

Redline of Chapter 122 (Massage Establishments) of the Lombard Village Code showing the amendments proposed by the draft amending ordinance (KTJ draft of 5/28/26, recitals corrected 7/7/26). Deletions are shown in strikethrough, and insertions are shown as tracked insertions, all attributed to KTJ. Prepared 7/7/26 for Village staff use in ECDC materials.

CHAPTER 122: MESSAGE ESTABLISHMENTS

ARTICLE I. GENERAL PROVISIONS

§ 122.01 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any references to specific village employees within chapter 122 shall also include said employees' designees.

Employee. Any person other than a masseur or masseuse who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

Licensed massage therapist. An individual who holds a valid, current, State of Illinois license as a massage therapist to practice massage/massage therapy as defined herein and who is thereby entitled to exclusive use of the terms "massage," "massage therapy," and "massage therapist" in advertising and printed promotional material.

Manager. Any individual designated by the permittee as the person responsible for the supervision and operation of a massage establishment during business hours. A manager may be the permittee, an owner, or an employee authorized by the permittee to act on behalf of the massage establishment. Each manager shall meet the qualifications set forth in 122.40 of this chapter.

Massage establishment. Any establishment having a fixed place of business within the village where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on, massage or massage therapy as defined herein by one or more persons licensed by the State of Illinois as massage therapists.

Massage/massage therapy. A system of structured palpitation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands.

Masseur or masseuse. Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

Out-call massage service. Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment.

Permittee. The operator of a massage establishment.

Person. Any individual, co-partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

Sexual or genital area. Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

Specified criminal act. Any of the offenses enumerated in subsection 122.03(D)(2)(a) through (e) of this chapter, and any specified sexual activity, prostitution, solicitation of prostitution, pimping, pandering, keeping or patronizing a place of prostitution, trafficking in persons, involuntary servitude, sexual exploitation of a child, or any offense substantially similar to any of the foregoing, whether committed in this State or in any other jurisdiction.

Specified sexual activity. Any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including

intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; (4) human genitals in a state of sexual stimulation, arousal, or tumescence; or (5) excretory functions as part of, or in connection with, any of the activities set forth in clauses (1) through (4) of this definition.

Trafficking awareness training. A training program that addresses the identification of human trafficking, recognition of indicators of forced labor and commercial sexual exploitation, and reporting of suspected trafficking to appropriate authorities, offered by the Illinois Department of Human Services, the Polaris Project, the National Human Trafficking Hotline, or another organization or program approved by the Village Manager.

Transfer of ownership or control. Any of the following: (1) the sale, lease, or sublease of the massage establishment business; (2) the transfer of stock, membership interests, partnership interests, or other equity interests that constitute a controlling interest in the massage establishment business, whether by sale, exchange, gift, inheritance, or similar means; (3) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the massage establishment business; or (4) the acquisition by any person not previously identified as an applicant under § 122.10(B) of this chapter of an ownership interest of five percent or more in the massage establishment business.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.02 Permit required.

It shall be unlawful for any person to engage in, conduct, carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises in the village, the operating of a massage establishment as herein defined, without first having obtained a permit from the village.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.03 Filing and fee.

- (A) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application with the Village Manager's office upon a form provided by the Village, and pay a nonrefundable filing fee of \$250.00 plus the actual cost of processing all fingerprints required under this chapter, including without limitation the fingerprints required under subsections 122.10(B)(8) and 122.10(E) of this chapter, to the Village Treasurer, who shall issue a receipt which shall be attached to the application filed with the Village Manager's office. The renewal fee shall be \$100.00, plus the actual cost of processing any additional fingerprints not previously processed by the Police Department.
- (B) The Village Manager's office shall within five days of the receipt of an application for a massage establishment license, forward copies of such application to the Community Development Department, the Fire Department, and the Police Department. These departments shall, within 30 days after receipt of a copy of the application shall review and process the application information, as is appropriate relative to each respective department, and make written recommendations to the Village Manager's office concerning compliance with the codes, laws and ordinances that said departments administer.
- (C) Within 30 days of receipt of the recommendations of the aforesaid departments, the Village Manager's office shall notify the applicant that the application is granted, denied, or being held for further investigation. The period of such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, if any, the Village Manager's office shall advise the applicant in writing whether the application is granted or denied.
- (D) Whenever an application is denied, or held for further investigation, the head of the department requesting said denial or further investigation shall advise the applicant in writing of the reasons for such action. An application may be denied if it is found:
 - (1) That the operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to the building, health, planning, housing, zoning and fire codes of the village; or

(2) That the applicant, or any other person subject to a background investigation under this chapter, has been convicted of, or pled nolo contendere to, any of the following. For purposes of this subsection, persons subject to a background investigation under this chapter include, without limitation, every person whose information is required to be furnished under subsection 122.10(B) of this chapter, every designated manager, and every non-therapist employee identified pursuant to subsection 122.10(E) of this chapter:

(a) A felony under the laws of any state or of the United States;

(b) Any offense involving sexual misconduct with a child or any offense requiring registration under the Sex Offender Registration Act, 730 ILCS 150/1 et seq.;

(c) Any offense involving prostitution, soliciting for a prostitute, pimping, pandering, keeping a place of prostitution, patronizing a prostitute, or any similar offense opposed to decency and morality, including without limitation any offense set forth in Article 11 of the Criminal Code of 2012, 720 ILCS 5/Art. 11;

(d) Trafficking in persons, involuntary servitude, involuntary sexual servitude of a minor, or any similar offense, including without limitation any offense set forth in 720 ILCS 5/10-9 or in 720 ILCS 5/Art. 11; or

(e) Any offense involving controlled substances under the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq., or the Cannabis Control Act, 720 ILCS 550/1 et seq., other than misdemeanor possession offenses.

Conviction of, or a plea of nolo contendere to, any offense set forth in subsections (D)(2)(a), (b), (c), or (d) above, or any substantially similar offense under the laws of any other jurisdiction, shall operate as a permanent bar to the issuance of a permit under this chapter, and shall further operate as a permanent bar to the conviction-bearing person's serving as an owner, partner, member, officer, director, corporate-governance manager, designated manager, or non-therapist employee of any massage establishment licensed under this chapter. Neither the Police Chief, nor the Village Manager, nor any other Village official shall have authority to waive the permanent bar set forth in this paragraph.

The Police Chief, at his or her discretion, may authorize the issuance of a permit notwithstanding a conviction or plea set forth in subsection (D)(2)(e) above, if he or she finds that such conviction occurred at least five years prior to the date of application, the conviction-bearing person has had no subsequent convictions, and the conviction-bearing person has shown evidence of rehabilitation sufficient to warrant the public trust. The discretion afforded by the Police Chief under this paragraph shall not extend to any offense set forth in subsections (D)(2)(a), (b), (c), or (d) above.

(E) The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the said application, or his or her refusal to submit to or cooperate with any inspection required by this chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the village.

(F) Every massage establishment permit issued pursuant to this chapter shall terminate one year from the last day of the month in which it is issued, unless sooner suspended or revoked. Thereafter, renewals of said permit shall be for a period of one year, unless sooner suspended or revoked. Notwithstanding the foregoing, a temporary permit may be issued, for less than a one-year period, pending the results of the processing of the fingerprints, at which time said non-temporary permit shall expire and a non-temporary permit shall either be issued or denied.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.04 Review by Village Manager.

The decision of any department head with regard to the denial of any permit under this chapter shall be reviewable by the Village Manager, upon the written request of the applicant filed with the Village Manager within ten (10) days of such denial. The Village Manager shall review evidence previously submitted to the village, the reports of the various department heads, and any additional evidence presented with the written request for review. The decision of the Village Manager, upon such review shall be a final appealable order.

(Ord. No. 7009, § 1, passed 10-16-14)

§§ 122.05—122.09 e

ARTICLE II. ESTABLISHMENT LICENSE

§ 122.10 Application.

(A)The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered and the proposed place of business and facilities therefore.

(B)In addition to the foregoing, any applicant for a permit, including any partner or limited partner of a partnership applicant, any officer, director, manager, or member of a corporate or limited liability company applicant, any stockholder holding more than five percent of the stock of a corporate applicant, any member holding a five percent or greater membership interest in a limited liability company applicant, and any other person holding a direct or indirect ownership interest of five percent or more in the applicant or in the proposed massage establishment, shall furnish the following information:

(1)Name and address.

(2)Written proof that the individual is at least 18 years of age.

(3)All residential addresses for the past three years.

(4)The applicant's height, weight, color of eyes and hair.

(5)The business, occupation, or employment of the applicant for the three years immediately preceding the date of application.

(6)The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or relocation.

(7)All criminal or village ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(8)The fingerprints and photograph of the applicant.

(9)If the applicant is a corporation or limited liability company, or if a partner of a partnership applicant is a corporation or limited liability company, the name of the corporation or limited liability company shall be set forth exactly as shown in its articles of incorporation/establishing documents and said corporation or limited liability company must be in good standing with the State of Illinois.

(10)The applicant's tax identification number.

(11)A statement as to whether the funding source for opening the establishment is the applicant, a state or federally regulated financial institution or some other person or entity. If the funding source is other than the applicant or a state or federally regulated financial institution, the name and address of the funding source shall be supplied.

(12)A certificate of insurance evidencing professional (malpractice) liability insurance, covering all masseurs and masseuses that will be working for the massage establishment, in an amount of not less than \$500,000.00 per occurrence.

- (13) The name, residence address, telephone number, and e-mail address of each person who will serve as a manager of the massage establishment, together with a copy of a government-issued photographic identification for each such person and proof of completion of trafficking awareness training within the preceding twelve (12) months.
 - (14) A written statement, executed under oath, identifying every person and entity having a direct or indirect ownership interest of five percent or more in the applicant, in the proposed massage establishment, or in any entity entitled to share in the profits or revenues of the proposed massage establishment, including the name, address, telephone number, and percentage of ownership interest of each such person or entity.
 - (15) A signed authorization permitting the Village to obtain a fingerprint-based criminal history records check, through a vendor authorized by the Illinois State Police, against the fingerprints submitted under subpart (8) of this subsection (B).
- (C) The application for a permit to operate a massage establishment shall state the name of all of the licensed massage therapists who are employed to provide massage or massage therapy at the massage establishment. Said application shall be accompanied by copies of the licenses issued to said massage therapists.
- (D) Establishment-level disclosures. The application for a permit to operate a massage establishment shall be accompanied by the following:
- (1) A diagram of the proposed licensed premises showing the location, dimensions, and intended use of all rooms and spaces, including without limitation all massage rooms, entrances and exits, reception and waiting areas, restrooms, dressing rooms, storage areas, employee-only areas, and any locked or restricted-access spaces. The diagram shall be oriented to north or to a designated street or other readily identifiable object, and shall be drawn to a designated scale, or with marked dimensions accurate to within plus or minus six (6) inches, sufficient to show clearly the various interior dimensions of all areas of the licensed premises and to demonstrate compliance with the provisions of this chapter. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required;
 - (2) The legal business name under which the establishment will operate, and any assumed business name registered with the Illinois Secretary of State or the DuPage County Clerk;
 - (3) The name, address, telephone number, and e-mail address of the person authorized to receive notices on behalf of the permittee;
 - (4) A written designation of the manager or managers who will be responsible for the operation of the establishment during business hours; and
 - (5) A copy of the lease, deed, or other document evidencing the applicant's right to occupy the proposed licensed premises for the full term of the requested permit.
- (E) Background investigation of managers and employees.
- (1) Prior to the issuance of any permit under this chapter, the applicant shall provide the Village with the names and residence addresses of each manager and each non-therapist employee who will work at the licensed premises, and, except to the extent already required and provided under subsection (B)(15) of this section, shall provide a signed authorization from each such person permitting the Village to obtain a fingerprint-based criminal history records check through a vendor authorized by the Illinois State Police, and the fingerprints of each such person in a manner acceptable to the Village.
 - (2) For each licensed massage therapist who will work at the licensed premises, the applicant shall provide a copy of the therapist's current and valid Illinois Department of Financial and Professional Regulation license, which shall satisfy the background investigation requirement of this subsection (E) for that therapist.

- (3) After the issuance of a permit, the permittee shall not permit any person to begin work at the licensed premises as a manager or non-therapist employee until the Village has received and reviewed the criminal history records check materials required by this subsection (E) for that person.
- (4) The criminal history records check materials required by this subsection (E) shall be updated for each manager and non-therapist employee at the time of each annual permit renewal, or more frequently as the Village Manager may require.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.11 Issuance.

Upon receipt of favorable recommendations from all departments reviewing a massage establishment application, the Village Manager's office shall issue a permit to maintain a massage establishment. Issuance of a permit under this chapter shall not be deemed a waiver of the permittee's continuing obligation to comply with all applicable Village codes, all applicable State and federal laws, and the requirements of this chapter, and such permit shall remain subject to suspension or revocation for any subsequent noncompliance.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.12 Revocation or suspension.

For purposes of this section, good cause for revocation or suspension shall include, without limitation:

- (A) Any conviction of, or plea of nolo contendere to, any offense set forth in subsection 122.03(D)(2) of this chapter by the permittee, by any owner of the permittee, or by any manager, employee, or licensed massage therapist of, or working at, the licensed premises;
- (B) The commission of, or attempt to commit, any specified criminal act on the licensed premises by the permittee, by any manager, employee, or licensed massage therapist of, or working at, the licensed premises, or by any patron, regardless of whether the permittee had actual or constructive knowledge of such commission or attempt;
- (C) Failure to maintain or to make available for inspection upon request any list, register, record, license, identification, or other document required by this chapter to be maintained or made available;
- (D) Operation by, or employment of, any person who is not lawfully authorized under Illinois law to provide massage services for compensation;
- (E) Failure to notify the Village of any transfer of ownership or control, or of any change in manager or business location, within the time required by this chapter;
- (F) Operation of the licensed premises outside the hours of operation permitted by this chapter, or permitting any non-employee or non-emergency-personnel to be present on the licensed premises outside such hours;
- (G) Refusal to permit any duly authorized Village official to conduct an inspection authorized under this chapter, or interference with any such inspection, or refusal to produce business records, identification, or other documents required by this chapter to be produced upon request;
- (H) The maintenance of any hidden room, concealed area, locked or barricaded interior area, or modification of the diagram of the licensed premises that has not been disclosed to and approved by the Village in accordance with this chapter, or any other physical condition of the licensed premises that impedes lawful inspection;
- (I) Allowing any person to reside on, sleep overnight on, maintain living quarters on, or use the licensed premises for any residential purpose;
- (J) The presence on the licensed premises of any item inconsistent with the operation of a massage establishment, including without limitation any bed, mattress, futon, sleeping bag, residential cooking appliance, or personal clothing storage, in violation of this chapter;

- (K) Any false, misleading, or materially incomplete statement, whether knowingly or negligently made or caused to be made by the permittee, in the application, in any renewal materials, or in any record required by this chapter to be maintained;
- (L) Delinquency by the permittee in the payment to the Village of any taxes, fees, fines, water charges, or other amounts assessed against or imposed on the permittee or the licensed premises in connection with the massage establishment business; or
- (M) Any other violation of this chapter or of any other applicable provision of this Code, of State or federal law, or of any rule or regulation promulgated by the Village Manager pursuant to this chapter.
 - (1) Permittee responsibility for acts of others. Every act or omission, of whatsoever nature, constituting a violation of any of the provisions of this chapter, by any officer, director, owner, partner, member, manager, licensed massage therapist, employee, or other agent of any permittee, shall be deemed and held to be the act or omission of such permittee, and the permittee shall be subject to enforcement under this chapter to the same extent as if such act or omission had been committed or omitted by the permittee personally. Accordingly, any such act or omission shall be deemed, for purposes of determining whether the permittee's license shall be issued, renewed, suspended, or revoked, to be the act or omission of the permittee. The lack of actual or constructive knowledge on the part of the permittee shall not constitute a defense to any enforcement action under this chapter but may be considered as a factor in mitigation of the sanction imposed.
 - (2) Specified criminal act on licensed premises. Without limiting the generality of the foregoing or of subsection (D) of this section, the commission of any specified criminal act, or any attempt thereof, on the licensed premises shall constitute independent grounds for revocation of the permit, regardless of whether such act was committed by the permittee, by any manager, employee, or licensed massage therapist of, or working at, the licensed premises, or by any patron or other person, and regardless of whether the permittee had actual or constructive knowledge of such act.
 - (3) General revocation and suspension authority. Any permit issued for a massage establishment may be revoked or suspended by the Village Manager after a hearing for good cause or in any case where any of the provisions of this chapter are violated or any employee of the permittee, including a masseur or masseuse, is engaged in any conduct at permittee's place of business which violates any of the provisions of this chapter or any state law which provides for imprisonment, and permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this chapter or in any case where the permittee or licensee refuses to permit any duly authorized police officer or inspector of the Village and/or the County to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Village Manager, after hearing upon the recommendations of the Director of Building and/or Fire Chief that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.
 - (4) Sanctions for employee violations. Any violation of this chapter by any manager, employee, or licensed massage therapist of, or working at, the licensed premises shall be cause for suspension or revocation of the permit. Notwithstanding any provision of this chapter to the contrary, the commission of, or attempt to commit, any specified criminal act on the licensed premises, or any other violation that, in the judgment of the Village Manager, presents a substantial threat to the public health, safety, welfare, or morals, shall be cause for revocation of the permit upon a single occurrence, without any requirement of progressive discipline or prior violation.
 - (5) Procedure. The Village Manager, before revoking or suspending any permit, shall give the permittee at least ten (10) days' written notice of the charges against the permittee and the opportunity for a hearing before the Village Manager, at which time the permittee may present evidence bearing upon the question. The charges shall be specific and in writing. The Village Manager may designate a hearing officer to schedule, convene, and conduct the hearing, in which case the hearing officer shall have the

same powers as the Village Manager to conduct the hearing, and shall submit proposed findings and recommendations to the Village Manager within seven (7) days after the close of the hearing. Within fourteen (14) days after the close of the hearing, the Village Manager, having considered the record made at the hearing, shall render a decision in writing setting forth the reasons for the decision. The decision of the Village Manager shall be a final administrative decision subject to judicial review.

- (6) Emergency suspension pending hearing. Notwithstanding any other provision of this section, the Village Manager may order the immediate suspension of all operations at a massage establishment, pending the hearing required by subsection (E) of this section, where the Village Manager determines, based upon credible information, that:

- (a) There is an immediate danger to the public health, safety, welfare, or morals;
- (b) A specified criminal act has been, or is reasonably believed to have been, committed on the licensed premises; or
- (c) The license has been suspended within the preceding forty-eight (48) months.

- (N) Where the Village Manager orders an emergency suspension under this subsection (F), the Village Manager shall promptly serve written notice of the suspension on the permittee, stating the grounds for the suspension and the date of the hearing required by subsection (E) of this section. Such hearing shall commence not more than fourteen (14) days after the date of the emergency suspension, unless an earlier or later date is agreed to by the permittee and the Village Manager. The emergency suspension shall remain in effect until the conclusion of the hearing and the issuance of the Village Manager's written decision under subsection (E) of this section, unless sooner lifted by the Village Manager.

- (1) Surrender of permit. Upon the suspension or revocation of a permit pursuant to this section, the Village Manager shall take custody of the suspended or revoked permit.

(Ord. No. 7009, § 1, passed 10-16-14; Ord. No. 8347, § 1, passed 3-20-25)

§§ 122.13—122.29 Reserved.

ARTICLE III. FACILITIES AND OPERATIONS

§ 122.30 Necessary facilities.

- (A) No massage establishment shall be issued a permit, nor be operated, established, or maintained in the village unless an inspection by the Community Development Department and/or Fire Department reveals that the establishment complies with each of the following minimum requirements:

- (1) Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the village;
- (2) All massage tables, bathtubs, shower stalls, steam or bath areas, and floors shall have surfaces which may be readily disinfected;
- (3) Adequate bathing, dressing, and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker, and massage room facilities shall be provided;
- (4) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron;
- (5) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;

- (6) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein;
 - (7) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;
 - (8) The premises shall be equipped with a service sink for custodial services;
 - (9) A hand wash basin shall be provided in each room designated for massages;
 - (10) A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- (B) The Director of Building and/or Fire Chief shall certify that the proposed massage establishment complies with all the requirements of this § 122.30, and that the premises meets all applicable codes and ordinances of the village relating to building, zoning, and fire safety. Said certification shall be filed with the Village Manager.
- (Ord. No. 7009, § 1, passed 10-16-14; Ord. No. 8347, § 1, passed 3-20-25)

§ 122.31 Operating requirements.

All individuals in the village who are employed as a masseur or masseuse by a massage establishment or who otherwise administer massages or massage therapy as defined in this chapter, except where exempt under state law, shall, at all times, have a current, valid massage therapist license from the State of Illinois, and all massage establishments within the village shall, comply with the following requirements:

- (A) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- (C) All employees, including masseurs and masseuses, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas, whose use is restricted to the massage establishment.
- (D) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- (E) The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee, masseur, or masseuse.
- (F) It shall be unlawful for any person, knowingly, in a massage establishment, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person.
- (G) No masseur or masseuse, employee, or operator shall perform, offer, or agree to perform any act which would require the touching of the patron's genital area.
- (H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- (I) Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

- (J) Eating in the massage work areas shall not be permitted. Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.
- (K) No masseur or masseuse shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption; unless a physician duly licensed by the state certifies in writing that such person may be safely massaged, prescribing the conditions thereof.
- (L) Each masseur and masseuse shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.
- (M) Within 30 days of employment, massage establishments shall, for as long as they continue in business within the village provide the Village Manager's Office with copies of the licenses of all massage therapists employed subsequent to the date on which application was made for the massage establishment's first issued permit.
- Every massage establishment shall be required to have a certified massage therapist on the licensed premises at all times while massages are being performed.
- (N) The hours of operation for massage establishments shall be limited to between 6:00 a.m. and 9:00 p.m.
- (O) A designated manager shall be present on the licensed premises at all times during business hours. The permittee shall maintain on the licensed premises a current written designation of the manager on duty.
- (P) The reception or waiting area of the massage establishment shall be maintained in a manner visible from outside of the immediate entrance of the establishment, including, without limitation, through any storefront windows or any entrance door that is transparent and unobstructed, and from any directly adjoining hallway, corridor, or atrium that is open to the public. No curtains, blinds, covered windows, partitions, screens, reflective film, paint, signage, or other obstruction shall be installed or maintained so as to prevent ordinary visibility into the reception or waiting area, except as otherwise required by law. Any exterior window or door of the licensed premises with a view to the reception or waiting area shall be free of any posting or material that would obstruct the view of the reception or waiting area from the outside of the establishment.
- (Q) No interior door of any room used for massage services, restroom, dressing room, or other interior space within the licensed premises shall be fitted with any lock, bolt, latch, or other locking device that cannot be readily opened from the exterior of such room without the use of a key, code, tool, or special knowledge. A privacy latch that may be opened from either side without a key, code, or tool is permitted. No interior door shall be barricaded, blocked, chained, or otherwise secured in a manner that prevents lawful inspection by Village personnel.
- (R) No person other than a patron then receiving services, a licensed massage therapist actively administering such services, or an additional employee acting within the scope of employment shall be present in any massage room during the performance of massage services, except for law enforcement, code enforcement, emergency medical personnel, or such other persons as the patron may expressly request.
- (S) Each massage establishment shall maintain on the licensed premises, and make available for inspection upon request, a current register containing the legal name, any aliases, residence address, telephone number, date of birth, gender, date of hire, date of termination of employment (if applicable), and position of each manager, employee, and licensed massage therapist working at the establishment, together with a copy of each massage therapist's current and valid Illinois Department of Financial and Professional Regulation license and a copy of a government-issued photographic identification for each manager and non-therapist employee. The register shall be maintained for all current managers, employees, and licensed massage therapists, and for all such persons employed at any time during the preceding thirty-six (36) months.

- (T) The permittee shall maintain on the licensed premises, for a period of not less than two years, a schedule or other business record reflecting the dates and hours worked by each manager, employee, and licensed massage therapist.
- (U) No massage establishment shall be used, or permitted to be used, for sleeping, habitation, or any residential purpose. No person shall reside, sleep overnight, or maintain living quarters on the licensed premises.
- (V) No alcoholic liquor, as defined in the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., shall be sold, served, consumed, possessed, or permitted on the licensed premises.
- (W) No bed, mattress, futon, sleeping bag, cot, residential cooking appliance, refrigerator larger than that ordinarily used in a commercial break room, personal clothing storage, personal mail, or other item or article inconsistent with the operation of a massage establishment shall be present on, stored at, or kept at the licensed premises. The presence of any such item shall be prima facie evidence of a violation of subsection (U) of this section.
- (X) No customer or patron shall be permitted to be present on the licensed premises outside the hours of operation permitted under subsection (N) of this section. The licensed premises may be entered outside such hours only by the permittee, the manager on duty, employees performing cleaning or maintenance, licensed massage therapists, or law enforcement, code enforcement, or emergency personnel.
- (Y) A copy of the current and valid Illinois Department of Financial and Professional Regulation license of each licensed massage therapist working at the licensed premises shall be conspicuously displayed in either the reception area of the licensed premises or in each massage room in which such therapist administers massage services, in a location and manner that is plainly visible to each patron.
- (Z) No massage establishment shall be advertised, promoted, or otherwise held out, in any medium, by means of any advertisement, picture, statement, depiction, or other matter that suggests to prospective patrons that any services are available other than those services permitted under this chapter, or that suggests that any employee, masseur, masseuse, or licensed massage therapist is dressed in any manner other than as permitted under this chapter. Without limiting the generality of the foregoing, no such advertising, promotion, or holding-out shall use language, imagery, or representations suggesting the availability of sexual services, escort services, dating services, or sexual conduct, or use photographs of partially clothed or unclothed individuals. The use of any such advertising, promotion, or holding-out shall constitute a violation of this chapter and good cause for revocation of the permit.
- (AA) No structural modification, addition, removal, or relocation of any partition, wall, door, window, or interior space, and no installation, removal, or modification of any window covering, lock, or other obstruction to visibility or access, shall be made at the licensed premises after the issuance of a permit unless the permittee first submits a revised floor plan to the Village Manager's office and receives written approval of the proposed modification.
- (BB) The permittee shall maintain on the licensed premises, for a period of not less than three years, a contemporaneous record of each transaction at the licensed premises, including the date, the amount paid, the service provided, the name or identifier of the licensed massage therapist providing the service, and the method of payment. Such records shall be made available for inspection upon request by any duly authorized Village official.
- (CC) The permittee shall comply with the posting requirements of the Human Trafficking Resource Center Notice Act, 775 ILCS 50/1 et seq. The notice required by said Act shall be posted in a conspicuous place near the public entrance of the licensed premises or in another conspicuous location in clear view of the public and employees, in compliance with the form, size, and language requirements of said Act. Failure to comply with the posting requirements of said Act shall constitute a violation of this chapter, in addition to any civil penalty that may be assessed under said Act.

- (DD) No massage establishment shall be equipped with tinted glass, one-way glass, or any other glazing or window treatment that prevents ordinary visibility into the licensed premises from the outside of the establishment, in any room, office, or other interior space of the licensed premises.
- (EE) No massage establishment shall place, publish, distribute, or cause to be placed, published, or distributed any advertisement, picture, or statement known, or that through the exercise of reasonable care should be known, to be false, deceptive, or misleading and intended to induce any person to purchase or utilize any professional massage services.
- (FF) No advertising, promotion, or other holding-out of a massage establishment, by any means or method, shall suggest or describe the physical characteristics of any employee, masseur, masseuse, or licensed massage therapist of, or working at, the licensed premises.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.32 Out-call registration and service.

Any masseuse or masseur who provides any of the services listed in § 122.01 of this chapter at any hotel or motel must first register his or her name and permit number with the owner, manager, or person in charge of the hotel or motel. No "out-call massage service" may be operated other than by a licensed masseur or masseuse. All massages performed by an "out-call massage service" must be performed in the manner prescribed in § 122.31 of this chapter where applicable.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.33 Inspection.

- (A) The Police Department, Community Development Department, and Fire Department shall, from time to time and at least annually, make an inspection of each massage establishment granted a permit under the provisions of this chapter for the purpose of determining that the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.
- (B) Such inspections may include, without limitation, review of licenses, employee and manager registers, identification documents, floor plans, insurance certificates, transaction records, scheduling records, training records, and other records required to be maintained under this chapter. The permittee shall make such records available for inspection on the licensed premises upon request at reasonable times and in a reasonable manner.
- (C) As a condition of the issuance, renewal, and continued effectiveness of a permit issued under this chapter, the permittee, by accepting such permit, consents to administrative inspections of the licensed premises by the Police Department, Community Development Department, Fire Department, or any other duly authorized Village official, at all reasonable times during business hours, of all areas of the licensed premises, including all interior rooms, storage areas, and employee-only areas. Such consent shall extend to inspection of all records required by this chapter to be maintained on the licensed premises. The permittee, by accepting a permit issued under this chapter, acknowledges that the operation of a massage establishment is a closely-regulated activity within the meaning of applicable law and that the inspection authority granted by this section is reasonably necessary to further the substantial governmental interests in protecting the public health, safety, welfare, and morals. Nothing in this subsection shall require the permittee to consent to the inspection of a massage room while a patron is then receiving services therein, except in exigent circumstances or upon a reasonable belief that a violation of law is then occurring within such room.
- (D) It shall be unlawful for the permittee, for any manager, employee, or licensed massage therapist of, or working at, the licensed premises, or for any other person to prohibit, interfere with, or refuse to allow any inspection authorized by this section, or to obstruct, delay, or otherwise hinder any duly authorized

Village official conducting such inspection. Any such prohibition, interference, refusal, or obstruction shall constitute a violation of this chapter and shall constitute good cause for suspension or revocation of the permit pursuant to § 122.12 of this chapter, in addition to any other penalty provided by this Code or by law.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.34 Employment age restrictions.

It shall be unlawful for any owner, proprietor, manager, or other person in charge of any massage establishment to employ any person who is not at least 18 years of age.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.35 Employee identification and license display.

- (A) Every manager, employee, and licensed massage therapist working at a massage establishment shall maintain on his or her person, while on duty at the licensed premises, a government-issued photographic identification card.
- (B) Every licensed massage therapist working at a massage establishment shall maintain on his or her person, while on duty at the licensed premises, the original or a copy of his or her current and valid Illinois Department of Financial and Professional Regulation license.
- (C) Upon request by any duly authorized Village official conducting an inspection under this chapter, each manager, employee, and licensed massage therapist shall promptly present the identification and licensure documentation required by this section.
- (D) Failure to produce the identification or proof of licensure required by this section shall constitute a violation of this chapter and good cause for revocation of the permit issued to the licensed premises.
- (E) The display of each licensed massage therapist's Illinois Department of Financial and Professional Regulation license on the licensed premises, in the manner required by subsection 122.31(Y) of this chapter, shall not relieve any licensed massage therapist of the requirement to maintain his or her license on his or her person while on duty as required by subsection (B) of this section.

§ 122.36 Display and transfer of permit; reporting of changes.

- (A) Display. Every permittee shall display a valid permit in a conspicuous place within the massage establishment so that the same may be readily seen by patrons entering the premises.
- (B) Non-transferability. A permit issued under this chapter shall be applicable only to the specific permittee and licensed premises designated therein, and shall not be sold, leased, transferred, or otherwise assigned. Any attempt to sell, lease, transfer, or assign a permit shall be void.
- (C) Effect of transfer of ownership or control. Any transfer of ownership or control of a massage establishment, as defined in § 122.01 of this chapter, shall constitute a change in the permittee. Upon any such transfer of ownership or control, the existing permit shall be deemed surrendered and extinguished by operation of law. A new application shall be made and processed, and a new permit issued, in accordance with §§ 122.03, 122.10, and 122.11 of this chapter, before the transferee may operate the massage establishment. Any operation of a massage establishment by a transferee following a transfer of ownership or control, without the issuance of a new permit, shall constitute operation without a permit in violation of § 122.02 of this chapter, shall constitute a separate violation for each day on which such operation continues, and shall constitute good cause for revocation of any then-existing permit issued to the transferor.
- (D) Change of manager. Not less than ten (10) business days before any change in the designated manager of a massage establishment, the permittee shall give the Village Manager written notice of the proposed change. The notice shall include all of the information required by § 122.10(B) of this chapter with respect

to the proposed new manager, and the proposed new manager shall satisfy the qualifications set forth in § 122.40 of this chapter.

- (E) Other changes. Any change in any other material information given by the permittee in the application, including without limitation any change in the licensed premises, shall be reported to the Village Manager in writing within ten (10) days after such change occurs.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.37 Exemptions.

- (A) A massage establishment permit shall not be required of an establishment where persons engage in massage, massage therapy, or similar practices, but each such person is not required to obtain a massage therapist license under Illinois law.
- (B) The burden of demonstrating the applicability of the exemption set forth in subsection (A) of this section shall at all times rest with the establishment claiming the exemption. Any such establishment shall maintain on the premises, and make available for inspection upon request by any duly authorized Village official, documentation evidencing the qualifying credentials of each person engaged in massage, massage therapy, or similar practice at the establishment, including without limitation a copy of each such person's current and valid license, certification, registration, or other authorization under any applicable Illinois statute.
- (C) Failure to maintain or to produce the documentation required by subsection (B) of this section, upon request, shall create a rebuttable presumption that the exemption set forth in subsection (A) of this section does not apply to the establishment.

(Ord. No. 7009, § 1, passed 10-16-14)

§ 122.38 Public nuisance.

Any building, structure, or premises used as a massage establishment in violation of this chapter, with the intentional, knowing, reckless, or negligent permission of the owner thereof or the owner's agent managing the building, structure, or premises, together with all fixtures and other property used in violation of this chapter, is hereby declared to be a public nuisance. Such public nuisance may be abated, enjoined, or otherwise restrained in any manner authorized by law, including without limitation by proceedings under Section 11-60-1 et seq. of the Illinois Municipal Code, 65 ILCS 5/11-60-1 et seq., in addition to suspension or revocation of the permit, fines, or other penalties provided by this Code or by law.

(Ord. No. 7009, § 1, passed 10-16-14)

§§§ 122.39—122.98 Reserved.

§ 122.40 Manager qualifications and training.

- (A) Every manager designated by a permittee under this chapter shall, at all times while serving as a manager:
 - (1) Be at least twenty-one (21) years of age;
 - (2) Not have been convicted of, or pled nolo contendere to, any of the offenses set forth in subsection 122.03(D)(2) of this chapter, except that the Police Chief's discretion under subsection 122.03(D)(2) may, where exercised, authorize a person convicted of an offense set forth in subsection 122.03(D)(2)(e) to serve as a manager;
 - (3) Have completed a fingerprint-based criminal history records check in accordance with subsection 122.10(E) of this chapter; and
 - (4) Have completed trafficking awareness training within the preceding twelve (12) months.

- (B) The permittee shall maintain on the licensed premises, and make available for inspection upon request, documentation evidencing the qualifications and training required by this section for each designated manager.
- (C) The permittee shall not designate, and shall not permit any person to serve as, a manager who does not satisfy the qualifications set forth in this section.

§ 122.41 Disqualification.

- (A) Ownership-based disqualification. Where a permit issued under this chapter has been revoked, neither the prior permittee, nor any person or entity in which the prior permittee, or any owner of the prior permittee, holds a direct or indirect ownership interest of five percent or more, shall be eligible to receive a permit under this chapter, at any location within the Village, for a period of five (5) years after the date of revocation. The disqualification set forth in this subsection (A) shall apply regardless of any change in legal entity, business name, ownership structure, or proposed location, where the substantial ownership or control of the proposed permittee is the same as, or substantially the same as, that of the prior permittee whose permit was revoked.
- (B) Relationship-based disqualification. No permit shall be issued under this chapter to any person who, at the time of application:
 - (1) Is married to, is the civil union partner of, or resides in the same household with, any person whose permit under this chapter has been revoked within the preceding five (5) years, or whose permit is then under suspension; or
 - (2) Has been denied a permit under this chapter, or whose permit under this chapter has been revoked, within the preceding twelve (12) months.
- (C) Waiver. The Village Manager may, in his or her discretion, waive any disqualification set forth in this section upon a showing by the applicant, by clear and convincing evidence, that the conduct giving rise to the prior revocation or denial has been fully remedied, that the applicant is not seeking the permit on behalf of, or for the benefit of, the prior permittee or any disqualified person, and that the issuance of the new permit would not be inconsistent with the public health, safety, welfare, or morals of the Village.

§§ 122.42—122.98 Reserved.

§ 122.99 Penalty.

Any person who conducts a massage establishment without first obtaining a permit and paying a license fee to do so from the village, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor. Upon conviction, such person shall be punished by a fine of not to exceed \$750.00. Anyone who knowingly aids and abets one or more persons not authorized to use the professional term "massage therapist" or employs persons not authorized to use the title "massage therapist" in the course of employment or who uses the term "massage," "massage therapy" or "massage therapist" in advertising or printed promotional material without authorization to do so under Illinois law shall be prosecuted for violation of the Massage Licensing Act (225 ILCS 57/1 et seq.) for which the first offense is a Class "A" misdemeanor and a second and any subsequent offense is a Class 4 felony.

(Ord. No. 7009, § 1, passed 10-16-14)