

**AN ORDINANCE BY THE McLEAN COUNTY BOARD AMENDING
CHAPTER 257, LICENSED BUSINESSES, OF THE McLEAN COUNTY CODE**

WHEREAS, on July 12, 1977, the McLean County Board enacted an ordinance to regulate massage establishments in unincorporated areas of McLean County, which has since been codified as Article III of Chapter 257, Licensed Businesses, of the McLean County Code; and

WHEREAS, under the Massage Therapy Practice Act, 225 ILCS 57/1, et seq., the State of Illinois maintains has reserved exclusive jurisdiction to regulate massage therapists; now, therefore,

BE IT ORDAINED by the County Board of McLean County, now in regular session, that the aforesaid Chapter 257, Licensed Businesses, of the McLean County Code is hereby amended to read as follows:

(Additions are indicated by underlined text and stricken material by strikethrough ~~text~~)

Chapter 257. Licensed Businesses

Article I. Terms Defined

§ 257-1. Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them by this section, unless the particular provision or the context otherwise requires:

BUSINESS ORGANIZATION

A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial, and civic interests of a community.

CHARITABLE ORGANIZATION

An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

EDUCATIONAL ORGANIZATION

An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in scope and intensity with the course of study presented in tax-supported schools.

EMPLOYEE

Any and all persons over 18 years of age, other than the masseurs or masseuses, who render any service within a massage establishment permittee and who receive compensation from said permittee and/or the patrons.

ENGAGE IN BUSINESS

A person shall be deemed to "engage in business" if an admission fee is charged, a charge is made for the use of vehicles or other facilities, or if in any other manner a person shall receive money or other valuable thing from spectators or persons using the facilities.

FRATERNAL ORGANIZATION

An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

HARDSHIP ORGANIZATION

A nonprofit fund-raising organization that has not been in existence continuously for a period of five years immediately before making application for a license that the County determines to be organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

HEALTH DEPARTMENT

The Department of Health of the County of McLean.

KEY LOCATION

The location where the poker run concludes and the prize or prizes are awarded.

LABOR ORGANIZATION

An organization composed of workers organized with the objectives of betterment of the conditions of those engaged in such, pursuant to the development of a higher degree of efficiency in their respective occupations.

MASSAGE

~~Any method of providing pressure on or friction against or stroking of or kneading, rubbing, tapping, pounding, vibrating or stimulating the external or superficial soft parts of the body, either with the hands or with the aid of any mechanical, magnetic, or electrical apparatus or appliance and with or without such supplementary aids as hot packs or rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice and with or without the application of air, liquid, or baths of any kind whatever.~~

MASSAGE ESTABLISHMENT

~~Any establishment having a fixed place of business, or any premises, place of business or membership club where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in Article III of this chapter for monetary consideration.~~

~~MASSEUR, MASSEUSE or MASSAGE TECHNICIAN~~

~~Any person over 18 years of age who, for any monetary consideration whatsoever, anticipated or realized, probable or possible, engages in the practice of massage as herein defined.~~

MCLEAN COUNTY

All of the area of McLean County, Illinois, outside of the limits of any city, village and incorporated town.

NET PROCEEDS

The gross receipts from the conduct of raffles or poker runs, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

NONPROFIT ORGANIZATION

An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

PERSON

Any individual, partnership, firm, association of individuals, joint stock company, corporation, or combination of individuals acting for a common purpose.

PLACE OF ENTERTAINMENT AND RECREATION

Any track, course, trail, roadway, field or other place where the primary activity is the operation of an internal-combustion-powered vehicle (including, but not limited to, automobile, truck, motorcycle, motorbike, and midget automobile commonly called a "go-cart"). Such places shall be so designated whether they are enclosed or unenclosed, and whether an improved or unimproved surface is employed.

POKER RUN

An event organized by an organization licensed under this chapter in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

RAFFLE

A form of lottery, as defined in 720 ILCS 5/28-2, conducted by an organization licensed under this chapter in which:

- A. The player pays or agrees to pay something of value for a chance, presented and differentiated by a number or by a combination of numbers, or by some other medium, one or more of which chances is to be designated the winning chance.
- B. The winning chance is to be determined through a drawing or by other method based on an element of chance by an act or set of acts on the party of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RELIGIOUS ORGANIZATION

Any church, congregation, society, or organization founded for the purpose of religious worship.

SEXUAL AREA

~~The genitalia pubes or anus of any person and the breasts of any female person.~~

VETERANS ORGANIZATION

An organization or association comprised of members substantially all of whom are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

Article III. [RESERVED] Massage Parlors

[§§ 257-10 through 257-26: RESERVED]

~~§ 257-10. Permit required.~~

~~It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on in or upon any premises in McLean County the operation of a massage establishment as herein defined without first having obtained a permit from the Board of Health of the McLean County Board, for each and every separate office or place of business conducted by such person.~~

~~§ 257-11. Application for permit; fee.~~

~~A. — Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application in duplicate under oath with the County Clerk upon a form provided by the County Clerk and pay a nonrefundable filing fee as set forth in Chapter 205, Fees, to the County Treasurer, who shall issue a receipt which shall be attached to the application filed with the County Clerk.~~

~~B. — Application requirements. The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered and the~~

~~proposed place of business and facilities therefor. In addition to the foregoing, any applicant for a permit, including any partner or limited partner of a partnership applicant, and any officer or director of a corporate applicant shall furnish the following information:~~

~~(1) Name and address.~~

~~(2) All residential addresses for the past three years.~~

~~(3) The applicant's height, weight, color of eyes and hair.~~

~~(4) The business, occupation or employment of the applicant for the three years immediately preceding the date of application.~~

~~(5) The massage or similar business license history of the applicant; whether such person, is previously operating in this or another county or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.~~

~~(6) All criminal or County ordinance violation convictions, forfeitures of bond, and pleadings of nolo contendere on all charges, except minor traffic violations.~~

~~(7) If the applicant is a corporation or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation.~~

~~§ 257-12. Preliminary inspection.~~

~~A. — The County Clerk shall, within five days, refer copies of each application to other relevant County departments and the Health Department and to the Board of Health of the County Board. These departments shall, within 30 days, inspect the premises proposed to be operated as a massage establishment and make written recommendations to the Board of Health concerning compliance with the codes and laws that they administer.~~

~~B. — Failure to comply. The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or refusal of the applicant to submit to or cooperate with any inspection required by this section shall constitute grounds for denial thereof by the Board of Health.~~

~~§ 257-13. Approval of application; appeals.~~

~~Within 30 days of receipt of the recommendations of the aforementioned departments, the Board of Health shall notify the applicant that his/her application has been granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Board of Health shall advise the applicant in writing whether the application has been granted or denied.~~

A.— Notification of applicant. Whenever an application is denied or held for further investigation, the Board of Health shall advise the applicant in writing of the reasons for such action.

B.— Appeal. Any applicant who is denied a permit by the Board of Health may appeal that decision by requesting a hearing before the Chairman and Board of McLean County within 10 days from the date of the Board of Health's decision. The decision of the Chairman and Board of McLean County will be the final decision on the part of the County concerning said matter.

~~§ 257-14. Issuance of permit; expiration.~~

A.— Upon receipt of the recommendations of the departments and the certificate of the Health Department that the establishment is in compliance with all relevant requirements, and upon receipt of the permit fee as set forth in Chapter 205, Fees, which shall be paid to the County Treasurer, the Board of Health shall issue a permit to maintain, operate or conduct a massage establishment, unless it finds that:

(1) The operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including, but not limited to, the building, health, planning, housing, zoning and fire codes of the County of McLean.

(2) 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:

(a) A felony.

(b) An offense involving sexual misconduct with children.

(c) Prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, pimping or any other offense opposed to decency and morality.

B.— Expiration of permits. Every massage establishment permit issued pursuant to this article will terminate at the expiration of one year from the date of its issuance, unless sooner suspended or revoked.

~~§ 257-15. Revocation or suspension of permit; appeals.~~

Any permit issued for a massage establishment may be revoked or suspended by the Board of Health in any case where any of the provisions of this article are violated or any employee or the permittee, including a masseur or masseuse, is engaged in any conduct at a permittee's place of business which violates any of the provisions of this article, or any state law which provided for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this article or in any case where

~~the permittee or licensee refused to permit any duly authorized police officer or code inspector of the County to inspect the premises or the operations therein, after due notice of said inspection.~~

~~A. — Recommendation by Health Department. Such permit may also be revoked or suspended by the Board of Health upon the recommendations of the McLean County Health Department that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.~~

~~B. — Violations by employees. Any violation of this article by any employee of the permittee, including a masseur or masseuse, shall be cause for suspension or revocation of the permit. If a violation is found to exist subsequent to a suspension, within 12 months, the permit shall be revoked.~~

~~C. — Notification. The Board of Health must notify any permittee at least 10 days prior to the effective date of any suspension or revocation. Notice shall be by registered mail, properly addressed with postage affixed to the address of the permittee contained in the permittee's application. The notice shall be in writing and shall specify the violation.~~

~~D. — Appeal. During the ten-day period, the permittee may appeal the Board of Health's decision to the Chairman of the McLean County Board by requesting a hearing thereon in writing. A properly filed request shall suspend the effective date of the suspension or revocation until the date of the Chairman of the McLean County Board's decision, which decision shall be final on the part of the County. The Chairman of the McLean County Board may sustain, reverse or modify, but not increase, the Board of Health order of revocation or suspension.~~

~~§ 257-16. Facility requirements.~~

~~No massage establishment shall be issued a permit, nor be operated, established or maintained in the County of McLean unless an inspection by the Health Department and County Clerk reveals that the establishment complies with each of the following minimum requirements:~~

~~A. — All plumbing, ventilation, heating and illumination shall meet recognized building standards.~~

~~B. — Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with recognized building standards.~~

~~C. — The walls shall be clean and painted with washable, mold-resistant paint in all rooms where steam baths are given.~~

~~D. — All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.~~

~~E. — Adequate bathing, dressing, locker and toilet facilities shall be provided for the patrons to be served at any given time. In the event that male and female patrons are to be~~

~~served simultaneously, separate bathing, dressing, locker, toilet and massage room facilities shall be provided.~~

~~F. — The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.~~

~~G. — Closed 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 properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.~~

~~H. — Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.~~

~~I. — Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels.~~

~~J. — Any massage parlor licensed pursuant to this code shall be equipped with all appliances, furnishings, and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this article.~~

~~§ 257-17. Operating requirements.~~

~~A. The permittee or his designee approved in connection with the issuance of a permit herein shall be present on the premises at all times when the establishment is in operation.~~

~~B. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.~~

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

~~D. All employees shall be clean and wear opaque (not translucent and not transparent) outer garments covering the sexual areas.~~

~~E. The sexual areas of patrons must be covered by towels, cloths, or undergarments whenever the patron is in the presence of another person, including a masseur, masseuse or employee.~~

~~F. It shall be unlawful for any person in a massage establishment to place his or her hand upon, to touch with any part, clad or unclad, of his or her body, to fondle in any manner, or to massage a sexual area of any person.~~

~~G. No person, including an employee or establishment permittee, shall perform or agree to perform any act which would require the touching of the patron's sexual area. It shall be prohibited for any person to massage any other person, or to give or administer any bath or baths, or to give or administer any of the procedures or services set forth the~~

~~definition of "massage" in § 257-1 for immoral purposes, or in a manner intended to arouse, appeal to or gratify the lust or passions or sexual desires of such other persons.~~

~~H. No owner or manager of a massage establishment shall authorize or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Illinois, or the ordinances of McLean County, Illinois, including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance. Any conviction of the manager or of any employee of a massage parlor of a violation of the aforementioned laws and ordinances shall be grounds for revocation of the permit of said establishment as herein provided.~~

~~I. All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, which shall be laundered after use thereof and stored in a sanitary manner. No towels, wash cloths, or other linen items shall come in contact with the body or any part thereof of any customer or patron at a massage establishment without first having been laundered after its previous use upon another person. Heavy white paper may be substituted for sheets, provided that such paper is changed for every person.~~

~~J. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other 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 and 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 floor, it shall be kept dry.~~

~~K. Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.~~

~~L. Floors shall be free from any accumulation of dust, dirt or refuse.~~

~~M. No eating in the massage work areas shall be permitted.~~

~~N. No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverage on the premises of any massage establishment.~~

~~O. No person shall render any service to the public upon the premises of a massage parlor except during the time that the establishment is open with free access thereto by the public.~~

~~P. No person shall conduct or operate a massage establishment between the hours of 10:00 p.m. and 6:00 a.m. of the following day.~~

~~Q. No massage establishment shall be used as and for a dormitory or place of sleep, nor shall any licensee under this article permit any massage establishment to be so used.~~

~~R. No massage establishment granted a permit under provisions of this article shall place, publish, or distribute or cause to be placed, published or distributed any advertising~~

~~matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available, other than those services described in the definition of "massage" in § 257-1 of this chapter, or that employees, masseurs or masseuses are dressed in any manner other than the prescribed in Subsection D above, nor shall any massage establishment indicate in the text of such advertising that any services are available which are prohibited by this article, or other than those services described in the definition of "massage" in § 257-1 of this chapter.~~

~~S. Any massage establishment licensed by the County of McLean shall, at all times, comply with all health regulations, rules and requirements as are now in effect and as shall be promulgated by the McLean County Department of Health, and Illinois Department of Public Health.~~

~~§ 257-18. Periodic inspections.~~

~~A. Every massage establishment shall, at all times it is open to the public, be held open for inspection as well by duly authorized representatives of the County departments concerned with the licensing and supervision of such establishments.~~

~~B. Provisions for periodic inspections. The Sheriff's Department or the McLean County Department of Building and Zoning shall, from time to time, make an inspection of each massage establishment granted a permit under the provisions of this article for the purposes of determining that provisions of this article are met.~~

~~(1) Such inspections shall be made at reasonable hours and in a reasonable manner.~~

~~(2) No permittee shall fail to allow such inspection officer access to the premises or to hinder such officer in any manner.~~

~~§ 257-19. Penalties.~~

~~Any person violating the provisions of this article shall, upon conviction, be fined an amount not less than \$10 nor more than \$500; in addition to such penalty, the violation shall be grounds for suspension or revocation of the license of the owner or manager of the massage establishment as provided herein.~~

~~§ 257-20. Transfer of permits.~~

~~No permit for the operation of a massage establishment issued pursuant to the provisions of this article shall be transferable.~~

~~§ 257-21. Display of permits.~~

~~Every permittee shall, at all times, display a valid massage establishment permit and a valid permit for each and every masseur and/or masseuse employed in the establishment in an open and conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises.~~

~~§ 257-22. Minimum employment age.~~

~~It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least 18 years of age.~~

~~§ 257-23. Records.~~

~~A person operating a massage establishment shall maintain a current file of all persons employed by him.~~

~~§ 257-24. Limits of jurisdiction.~~

~~This article, except for the provisions of § 257-17H hereof, shall not apply to hospitals, nursing homes, sanitariums, medical clinics, dispensaries, the offices of a physician, surgeon, osteopath or chiropractor, or to persons holding an unrevoked certificate to practice the healing arts under the law of the State of Illinois, or to persons working or studying under the direction of any such persons or in any such establishments, nor shall this article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State of Illinois.~~

~~§ 257-25. Rules and regulations.~~

~~The Board of Health and Health Department, or both offices, may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but in accord with, the intent and purpose of this article.~~

~~§ 257-26. Nuisances.~~


~~Any building used as a massage establishment in violation of this article with the intentional, knowing, reckless or negligent permission of the owner thereof or the agent of the owner managing the building, together with all fixtures and other property used in violation of this article, is hereby declared to be a nuisance.~~

BE IT FURTHER ORDAINED, that this ordinance shall be effective immediately upon adoption.

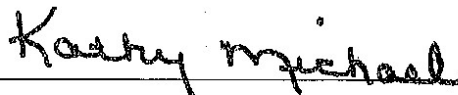
Adopted by the County Board of McLean County, Illinois, this 12th day of September 2024.

APPROVED:

ATTEST:



Catherine Metsker, Chairman
McLean County Board



Kathy Michael, County Clerk
McLean County, Illinois