

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 5d
	Title:	<p>Recommendation to approve 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</p>	
	Presenter:	Police Chief Keegan	
Meeting: Government Operations Committee		Date: November 20, 2023	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: None			
Executive Summary (if not budgeted, please explain):			
<p>Please see the attached document for the proposed changes to the City of St. Charles City Code updating Chapter 5.20, “Massage Establishments,” Section 5.20.150, “Massage Business Commissioner; Massage Business Commission; Suspension; Revocation of License; Fines, Costs.”</p> <p>Before being presented to this Committee, this item was discussed at the Liquor Control Commission meeting on November 20, 2023. The City Council will vote on this item during the City Council Meeting on December 4, 2023.</p>			
Attachments (please list):			
Changes highlighted in ordinance format			
Recommendation/Suggested Action (briefly explain):			
<p>Recommendation to modify City Code with the listed revisions to 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.</p>			

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

**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.

~~16. 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.~~

~~17. 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.~~

~~18. 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.~~

~~19. 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.~~

~~20. 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 ____ day of _____, 2023.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2023.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2023.

Lora Vitek, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____