

**ORD. 2018-05-19**

**VILLAGE OF CAROL STREAM  
500 North Gary Avenue  
Carol Stream, IL 60188**

**ORDINANCE NO. 2018-05-19**

**AN ORDINANCE AMENDING THE VILLAGE OF CAROL STREAM  
CODE OF ORDINANCES, CHAPTER 10, BUSINESS LICENSING  
AND REGISTRATION, TO ADD A NEW ARTICLE 13  
MASSAGE ESTABLISHMENTS**

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**ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES  
OF THE VILLAGE OF CAROL STREAM  
THIS 7<sup>th</sup> DAY OF MAY, 2018**

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**Published in pamphlet form  
by order of the Mayor and Board  
of Trustees of the Village of Carol Stream,  
County of DuPage, Illinois  
This 8<sup>TH</sup> Day of May, 2018**

**ORDINANCE NO. 2018-05-19**

**AN ORDINANCE AMENDING THE VILLAGE OF  
CAROL STREAM CODE OF ORDINANCES, CHAPTER 10, BUSINESS LICENSING AND  
REGISTRATION, TO ADD A NEW ARTICLE 13 – MASSAGE ESTABLISHMENTS**

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**WHEREAS**, the Village of Carol Stream is a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, Section 6 of Article VII of the Illinois Constitution of 1970 provides that a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, though massage therapists are licensed by the Illinois Department of Financial and Professional Regulations pursuant to the Massage Licensing Act, 225 ILCS 57/1, the Illinois Department of Financial and Professional Regulations does not regulate massage establishments; and

**WHEREAS**, prostitution is a problem associated with some massage establishments, and the licensing of massage establishments assists with the prevention of prostitution and the spread of sexually transmitted diseases; and

**WHEREAS**, the licensing and regulation of massage establishments is a matter pertaining to public health, safety, morals and welfare and is within the government and affairs of the Village of Carol Stream; and

**WHEREAS**, the Corporate Authorities deem it to be in the best interests of the public to regulate massage establishments.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:**

**SECTION 1:** The Carol Stream Code of Ordinances, Chapter 10, “Business Licensing and Regulation” is hereby amended by adding Article 13 entitled “Massage Establishments”, which shall read as follows:

**§10-13-1 DEFINITIONS:**

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**APPLICANT:** Any person or entity seeking a massage establishment business license. If it is a corporation or limited liability company, the term shall include any stockholder holding more than five percent (5%) of the stock, and each officer and director. If it is a partnership, it shall include each

partner, including each limited partner. It shall also include the manager or other person principally in charge of the operation of the business.

**EMPLOYEE:** Any person over eighteen (18) years of age, other than a massage therapist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

**LICENSEE:** The operator of a massage establishment.

**MASSAGE:** Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the body with the hands, elbows, feet, or with the aid of any mechanical or electrical apparatus or appliance, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such person's behalf, will pay money or give any other consideration or gratuity.

**MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on, a business of providing massages.

**MASSAGE THERAPIST:** Any person who, for any consideration or gratuity whatsoever, engages in the practice of massage and is licensed by the State of Illinois.

**OUTCALL MASSAGE SERVICE:** Any business, a function of which is to engage in or carry on massages at a location designated by the customer or patron rather than at a massage establishment.

**PATRON:** Any person who is offered or receives a massage under such circumstances that it is reasonably expected that he or she will pay money or any other consideration for such massage.

**SEXUAL MISCONDUCT:** Any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation.

**SEXUAL OR GENITAL AREA:** Genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

**STATE LICENSE:** A valid license issued pursuant to the Illinois Massage Licensing Act, 225 Illinois Compiled Statutes 57/1 et seq.

**§10-13-2: MASSAGE BUSINESS LICENSE REQUIRED:**

- A. Massage Business License Required; Exceptions: No person or entity shall operate a massage establishment unless that person has a valid massage establishment business license issued by the Village pursuant to the provisions of this article for each and every separate office or place of business in the Village. However, where individuals possessing the license required in subsection B of this section, perform massage in their own homes or as an outcall massage service without a massage establishment in Carol Stream, no massage business license shall be required for that

home. When a licensee performs massage in his or her own home, the requirements of the Carol Stream zoning code pertaining to home occupations shall apply. All massage establishments within the village shall be licensed on or before September 1, 2018, which licenses shall expire on December 31, 2019. Thereafter, all licenses shall be due on or before January 1 of each year and will terminate on December 31 following such issuance, unless sooner suspended or revoked.

- B. State License Required: No person shall engage in massage for compensation or other consideration, unless the person has a valid state license issued pursuant to the Massage Licensing Act, 225 ILCS 57/1 et seq.

**§10-13-3: APPLICATION FOR MASSAGE ESTABLISHMENT BUSINESS LICENSE:**

- A. Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application, under oath, with the Village of Carol Stream upon a form provided by the Village Clerk and pay a nonrefundable annual license fee, in the amount set forth in Section 10-1-19 of this Chapter. Copies of the massage establishment business license application shall be forwarded to the Director of Community Development. The Director of Community Development shall, within thirty (30) days of receiving a complete application, cause an inspection of the premises proposed to be operated as a massage establishment and upon inspection, shall prepare a written report concerning compliance with the applicable regulations. The complete application, once accepted, shall also be referred to the Police Department by the Village Clerk for investigation. The Police Department will perform the required criminal record check. Background investigations shall require the submission of fingerprints for the owner/applicant/s and the manager/s. The cost of the criminal record check and cost of fingerprint submissions shall be borne by the applicant.

- B. Each application shall contain the following information:

1. The name under which the business will be conducted and a complete statement of the service or services to be provided.
2. The location, mailing address and all telephone numbers where the business is to be conducted. If the premises is leased, the name and address of the owner of the premises, and if the premises is held in a trust, the names and addresses all owners of the beneficial interest in the trust. A copy of the lease for the premises shall also be provided.
3. Federal employer identification number (FEIN) and state of Illinois business tax number (IBT).
4. The name and residence address of each applicant (all provisions which refer to applicant include an applicant which may be a corporation, limited liability company or partnership).
  - a. If applicant is a corporation or limited liability company, the term applicant includes each of the officers, directors, member or manager of the corporation or company and of each stockholder owning more than five percent (5%) of the stock of the corporation or company.

- b. If applicant is a partnership, the term applicant includes each of the partners including limited partners.
  - c. If the applicant is a corporation, Limited Liability Company or partnership, the business address of the partnership, if different from the address of the massage establishment shall be provided.
5. The two (2) previous addresses immediately prior to the present address of each applicant.
6. Proof that each applicant is at least eighteen (18) years of age.
7. Copy of a government issued photo identification, such as a driver's license or State of Illinois Identification for each applicant.
8. One portrait photograph of each applicant at least two inches by two inches (2" x 2") and a complete set of applicant's fingerprints shall be taken by the chief of police or his/her agent. If the applicant is a partnership, limited liability company, or corporation, the chief of police shall have the right to require fingerprints of any and all officers, shareholders, directors, partners, members, managers or agents of the entity along with the fee for each.
9. Business, occupation, or employment of each applicant for the three (3) years immediately preceding the date of application.
10. The massage or similar business license history of the applicant; whether such person, in previously operating in this or another municipality, county or state, has had a business license revoked or suspended, the reason for the revocation or suspension, and the business activity or occupation subsequent to such action of suspension or revocation.
11. All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted for each applicant.
12. The name and residence address of each person who shall be employed as massage therapists, managers, assistant managers or any other persons principally in charge of the operation of the business, whether such persons are employees or independent contractors. Each application shall be accompanied by a copy of the state license issued by the state of Illinois authorizing the practice of massage therapy under the Massage Licensing Act, 225 ILCS 57/1 et seq. Each application shall also be accompanied by a copy of a photo identification card such as an Illinois driver's license or Illinois identification card for each massage therapist, manager, assistant manager or any other person principally in charge of the operation of the business. The business license holder shall provide the information required herein for every new employee or independent contractor employed, to the Village Clerk, at least ten (10) business days prior to the person beginning work at the premises.
13. The name and address of any other business owned or operated by any person whose name is required to be given as an applicant as provided in subsection B.4. of this section.

14. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
  15. Authorization of 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 the permit. Authorization for the Village or its agents to inspect the premises.
  16. Such other identification and information necessary to discover the truth of the matters required to be set forth in the application.
- C. Upon the completion of the above provided form and the furnishing of all foregoing information, the Village Clerk shall accept the completed application for the necessary investigations. The holder of a massage establishment license shall notify the Village Clerk of each change in any of the data required to be furnished by this section within ten (10) days after such change occurs.

**§10-13-4: ISSUANCE OF LICENSE FOR A MASSAGE ESTABLISHMENT:**

The Village of Carol Stream shall issue a license for a massage establishment if all requirements for a massage establishment described in this article are met unless it finds one or more of the following:

- A. The license application is incomplete, is missing required documentation, or the correct license fee or other fees or fines owed to the Village of Carol Stream have not been tendered to the Village.
- B. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the Village's building, zoning, and health regulations.
- C. The applicant or employees, other than massage therapists, have been found guilty of any of the following offenses or found guilty of an offense outside the state of Illinois that would have constituted any of the following offenses if committed within the state of Illinois:
  1. An offense involving the use of force and violence upon the person of another that amounts to a felony.
  2. An offense enumerated in any provision of article 11, entitled "sex offenses", of the Illinois criminal code, 720 Illinois Compiled Statutes 5/11-1 et seq., as amended from time to time.
  3. Any offense involving possession or delivery of a controlled substance or other illegal drug offense that amounts to a felony.
  4. A felony offense enumerated in article 24, deadly weapons, of the Illinois Criminal Code, 720 Illinois Compiled Statutes 5/24-1 et seq., as amended from time to time, or any other offense that involves the use of weapons.
  5. Any crime of moral turpitude. The Village of Carol Stream may issue a license to any person found guilty of (or whose employees, other than massage therapists, have been found guilty

of) any of the crimes described in subsections C1 through C4 of this section only if it determines that such finding of guilt occurred more than ten (10) years prior to the date of the application and the individual has had no subsequent felony findings of guilty of any nature and no subsequent misdemeanor findings of guilty for a crime or crimes set forth in this section. Further, for the purpose of this section, any finding of guilty, including an order resulting in supervision, shall apply.

- D. Any applicant has knowingly made any false, misleading or fraudulent statement of fact or failed to disclose or attempted to conceal required information or a fact in the license application or in any other document required by the Village.
- E. Any applicant has had a massage business, massage therapy or other similar permit or license denied, revoked or suspended by the Village or any other state, county or local agency within five (5) years prior to the date of the application.
- F. Any applicant is not eighteen (18) years of age or older.
- G. Copies of the state licenses of persons, who will be providing massage services at the business establishment, including outcall services, have not been provided.
- H. The business is licensed as a sexually oriented business as defined in 10-10-3 DEFINITIONS.

**§10-13-5: APPROVAL OR DENIAL OF APPLICATION:**

The Village of Carol Stream, through the Village Clerk or designee shall act to approve or deny an application for a license under this article within a reasonable period of time and in no event shall the Village of Carol Stream act to approve or deny said license later than ninety (90) days from the date that a full and complete application was filed with the Village.

**§10-13-6: POSTING OF LICENSE; PHOTO IDENTIFICATION CARD:**

- A. The state licenses issued to each massage therapist shall be posted in the reception area for patrons, or in the therapist's work area and shall be available for immediate inspection.
- B. The Village's Paper Massage Business License shall be posted in a publicly viewable area and the Village's Sticker Massage Business License shall be posted in a front window.
- C. In the event of the loss or destruction of a license issued pursuant to this article, upon written application to the Office of the Clerk, and payment of a fee of \$5, a duplicate license will be issued, noting it is a reissued license.
- D. Every massage therapist shall possess a government issued photo identification card while on the licensed premises and produce such identification card upon request of any representative of the Village of Carol Stream.

- E. To provide outcall massage service, the massage therapist must possess a government issued photo identification card and state license in the name of the individual providing the service.
- F. Every manager, assistant manager or other person principally in charge of the operation of the business shall possess a government issued photo identification card while on the licensed premises and produce such identification card upon request of any representative of the Village of Carol Stream.

**§10-13-7: REGISTER OF EMPLOYEES:**

The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time, including massage therapists, along with their current photographs and a copy of their licenses. Such register shall be available at the massage establishment to representatives of the Village of Carol Stream during regular business hours.

**§10-13-8: REVOCATION OR SUSPENSION OF LICENSE:**

- A. Any license issued for a massage establishment may be revoked or suspended by the Village of Carol Stream after notice and a hearing by the Mayor or designee, for good cause, or in any case where any of the provisions of this article are violated or where any employee of the licensee, including a massage therapist, is engaged in any conduct which violates any of the state or local laws or regulations at licensee's place of business. Such license may also be revoked or suspended by the Village of Carol Stream after notice and hearing, upon the recommendations of the inspector that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene.
- B. Notice of the hearing for revocation of a license or permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his or her last known address, at least three days prior to the date set for the hearing. Notice will also be posted on a public bulletin board and the Village website no less than 48 hours before the hearing. A stenographic or electronically recorded record of the hearing shall be kept. The Village shall pay the cost of attendance fees of the reporter and the costs of the transcript, if such transcript shall be ordered by the Village. The licensee or permittee shall pay the cost of any transcript ordered by him or her.
- C. Within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion, the Mayor shall file a written decision in which he or she has summarized the evidence and has stated the reasons for his or her decision. If a license has been revoked for any cause, no license shall be granted to any person for the conduct of the business of a massage establishment at that location for a period of twelve (12) months.
- D. No person shall destroy, obliterate, take, remove or carry away without the consent of the owner any license, certificate, plate or sticker which has been issued by the Village, except when such license, certificate, plate or sticker has been discontinued or the licensed premises have been



abandoned. Nothing herein shall prevent the Mayor or his or her duly authorized representative from removing any license, certificate, plate or sticker from the possession of a former licensee, his or her premises, any vehicle or any machine when such license has been revoked under the provisions of this code.

**§10-13-9: REVOCATION OF MASSAGE THERAPIST LICENSE:**

A massage therapist license issued by the state may be revoked or suspended in accordance with the Illinois Massage Licensing Act, 225 Illinois Compiled Statutes 57/1 et seq., as it may be amended from time to time. The Chief of Police shall report any and all suspected violations to the department of professional regulation.

**§10-13-10: FACILITY REQUIREMENTS:**

Every location for which a massage establishment license is sought shall, in addition to meeting all other Village regulations, comply with the following:

- A. The minimum number of plumbing fixtures shall be provided and maintained as required by code.
- B. The establishment will comply with all building, property maintenance, and fire codes.

**§10-13-11: OPERATING REQUIREMENTS:**

- A. Prices for all services shall be prominently posted in the reception area in a location available to all prospective customers on a placard of at least 8 inches by 10 inches.
- B. All employees, including massage therapists, shall wear nontransparent outer garments.
- C. The sexual or genital areas of patrons must be covered with nontransparent towels, cloths, or undergarments when in the presence of an employee or massage therapist.
- D. No massage therapist, employee, or licensee shall perform, offer, or agree to perform any act, which shall require the touching of a patron's sexual or genital area.
- E. Any reception or waiting area shall be open to the public and visible from outside of the immediate entrance of establishment, e.g., storefront windows and any entrance door shall be transparent and unobstructed. Any exterior windows or doors with a view to the waiting area or reception area must be free of any posting or material that would obstruct the view of the waiting area or reception area from the outside of the establishment. No massage establishment shall be equipped with tinted or one-way glass in any room or office. No doors to corridors or individual massage rooms shall be equipped with a lock or shall be obstructed.
- F. 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 professional massage services.

- G. No massage establishment granted a license under the provisions of this article shall depict, place, publish, distribute, or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective patrons that any services are available other than those services permitted by this article, or which would suggest that employees or massage therapists are dressed in any manner other than that permitted by this article.
- H. No advertising will suggest or describe the physical characteristics of employees or massage therapists.
- I. No person shall be denied a massage or access to the massage establishment because of gender.
- J. No massage establishment or employee of any massage establishment may display or offer to others any novelties, instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities or that give the appearance of or simulate any of the specified anatomical areas.
- K. An owner or manager of the massage establishment must be present during all operating hours.

**§10-13-12: PERSONS UNDER AGE EIGHTEEN PROHIBITED ON PREMISES:**

It shall be unlawful to permit any person under the age of eighteen (18) years to be offered or receive a massage at any massage business establishment unless accompanied by, or with written consent of, a parent or legal guardian.

**§10-13-13: ALCOHOLIC BEVERAGES PROHIBITED:**

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on any premises used in any way for or by a massage business, patron or massage therapist.

**§10-13-14: HOURS:**

No portion of any business premises used in any way for or by a massage business shall be kept open for any purpose between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.

**§10-13-15: EMPLOYMENT OF MASSAGE THERAPIST:**

No person shall employ, as a massage therapist, any person unless the employee has obtained and has in effect a state license issued by the Illinois department of professional regulation pursuant to the Illinois Massage Licensing Act, 225 Illinois Compiled Statutes 57/1 et seq., as it may be amended from time to time. Or a reciprocal license as defined by 225 ILCS 57/1 et seq.

**§10-13-16: INSPECTIONS REQUIRED:**

Upon issuance of a massage establishment business license, in addition to the inspection requirements of this article, the licensee shall provide any representative of the Village with reasonable opportunity to inspect the premises for which the license is issued and to interview the licensee's agents and employees for the purpose of determining that the provisions of this article and other applicable ordinances and state and federal laws are being complied with. It shall be unlawful for any person to fail to allow any representative of the Village access to the premises of the massage establishment or to hinder such access in any manner.

**§10-13-17: UNLAWFUL ACTS:**

- A. It shall be unlawful for any person, in a 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 of any other person.
- B. It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital area to any other person. It shall also be unlawful for any person, in a massage establishment, to expose the sexual or genital area of any other person.
- C. It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital area of his or her body.
- D. It shall be unlawful for any person to perform, offer or agree to perform any act which shall require the touching of a patron's sexual or genital area or any unlawful act, as defined in 720 Illinois Compiled Statutes 5/11-14, 5/11-14.1, 5/11-14.3, and 5/11-14.4, which are incorporated as now or hereafter amended.
- E. It shall be unlawful for any person owning, operating or managing a massage establishment, to cause, allow or permit in or about such massage establishment, any agent, employee or any other person under his or her control or supervision to perform such acts prohibited in subsection A, B, C or D of this section.
- F. It shall be unlawful for any licensee under this article to administer or permit massage within the Village, except within the establishment licensed to carry on such business under this article or as outcall massage service.
- G. It shall be unlawful for any massage service to be carried on within any cubicle, room, booth or any area within a massage establishment, which is fitted with a door capable of being locked. Toilets and cubicles used solely for the application of liquid and vapor baths shall be clearly marked as to purposes on the exterior door or curtain of the cubicle, room or booth. Nothing contained in this article shall be construed to eliminate any other regulation concerning the maintenance of premises, or to preclude authorized inspection of any premises, whenever such inspection is deemed appropriate by the Carol Stream Police Department.

**§10-13-18: MASSAGE ESTABLISHMENT LICENSE; EXEMPTIONS:**

The massage establishment license shall not be required for hospitals, nursing homes, sanatoriums, or any facility at which a healthcare worker duly licensed by the state of Illinois provides, on an ongoing basis, professional health services to individuals, including, but not limited to, the offices of an occupational therapist licensed under the Illinois Occupational Therapy Practice Act, 225 Illinois Compiled Statutes 75/1 *et seq.*; a physical therapist licensed under the Medical Practice Act, 225 Illinois Compiled Statutes 60/1 *et seq.*; a chiropractor licensed under the Medical Practice Act, 225 Illinois Compiled Statutes 60/1 *et seq.*; and a naprapath listed under the Illinois Naprapathic Practice Act, 225 Illinois Compiled Statutes 63/1 *et seq.*

**§10-13-19: SALE OR TRANSFER OR CHANGE OF LOCATION:**

No license issued under the provisions of this Article is transferable. Upon sale, transfer or relocation of a massage establishment, the license shall be null and void and a new license required. Upon the death or legal incapacity of the licensee or any co-licensee of the massage establishment, any heir or beneficiary of a deceased licensee, or any legal guardian of an heir or beneficiary of a deceased licensee, or any legal guardian of any legally incapacitated licensee, may continue the business of the massage establishment for a reasonable period of time not to exceed sixty (60) days to allow for an orderly transition and application for a new license.

**§10-13-20: NAME AND PLACE OF BUSINESS:**

No person granted a license pursuant to this article, shall operate the massage establishment under a name not specified in the license, nor shall the person conduct business under any designation or location not specified in the license, except that the location for outcall massage service need not be specified on the license.

**§10-13-21: JOINT AND SEVERAL LIABILITY:**

Any act or failure to act of an employee, a person performing massage at or on behalf of a massage establishment, or an agent of the licensee with respect to the licensed business shall be deemed to be the act of the licensee. The licensee and individual committing a violation are jointly and severally liable for any fines or penalties assessed pursuant to this article.

**§10-13-22: PUBLIC NUISANCE:**

It is determined and declared by the corporate authorities to be a public nuisance and a menace to the health, safety and welfare for any person, firm association or corporation to establish, operate, or maintain a massage establishment, whether open to the public generally or operated as a private or semi-private club, within the village where any massage therapist, employee or patron touches, rubs, strokes, kneads, massages, fondles, or manipulates the genital area of any other person or exposes his or her sexual or genital area to any other person for the purpose of sexual arousal and/or sexual gratification. Touching of the genital area by a licensed physician, chiropractor, osteopath, or nurse for the purpose of medical examination or treatment shall not constitute a public nuisance hereunder.

**§10-13-23: DUTY TO REPORT:**

All employees, managers and agents of a massage establishment are mandated reporters and shall immediately report to the Carol Stream Police Department within one business day any sexual misconduct that is observed or any allegations of sexual misconduct that are reported.

**§10-13-24: VIOLATION AND PENALTY:**

Any person violating any provisions of this article shall be punished by a fine as determined by the Carol Stream Code of Ordinances 15-4-5 INDEX OF MINIMUM FINES. Penalties for ordinance violations may also be determined by administrative adjudication. A separate offense shall be deemed committed each time on each day during or on which violation occurs or is permitted to occur.

**SECTION 2:**

The Carol Stream Code of Ordinances, Chapter 10, "Business Licensing and Regulation", Article 1, "Administration", Section 10-1-19, "Fee Schedule", is hereby amended by adding to such section the following:

*Article 13 Massage Establishment License*                      \$500/year plus \$150 per criminal background check

**SECTION 3:**

Those sections, paragraphs and provisions of Chapter 10 of the Carol Stream Code of Ordinances which are no expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portion of the Carol Stream Code of Ordinances other than those expressly amended or repealed in Section 1 of this Ordinance.

**SECTION 4:** The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage and approval by law.

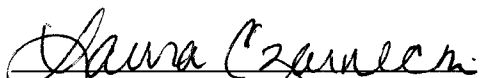
PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF May, 2018

AYES: Trustees Hennessey, LaRocca, Gieser, Frusolone, Schwarze and McCarthy

NAYS: None

ABSENT: None

  
Frank Saverino, Sr., Mayor

  
Laura Czarnecki, Village Clerk