped with a sink and an adequate area within each room for clients to store personal items.

Q. Client records must be kept for each and every client who receives services from the massage establishment. These records shall include at a minimum an intake form filled out by each customer to include the customer's name, address, phone number, date of birth, date of service, the specific service received, the licensed therapist's full name and New Jersey State Massage and Bodywork Therapist License number, and the signature of the client. These records must be stored on the premises and available for review by the Health Department at all times for a period of not less than two years from the date the service was performed.

R. Signage specifying the age restriction and the required record keeping requirements must be posted in English, conspicuously displayed and clearly readable from the customer entrance of the establishment at all times.

S. Pest control chemicals or sprays are prohibited. Pest control services must be performed by NJDEP-licensed pest control contractors.

T. No Massage Bodywork Somatic Therapy Establishment, nor a Massage, Bodywork and Somatic therapist, shall knowingly serve any patron infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may certify that a person may be safely provided with massage or bodywork therapy, prescribing the conditions thereof.

§ 120-10. Inspections.

The Borough Police Department, Health Officer, Department of Health, Fire Chief, Construction Officer, the Building Department, Code Enforcement Officer, Zoning Officer and/or any other Entity or Individual designated by the Borough may make inspections of any and all parts of the massage, bodywork or somatic therapy establishment granted a permit under the provisions of this chapter to ensure compliance with the provisions of this Chapter, the Borough Code and the laws and administrative codes of the State of New Jersey on no less than an annual basis and shall be permitted to perform spot inspections without need of obtaining any approval of the operator of the business or an administrative search warrant. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

§ 120-11. Sleeping quarters.

No part of any quarters of any massage, bodywork or somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters, nor shall any person sleep in such massage, bodywork or 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 a massage, bodywork or somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or clubs.

§ 120-12. Prohibited acts.

- A. No owner, operator or manager of a massage, bodywork or somatic therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly but not exclusive of laws prescribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy; relating to the commission of adultery; and prescribing fornication; nor shall any owner or manager tolerate in his or her establishment an activity or behavior which violates this chapter.
- B. The owner, operator or manager of a massage, bodywork or somatic therapy establishment shall not permit, and a Massage, Bodywork and Somatic Therapist during the course of

rendering their services, shall not perform in such an establishment any of the following activities:

- (1) Table Showers;
 - (2) Ear candling.
 - (3) All procedures and services that involve ear picks, ear scoops or ear spoons.
 - (4) Cupping, or applying the open end of a glass vessel or vessel of another material onto the client's skin and utilizing an open flame to heat the vessel.
 - (5) Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy, including but not limited to fish foot spas.
 - (6) Any activities or therapies that utilize animal waste or products that contain animal waste as an ingredient; or
 - (7) Colon cleansing.
- C. Any conviction of any employee of a massage, bodywork or somatic therapy establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such club, to the extent that it constitutes sufficient cause for the suspension or revocation of the establishment permit.
- D. Any conviction of any Massage, Bodywork and Somatic therapist of a violation of the aforementioned statutes and codes shall constitute sufficient cause for the suspension or revocation of the therapist's permit.

§ 120-13. Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction, be punished by imprisonment for a term not to exceed 90 days or by a fine not exceeding \$1,000, or both, in the discretion of the Court.

§ 120-14. Revocation of Permit

A. The Health Officer, Code Enforcement Officer or any other official designated by the Borough for the enforcement of this Chapter may revoke the permit of a massage, bodywork or somatic therapy establishment for any of the following reasons:

(1) The massage establishment violates or fails to comply with any provisions of this chapter of the Borough Code, or laws and administrative codes of the State of New Jersey.

(2) Any person or massage therapist employed by the massage establishment violates or fails to comply with any provisions of this chapter of the Borough Code or laws and administrative codes of the State of New Jersey.

(3) Anyone with an ownership interest in the massage establishment is convicted of a criminal or quasi-criminal offense related to the massage establishment business or any sex-related offense.

(4) Any person or massage therapist employed by the massage establishment is convicted of a criminal or quasi-criminal offense related to the massage establishment business or any sex-related offense.

(5) The massage establishment is engaged in the practice of massage under a false or assumed name or is using the name of a licensed massage therapist not associated with the massage establishment.

(6) The massage establishment employs or permits any person without a valid certification or license from the New Jersey Board of Massage and Bodywork Therapy to provide massage services for the massage establishment.

B. The Health Officer, Code Enforcement Officer or any other official designated by the Borough for the enforcement of this Chapter shall cause a notice of permit revocation to be issued to the Permit holder, at the Permit holder's most recent address on file, that the Permit has been revoked. Within 10 days of the delivery of said notice, the Permit holder may appeal to the Borough Council to reinstate the permit. The filing of such notice shall not stay any revocation of the permit for the premises. The Borough Council shall hold a hearing within 90 days of receipt of a notice of appeal. Once the ten-day appeal period has passed, or if upon appeal to the Borough Council the permit revocation is upheld, the massage establishment or individual will be barred from providing massage services within the Borough for a period of five years and may apply for a new establishment permit, if one is available, upon the expiration of five years.

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of Code of the Borough of Metuchen not specifically amended herein shall not be affected by the within amendments and shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed, and/or amended to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall take effect after final passage, publication as required by law.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials shall take all necessary actions to in order to effectuate the within Ordinance.

RESOLUTION 2025-266

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn, and all bills be paid totaling \$880,368.69.

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

Rebecca Cuthbert, CFO