

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 - 2010

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 3-89, KNOWN AS THE MIDDLESEX TOWNSHIP ZONING ORDINANCE, BY PROVIDING FOR THE REGULATION OF MASSAGE ESTABLISHMENTS AND THE DURATION OF SPECIAL EXCEPTION APPROVALS.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of Middlesex Township, Cumberland County, Pennsylvania, as follows:

SECTION 1: Ordinance No. 3-89 entitled "Middlesex Township Zoning Ordinance" enacted June 30, 1989 and as subsequently amended, is hereby amended as follows:

A. Article X COMMERCIAL HIGHWAY DISTRICTS, Section 10.05, special exception uses, is hereby amended to include the following additional paragraph:

L. Message Establishments (See Section 14.57)

B. Article XIV, SUPPLEMENTARY REGULATIONS, is hereby amended to include the following additional Section:

SECTION 14.57 - MASSAGE ESTABLISHMENTS. The Zoning Hearing Board may approve Massage Establishments in the CH-Commercial Highway zoning district according to the procedures and requirements specified below, in Section 17.07, Section 18.06.C and as elsewhere specified in this Ordinance.

A. As used in this Ordinance, the following terms and words shall have the meanings ascribed to them below:

Massage: Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

Massage Establishment: Any establishment having a fixed place of business where any person, partnership, corporation or association, engages in, carries on, or permits to be engaged in or carried on, the practice of massage as is defined above, but shall exclude licensed hospitals, licensed nursing homes, medical clinics and the offices and quarters of licensed health profession practitioners.

B. The use and occupancy of any land, building or establishment as or for a massage establishment shall be subject to the following:

1. Massage establishments shall be permitted only in the CH – Commercial Highway zoning district.
2. A massage establishment shall not be permitted within five hundred (500) feet of any property line of a lot or parcel containing a structure or building used for residential purposes.
3. A massage establishment shall not be permitted within one thousand (1,000) feet of any property line of a lot or parcel of land on which a school (whether public, private, vocational, trade or commercial),

dormitory, place of worship, adult book store, adult theater or another massage establishment is located.

4. A massage establishment shall be conducted within the principal building as the main or principal use.
5. A massage establishment and all massage technicians shall meet all requirements and be bound by the provisions of Middlesex Township Ordinance No. 13-87 and any subsequent amendments thereto and/or successor ordinances.
6. Massage technicians shall meet all educational, training or other requirement established from time to time by the Commonwealth of Pennsylvania and any other governmental authority having jurisdiction thereof.
7. The massage establishment shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.

B. Article XVII, ADMINISTRATION AND ENFORCEMENT, Section 17.07, SPECIAL EXCEPTION USES, is hereby amended to include the following additional paragraph:

F. Expiration of Special Exception Approval. All special exception approvals granted by the Zoning Hearing Board shall expire within three (3) years of the date of its approval unless all necessary governmental, zoning, building and land development approvals and permits have been obtained and the approved use is lawfully operating.

SECTION 2: Except only as amended, modified and changed herein, the Middlesex Township Zoning Ordinance as originally enacted and as previously amended shall remain in all other respects in full force and effect.

SECTION 3: If any section, sub-section, provisions, regulations, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this or the Middlesex Township Zoning Ordinance as a whole or any other section, sub-section, provisions, regulations, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or the Middlesex Township Zoning Ordinance.

SECTION 4: This Ordinance shall become effective in accordance with applicable law.

ORDAINED AND ENACTED this 25th day of June, 2010.

ATTEST:

TOWNSHIP OF MIDDLESEX

Lillian M. Gault
Township Secretary

By: [Signature]
Chairman, Board of Township
Supervisors

(Township Seal)

