

§ 114.01 JURISDICTION.

This chapter shall apply only in the unincorporated areas of Lake County, Illinois.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.02 DEFINITIONS.

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For the purpose of this chapter, the following definitions shall apply.

MASSAGE . Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, or stimulating of external soft parts of the body with hands or with the aid of any manual, mechanical, or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, creams, lotions, soaps, ointments, or other similar preparations commonly used in this practice.

MASSAGE ESTABLISHMENT. As used herein, any building, room, place, or establishment, other than a regularly licensed hospital, dispensary, or nursing home, where non-medical and non-surgical manipulative exercises are practiced upon the human body or where activities described in the definition of "massage " are engaged in for a fee or other gratuity.

MASSEUSE or MASSEUR. An individual who administers massages for compensation. A MASSEUSE or MASSEUR is not anyone who is a physician, surgeon, physical therapist, chiropractor, barber, or cosmetologist, provided that each of the foregoing are currently properly licensed or registered under the laws of this state, and practicing only within the guidelines of that license or registration. Nor is it anyone employed or acting as a coach or trainer in connection with any professional or amateur athletic activity or facility.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.03 LICENSE REQUIRED.

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No person shall operate a massage establishment or hold himself or herself out as a masseuse or masseur operating within unincorporated areas of Lake County, Illinois a massage establishment without first having obtained a license therefor from the county. A masseuse or masseur must comply with the requirements of this chapter.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994) Penalty, see § 114.99

§ 114.04 APPLICATION FOR LICENSE.

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(A) Every applicant for a license to operate a massage establishment shall file an application under oath with the Chair of the County Board on a form provided by the county along with the proper license fee.

(B) The application shall contain the following information:

(1) Name and address of applicant. If applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation;

(2) Social Security number and written evidence that applicant is at least 18 years of age;

(3) Residential addresses of applicant for the past three years;

(4) Business, occupation, or employment of applicant for the past three years;

(5) Previous experience in the massage therapy business, and whether or not any previous license to operate a massage establishment has ever been suspended or revoked;

(6) Criminal history check, fingerprints, and photographs ~~by the Lake County Sheriff's Office~~ (the applicant would be responsible for any fees); or in lieu of the criminal history check and fingerprints, a copy of a currently valid Massage Therapy License issued by the State of Illinois;

(7) Address of place of business which is the subject of application for permit;

(8) If applicant is a partnership or corporation, application shall include the names of all partners and any stockholder holding more than 5% of the stock of the corporation;

(9) List containing the names and current addresses of all employees;

(10) Certification from the Lake County Health Department and Community Health Center that proposed licensed premises are in conformity with all regulations and ordinances of the department;

(11) Certification from the Department of Planning, Building and Development that proposed licensed premises are in conformity with all regulations and ordinances of the Department; and

(12) The applicant masseuse or masseur shall provide proof of successful completion of a massage therapy program that is accredited by a massage therapy association or shall have passed the National Certification Examination for Therapeutic Massage and Bodywork.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.05 LICENSE FEE.

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The annual license fee shall be \$100 for each applicant. This fee shall accompany the application and shall be refunded in those cases where the application for a license is denied. The Lake County Health Department and Community Health Center, ~~Lake County Sheriff's Office~~, and Lake County Planning, Building and Development Department shall charge reasonable fees as determined by their Department for the establishment, administration, regulation, and inspection of massage establishments and masseurs operating out-call massage services.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.06 TERM OF LICENSE.

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Every massage establishment license issued pursuant to this chapter will terminate at the expiration of one year from the date of its issuance unless sooner revoked or suspended.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.07 LICENSE OFFICER.

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The Chair of the County Board shall act as License Officer hereunder.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.08 DUTIES OF LICENSE OFFICER.

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The duties of the License Officer shall be as follows:

(A) To receive applications and fees;

(B) To keep records of licenses issued;

(C) To preside at all hearings required under this chapter; and

(D) To make findings and recommendations to the County Board concerning issuance, denial, suspension, and revocation of licenses.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.09 LICENSE HEARING.

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Within 30 days after an application has been received, the License Officer shall either make a recommendation to the County Board that a license be issued or shall schedule a hearing to be held within 60 days of the date of the receipt of the application. The applicant, if he or she so desires, may have an attorney present with him or her at the hearing. A certified shorthand reporter shall record the proceedings and prepare a transcript thereof, all at the expense of the applicant. The License Officer shall submit the record of the hearing along with his or her findings and recommendations to the County Board ~~at~~ the next scheduled County Board meeting. The County Board, by a majority of its members present, shall at the earliest convenient date decide whether or not to issue or deny the license, and is not bound by the recommendation of the License Officer. A license shall be issued to all qualified applicants, and may be denied only for cause (see § 114.43).

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.10 EFFECTIVE DATE.

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This chapter shall be in full force and effect from ~~December 13, 1977~~ ~~September 13, 1994~~, when it was passed and approved by the County Board. All persons who presently operate massage establishments or out-call massage services in the unincorporated areas of Lake County, Illinois must file an application for license within 30 days of the effective date of this chapter.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

OPERATIONS

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§ 114.20 OPERATING REQUIREMENTS.

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(A) Every portion of the massage establishment and all mechanical and therapeutic devices that come into contact with the human body shall be kept cleaned, sanitized, and operated under sanitary conditions.

(B) 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 cabinets, shower compartments and toilet room 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.

(C) Each masseur and masseuse shall wash his or her hands in hot running water, using a proper disinfectant soap, before administering a massage to each patron. Hand-washing facilities should be in each room or as close as practicable.

(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. All towels and linens furnished for use of one patron shall not be furnished for use of another until laundered.

(E) The sexual or genital area of patrons must be covered by non-transparent towels, cloths, or undergarments when in the presence of an employee, masseur, or masseuse.

(F) All employees, including masseurs and masseuses, shall be clean and wear clean, non-transparent outer garments, covering the sexual and genital areas while administering a massage-.

(G) No masseur or masseuse shall administer a massage to a patron who exhibits any skin fungus, skin infection, skin inflammation, skin eruption, or skin lesions (open or healing sores); unless a physician duly licensed by the state certified in writing that the person may be safely massaged-.

(H) No person suffering from any symptoms described in subsection (G) above shall work or be employed in a massage establishment.

(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, employee or operator shall perform, offer or agree to perform, any act which would require the touching of the patron's genital area. It shall be unlawful for any person in the massage parlor to touch, fondle, or massage a sexual or genital area of any other patron.

(L) Each masseur or masseuse shall disclose to each patron health problems that may be contraindicated to the administration of massage therapy.

(M) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(N) Alcohol shall not be served or sold on the premises.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994) Penalty, see § 114.99

§ 114.21 DEFINITION OF SEXUAL OR GENITAL AREA.

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For purposes of this chapter, SEXUAL OR GENITAL AREA is defined as the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.22 EMPLOYMENT OF PERSONS UNDER AGE 18 PROHIBITED.

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It shall be unlawful for any licensee, 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.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994) Penalty, see § 114.99

§ 114.23 ADVERTISING.

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False and misleading advertising by operators of massage establishments is prohibited.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994) Penalty, see § 114.99

§ 114.24 OUT-CALL MASSAGE SERVICE.

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No out-call massage service may be operated other than by a licensee hereunder. All massages performed by an out-call massage service shall be performed in conformance with this chapter. An OUT-CALL MASSAGE SERVICE is a business which gives massages at a location designated by the customer or client rather than at a fixed and permanent location.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994) Penalty, see § 114.99

LICENSE RENEWAL; DISPLAY; CURRENCY OF INFORMATION; REVOCATION OR SUSPENSION

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§ 114.35 RENEWAL OF LICENSE.

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(A) The procedure to be followed in renewing a license is the same procedure set forth for obtaining the initial license.

(B) Applications seeking to renew a license must be filed at least 30 days prior to the date the current license is due to expire. Licenses of qualified applicants shall be renewed.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.36 NATURE OF LICENSE.

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(A) The license granted hereunder is a personal privilege and shall constitute property.

(B) All licenses are non-transferable.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.37 INSPECTIONS.

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Inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow the inspection officer access to the premises or to hinder the officer in any manner.

(A) The Lake County Sheriff's Office and Planning, Building and Development Department may make inspections of the massage establishments for the purposes of determining whether or not the provisions of this chapter and other applicable county ordinances and state and federal laws are being complied with.

(B) (1) The Lake County Health Department and Community Health Center shall make inspections of the massage establishments granted a license hereunder for the purpose of determining compliance with public health provisions of this chapter.

(2) The Lake County Health Department shall adopt and implement massage establishment regulations approved by the Lake County Board of Health.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994) Penalty, see § 114.99

§ 114.38 DISPLAY OF LICENSE.

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Every licensee shall display a valid license in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.39 CHANGE OF BUSINESS LOCATION.

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Licensees shall notify the License Officer ten days in advance of any change of business location and must obtain the License Officer's written approval of the change of business location.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.40 CURRENT LIST OF EMPLOYEES.

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Licensees shall notify the License Officer of any change of employees or any change in the addresses of any employees within ten days after the change.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.41 AGENCY; LIABILITY OF LICENSEE.

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Every act of omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by any officer, director, manager, or other agent or employee of any licensee, shall be deemed and held to be the act of the employer or licensee, and the employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him or her personally.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994) Penalty, see § 114.99

§ 114.42 SUSPENSION AND REVOCATION.

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Any license issued for a massage establishment may be suspended or revoked for good cause. If the License Officer has reason to believe that good cause to suspend or revoke a license exists, he or she shall notify the licensee in writing at least ten days in advance that a hearing will be held and advising him or her of the specific charges made against him or her. The licensee may have an attorney present with him or her at the hearing. A certified shorthand reporter shall record the proceedings and prepare a transcript thereof, all at the expense of the licensee. The License Officer shall submit the record of the hearing along with his or her findings and recommendations to the County Board within ten days of the hearing. The County Board, by a majority of its members present, shall at the earliest convenient date decide whether or not to revoke or suspend the license and the length of suspension, and is not bound by the recommendation of the License Officer. Notice to the licensee of any suspension or revocation shall be in writing and shall state the reason or reasons therefor.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.43 CAUSE FOR DENIAL, REVOCATION, OR SUSPENSION OF LICENSE.

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The following is an inclusive but not exclusive list of reasons why a massage establishment may be denied, revoked, or suspended:

(A) The correct license fee has not been tendered to the County Board;

(B) The applicant for or holder of a license, if an individual; or any of the stockholders holding more than 10% of the stock of the corporation, any of the officers and directors, if the applicant or licensee

holder is a corporation; or any of the partners, including limited partners, if the applicant or license holder is a partnership; or the manager or any other person principally in charge of the massage establishment has been convicted of any of the following offenses or convicted of an offense ~~within the state~~ that would have constituted any of the following offenses ~~if committed~~ within ~~the state in~~ the past five years:

(1) An offense involving the use of force or violence upon the person of another that amounts to a felony ~~pursuant to the laws of the state~~; or

(2) An offense involving sexual misconduct, which constitutes a felony ~~, or~~ misdemeanor, or ordinance violation ~~under the laws of the state~~.

(C) The applicant for or holder of a license has knowingly made any false, misleading, or fraudulent statement of fact in the license application, or in any document required by the county in connection with this subchapter;

(D) The applicant or license holder has had a permit or license denied, revoked, or suspended by the county or any other federal, state, or local agency within the past five years;

(E) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years;

(F) The application was not completely filled out or the application was not correctly filled out;

(G) The massage establishment would not comply with all applicable laws, including but not limited to the county's building, zoning, and health regulations, and with this chapter;

(H) Any person has committed, on the premises of the establishment, an act that would constitute prostitution pursuant to the laws of the state, or any offense involving narcotics, dangerous drugs, or gambling, whether or not the person has been convicted of the prostitution, narcotics, dangerous drugs, or gambling offense under the laws of the state;

(I) The massage establishment or any employee of the massage establishment has not complied with the provisions of this chapter; and/or

(J) The license may be denied, revoked, or suspended for just cause.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)

§ 114.99 PENALTY.

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Any person violating any provision of this chapter shall be fined not less than \$25 nor more than \$500 for each offense. Each day a violation is continued shall constitute a separate and distinct offense. The

State's Attorney shall be authorized to obtain an injunction against the operation of any massage establishment or out-call massage service being operated in violation of any provision of this chapter.

(1977 Code, § 6:1-14) (Ord. passed 9-13-1994)