

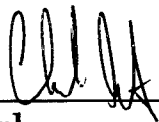
City of St. Charles, Illinois

Ordinance No.: 2020-M-41

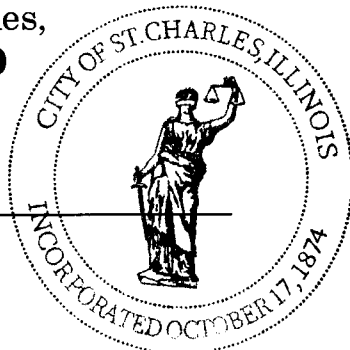
An Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, of the St. Charles Municipal Code.

**Adopted by the
City Council
of the
City of St. Charles
October 5, 2020**

Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, **October 12, 2020**



City Clerk



(SEAL)

**City of St. Charles, Illinois
Ordinance No. 2020-M-41**

**An Ordinance Amending Title 5 “Business Licenses and Regulations”;
Chapter 5.20 “Massage Establishments”; Sections 5.20.060 “Terms of
License: License Fees: License Renewal”, 5.20.150 “Massage Business
Commissioner; Massage Business Commission; Supervision, Revocation of
License; Fines, Costs”, and 5.20.190 “Penalty of Violation”, 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:**

SECTION ONE: That Title 5 “Business Licenses and Regulations,” Chapter 5.20 “Massage Establishments,” Section 5.20.050 “Terms of License: License Fees: License Renewal” of the St. Charles Municipal Code, be and is hereby amended by adding the following:

- D. No license shall be issued or renewed if the license, its officers, directors, or shareholders are in arrears of any debt owed to the City

SECTION TWO: That Title 5 “Business Licenses and Regulations,” Chapter 5.20 “Massage Establishments,” Section 5.20.150 “Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs” of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

- A. The Local Liquor Control Commissioner shall serve as the massage commissioner and shall be charged with the administration of this article and of such other ordinances relating to massage sales and licensing as may be from time to time enacted by the city council. A massage commission is created, which shall be composed of the same five members of the city’s local liquor commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this article as though fully set forth in this article, as being specifically applicable to the creation, enforcement, and administration of this article.
- B. The massage commissioner, after a hearing conducted by the massage commission, may suspend or revoke any license issued under the provisions of this article if they determine that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of the license, the massage commissioner may instead levy a fine on the licensee. The fine imposed shall not exceed \$500.00 for each violation. Each day on which a violation continues shall constitute a separate violation.
- C. No license issued under this article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the massage commission affording the licensee an opportunity to appear and defend against the charges
- D. If the Massage Commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the Massage Commission shall recommend to the Massage Commissioner either the amount of the fine, the period of suspension or that the license be revoked.
- E. Any licensee determined by the massage commissioner to have violated any of the provisions of this article shall pay to the city the costs of the hearing before the massage commission on such

violation. The massage commissioner shall determine the costs incurred by the city for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the local Liquor Control Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the massage commissioner may allow.

The licensee shall pay such costs to the City within thirty (30) days of notification of the costs by the massage commissioner. Failure to pay such costs within thirty (30) days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.

F. All decisions of the massage commissioner are appealable in the manner provided by law.

SECTION THREE: That Title 5 "Business Licenses and Regulations," Chapter 5.20 "Massage Establishments," Section 5.20.190 "Penalty for Violation" of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

Any person, corporation, firm or partnership found in violation, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this article shall be punished by a fine of not less than \$500.00, nor more than \$1,500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a license holder violating any provision of this article may be subject to having their license revoked, suspended or not renewed.

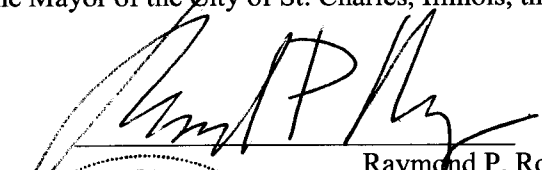
SECTION FOUR: That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION FIVE: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 5th day of October, 2020.

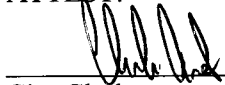
PASSED by the City Council of the City of St. Charles, Illinois this 5th day of October, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 5th day of October, 2020.



Raymond P. Rogina, Mayor

ATTEST:



City Clerk



COUNCIL VOTE:

Ayes : 10

Nays : 0

Absent : 0

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

Certificate

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

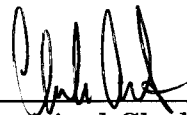
I further certify that on **October 5, 2020**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2020-M-41** entitled:

An Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, 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. **2020-M-41**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **October 12, 2020**, 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 **October 2020**.



Municipal Clerk

(S E A L)