

ORDINANCE NO. _____

**ORDINANCE ADOPTING CITY CODE
- CHAPTER 52.4 –
- MESSAGE ESTABLISHMENTS –**

WHEREAS, the City of Decatur is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, it is in the best interest of the City of Decatur to establish a license and requirements for massage establishments; and

WHEREAS, it is in the best interest of the City of Decatur to adopt Chapter 52.4 as provided for herein.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That Chapter 52.4 of the City Code of the City of Decatur, Illinois, be, and the same are hereby adopted, so that Chapter 52.4 as so adopted, shall provide as follows:

**-CHAPTER 52.4-
MESSAGE ESTABLISHMENTS**

1. DEFINITIONS.

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

- (a) Advertise or advertising material. The issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle, or other structure; or any printed, audio, or video material

published in or broadcast by any newspaper, magazine, television, radio, internet, internet streaming device, blog, chat room, website, or social media.

- (b) Applicant. Any person that applies for a massage establishment license.
- (c) Bodywork or bodywork services. Any method of applying pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, touching or stimulating, the external parts of the body, by another individual, with the hands, any body part, or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or similar preparations, for compensation. The definition of bodywork or bodywork services for the purposes of this article is intentionally not the same and is broader than the definition of massage in this article, and is intended to cover massage, bodywork services provided by bodywork practitioners, and other similar services that fit the general definition, regardless of what the services or the person providing the services is called, unless expressly excluded by this article.
- (d) Bodywork practitioner or bodywork provider. Any person who provides bodywork services, including massage therapists.
- (e) Employee. Any and all persons other than massage therapists, who render any service to the licensee, who receive compensation directly from the licensee, and who have no physical contact with customers and clients.
- (f) Health officer. Health officer shall mean the Director of the Macon County Department of Health or his/her authorized representative.

- (g) Licensee. An applicant who has received a license from the city to operate a massage establishment.
- (h) Massage. Massage for the purposes of this article is intended to cover massage and bodywork services provided by massage therapists, bodywork practitioners, and other similar services that fit the definition, regardless of what the services or the person providing the services is called, unless expressly excluded by this article.
- (i) Massage establishment. Except as otherwise provided in this article, any establishment having a fixed place of business within the city that advertises or offers massage services, or where any person for any consideration whatsoever engages in the practice of massage, or carries on, or permits to be engaged or carries on any massage services as defined in this article.
- (j) Massage, massage services, or massage therapy. Any system of structured palpitation or movement of the soft tissue of the body, including, but not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, tapping, pounding, friction, vibration, compression, touching, stimulating, and stretching the external parts of the body with or without the aid of lubricants, rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, salt or herbal preparations, hydromassage, thermal massage, a massage device that mimics or enhances the actions typically performed by human hands, or any other similar preparations commonly used in this practice.
- (k) Massage therapist. Any person who, for any consideration whatsoever, engages in the practice of massage as defined in this article, and who holds a valid license

from the Illinois Department of Finance and Professional Regulation, or possesses written documentation of exemption from licensing or certification under the Illinois Massage Therapy Practice Act (225 ILCS 57/1 et seq.) to perform massage services. For the purposes of this article, “massage therapist” shall include practitioners of Asian bodywork approaches and other similar practitioners exempt from licensing under the Illinois Massage Therapy Practice Act (225 ILCS 57/25).

- (l) Person. Any individual, partnership, firm, association, limited liability company, joint venture, joint stock company, corporation or combination thereof in whatever form or character.
- (m) Sexual or genital area. The male or female genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female.

2. LICENSE REQUIRED.

It shall be unlawful for any person to advertise, offer, engage in, conduct or carry on, or to permit to be advertised, offered, engaged in, conducted or carried on, in or upon any premises in the city, the operation of a massage establishment as herein defined, without first having obtained a license from the city pursuant to the provisions of this article, with the exception of the following:

- (a) Hospitals, nursing homes, medical facilities, or offices at which physicians, surgeons, chiropractors, osteopaths, podiatrists, naprapaths, occupational therapists, physical therapists, or other health care workers duly licensed by the State of Illinois to provide, on an ongoing basis, professional health services to individuals including, but not limited to, services permitted by the Illinois Occupational Therapy Practices Act

(225 ILCS 75/1 et seq.), the Illinois Physical Therapy Act (225 ILCS 90/1 et seq.), or the Illinois Naprapathic Practices Act (225 ILCS 63/1 et seq.);

(b) Athletic trainers for any athletic program of a private or public school, college, or any athletic team regularly organized or engaging in competition;

(c) Barbers, estheticians, and cosmetologists who are duly licensed by the State of Illinois, and who only provide massage services of the neck, back, face, scalp, hair, hands, and feet of a patron who is fully clothed;

(d) Any school or educational institution or continuing education unit provider licensed to do business as a school or educational institution or continuing education unit provider in the State of Illinois, or any school recognized by or approved by or affiliated with the American Massage Therapy Association, the National Certification Board for Therapeutic Massage and Bodywork, or the Federation of State Massage Therapy Boards, and which has for its purpose or offers courses in the teaching of the theory, method, profession, or work of bodywork or massage, including clinical externships, practicums or community services;

(e) Home-based massage services provided by a person who is duly licensed by the State of Illinois, provided that such person is otherwise in compliance with the city code pertaining to home occupations; and

(f) Massage services offered or conducted by a licensed massage establishment, and which are performed at a location other than a massage establishment, provided that such massage services are performed in accordance with this article.

3. FILING OF APPLICATION AND FEE PROVISION.

(a) Massage Establishment licenses shall be for a period of two (2) years, expiring on April 30 of each odd year.

(b) Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application with the City Clerk as provided herein and pay a non-refundable fee of \$50.00. The application shall be in the form provided by the City Clerk or his/her designee.

(b) The City Clerk shall forward copies of an application for a massage establishment license to the Chief of the Decatur Police Department, the Department of Public Works, and the Decatur Fire Department. The Decatur Police Department, the Department of Public Works, and the Decatur Fire Department may inspect the premises proposed to be operated as a massage establishment and make written recommendations concerning compliance with the codes, laws, regulations, and ordinances that each respective department administers. The City Manager shall thereafter review the application and make the final determination whether to grant or deny the application for a license under this article and shall also provide a copy of the recommendation to the City Clerk.

(c) The City Manager shall determine whether to grant, deny or hold an application for further investigation, and the City Clerk shall notify the applicant that his or her application is granted, denied, or held for further investigation by the City Manager. Upon the conclusion of such additional investigation, if necessary, the City Manager shall determine whether to grant or deny, and the City Clerk shall advise the applicant in writing whether the application is granted or denied by the City Manager.

4. APPLICATION FOR MASSAGE ESTABLISHMENT.

- (a) The application for a license to operate a massage establishment shall set forth the exact nature of the massage services to be administered, and the proposed place of business and facilities therefor.
- (b) The application for a license shall contain the following information:
 - (1) The applicant's name, current address, telephone number, and date of birth.
 - (2) The name, address, and date of birth of all employees, massage therapists, managers, and persons with supervisory authority that have been or are intended to be employed by the applicant or provide massage services.
 - (3) Whether the applicant has had any license denied, revoked or suspended in the City of Decatur, State of Illinois, or any other state or municipality for a massage establishment, and the reasons therefor.
 - (4) Whether the applicant, or any employee, massage therapist, manager, or person with supervisory authority has had any criminal or municipal ordinance violation convictions, forfeiture of bond, and pleadings of nolo contendere on all charges, except minor traffic violations, within the last five years.
 - (5) Authorization for the City of Decatur to conduct a background check and take fingerprints on the applicant, and any manager or person with supervisory authority.
 - (6) A copy of the State of Illinois issued massage license for each massage therapist that has been or is intended to be employed by the applicant to

provide massage services, or a copy of the certification or other written documentation or proof of exemption for licensing as required by the Massage Therapy Practice Act (225 ILCS 57/25).

(7) A drawing or floor plan of the premises designating each room by its purpose or the activity that will take place in each room.

(8) If the premises is leased:

a. A copy of the lease, and any subleases, assignments or acceptances in effect at the time of application;

b. The name, address and telephone number of the legal owner of the premises;

c. If the legal owner is not an individual, the name, address and telephone number of a representative or agent authorized to act on behalf of the legal owner; and

d. If the premises are managed or supervised by someone other than the legal owner thereof, the name, address and telephone number of the person, business or entity who manages or supervises the premises.

(9) If the applicant is a business:

a. The type of business or entity (i.e., sole proprietorship, corporation, limited liability company, partnership, etc.);

b. The name of the business or entity, and all assumed names under which the business or entity is conducted; and

- c. The names, addresses, telephone numbers, and dates of birth of all persons with management and supervisory authority of the business or entity.

(10) The information requested in (b)(1), (3), (4) and (5) shall also include information for the following persons:

- a. If the applicant is a sole proprietorship, the information sought to be provided shall be for the individual.
- b. If the applicant is a partnership, the information sought to be provided shall be for each general and limited partner, for each individual who is a general partner of such general or limited partnership, and for each individual who owns more than 5% of such limited partnership.
- c. If the applicant is a joint venture, the information sought to be provided shall be for each joint venturer and each individual who owns more than 5% of such joint venture.
- d. If the applicant is a corporation, the information sought to be provided shall be for each officer and director, and if the corporation's stock is publicly traded, each shareholder owning more than 5% of the outstanding stock in said corporation.
- e. If the applicant is a limited liability company, the information sought to be provided shall be for each manager and member owning or holding more than 5% membership interest.

- (c) If a change in any information required under this section occurs at any time during a license period, the licensee shall file a written statement with the City Clerk indicating the nature and effective date of the change. The change in information statement shall be filed no later than ten days after the change(s) take effect.

5. ISSUANCE OF LICENSE FOR MASSAGE ESTABLISHMENT.

- (a) Upon receipt of the City Manager's determination as referred to in this article, the City Clerk shall issue a license to maintain, operate or conduct a massage establishment, unless the City Manager finds:
 - (1) That the operation of the massage establishment, as proposed by the applicant, would not comply with all applicable laws, including, but not limited to, the City Code of Decatur and the Zoning Ordinance of the City of Decatur; or
 - (2) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted of or pled guilty to:
 - a. A felony;
 - b. An offense involving sexual misconduct with children; or
 - c. Prostitution, soliciting for a prostitute, keeping a place of prostitution, pimping, or other similar offense opposed to decency and morality; or
 - (3) That the applicant has failed or refused to give information relevant to the investigation of the application, submitted false, misleading or incomplete

information, or has refused to submit to or cooperate with any inspection required by this article; or

(4) That the operation of the massage establishment, as proposed by the applicant, would violate the provisions of this article; or

(5) That the granting of the license would not be in the best interests of the City and the reason(s) therefore.

(b) The City Manager, at his/her discretion, may issue a license to any person convicted of or who has pled guilty to any felony, if the City Manager finds that such conviction occurred at least five years prior to the date of application, the applicant has had no subsequent convictions, and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust.

(c) Every massage establishment license issued pursuant to this article shall expire on April 30 of each odd year, unless sooner suspended or revoked in accordance with this Chapter.

6. FACILITIES NECESSARY.

(a) No massage establishment shall be issued a license, nor be operated, established or maintained within the city, unless said establishment complies with each of the following minimum requirements:

(1) Construction of room used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the City Code of Decatur.

(2) All massage tables, bathtubs, shower stalls, steam or bath areas, lavatories, and floors shall have surfaces which may be readily disinfected.

- (3) Adequate dressing and toilet facilities shall be provided for patrons to be served at any given time outside of the presence of any personnel.
- (4) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
- (5) Cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in property covered containers or cabinets, which shall be kept separate from the clean storage cabinets.
- (6) Toilet facilities shall be provided within the massage establishment in convenient locations. Two (2) or more water closets shall be provided for each 20 or more personnel or patrons on the premises at any one time.
- (7) Lavatories or washbasins shall provide both hot and cold running water and shall be installed in the toilet room. Lavatories or washbasins shall be provided with a soap dispenser and sanitary towels.
- (8) The premises shall have access to a service sink for custodial service.

7. OPERATING REQUIREMENTS.

- (a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

- (b) Price rates for all services shall be prominently posted in the reception area in a location available to all patrons and prospective customers or provided to all patrons and prospective customers as a written price list.
- (c) All employees, managers, persons with supervisory authority, massage therapists, agents, and independent contractors shall wear clean, not-transparent outer garments, which cover the sexual and genital areas while on the licensed premises. Employees, massage therapists, agents, and independent contractors shall not disrobe, or offer or agree to disrobe, either wholly or partially while in the presence of any patron receiving massage services.
- (d) All massage establishments shall maintain clean, laundered sheets and towels in sufficient quantity, and shall be laundered after each use thereof and stored in a sanitary manner.
- (e) The sexual or genital area of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee, manager, person with supervisory authority, massage therapist, agent, or independent contractor.
- (f) It shall be unlawful for any employee, manager, person with supervisory authority, massage therapist, agent, or independent contractor, to place his or her hand 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 person while on the licensed premises.
- (g) No employee, manager, person with supervisory authority, massage therapist, agent or independent contractor shall perform, or offer or agree to perform any act which would require the touching of the patrons' sexual or genital area.

- (h) 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 rooms, or steam or vapor cabinets, shower compartments, and toilet rooms 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.
- (i) Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.
- (j) No massage therapist shall administer a massage to a patron impaired by intoxicating liquor or drugs, nor shall any massage therapist administer a massage to a patron while impaired by intoxicating liquor or drugs.
- (k) No massage therapist shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician or nurse practitioner duly licensed by the State of Illinois certifies in writing that such person may be safely massaged and prescribing the conditions thereof.
- (l) Each massage therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.
- (m) All licensees shall maintain, as a business record of the licensed massage establishment, a record of:
 - (1) The date and time of all massage services performed at the licensed premises;
 - (2) The name of the massage therapist administering massage services; and
 - (3) The amounts received for massage services.

- (4) The record of the date, time and service provided must be made before services are initiated, and the record of the amount received for services must be made at the time payment is rendered. All records shall be kept for a period of at least one year and shall be made available in a format that can be inspected at any reasonable time upon request by the City Manager or his designee.
- (n) The main entrance to the massage establishment where patrons and potential customers are greeted shall be clearly visible from the outside and shall have and maintain clear glass that is not painted over, darkened, or otherwise blocked by cloth or any other obstruction.
- (o) A sign shall be posted in a prominent location near the main entrance of the massage establishment identifying the establishment as a massage establishment and state the trade or business name as it appears on the massage establishment's license.
- (p) Prospective customers and patrons shall be provided with written notice which states the following:
"State law prohibits soliciting another for the purpose of a sexual act. Solicitation can be punishable as a Class 4 felony, subject an offender to fines and imprisonment, and impoundment of any vehicle used by the offender to commit the offense. Offers or requests to buy or purchase sexual services or acts shall be immediately reported to law enforcement."
- (q) Written notice shall be posted in a conspicuous location accessible to all employees and massage therapists which states the following:

“State law prohibits soliciting another for the purpose of a sexual act. Solicitation can be punishable as a Class 4 felony, subject an offender to fines and imprisonment, and impoundment of any vehicle used by the offender to commit the offense. Offers or requests to buy or purchase sexual services or acts should be immediately reported to the City of Decatur Police Department by calling 911.”

- (r) The hours of operation for massage establishments shall be limited to the hours between 8:00 a.m. and 9:00 p.m.
- (s) There shall not be placed, published, or distributed any advertisement, picture, or statement in any manner or medium which is false, deceptive, or misleading in order to induce any person to purchase or utilize any massage services, or which reasonably appears to suggest or imply any sexual activity in connection with massage services.
- (t) No person shall reside or be allowed to remain overnight in the licensed premises; provided, however, that if the licensed premises contains living quarters that are properly zoned and authorized for such residential use above the massage establishment, the entrance to such living quarters shall be separate from the entrance to the massage establishment and shall not be accessible in any manner from the interior of the massage establishment.

8. ADVERTISING.

No massage establishment granted a license under provisions of this article shall place, publish or distribute or cause to be placed, published, or distributed any advertising material that depicts any portion of the human body that would reasonably suggest or imply to prospective

customers that any sexual activity is available or will be performed in connection with massage services, or that employees, managers, persons with supervisory authority, or massage therapists are dressed in any manner other than prescribed in this article, nor shall any massage establishment suggest or imply in the text of such advertising that any sexual activity is available or will be performed in connection with massage services.

9. INSPECTIONS.

The City of Decatur may make an inspection of each massage establishment granted a license under the provisions of this article for the purposes of determining whether the provisions of this article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. As a condition of the issuance of a license under this article, the licensee consents to walk-through inspections of common areas and unoccupied rooms by authorized city employees, without notice, at any time during business hours. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

10. TRANSFER OF LICENSE.

No license for the operation of a massage establishment issued pursuant to the provisions of this article shall be transferable; provided, however, that upon the death or incapacity of a licensee, the massage establishment may continue in business for a reasonable period of time, not to exceed 90 days, to allow for the approval of a new license.

11. DISPLAY OF LICENSE.

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

12. EMPLOYMENT OF MASSAGE THERAPISTS.

- (a) Massage establishments shall not employ or contract with any person as a massage therapist unless he or she holds a current, valid license issued by the Illinois Department of Financial and Professional Regulation or written proof of exemption from said license, as required by the Massage Therapy Practice Act (225 ILCS 57/1 et seq.) Upon receiving notice or constructive notice that a massage therapist has been disciplined or subject to investigation by the department, the licensee shall be responsible for obtaining information as to the status of said massage therapist's license.
- (b) Each massage establishment shall maintain a current list of all licensed massage therapists who perform massage services and proof of their current, valid license or written proof of exemption from said license as required by the Massage Therapy Practice Act (225 ILCS 57/1 et seq.). The licensee shall allow inspection of such records at any reasonable time upon request by the city.
- (c) No student or non-licensed person, other than a person with written proof of exemption from licensure as required by the Massage Therapy Practice Act (225 ILCS 57/1 et seq.) shall be allowed in a massage therapy room with a patron unless accompanied by a licensed massage therapist at all times.

13. REVOCATION OR SUSPENSION OF LICENSE FOR MASSAGE ESTABLISHMENT.

Any license issued for a massage establishment under this article may be revoked or suspended by the City Manager for good cause or where any provision of this article, this Code, or any law is violated by the licensee or any massage therapist, employee, manager, person with

supervisory authority, agent, or independent contractor of the licensee while at the massage establishment. For purposes of license revocation or suspension, the licensee shall be strictly liable for such violations, regardless of actual or constructive knowledge of such violations. It shall also be cause for revocation or suspension that the licensee has made a false statement on an application for a license or renewal thereof under this article, or in any case where the licensee refused to permit any duly authorized police officer, city inspector, or health inspector of Macon County to inspect the licensed premises or the operations therein. Such license may also be revoked or suspended by the City Manager after, upon the recommendations of a duly authorized police officer, city inspector, or health inspector, that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or prospective customers, or without due regard to proper sanitation or hygiene.

14. RENEWAL OF LICENSE.

Any licensee may renew his or her license prior to the expiration thereof on April 30 of each odd year, provided that he or she is qualified to receive a license, and the massage establishment complies with all of the requirements in this article. Applications for renewal of license must be made in writing to the City Clerk not more than two months and not less than one month prior to expiration of an existing license and accompanied by the applicable license fee.

15. MAINTAINING PUBLIC NUISANCE.

Any building used, operated, or maintained as a massage establishment in violation of this article with the intentional, knowing, reckless or negligent permission of the owner, licensee, or person managing or supervising the building, together with all fixtures and other property used in violation of this article, are hereby declared to be a nuisance.

16. PENALTY.

Any person in violation of this section shall be subject to a fine of not less than \$250 nor more than \$500 per offense. Each day the violation continues shall be a separate offense. The city shall have the right to prohibit occupancy of any building being utilized in violation of this article.

Section 2. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 17th day of March, 2025.

JULIE MOORE WOLFE, MAYOR

ATTEST:

KIM ALTHOFF, CITY CLERK

PUBLISHED this _____ day of _____, 2025.