

**CALN TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**  
**ORDINANCE 2018-10**

AN ORDINANCE OF CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CALN TOWNSHIP ZONING ORDINANCE OF 2010, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 155 OF THE CALN CODE, SECTION 155-12 TO DELETE DEFINITIONS FOR “MASSAGE PARLOR OR THERAPEUTICALLY MASSAGE FACILITY”, “THERAPEUTIC MASSAGE” AND “THERAPEUTIC SPA OR HOT TUB”; TO ADD DEFINITIONS FOR “MASSAGE”, “MASSAGE BUSINESS”, “MASSAGE THERAPIST” AND “MASSAGE THERAPY” AND TO AMEND THE DEFINITIONS FOR “COMMERCIAL USE” AND “PERSONAL SERVICE ESTABLISHMENT”; SECTION 155-26.C TO ADD A NEW SUBPARAGRAPH (31) TO ALLOW A MASSAGE BUSINESS IN THE TV-1 DISTRICT BY CONDITIONAL USE; SECTION 155-26.E TO ADOPT A NEW MATRIX CHART 6 TO PROVIDE AREA AND BULK REQUIREMENTS FOR A MASSAGE BUSINESS IN THE TV-1 DISTRICT; SECTION 155-27.C TO ADD A NEW SUBPARAGRAPH (30) TO ALLOW A MASSAGE BUSINESS IN THE C-1 DISTRICT BY CONDITIONAL USE; SECTION 155-27.E TO ADOPT A NEW MATRIX CHART 7 TO PROVIDE AREA AND BULK REQUIREMENTS FOR A MASSAGE BUSINESS IN THE C-1 DISTRICT; SECTION 155-28.C TO ADD A NEW SUBPARAGRAPH (24) TO ALLOW A MASSAGE BUSINESS IN THE C-2 DISTRICT BY CONDITIONAL USE AND TO AMEND SECTION 155-28.E TO ADOPT A NEW MATRIX CHART 8 TO PROVIDE AREA AND BULK REQUIREMENTS FOR A MASSAGE BUSINESS IN THE C-2 DISTRICT.

**BE IT ENACTED AND ORDAINED** by the Board of Commissioners of Caln Township as follows:

**SECTION 1.** The definitions of “Massage Parlor or Therapeutically Massage Facility”, “Therapeutic massage”, and “Therapeutic spa or hot tub” in Section 155-12 shall be deleted.

**SECTION 2.** The following definitions shall be added to Section 155-12:

**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, ligament, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

### **MESSAGE BUSINESS**

Any establishment having a fixed place of business where any person, engages in, carries on or permits to be engaged in or carried on, the practice of massage as is defined in this chapter. This term shall exclude licensed hospitals, licensed nursing homes, medical clinics, and the offices and quarters of licensed health profession practitioners. A massage business shall also include a location where sauna baths, Turkish baths, Swedish baths or the like are made available to members of the public.

### **MESSAGE THERAPIST**

An individual licensed by the Pennsylvania State Board of Massage Therapy to practice massage therapy.

### **MESSAGE THERAPY**

As defined in the Massage Therapy Act (63 P.S. §627.1 - §627.50), (the “Act”), as the Act may be amended from time to time, 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 Act. 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. The term also shall not include barbers and beauticians who are duly licensed by the Commonwealth and massage the neck, face, scalp or hair of their patrons as an accessory service to hair cutting/styling.

– Massage businesses in the TV-1, C-1 and C-2 Zoning Districts by conditional use

**SECTION 3.** The definition of “Commercial Use” in Section 155-12 shall be amended to state as follows:

**COMMERCIAL USE**

A use or activity that includes, but is not limited to, retail sales, businesses, offices, personal services, banks, financial institutions, restaurants, communications, recreation and other similar commercial uses as determined by the Zoning Officer. A massage business and the practice of massage therapy shall not be considered a commercial use.

**SECTION 4.** The definition of “Personal Service Establishment” in Section 155-12 shall be amended to state as follows:

**PERSONAL SERVICE ESTABLISHMENT**

A building or portion of a building in which the services of a person permitted to practice a specified profession are offered to the general public. Examples of such professions may include accountants, agents, architects, barbers, beauticians, lawyers, optometrists, photographers, tailors, electronic repair technicians or other similar personal service establishments as determined by the Zoning Officer. A massage business and the practice of massage therapy shall not be considered a personal service establishment.

**SECTION 5.** Section 155-26.C shall be amended to add a new subparagraph (31) to allow a massage business by conditional use in the TV-1 District as follows:

“(31) Massage business.”

**SECTION 6.** Matrix Chart 6 which is adopted by reference in Section 155-26.E shall be amended as set forth on the revised Matrix Chart 6 attached hereto and incorporated herein by reference.

**SECTION 7.** Section 155-27.C shall be amended to add a new subparagraph (30) to allow a massage business by conditional use in the C-1 District as follows:

“(30) Massage business.”

**SECTION 8.** Matrix Chart 7 which is adopted by reference in Section 155-27.E shall be amended as set forth on the revised Matrix Chart 7 attached hereto and incorporated herein by reference.

**SECTION 9.** Section 155-28.C shall be amended to add a new subparagraph (24) to allow a massage business by conditional use in the C-2 District as follows:

“(24) Massage business.”

– Massage businesses in the TV-1, C-1 and C-2 Zoning Districts by conditional use

**SECTION 10.** Matrix Chart 8 which is adopted by reference in Section 155-28.E shall be amended as set forth on the revised Matrix Chart 8 attached hereto and incorporated herein by reference.

**SECTION 11. Severability.** 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 hereof. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 12. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 13. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

**CALN TOWNSHIP  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Kristen Denne, Secretary

\_\_\_\_\_  
Jennifer M. Breton, President

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George M. Chambers, Vice-President

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Joshua B. Young, Member

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John D. Contento, Member

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Lorraine Tindaro, Member