

**TOWNSHIP OF HAMPTON
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 811

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
ITS ZONING ORDINANCE, AS CODIFIED AT CHAPTER
310 OF THE TOWNSHIP CODE OF ORDINANCES, TO
PROVIDE FOR THE REGULATION OF MASSAGE
THERAPY ESTABLISHMENTS AND TO ALLOW
MASSAGE THERAPY ESTABLISHMENTS IN THE
HIGHWAY COMMERCIAL DISTRICT**

WHEREAS, the Hampton Township Council is authorized by the Municipalities Planning Code to regulate zoning and land use within the Township through its Zoning Ordinance, as embodied in the current Zoning Ordinance, as codified at Chapter 310 of the Hampton Township Code of Ordinances;

WHEREAS, the Hampton Township Council desires to amend its Zoning Ordinance to include for the regulation of massage therapy establishments within the Township;

WHEREAS, by letter dated 6/18, 7/26, 8/9 2018, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to the Allegheny County Planning Agency (ACED) for review and comment, in response to which the Township did receive a comment letter from ACED;

WHEREAS, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at its duly noticed public meeting(s).

WHEREAS, on 8/8 & 9/12, 2018, the Hampton Township Council held a duly noticed and advertised public hearing to take public comments on the proposed amendments, and has duly advertised this Ordinance for consideration and enactment; and

WHEREAS, the Hampton Township Council, having received the public's comments and the recommendations of the Township's Planning Commission, finds that enactment of the proposed amendments to the Township Zoning Ordinance will be beneficial to the Township and consistent with the Pennsylvania Municipalities Planning Code.

NOW THEREFORE, be it Ordained and Enacted by the Hampton Township Council, and it is hereby Ordained and Enacted by authority of the same, as follows:

SECTION 1. AMENDMENTS

The Hampton Township Code Section 310-11, Definitions, shall be amended as follows:
The following definition shall be added and included as follows:

MASSAGE THERAPY ESTABLISHMENT - An establishment that employs massage therapists licensed by the Pennsylvania State Board of Massage Therapy, engaging in 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 Massage Therapy Law of Pennsylvania. 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 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. Massage therapy establishment does not include sexually explicit or sexually oriented businesses as defined and governed by Article XVII of the Hampton Township Code.

The Hampton Township Code Section 310-38, Highway Commercial District, C. Conditional uses. All conditional uses shall be subject to the standards and requirements set out in Article XII, shall be amended as follows: The following conditional use shall be added:

- (13) **Massage Therapy Establishments.** Massage therapy establishments shall be a permitted conditional use, subject to the expressed standards and criteria set forth in Section 310-78.

The Hampton Township Code Section 310-78, Conditional Use Standards and Criteria, shall be amended as follows: The following conditional use standards and criteria shall be added in regard to massage therapy establishments:

(41) Massage therapy establishments may be allowed as a conditional use in the Highway Commercial District [See 310-38.C.(13)], subject to the following expressed standards and criteria:

- a. All massage therapists employed by the massage therapy establishments shall be licensed to practice massage therapy under the Massage Therapy Law of Pennsylvania, 63 P.S. §§627.1-627.50 as amended from time to time. Said license shall be issued by the State Board of Massage Therapy pursuant to Chapter 20 of the Pennsylvania Code, §20.1-20.54.
- b. Hours of operation shall be restricted to 8:00 a.m. to 8:00 p.m., prevailing time. As part of its decision, the Hampton Township Council may further regulate the hours of operation for the facility in order to prevent adverse impacts on adjoining properties.
- c. The massage therapist licensed by the State Board of Massage Therapy shall operate in full compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Allegheny County Health Department.
- d. A massage therapy establishment shall be initially licensed by the Township, where it has met the applicable requirements set forth in the Hampton Township Code of Ordinances. The license shall be valid through December 31 of the year in which the license is issued. For each year thereafter that massage therapy establishment intends to continue as a massage therapy establishment, it must seek from the Township Manager a renewal of this license. The application for renewal must be received by the Township Manager no later than November 1 of the year preceding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the Township to deny or revoke an occupancy permit to a massage therapy establishment.
- e. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

- f. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Hampton Township Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- g. To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- h. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors, and guests.

SECTION 2: REPEALER.

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY.

That 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 of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Hampton Township Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ATTEST:



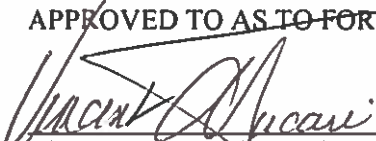
Township Manager

TOWNSHIP OF HAMPTON

By: 

President of Council

~~APPROVED TO AS TO FORM~~



Vincent A. Tucceri, Esquire
Township Solicitor