

Title 3
BUSINESS REGULATIONS

CHAPTER 13

MASSAGE ESTABLISHMENTS AND MASSAGE THERAPISTS

3-13-1 ADDITIONAL TERMS DEFINED

In addition to the terms otherwise defined in this Village Code, for purposes of this Chapter 13, the following words or phrases shall have the meanings ascribed to them below, unless otherwise indicated by the context:

Massage therapist: Any person who, for any consideration whatsoever, engages in the practice of massage therapy and is licensed by the Illinois Department of Financial and Professional Regulation.

License: A massage establishment license as provided in this article.

Massage: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft tissues of the body with the hands or with aid of any mechanical, electrical apparatus or appliances or by the application of air, liquid, or vapor bath of any kind with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice.

Massage establishment: Any establishment having a source of income or compensation derived from the practice of massage as defined in the massage definition above, and which has a fixed place of business where any person engages in, or carries on, or permits to be engaged in or carried on any of the activities or practices of massage as defined in this article.

Patron: An individual who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

Person: Any individual, partnership, association, joint stock company, limited liability company, corporation or combination of individuals of any form, kind or character whatsoever.

Sexual or genital area: The genitals, pubic area, anus or perineum of any person; or the vulva or breasts of any female.

3-13-2 LICENSE REQUIRED

It shall be unlawful for any person, association, firm or corporation to operate a massage establishment in the Village without a valid and current license issued by the Village pursuant to the terms of this Chapter 13. A separate license shall be required for each massage establishment location regardless of whether such multiple facilities are operated by the same person, association, firm or corporation.

3-13-3 EXEMPTIONS

The provisions of this article shall not apply and no license shall be required for any units of government, hospitals, nursing homes, and sanitariums or for any individual while engaged in the personal performance of their respective professions provided such individual is holding an unrevoked certificate to practice the healing arts under the laws of the state, including, but not limited to, physicians, surgeons, chiropractors, osteopaths, physical therapists, nurses, paramedics, state registered athletic licensees who administer athletic related massages in the normal course of training duties or to those working under the direction of any such individuals in any such units of government, hospitals, nursing homes and sanitariums.

3-13-4 APPLICATION FOR MASSAGE ESTABLISHMENT LICENSE

Any person desiring to obtain a license to operate a massage establishment shall make application to the Mayor or his designee on forms provided by the Village. The Mayor or his designee shall have the right to confirm any of the information asked for, or provided in the application, and shall work in conjunction with the Police Department where applicable. Applications shall include, but not limited to, the following:

- A. The name and type of ownership of the business, i.e., whether individual, partnership, limited liability company, corporation, or otherwise.
- B. The name under which the business is to be conducted, including any trade name(s) or assumed business name(s).
- C. The location and description of the premises or place of business which is to be operated under such license as well as all telephone numbers where the business is to be operated.
 1. If a leased premises, a copy of the lease shall be provided. The term of such lease must not end until after the expiration date of the license for which the application is being made.
 2. The name and address of the owner(s) of the premises, and, if said premises is held in trust, the names and addresses of all the owners of the beneficial interest of a trust.

3. Whether any other activities or business will be conducted at the same location and the physical facilities to be used.
- D. A complete statement of all convictions of the applicant as provided in this section. If the applicant is a corporation, such statement shall include applicant's officers, and directors thereof, and any stockholder or stockholders owning in the aggregate more than 20 percent of the stock of such corporation. If the applicant is a partnership, such statement shall include all general partners, and any limited partner owning more than 20 percent of the aggregate limited partner interest in such partnership. Such listing shall include the following:
1. Any offense involving sexual misconduct with children or other sex offenses;
 2. A felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past 11 years;
 3. A felony unrelated to conduct or involvement in such business or activity or related to similar business or activity, but which felony involved the use of a deadly weapon, violations of the Cannabis Control Act or the Controlled Substance Act or violence against another person, including rape, within the past five years; and
 4. A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two years.
- E. In the case of an individual, the full name, residence address with zip code, date of birth, gender and a physical description of the applicant including height, weight, color of hair and eyes.
- F. In the case of a partnership, the full name, residence address with zip code, date of birth, gender and a physical description including height, weight, color of hair and eyes of all partners (whether general or limited) and any other persons entitled to share in the profits thereof.
- G. In the case of a limited liability company or corporation, the purpose for which said limited liability company or corporation is organized, the name, residence address, gender and date of birth of all, members and managers of the limited liability company, the directors and officers of the corporation and/or of all persons acting as managers or assistant managers or other persons principally in charge of the operation of the massage establishment situated or to be situated in the village.
- H. The date of formation of the partnership or limited liability company, if a partnership or limited liability company, the date of incorporation, if an Illinois corporation, or the date of becoming qualified under the Illinois Business

Corporation Act, 805 ILCS 5/1.01 et seq., to transact business in Illinois, if a foreign corporation.

- I. A description of the proposed massage establishment, other activities or business conducted at the same location, and the physical facilities to be used, with a floor layout diagram of same attached thereto.
- J. A complete list of the names, residence addresses, with zip codes, and dates of birth of all licensed massage therapists engaged in massage at the massage establishment, as well as current copies of the licenses of all licensed massage therapists.
- K. A complete list of the names, residence addresses with zip codes, and dates of birth of managers, assistant managers or other persons principally in charge of the operation of the massage establishment.
- L. The business, occupation, employment of applicant, if an individual, for three (3) years preceding the date of application.
- M. Whether applicant or its duly authorized agent, if not an individual, ever made an application for a license under this article, or a massage business license or similar license to a state or county, city, village or other unit of local government and was denied or not granted such license, and if so, where and when, and the reasons for the denial or why such license was not granted.
- N. Whether a license issued to the applicant or its duly authorized agent, if not an individual, under this article, or a massage business license or similar license issued by any state or county, city or village or other unit of local government, has ever been suspended or revoked and the reasons for the suspension and/or revocation.
- O. Whether the applicant or its duly authorized agent, if not an individual, has ever plead guilty or been found guilty of a violation of any of the provisions of this article or any ordinance of any other Illinois municipality or unit of government which regulates massage establishments or the providing of massages, or any Illinois statute regulating massage establishments or massage therapy.

Except in the case of an application for a renewal of a license and fingerprints are already on file for all persons who are required to provide a complete set of fingerprints, the applicant shall submit a complete set of fingerprints with the application. If the applicant is a corporation, partnership or limited liability company, fingerprints must be submitted for all persons acting as managers or assistant managers or other persons principally in charge of the operation of the massage establishment. The owners, partners and principal managers of any other legal entity entitled to do business in the state shall also be fingerprinted. The village may, in its sole discretion, either require the applicant to have his/her fingerprints taken and submitted for processing by the state department of law

enforcement state police and direct that the results be sent directly to the village, c/o the chief of police, or the village may require that all such fingerprinting shall be done by the village police department. If the village does the fingerprinting, then the fingerprints shall be submitted to the appropriate state and/or federal agencies for processing as available. The cost of fingerprinting shall be paid by the applicant in addition to any application or license fee.

The applicant shall submit a written authorization for the village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for a license.

The applicant shall submit a copy of identification which shall include, but shall not be limited to, a driver's license, if any, and two (2) copies of a current portrait photograph of the applicant at least two (2) inches by two (2) inches. The portrait shall include the head and shoulder area with the face forward pose. A new and current portrait shall be required with each renewal application. If the applicant is a corporation, partnership or limited liability company, the identification and the portrait must be submitted for each person acting as a manager or assistant manager or other person principally in charge of the operation of the massage establishment. The village, in its sole discretion, may require that any portrait photograph required by these provisions be taken by the village police department.

The applicant shall submit proof of professional and/or general liability insurance in the minimum amount of one million dollars (\$1,000,000.00) per occurrence.

The applicant shall submit a current copy of any draping protocols, sexual conduct policies or other similar policies and procedures for the proposed massage establishment.

The applicant shall submit such other information, documentation, and identification of the applicant as the village code enforcement official and/or the chief of police shall deem necessary to determine the identity of the applicant or to process the application.

3-13-5 APPLICATION PROCESSING

- A. An application shall not be considered proper or filed until all information and material required of the applicant has been submitted.
- B. Upon receipt of a proper application, the Mayor or his designee, along with the Police Chief or his designee, shall investigate the information contained in the application and shall determine compliance with all applicable laws of the Village. The nature and scope of the investigation shall be within the discretion of the Mayor or his designee and the Police Chief or his designee, and shall include, but is not limited to, a criminal history background check and premises inspection. The applicant for a massage establishment license shall allow the village code enforcement official to inspect the premises and/or review plans for the facility, to ascertain whether the premises and/or planned changes are in conformance with

the Village Building Code. In the event plans are submitted prior to construction, a final inspection will be conducted prior to issuance of the license to assure compliance with said Building Code.

- C. The investigation, including any required inspections and background checks, shall be completed within 35 business days after receipt of a proper application. Provided, however, the Mayor or his designee may extend this investigation period an additional period, not to exceed an additional 15 business days, upon a finding that such additional period is needed to properly complete the investigation. Provided, whenever such extension period is invoked, written notice shall be provided to the applicant along with the specific reasons for such extension.
- D. If, within 15 business days following completion of the investigation, it is determined that the applicant and premises are in compliance with the applicable laws of the Village and the State, the license shall be issued.
- E. If, within 15 business days following completion of the investigation it is determined that the premises are not in compliance with the applicable laws of the Village and the State, the applicant shall be notified in writing that the license has been denied, setting forth the reasons therefore, and advising the applicant of his or her right to appeal pursuant to these regulations. Unless a timely appeal has been filed as provided herein, such denials shall be final and effective upon service of the notice on the applicant. The fee paid by the applicant shall be returned, less \$50.00 which will be retained as the processing fee.

3-13-6 MESSAGE ESTABLISHMENT FACILITIES AND OPERATING REQUIREMENTS

No license, or renewal thereof, shall be issued to conduct a massage establishment unless an inspection, conducted by the village code enforcement official, or his designee, confirms that the facility complies with the following minimum requirements. Renewal of a license may require re-inspections by the village code enforcement official or his designee.

- A. All walls, ceilings, floors, steam rooms and other physical facilities shall be kept in good repair, and maintained in a clean and sanitary condition.
- B. No massage establishment shall be located on any premises for which a license to sell alcoholic liquor has been issued.
- C. The massage establishment premises shall be in compliance with applicable codes and ordinances of the Village, including, but not limited to, zoning, building, fire and life safety codes.
- D. When any license has been revoked for cause, no license shall be granted to any

person for the period of one year thereafter for the conduct of a massage establishment in the premises described in the revoked license.

- E. Rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the Illinois Plumbing Code and the village building code. Plumbing fixtures shall be installed in accordance with the Illinois Plumbing Code and village plumbing vcode.
 - (1) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the village.
 - (2) Floors of wet and dry heat rooms shall be adequately pitched to one (1) or more floor drains properly connected to the sewer. (Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains).
 - (3) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

- F. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

- G. All massage establishments shall be equipped with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a closed cabinets. No common use of towels or linens shall be permitted. 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. Clean and sanitary towels and linens shall be provided for each client receiving massage services.

- H. Restrooms, including toilet facilities, shall be provided in convenient locations. At a minimum, a single unisex toilet facility shall be provided on an establishment when less than five (5) (in the aggregate) employees and patrons in any numerical combination of males and females are reasonably calculated to be on the premises at the same time. When five (5) or more (in the aggregate) employees and patrons in any numerical combination of males and females are reasonably calculated to be on the premises at the same time, the following shall be applicable:

Separate restrooms, including toilet facilities, shall be provided for males and females. Restrooms shall be designated as to the gender accommodated therein.

- I. Adequate dressing or 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, segregated dressing, locker and massage room facilities shall be provided.

- J. A washbasin with both hot and cold running water shall be installed in either the restroom or a vestibule. Washbasins shall be provided with soap and a dispenser and with sanitary towels.
- K. All electrical equipment shall be installed in accordance with the requirements of the village electrical code.
- L. Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- M. Price rates for all massage services shall be prominently posted and/or pricing sheets shall be available for review to all prospective patrons, at the front desk and/or in the massage treatment areas. A placard must also be posted and visible in the massage treatment area or in a location available to all prospective patrons advising: "No massage services other than those posted or listed on a pricing sheet available for customer review shall be provided for any compensation whatsoever. There shall be no bargaining or solicitation for massage services between patrons, massage therapists, and/or employees."
- N. All employees, including licensed massage therapists, shall be clean and shall be fully covered by wearing clean, nontransparent outer garments, completely covering the sexual and genital areas.
- O. No massage establishment granted a license under the provisions of this article shall place, publish or distribute or cause to be placed, published [or] distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any massage services.
- P. Eating in the massage work areas shall not be permitted. Animals, except seeing eye dogs, shall not be permitted in the massage work areas.
- Q. The sexual or genital areas of patrons shall be completely covered at all times when in the presence of an employee of the massage establishment or any licensed massage therapist.
- R. Each licensed massage therapist shall wash his or her hands in hot running water with proper disinfectant before administering a massage to each patron.
- S. No massage establishment licensee under the provisions of this article shall knowingly permit any person to remain in or upon the licensed premises who commits any act of public indecency or obscenity as provided in this Code or as provided in the Illinois Criminal Code.

- T. No person under the age of 18 shall be permitted to come or remain on the area where the massage activity is taking place on the licensed premises.
- U. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets and shall be dispensed in unit doses so that bulk containers are not contaminated between clients.
- V. Each massage establishment shall operate in compliance with all applicable local, state and federal laws and regulations, including, but not limited to, any such laws and regulations relating to discrimination based on race, color, religion, national origin, gender, disability or age.
- W. At all times during the operation of a massage establishment, while massage activities are taking place, there shall be present a manager, assistant manager or other persons principally in charge of the operations of the licensee, and a licensed massage therapist, each of whom shall not be less than eighteen (18) years of age. A licensed massage therapist may also serve as a manager, assistant manager or person principally in charge.
- X. No massage establishment shall be open for business or in operation, nor provide massage services, between the hours of 9:00 p.m. and 7:00 a.m., except to complete massage services scheduled and initiated prior to 8:30 p.m.
- Y. No person shall employ as a massage therapist any person unless said person is a properly licensed massage therapist pursuant to Illinois law and the Massage Licensing Act, 225 ILCS 57/1 et seq.
- Z. The massage business license and the massage therapy license of each and every licensed massage therapist employed in the massage establishment shall be displayed in an open and conspicuous place in the massage establishment or available upon request.
- AA. No person granted a license hereunder shall operate the massage establishment under a name not specified in the license, nor shall the business be conducted under any different designation or at any location not specified in the massage establishment license.

3-13-7 PROHIBITED ACTS AND CONDITIONS

- A. The sexual or genital areas of patrons must be covered by non-transparent towels, clothing, cloths or undergarments at all times while in a massage establishment, except while said patrons are alone in a washroom, bathroom, shower or clothes-changing area, or except when said patron is receiving lymphatic drainage treatment from a massage therapist having a minimum of 20 hours of training in

such treatment;

- B. It shall be unlawful for any person, in a massage establishment, to knowingly 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 or part of any other person;
- C. It shall be unlawful for any individual, in a massage establishment, to knowingly allow a patron of the massage establishment to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area or part of any licensed massage therapist or any other employee of the massage establishment.
- D. It shall be unlawful for any individual, in a massage establishment, to expose his or her sexual or genital area or part, or any portion thereof, to any other individual.
- E. It shall be unlawful for any individual, while in the presence of any other individual in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital area or part of his or her body.
- F. It shall be unlawful for any agent, employee or representative of a massage establishment, while in the presence of a patron in the massage establishment, to wear clothing that is not modest, professional and appropriate for street wear.
- G. It shall be unlawful for any individual owning, operating, or managing a massage establishment, to knowingly cause, allow or permit in or about such massage establishment any agent, employee, or any other individual under his control or supervision to perform any such acts deemed to be unlawful by the provisions in subsections (B), (C), (D), (E), and (F) of this subsection.
- H. No person shall administer a therapeutic massage to a patron if the massage therapist has a skin fungus, skin infection, skin inflammation or skin eruption; unless a physician duly licensed by the State of Illinois certifies in writing that such massage therapist may safely administer a massage and prescribing the condition thereof;
- I. No employee or operator shall administer a therapeutic massage to a patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption; unless a physician duly licensed by the State of Illinois certifies in writing that such person may be safely massaged and prescribing the conditions thereof;
- J. It shall be unlawful for any person to advertise themselves as a massage therapist without having a valid massage therapist license;
- K. No massage establishment licensee shall employ as a massage therapist any person unless said person has a valid State massage therapy license;
- L. No person shall sell, give, dispense, provide, keep or consume, or cause to be

sold, given, dispensed, provided, kept or consumed, any alcoholic beverage on the licensed premises; and

- M. It shall be unlawful for any person who holds a license to operate a massage establishment within the village to directly or indirectly through its employees fail to comply with any of the conditions and regulations set forth in this article.

13-13-8 LIMITATION ON ISSUANCE AND REVIEW OF LICENSE

No massage establishment license shall be issued or renewed under the following circumstances:

- A. To an applicant who has been convicted of the following criminal, misdemeanor or felony offenses:
 - 1. Any offense involving sexual misconduct with children or sex offenses;
 - 2. Any offense based upon conduct or involvement in such business or activity or related or similar business or activity, within the past 10 years;
 - 3. Any offense which involved the use of a deadly weapon, violations of the Cannabis Control Act or the Controlled Substance Act or violence against another person, including rape, within the past five years; or
 - 4. Any offense or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two years;
- B. To an applicant whose license issued hereunder has previously been revoked for cause;
- C. To an applicant who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- D. To an applicant under the age of 18 years of age;
- E. To an applicant where grounds for revocation exist as provided hereunder;
- F. To an applicant who is not a United States citizen or has status as a permanent resident alien or a valid work permit; or
- G. Under the following circumstances:
 - 1. To a partnership, if any general partner thereof, or any limited partner owning more than 20 percent of the aggregate limited partner interest in such partnership, would not be eligible to receive a license hereunder;

2. To a corporation, if any officer or director, or any stockholder or stockholders owning in aggregate more than 20 percent of the stock of such corporation, would not be eligible to receive a license hereunder;
3. To a corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois;
4. To any applicant whose place of business is conducted by a manager unless the manager possesses the same qualifications required by the licensee; or
5. To any applicant who is not a beneficial owner of the business to be operated by the licensee.

3-13-9 LICENSE FEES AND PERIOD OF LICENSE

- A. The fee for a massage establishment license required by this section shall be two hundred dollars (\$200.00) and two hundred dollars (\$200.00) for each renewal application. Such license shall be valid for two (2) years. All fees shall be paid at the time each application is submitted to the village. No application shall be processed without the payment in full of the applicable fees even if the application is made for a period of less than a full year.
- B. Commencing with May 1, 2016, each license year shall commence on May 1 of each year and shall expire on April 30 of the following year unless an application is submitted after May 1 for any year (but before April 30 in the following year) in which case the license shall commence when issued but shall expire on the thirtieth day of April following the date of issuance.
- C. An application for the renewal of a license shall be submitted not later than forty-five (45) days prior to the expiration of the license.

3-13-10 REVOCATION OR SUSPENSION OF A LICENSE

- A. No license shall be revoked, suspended or refused until the licensee has been provided with written notice. Said notice shall be delivered personally or by leaving such notice at the place of business or residence of the licensee in the custody of the manager or other employee or person 18 years of age or older. In the event the licensee cannot be found, and delivery of such notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be sent by certified mail, postage prepaid, addressed to the licensee at the licensee's place

of business or residence at least 7 days prior to the date of any required hearing and a copy posted on the door of the premises.

- B. Suspension. Any license issued for a massage establishment may be suspended by the Mayor for a period not to exceed thirty (30) days upon written notice provided to the licensee, which notice shall state a basis or charge(s). The notice shall be provided to licensee in the same manner provided in subsection (A) of this section 3-13-10. The licensee may request in writing a hearing before the Mayor within ten (10) days of notice being provided to licensee. If a written request for a hearing is not made within ten (10) days of such notice, the Mayor may suspend any license for a period not to exceed thirty (30) days for any of the reasons hereinafter set forth in the provisions of this Chapter 13. Upon receiving a timely written request therefore, the Mayor shall conduct the hearing and may thereafter suspend a license for a period of time not to exceed thirty (30) days if the Mayor finds that any of the provisions of this article are violated or any employee of the licensee, including a licensed massage therapist, is engaged in any conduct at licensee's place of business which violates any of the provisions of this article or any other ordinances of the village relating to the license, the licensed premises, or any state law, or where any applicant has committed any fraud, misrepresentation or made a false statement on an application for a license under this article or in any case where the licensee refuses to permit any duly authorized police officer or Code Enforcement Official of the village to inspect the premises or the operations therein, or the failure or refusal of the licensee to pay any fine, penalty or charge owed to the village, or in the event that the licensee would not now qualify for the issuance of a license or the renewal thereof. The licensee shall be deemed to have actual or constructive knowledge of any violations hereinabove set forth if they occur on the licensed premises by any person(s) acting as an agent or otherwise receiving compensation. Such license may also be suspended by the Mayor upon the recommendations of the Village Code Enforcement Official that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or without due regard to proper sanitation or hygiene. The licensee shall be permitted to present any relevant evidence bearing on the alleged violations set forth in the notice.

Any decision of the Mayor to suspend a license may be appealed to the Village Board by the licensee by a request in writing therefore made to the Village Board within ten (10) days of the issuance by the Mayor any order of suspension. The Village Board shall review the record of the hearing held before the Mayor if any was held or if no hearing was held, the basis for such order of suspension, and based upon such review shall make a decision to either affirm or reverse the decision of the Mayor to suspend the license. If the Village Board decides to affirm the decision to suspend the license, it may also modify the term of the suspension provided that in no event shall the suspension exceed thirty (30) days. Any suspension ordered by the provisions hereof shall be stayed until all administrative appeals made to officials of the village as provided herein (and not

including any appeal of a decision of a village official made to any court of competent jurisdiction) have been concluded. The decision of the Village Board to affirm or reverse a suspension shall be final and subject to judicial review only by a court of competent jurisdiction to the extent otherwise provided by law.

- C. Revocation. Any license issued for a massage establishment may be revoked by the village code enforcement official for any of the reasons hereinabove set forth in subsection (B) of this section 3-13-10 upon written notice to the license holder, which notice shall state a basis or charge. The license may also be revoked for a failure to maintain a current registration certificate pursuant to section 3-12-1, *et al.*, and for a violation of other Village ordinances. The notice shall be provided to licensee in the same manner as set forth in subsection (A) of this section 3-13-10. The licensee may request a hearing before the Mayor by written request within ten (10) days of being provided with notice. If a written request for a hearing is not made within ten (10) days of the service date, the Mayor shall determine whether or not to revoke any license as hereinafter provided. Upon receiving a timely request made therefore, the Mayor shall conduct a hearing. The licensee shall be permitted to present any relevant evidence bearing on the alleged violations set forth in the notice. After the Mayor shall render a decision whether or not to revoke the license held by the licensee.
- D. The Mayor may revoke a license for any of the reasons hereinabove set forth in this Chapter 13 and shall revoke a license if he determines that any one (1) or more of the following have occurred:
- (1) A licensee has violated or is not in compliance with the provisions of this Chapter and the license has been suspended within the preceding twenty-four (24) months.
 - (2) A licensee has knowingly allowed a violation any provision of this Chapter or prostitution, as defined by the Illinois Criminal Code, on the premises.
 - (3) A licensee knowingly conducted or allowed to be conducted massage activities in the village during a period of time when the licensee's license was suspended.
 - (4) On two (2) or more occasions within a twenty-four-month period, a person or persons committed a violation of the provisions of this Chapter which substantially occurred in or on a licensed premises, and the person or persons were employees of the licensee at the time the violations were committed.
 - (5) A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, bestiality, prostitution, or flagellation to occur in or on the licensed premises.

- (6) There is no licensed massage therapist employed by the licensee or otherwise engaged or committed to provide massage services on the licensed premises.
 - (7) A licensee does not now qualify for the issuance of a license or the renewal thereof.
 - (8) A licensee or its authorized agent knowingly advertises for the providing of services within the massage establishment which are unlawful.
- E. Any decision of the Mayor to revoke a license may be appealed to the Village Board by the licensee by a request in writing therefor made to the Village Board within ten (10) days of the issuance by the Mayor of any order to revoke a license. The Village Board shall review the record of the hearing held before the Mayor, if any was held, or if no hearing was held, the basis for such order to revoke and based upon such review shall make a decision to either affirm or reverse the decision of the Mayor to revoke the license. Any order to revoke a license shall be stayed until all administrative appeals made to officials of the village as provided herein (and not including any appeal of a decision of a village official made to any court of competent jurisdiction) have been concluded. The decision of the Village Board shall be final and subject to judicial review only by a court of competent jurisdiction to the extent otherwise provided by law.
- F. Any licensee whose license has been revoked is barred from applying for a new license for a minimum period of one (1) year from the date of revocation.

Any suspension or revocation of the license, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this article or other ordinances of the village.

3-13-11 INSPECTION OF MASSAGE ESTABLISHMENTS

Whenever inspections of the premises used for or in connection with the operation of a licensed massage establishment are provided for or required by this article, or any ordinance of the village or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the village, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested. Each such inspection shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer(s) access to the premises or to hinder such officer(s) in any manner.

3-13-12 TRANSFER-CHANGES IN OWNERSHIP OR MANAGEMENT

- A. Any license issued pursuant to this article shall be applicable only to the specific licensee and location designated, and may not be sold, transferred, or otherwise assigned. Notwithstanding the foregoing, if the licensee remains the same and a request is made to designate and substitute a different location, the village code enforcement official may approve such new location upon submission of proof that such location is in compliance with all of the provisions of this article. A fee of fifteen dollars (\$15.00) shall be required for processing a request to change the location of the massage establishment.
- B. A transfer in the ownership or control of a massage establishment shall constitute a change in the licensee and the existing license shall be deemed surrendered and extinguished. A new application for license shall be filed and processed as provided in this article prior to such transfer taking effect. Any transfer in the ownership or control of a massage establishment in violation of this article shall constitute the operation of an unlicensed massage establishment.
- C. Notice shall be provided prior to any change of the designated manager conducting business for the massage establishment licensee. The new manager must be qualified to operate the massage establishment as provided in this article. The licensee shall, not less than ten (10) business days before such change is to take effect, give the village code enforcement official notice of such change. The notice shall include any information concerning the new manager which is required in this article.

3-13-13 PUBLIC NUISANCE

Any location used as a massage establishment in violation of this article is hereby declared to be a nuisance.

3-13-14 PENALTY FOR VIOLATION

Any person, corporation, firm or partnership found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of these regulations shall be punished by a fine of not less than \$400.00 nor more than \$1,000.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any penalty, a licensee violating any provision herein may be subject to having the license revoked, suspended or not renewed.

3-13-15 APPLICATION TO EXISTING MASSAGE ESTABLISHMENTS

The owner of any massage establishment which was in operation within the village prior to the effective date of the ordinance from which this article derives shall submit a completed application for a license to the Mayor, as required by this article, within forty-five (45) days of the effective date of this Chapter. In the event that such license is granted, such massage establishment may only be operated, following the granting of

such license, in full compliance with the provisions of this article. In the event that such license is denied, or in the event that the owner of a massage establishment fails to submit a completed application within said forty-five-day period, the massage establishment shall cease all operations effective on the earlier of the third day following the date on which the Mayor mails notification of the denial of the license, or the forty-sixth day following the effective date of this article in the event that a completed application is not filed ("the termination date") in the event that the massage establishment continues to operate following the termination date, such continued operation shall be deemed to be in violation of the provisions of this article.