

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, NEW JERSEY TO  
AMEND, SUPPLEMENT AND REVISE CHAPTER 45 OF THE CODE OF THE  
TOWNSHIP OF FAIRFIELD REGARDING MASSAGE THERAPY AS AN  
ACCESSORY USE TO HEALTH CLUBS**

**WHEREAS**, it has been determined by the Mayor and Council of the Township of Fairfield that it is necessary to amend and revise the Code of the Township of Fairfield to better define when the use of massage therapy should be permitted as an accessory use; and

**WHEREAS**, the Mayor and Council are seeking to improve the organization of the Zoning Ordinance, a new definition of massage therapy shall be defined and included in Chapter 45-7.1 of the Code; and

**WHEREAS**, Section 45-39.3(d) regarding the conditional uses is hereby superseded and shall be removed from the Code in its entirety.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY AS FOLLOWS:**

1. The following shall be added to the Municipal Code of the Township of Fairfield, relating to Massage:

ARTICLE III Section 45-7.1 Terms Defined is hereby supplemented as follows:

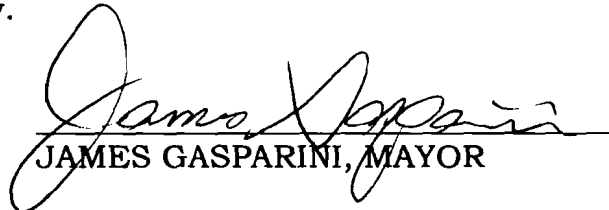
**MASSAGE:** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or similar preparations.

2. The following shall be added to the Municipal Code of the Township of Fairfield:

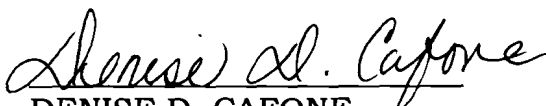
ARTICLE IV Section 45-12.4 Accessory Structures and Uses is hereby supplemented as follows:

- i Massage therapy shall be permitted as an accessory use to the following principal uses wherever they are permitted: health clubs, gyms, chiropractor offices, physical therapy offices, and medical doctor offices. The following limitations shall apply:

1. Such accessory use shall occupy no more than 25 percent of the floor area open to the public and devoted to the permitted principal use to which it is an accessory.
2. The operator/owner of such accessory use shall be validly licensed pursuant to Chapter IV Article 4-9 of the Code of the Township of Fairfield.
3. ARTICLE VII Section 45-39.3 Conditional Uses is hereby amended and shall be deleted from the Code in its entirety as follows:
  - d. ~~Message parlors or similar uses (place of establishment where body massages are performed which are defined as the pressing, squeezing, stretching or stimulating of the neck, limbs, back or other parts of the human body with or without cosmetic or other preparation either by hand, mechanical or electrical appliances) shall be permitted provided the uses comply with the following conditions:~~
    1. ~~The principal or primary use of the establishment or premises is a health spa, beauty salon, physician's office, or chiropractor's office; and~~
    2. ~~The operator/owner has obtained a license pursuant to Chapter 39A of the Code of the Township of Fairfield.~~
    3. ~~Any other condition which the Planning Board deems necessary because of the particular location or nature of the use.~~
4. All Ordinances of the Township of Fairfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

  
JAMES GASPARINI, MAYOR

ATTEST:

  
DENISE D. CAFONE  
MUNICIPAL CLERK

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## **NOTICE**

**Notice** is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **March 9, 2009**, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **March 23, 2009 at 7:00 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone  
Municipal Clerk

**INTRODUCTION OF ORDINANCE MARCH 23, 2009**

**ORDINANCE #2009-09, AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, NEW JERSEY TO AMEND, SUPPLEMENT AND REVISE CHAPTER 45 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD REGARDING MASSAGE THERAPY AS AN ACCESSORY USE TO HEALTH CLUBS**

**INTRODUCED BY: COUNCILMAN LAFORGIA  
SECONDED BY: COUNCIL PRESIDENT MCGLYNN  
PUBLISHED MARCH 12, 2009  
2<sup>ND</sup> READING AND PUBLIC HEARING: MARCH 23, 2009**

**ROLL CALL VOTE**

<b>GOVERNING BODY</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>NO VOTE</b>
<b>COUNCIL PRESIDENT MICHAEL MCGLYNN</b>	<b>X</b>				
<b>COUNCILMAN JOHN LAFORGIA</b>	<b>X</b>				
<b>COUNCILMAN WILLIAM CONNINGTON</b>	<b>X</b>				
<b>COUNCILMAN THOMAS MORGAN</b>	<b>X</b>				
<b>MAYOR JAMES GASPARINI</b>	<b>X</b>				

**2<sup>ND</sup> READING AND PUBLIC HEARING MARCH 23, 2009**

**INTRODUCED BY: COUNCILMAN MORGAN  
SECONDED BY: COUNCILMAN LAFORGIA  
PUBLISHED: MARCH 26, 2009  
ROLL CALL VOTE**

<b>GOVERNING BODY</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>NO VOTE</b>
<b>COUNCIL PRESIDENT MICHAEL MCGLYNN</b>	<b>X</b>				
<b>COUNCILMAN JOHN LAFORGIA</b>	<b>X</b>				
<b>COUNCILMAN WILLIAM CONNINGTON</b>	<b>X</b>				
<b>COUNCILMAN THOMAS MORGAN</b>	<b>X</b>				
<b>MAYOR JAMES GASPARINI</b>	<b>X</b>				