



AGENDA ITEM #: 23-92  
COUNCIL MTG OF: August 15, 2023  
FROM: David Caron, Town Administrator  
OFFERED BY: Administration  
PREPARED BY: Administration  
SUBJECT: Consider adopting an Ordinance to provide for the regulation of Massages, Saunas and Other Types of Baths

**STAFF REPORT**  
*Public Hearing 9-5-23*  
*Tabled to 9-19-23*

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### **PURPOSE**

Schedule a public hearing and subsequently approve an Ordinance that provides for the regulation of Massages, Saunas and Other Types of Baths

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### **TOWN ADMINISTRATOR COMMENTS**

Please see comments within this staff report.

### **BACKGROUND**

The Town has seen a number of massage establishments located in Derry. Although the State has established regulations governing some of these activities, they are largely ineffective due to limited staff and statute construct.

Several cities and larger towns throughout the State have enacted local regulations to ensure that these entities are operating in a safe and sanitary manner. Due to the type of human interaction required during massages, it is incumbent upon the municipality to ensure that public safety is maintained.

Town Counsel is finalizing the proposed ordinance, which will be available prior to Tuesday's meeting for the Consent Agenda, followed by a public hearing on September 5. We've attached the ordinance for the Town of Salem which we are using as a baseline to construct Derry's ordinance.

### **DISCUSSION**

Recent attempts to strengthen and expand the regulation of these establishments in the State Legislature have not been met with success during the last two legislative sessions. It would be preferable from a public policy perspective to implement comprehensive state-wide regulations, however we believe that a local ordinance would allow for the protection of health and safety when citizens avail themselves of these services in Derry.

**FISCAL IMPACT:** As Derry maintains the full-time position of Health Officer, there would be no fiscal impact resulting from the adoption of this regulation.

### **RECOMMENDED MOTION**

Please see Ordinance #2023-006



# ORDINANCE

## Number 2023-006

### Adopt Chapter 56 – Regulating Massages, Saunas and Other Types of Baths

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WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, the Town has seen the need for regulations to protect the health and safety of the community; and

WHEREAS, resources from the State of New Hampshire are limited requiring local involvement; and

WHEREAS, the adoption of Chapter 56 will enact certain requirements and standards to safeguard the citizens of Derry;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS Chapter 56 of the General Code, Regulating Massages, Saunas and Other Types of Baths is hereby adopted as attached.

This Ordinance shall take effect 30 days after its adoption.

Adopted: September 19, 2023

Attest:

X \_\_\_\_\_  
Erin A. Spencer, Council Chair Pro-Tem  
Date: \_\_\_\_\_

X \_\_\_\_\_  
Cristina Guilford, Town Clerk  
Date: \_\_\_\_\_