

**CHAPTER 12 HEALTH REGULATIONS****1201 Protective Fences around Swimming Pools**

1201.1 The declared intent and purpose of this ordinance is to insure the health and safety of the people of the Town of Exeter.

1201.2 All outdoor artificial pools which have a maximum depth of more than 3 feet when filled to capacity with water shall have a wall, fence or other enclosure having minimum height of 4 feet constructed around the entire pool except elevated pools and surface pools. If the sides of elevated pools and surface pools are higher than 4 feet, then no fence is required.

1201.3 The wall, fence or enclosure shall be constructed so that children will be unable to crawl or pass through to the pool without first using the gate or door to the pool. All gates shall be locked when the pool is unattended.

1201.4 All existing pools must comply with these regulations by May 1, 1972.

**1201.5 Penalty**

Any person, firm or corporation violating any provision of 1201 of this code shall be punished by a fine of not more than \$100 for each day the offense continues.

**1203 Exeter Health Regulations for the Operation of Massage Parlors, Saunas and Other Bath Establishments****1203.1 License Requirement**

No firm, corporation or person shall maintain or conduct an establishment for the giving of massages or vapor, pool, shower or other baths for hire or reward or advertise or hold the establishment out as being engaged in the business of massage or giving of such baths without applying for and receiving a license from the Exeter Health Officer.

**1203.2 Application**

The License Application shall be made to the Exeter Health Officer on an application furnished by the Town. The application shall set forth the following information and such other information as the Exeter Health Officer deems necessary in order to maintain the public health.

- a. The number of persons employed by the owner at the establishment.
- b. The name, address and telephone number of the manager of the establishment and persons giving massages or baths.
- c. Such evidence of training and/or experience on the part of the owner or

manager in giving massages or baths as the Exeter Health Officer deems necessary.

- d. The names, dates of birth and addresses of all corporate stockholders, officers and directors, if the applicant is a corporation. If changes in the above occur prior to the expiration of the license, such changes, together with the requested information shall be reported in written form to the Exeter Health Officer within fourteen (14) days. If ownership of 50% or more of the ownership interest of the applicant is transferred, the license will terminate at such time.

### 1203.3 License

- a. Each license shall expire 1 year from the date of issuance. An application for renewal must be submitted at least thirty (30) days prior to the expiration date of the current license.
- b. No license will be issued to the applicant, if an individual or individuals, or the directors or officers, if a corporation, have been convicted of a felony.
- c. No license is transferable.
- d. The license must be displayed in a conspicuous location on the premises.
- e. No firm, corporation or person shall operate under any name or conduct any business under any designation except that specified in the license.
- f. A licensee must notify the Exeter Health Officer prior to any change of address.
- g. The annual establishment license fee shall be fifty (\$50) dollars.

### 1203.4 Physical Plant

Any firm, corporation or person maintaining an establishment for giving of massages or vapors, pool shower or other baths for hire or reward must maintain the operation of such plant as follows:

- a. It shall be connected to a waste disposal system approved by the Board of Health and New Hampshire Water Supply and Pollution control Commission, or the municipal sewer.
- b. It shall be properly lighted, so that visual observation of the room will be permitted, well ventilated and properly heated.
- c. It shall have an adequate supply of hot and cold running water at all times.

- d. It shall have Exeter Health Officer approved toilet and washing facilities within the premises readily available to patrons and affording sufficient privacy.
- e. It shall have a separation of those facilities used by female patrons from facilities used by male patrons.
- f. It shall be maintained in a clean and sanitary manner.
- g. It shall have a 12" X 12" minimum sized window located 5 feet to 6 feet above the floor to permit visual observation of each room or enclosure from outside such room or enclosure that is used for massage or bath purposes.
- h. It shall have at least one artificial light of not less than 580 lumens in each room or enclosure used for giving massages or baths. Such light shall be lighted at all times that the establishment shall be open for business.
- i. It shall have adequate facilities for the cleaning and sterilization of all equipment and supplies.
- j. Equipment, devices and instruments shall be sterilized when appropriate. Robes, sheets, blankets, pillow cases, wearing apparel, towels or other materials which may come in contact with the body shall be cleaned or sterilized when appropriate.
- k. Water for individual baths shall be changed after use by each patron. Whirlpools for individuals or those accommodating two or more persons simultaneously must have an adequate filtering system approved by the Exeter Health Office.
- l. No room shall be used as a bedroom.
- m. No liquor or alcoholic beverage, as that term is defined in RSA 175:1, shall be consumed on the premises.
- n. No food shall be sold on the premises.
- o. The building in which the establishment is located must meet all requirements of local state and federal laws, ordinances and regulations.
- p. No establishment shall operate earlier than 9:00 AM or later than 11:00 PM.
- q. The front door will remain unlocked during normal business hours.

#### 1203.5 Personal License Requirements

No persons shall practice massage or give baths in an establishment for giving massages, vapors, pool, shower or other baths unless such person

meets the following requirements and is issued a license by the Exeter Health Officer for such purposes. Such person shall:

- a. be at least eighteen (18) years of age;
- b. within forty-five (45) days prior to any license application have been examined by a licensed physician and submit to the Exeter Health Officer a certification from such licensed physician that s/he has no communicable disease. Any person practicing massage, or giving baths must submit such certificate to the Exeter Health Officer at least semi-annually;
- c. complete an annual application setting forth such other information as the Exeter Health Officer deems necessary;
- d. pay an annual license fee of ten (\$10) dollars, which license shall expire one (1) year from date of issuance.
- e. submit to additional physical examination, including serological examinations, when the Exeter Health Officer deems that such examinations are necessary.

#### 1203.6 Inspections

- a. The Exeter Health Officer, or its agents, may inspect an establishment at any time that the establishment is open for business or at any other reasonable time.

#### 1203.7 Restrictions Concerning Massage or Baths

- a. No masseurs shall practice on patrons of the opposite sex or give or assist in giving any type of baths to the opposite sex.

#### 1203.8 Rescission or Suspension of License

The Exeter Health Officer may suspend or rescind any license granted hereunder for violation of any provision of this regulation or for any other good cause. Any person, firm or corporation may request a hearing within ten (10) days of such suspension or recession. In such event, the Board of Health shall schedule a hearing which, if the licensee requests, shall be held not later than three (3) days after receipt of the request for such hearing.

#### 1203.9 Legal Action

The Exeter Health Officer may seek whatever legal redress s/he deems appropriate in the Courts of the State of New Hampshire in the enforcement of these regulations.

#### 1203.10 Existing Establishments

Any person, firm or corporation operating an establishment requiring a license

hereunder on the effective date of these regulations shall, within thirty (30) days from such effective date, complete and file an application as required hereunder. The requirements imposed by subsection 4 of these regulations as to the physical plan shall be complied with not later than sixty (60) days from the effective date of these regulations, or the operation of such establishment.

#### 1203.11 Exceptions and Exclusions

- a. Persons excepted: Physicians, physical therapists, school athletic trainers, chiropodists, podiatrists and chiropractors registered or licensed in the State of New Hampshire are excluded. A person registered or licensed as a barber or apprentice, a hairdresser, operator or student under the provisions of New Hampshire Revised Statutes Annotated may practice facial and scalp massage without the herein required license.
- b. Other persons excepted: A person licensed to practice massage or conduct an establishment in any other town or city in the State of New Hampshire may, on written orders of a physician, attend patients as specified by the physician in Exeter. The person shall, if requested, submit to the Exeter Health Officer copies of their license from another municipality and the physician's orders.
- c. Establishment exceptions: Hospitals, nursing and convalescent homes and other similar licensed institutions where massage and baths may be given are excluded.

#### 1203.12 Severability Clause

If any section, paragraph, sentence, clause or phrase of these regulations shall be deemed invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect, and to this end, the provisions of these regulations are hereby declared severable.

#### 1204 Sanitary Production & Distribution of Food

Be it ordained, by the Board of Selectmen of the Town of Exeter, New Hampshire, that the Town of Exeter adopts the 2005 F.D.A. Food Code, in accordance with R.S.A. 147:1. The Town of Exeter shall adopt all future amendments and revisions to the FDA Food Code. (Approved by the Board of Selectmen June 7, 2010).

#### 1210 Penalty

Any person who violates any part of this section, shall be guilty of a violation and shall be punished with a fine of not more than one hundred (\$100) dollars for each offense.