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City of St. Charles, Illinois

Ordinance No. 2016-M-31

**Motion to approve an Ordinance Amending Title 5
Business Licenses and Regulations”, Chapter 5.20
“Massage Establishments”, Sections 5.20.010
“Definitions”, .20.080(B), “Issuance and Denial of
Licenses”, 5.20.110 “Conditions and Restrictions of
Licenses”, 5.20.170 “Notice” and 5.20.180(C)
“Revocation or Suspension of Licenses”
of the St. Charles Municipal Code.**

**Adopted by the
City Council
of the
City of St. Charles
July 5, 2016**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, July 5, 2016**

Nancy Gorman

City Clerk



(SEAL)

City of St. Charles, Illinois
Ordinance 2016-M- 31

**An Ordinance Amending Title 5 “Business Licenses and Regulations”,
Chapter 5.20 “Massage Establishments”, Sections 5.20.010 “Definitions”,
5.20.080(B), “Issuance and Denial of Licenses”, 5.20.110 “Conditions
and Restrictions of Licenses”, 5.20.170 “Notice” and
5.20.180(C) “Revocation or Suspension of Licenses”
of the St. Charles Municipal Code**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DUPAGE COUNTIES ILLINOIS, AS FOLLOWS:

WHEREAS, THE City of St. Charles (the “City”) is a home rule municipality duly organized and existing pursuant to the Illinois constitution of 1970 and the laws of the State of Illinois; and;

WHEREAS, the City has previously adopted an Ordinance providing for licensing of massage establishment within the City; and;

WHEREAS, the City finds that it is necessary and desirable to amend certain sections of the Massage Establishments Ordinance.

SECTION ONE. Recitals. The foregoing recitals are hereby adopted as part of this Ordinance.

SECTION TWO: That Section 5.20.010 “Definitions” of the St. Charles Municipal Code is hereby amended as follows:

The following definition is added to Section 5.20.010:

PREMISES. The area depicted in the License Application.”

SECTION THREE: That Section 5.20.080(B) “Issuance and Denial of Licenses” shall be deleted in its entirety and the following language inserted in lieu thereof:

“B. In the case of an application for massage business license, the Building Official shall cause the premises to be licensed to be inspected to assure that the proposed operation complies with all applicable laws, including the building, electrical, plumbing, health, housing, zoning, and fire codes of the City, and any other regulations of the city relating to the public health, safety and welfare. The Director of Community and Economic Development and the Building & Code Enforcement Division Manager

shall make written verification to the Local Liquor Control Commissioner concerning compliance with the codes and ordinances of the City.”

SECTION FOUR: That Section 5.20.110 “Conditions and Restrictions of Licenses” is hereby amended as follows:

That the following is added to Section 5.20.110:

- A. Supervision. A licensee of a licensed massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one person who is a licensed massage therapist on the premises at all times while the establishment is open. The licensee shall personally supervise the business, or shall delegate such supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this chapter by any agent or employee of the licensee shall constitute a violation by the licensee. *This requirement does not apply to premises in which massage services are performed by a licensed massage therapist by appointment only.*

- L. *No person shall reside in any portion of the licensed premises.”*

- M. *Public Access. Every massage establishment that operates on the first floor of a building with direct access from outside the building shall separate the area of the premises in which massages are performed from a public reception and/or waiting room area, and the public entrance to the establishment shall be open and unlocked during all of the hours that massage services are offered, open or advertised to be open to the public. This requirement does not apply to premises in which massage services are performed by appointment only in:*
 - 1. *Single offices that are rented on second stories; or*
 - 2. *Single offices in first floors that are interior spaces from which patrons have access through public spaces.”*

- N. *Exterior Window Coverings. No massage establishment shall be equipped with tinted or one-way glass in any room or office. Any windows or doors into the lobby shall not be covered. The lobby must be clearly visible from the exterior of the business at all times.”*

SECTION FIVE: That the last sentence of Section 5.20.170 “Notice” shall be deleted and the following inserted in lieu thereof:

No license shall be revoked, suspended, or refused until the applicant or license holder has received written notice of violation from the Chief of Police. The notice shall set forth the allegations of why the applicant or license holder should be revoked, suspended, or refused. Said notice shall be served upon an applicant or license holder by delivering the same personally or by delivery to the place of business or residence of the applicant or license holder. All applicants or

license holders shall notify the City within 24 hours of any change of address. If the service of such notice cannot be made in the manner provided herein, a copy of such notice shall be sent by regular mail, postage prepaid, to the last known address of the applicant or license holder contained in the City's files. *The revocation or suspension of license shall be deemed effective three business days after personal service or after the mailing of the written notice as provided herein.*

"The revocation or suspension of license shall be deemed effective immediately after personal service or after the mailing of the written notice as provided herein."

SECTION SIX: That Section 5.20.180(C) "Revocation or Suspension of Licenses" shall be deleted in its entirety and the following language inserted in lieu thereof:

"C. When any license shall have been revoked for cause, no license shall be granted to any person for a period of five years thereafter for the conduct of a massage business in the premises described in the revoked license."

SECTION SEVEN: SEVERABILITY –If any provision of this Ordinance, or the application of any provision of this Ordinance is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

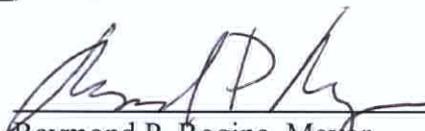
SECTION EIGHT: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION NINE: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 5th day of July, 2016.

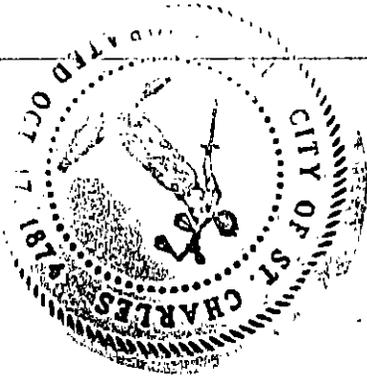
PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 5th day of July, 2016.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 5th day of July, 2016.


Raymond P. Rogina, Mayor

ATTEST:

Nancy Garrison
City Clerk



COUNCIL VOTE:

Ayes: 9
Nays: 0
Absent: 1
Abstain: 0

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on July 5, 2016, the Corporate Authorities of such municipality passed and approved Ordinance No. 2016-M-31, entitled

"Motion to approve an Ordinance Amending Title 5 Business Licenses and Regulations", Chapter 5.20 "Massage Establishments", Sections 5.20.010 "Definitions", 5.20.080(B), "Issuance and Denial of Licenses", 5.20.110 "Conditions and Restrictions of Licenses", 5.20.170 "Notice" and 5.20.180(C) "Revocation or Suspension of Licenses" of the St. Charles Municipal Code."

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2016-M-31, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 5, 2016, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 5th day of July, 2016.



Nancy Garrison
Municipal Clerk