

# City of St. Charles, Illinois

**Ordinance No.: 2023-M-35**

**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  
December 4, 2023**

Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, December 11, 2023

  
City Clerk



**City of St. Charles, Illinois**  
**Ordinance No. 2023-M-35**

**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 replaced in its entirety with the following:

**5.20.150 – Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs**

- 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. The Massage Commissioner, after a hearing conducted by the Massage Commission, may levy a fine against the licensee, in addition to the suspension or revocation of any license issued under the provisions of this Article if it is determined that the licensee has violated any of the provisions of this Article. The fine imposed shall be in an amount not less than two hundred fifty (\$250.00) dollars and not more than one thousand (\$1,000.00) dollars for each violation. A separate violation of this Ordinance shall be deemed to have been committed on each day during which a violation occurs or is permitted to continue.
- C. No license issued under this Article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the Massage Commission affording the licensee an opportunity to appear and defend against the charges.
- D. If the Massage Commission determines after such hearing that the license under this Article should be revoked and suspended or that the licensee shall be fined, the Massage Commission shall recommend to the Massage Commissioner the

amount of the fine, in addition to the period of suspension or that the license be revoked.

- E. In addition, any licensee determined by the Massage Commissioner to have violated any of the provisions of this Article shall also 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 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.
- F. The licensee shall pay such fines and costs to the City within seven (7) days of notification by the Massage Commissioner. Failure to pay such fines and costs within seven (7) days of notification is a violation of this Article and may be cause for license suspension or revocation, or the levy of additional fines and costs.
- G. All decisions of the Massage Commissioner are appealable in the manner provided by law.

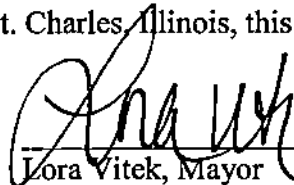
**SECTION THREE:** That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in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

**SECTION FOUR:** 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 4th day of December, 2023.

PASSED by the City Council of the City of St. Charles, Illinois this 4th day of December, 2023.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 4th day of December, 2023.

  
\_\_\_\_\_  
Lora Vitek, Mayor

ATTEST:

  
\_\_\_\_\_  
Nancy Garrison  
City Clerk

COUNCIL VOTE:

Ayes: 12

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 **December 4, 2023** the Corporate Authorities of such municipality passed and approved Ordinance No. **2023-M-35** 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 2023-M-35, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **December 11, 2023**, 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 **4th** day of **December 2023**.

  
Municipal Clerk

