

REFER TO:

Minutes 3-7-2022

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City of St. Charles, Illinois

Ordinance No.: 2022-M-8

An Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, Section 5.20.150 “Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs” of the St. Charles Municipal Code.

**Adopted by the
City Council
of the
City of St. Charles
March 7, 2022**

Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, March 14, 2022

Nancy Garrison
City Clerk



(S E A L)

City of St. Charles, Illinois
Ordinance No. 2022-M-8

**An Ordinance Amending Title 5, "Business Licenses and Regulations,"
Chapter 5.20 "Massage Establishments," Section 5.20.150, "Massage Business
Commissioner; Massage Business Commission; Suspension, Revocation of
License; Fines, Costs" of the St. Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 5, "Business Licenses and Regulations," Chapter 5.20, "Massage Establishments," Section 5.20.150, "Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs" of the St. Charles Municipal Code, be and is hereby amended as follows:

- A. The Local Liquor Control Commissioner shall serve as the Massage Commissioner and shall be charged with the administration of this Article and of such other ordinances relating to massage sales and licensing as may be from time to time enacted by the City Council. A Massage Commission is created, which shall be composed of the same five members of the City's Local Liquor Commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this Article as though fully set forth in this Article, as being specifically applicable to the creation, enforcement, and administration of this Article.
- B. No license issued under this Article shall be suspended or revoked and no licensee shall be fined except after a hearing by the Massage Commission affording the licensee an opportunity to appear and defend against the charges.
- C. If the Massage Commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the Massage Commission shall recommend to the Massage Commissioner either the amount of the fine, the period of suspension or that the license be revoked.
- D. Any licensee determined by the Massage Commissioner to have violated any of the provisions of this Article shall pay to the City the costs of the hearing before the Massage Commission on such violation. The Massage Commissioner shall determine the costs incurred by the City for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the local Massage Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the Massage Commissioner may allow. The licensee shall pay such costs to the City within thirty (30) days of notification of the costs by the

Massage Commissioner. Failure to pay such costs within thirty (30) days of notification is a violation of this Article and may be cause for license suspension or revocation, or the levy of a fine.

- E. All decisions of the Massage Commissioner are appealable in the manner provided by law.

SECTION TWO: The corporate authorities of the City intend that this Ordinance will be made part of the City Code and that sections of this Ordinance can be renumbered or relettered and the word “Ordinance” can be changed to “Section,” “Article,” Chapter” or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors can be corrected with the authorization of the City Attorney, or his or her designee.

SECTION THREE: All parts of the City Code in conflict with the terms or provisions of this Ordinance shall be and the same are hereby amended or repealed to the extent of such conflict, and said City Code and all other existing ordinances shall otherwise remain in full force and effect.

SECTION FOUR: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The corporate authorities hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

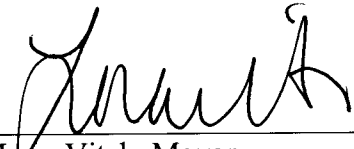
SECTION FIVE: That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper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

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

PRESENTED to the City Council of the City of St. Charles, Illinois, this 7th day of March, 2022.

PASSED by the City Council of the City of St. Charles, Illinois, this 7th day of March, 2022.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 7th day of March, 2022.



Lora Vitek, Mayor

ATTEST:



Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes : 0

Nays : 0

Absent : 0

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

Certificate

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

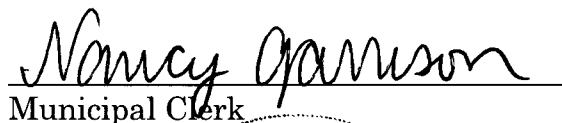
I further certify that on **March 7, 2022** the Corporate Authorities of such municipality passed and approved Ordinance No. **2022-M-8** entitled:

An Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, Section 5.20.150 “Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs” of the St. Charles Municipal Code.

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No 2022-M-8, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **March 14, 2022**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this **7th** day of **March 2022**.


Municipal Clerk

(S E A L)

