
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2016-040**

**AN ORDINANCE AMENDING THE CODE OF
BLUE ISLAND, ILLINOIS, TITLE XV LAND USAGE,
CHAPTER 166 ZONING CODE.**

**DOMINGO F. VARGAS, Mayor
Randy Heuser, City Clerk**

1st Ward	TOM HAWLEY	GEORGE POULOS
2nd Ward	LETICIA VIEYRA	FRED BILOTTO
3rd Ward	NANCY RITA	KEVIN DONAHUE
4th Ward	CANDACE CARR	ALECIA SLATTERY
5th Ward	JANICE OSTLING	KENNETH PITTMAN
6th Ward	DEXTER JOHNSON	JAIRO FRAUSTO
7th Ward	NANCY THOMPSON	JAMES JOHANSON

Aldermen



**Zoning Text Amendment: Massage Establishment
11/17/2016**

I. Introduction and Purpose

City of Blue Island received an application to consider a zoning text amendment to permit Massage Establishments in the UTOD Uptown Transit-Oriented Development District. The proposed amendment provides a Special Use for a Massage Establishment and amends the Zoning Code definitions to include Massage Establishment and Medical Use.

II. Discussion/Highlights

On August 29, 2016 the Zoning Board of Appeals (ZBA) voted four in favor, one opposed and two abstain (4-1-2), to amend the zoning use table to permit massage establishments by Special Use in the U-TOD district.

Community Development and Human Services Committee heard the application on September 14, 2016 and recommended adoption on September 28, 2016

The ZBA and Community Development and Human Services Committee have recommended an amendment to the Business License chapter of the Blue Island Code of Ordinances to provide additional regulations for massage establishments. This amendment will be heard by the Judiciary Committee in course of their review of City Codes.

III. Conclusion and Recommendation

Recommendation to adopt the amended UTOD Offices Use Table and Zoning Code Definitions

Staff contact: Jason Berry, ACIP, Deputy Director of Community Development
Email: jberry@cityofblueisland.org

ORDINANCE NO. 2016-040

**AN ORDINANCE AMENDING THE CODE OF BLUE ISLAND, ILLINOIS,
TITLE XV LAND USAGE, CHAPTER 166 ZONING CODE**

WHEREAS, the Zoning Board of Appeals held a public hearing on August 29, 2016 in accordance with Section 166.095(D) of the Blue Island Code of Ordinances for the purpose of considering zoning code text amendments;

WHEREAS, notice was given of the time and place of the hearing, not more than 30 nor less than 15 days before the hearing, by publishing a notice in the Daily Southtown, a newspaper published in the County of Cook, State of Illinois, of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 IL CS 515, on August 12, 2016;

WHEREAS, this notice was also placed on a statewide public notice website as required by 5 ILCS 512.1;

WHEREAS, proper notice of the meeting of the Zoning Board of Appeals was given and posted in accordance with the Illinois Open Meetings Act; and

WHEREAS, the Zoning Board of Appeals has recommended a text amendment to the Title XV Land Usage, Chapter 166 Zoning Code. A true and correct copy of the Findings of Fact from the Blue Island Zoning Board of Appeals and Community Development Department Staff Report are attached hereto;

NOW BE IT ORDAINED, by the City Council of the City of Blue Island, County of Cook, and State of Illinois:

SECTION ONE

Chapter 166, Section 166.003 of the Code of Blue Island, Illinois, shall be amended with additions and insertions indicated by **bold** text and deletions indicated by stricken text, and amended to otherwise read as set forth herein:

Massage Establishment. Any building, room, place, or establishment other than a regularly licensed and established Medical Use where nonmedical or nonsurgical manipulative exercises or devices are practiced upon the human body for other than cosmetic or beautifying purposes manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Shall also include any bathing establishment.

Medical Use. Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals; dental services; medical services or clinics; physical or occupational therapy; nursing, convalescent homes; orphan's homes; rest homes; sanitariums.

SECTION TWO

Section 4.06.5.1 of the Uptown Transit-Oriented Development (UTOD) District, adopted by reference pursuant to Section 166.007 of the Code of Blue Island, Illinois, establishing a table of use regulations within the UTOD District shall be amended with additions and insertions indicated by **bold** text and deletions indicated by stricken text, and amended to otherwise read as set forth herein:

Uses Uses in the Uptown TOD are organized in this table as follows:	P = Permitted Use S = Special Use	Use Standards
Personal Services		
Massage Establishment	S	Title XI, Chapter 123

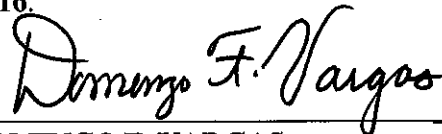
SECTION THREE

This ordinance shall be in full force and effect upon the date of passage or as otherwise required by law and shall supersede all ordinances, or parts thereof, in conflict herewith. All other provisions of the Blue Island Zoning Code (Title XV Land Usage, Chapter 166 Zoning Code) shall remain unchanged and in full force and effect.

ADOPTED this 22nd day of November, 2016, pursuant to a roll call vote as follows:

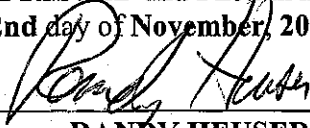
	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Hawley	X				
Alderman Poulos	X				
Alderman Vieyra	X				
Alderman Bilotto	X				
Alderman Rita	X				
Alderman Donahue	X				
Alderman Carr			X		
Alderman Slattery	X				
Alderman Ostling	X				
Alderman Pittman	X				
Alderman Johnson			X		
Alderman Frausto	X				
Alderman Thompson			X		
Alderman Johanson	X				
Mayor Vargas					
TOTAL	11		3		

APPROVED by the Mayor on November 22, 2016.



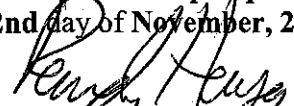
DOMINGO F. VARGAS
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
22nd day of November, 2016.



RANDY HEUSER
CITY CLERK

PUBLISHED in pamphlet from this
22nd day of November, 2016.



RANDY HEUSER
CITY CLERK

**CITY OF BLUE ISLAND ZONING BOARD OF APPEALS
FINDINGS OF FACT**

PUBLIC HEARING OF AUGUST 29, 2016

Xiayin Zhang, Health Massage Spa, 13046 Western Avenue, Blue Island

On August 29, 2016 the Blue Island Zoning Board of Appeals voted four in favor, one opposed and two abstain (4-1-2) to adopt Findings of Fact recommending City Council approval of a zoning text amendment of the Blue Island Code of Ordinances to permit by Special Use a Massage Establishment in the Uptown Transit-Oriented Development (UTOD) District in the City of Blue Island. Approval is conditioned on the adoption of regulations amending the Business License code to include Massage Establishment.

Section 166.094(F)(1) Findings of Fact and Recommendation of the Zoning Board of Appeals: The Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendations to the City Council within 30 days of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- a. Existing uses of property within the general area of the property in question.

Finding: The Zoning Board of Appeals finds that the proposed amendments are compatible with the existing uses within these districts. Professional office users providing medical services such as dental, optometry and physical therapy are present on Western Avenue and within the UTOD district.

- b. The zoning classifications of property within the general area of the property in question.

Finding: The proposed amendment affects properties in the UTOD district. The Zoning Board of Appeals finds that the proposed amendments are compatible and enhance the zoning classifications of Hospital and Medical Office within this district.

- c. The suitability of the property in question to the uses permitted under the existing zoning classification

Finding: The Zoning Board of Appeals finds that the property is suitable to the proposed use.

- d. The trend of development, if any, in the general area of the property in question

Finding: The Zoning Board of Appeals finds that the proposed use is consistent with the medical district development trends in the UTOD.

- e. Projected use of the property, as indicated in the Comprehensive Plan

Finding: The Zoning Board of Appeals finds that the Blue Island Comprehensive Plan supports the expansion of medical facilities within the community in order to attract employees, utilize vacant parcels, and support local business growth.

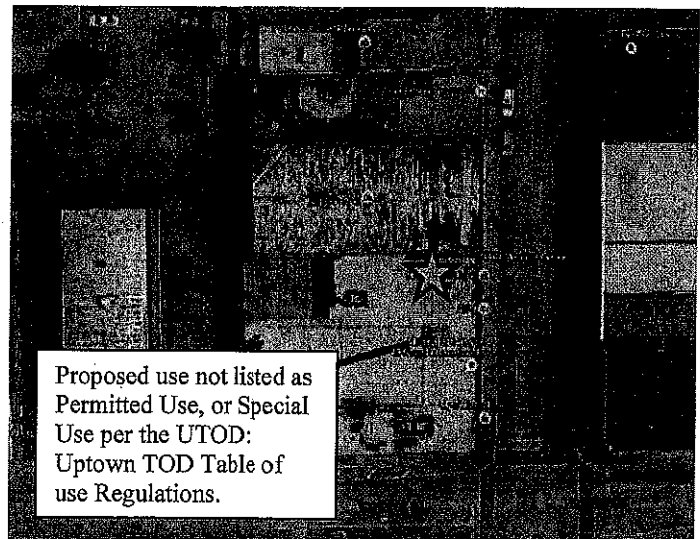


City of Blue Island
13051 Greenwood Ave
Blue Island, IL 60406
www.blueisland.org

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION REPORT
DATE: AUGUST 26, 2016
PREPARED BY: SEAN TERRY, PROJECT MANAGER

This report is prepared by the City of Blue Island Community Development Department to provide a summary of information as it relates to projects reviewed by the Zoning Board of Appeal on the scheduled appeal hearing date: Monday, August 29, 2016.

APPLICANT: HEALTH MASSAGE SPA
LOCATION: 13046 S. WESTERN – UNIT A
OWNER: MS. XIAYIN ZHANG
RE: ZONING TEXT AMENDMENT /
SPECIAL USE PERMIT
Zoning: UTOD: Uptown Transit-Oriented
Development District
Current Use: Vacant, Commercial
Proposed Use: Massage Establishment
Past Use: Nail Spa



I. Project Description

The applicant seeks a Zoning Text Amendment to the Definitions and Schedule of Use Controls regarding commercial uses in the U-TOD, Uptown Transit-Oriented Development District permit by Special Use a Massage Establishment and amend definitions to include Massage Establishment and Medical Use.

Health Massage Spa is a licensed massage therapy business providing therapeutic relief in the form of drug-free, non-invasive fitness foot massage, body massage, and chair massage services for clients of all ages and walks of life. Health Massage Spa currently operates in Chicago and Lansing as Health Foot Massage.

The original business license application was denied by staff as proposed use is not found in the zoning code.

II. Approvals Required

The text amendment process begins with a public hearing before the Zoning Board of Appeals, which offers its recommendation to City Council for final determination.

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the R-1 District shall be considered the highest classification and the I-2 District shall be considered the lowest classification.

III. Findings of Fact

Per Section 8.9 *Amendments (6) Findings of Fact and Recommendation* - The Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendations to the City Council within 30 days of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

A. Existing uses of property within the general area of the property in question.

Existing properties located along Western Avenue on the same block as the subject property (between Union Street and Vermont Street) are predominantly retail or personal service establishments such as food establishments, clothing stores, personal service & grooming, and other related businesses.

Professional office users providing medical services such as dental, optometry and physical therapy are present on Western Avenue.

B. The zoning classification of property within the general area of the property in question.

The zoning classification for the subject property is Uptown Transit Oriented Development (UTOD) already permits Hospital and Medical Office uses and is suitable for a Massage Establishment.

C. The suitability of the property in question to the uses permitted under the existing zoning classification.

The subject property is designed to accommodate a small retail establishment. In recent years, previous users of the space have been personal service establishments that have provided grooming services such as hair styling and nails specialist.

The adjoining user (13046 Western – Unit B) is a personal service establishment that provides hair styling.

D. The trend of development, if any, in the general area of the property in question.

The U-TOD houses the MetroSouth Medical Center, Pronger Smith and other medical offices, creating an informal medical district. With DuPage Medical's purchase of Pronger Smith, there is growing interest to expand health care services and establish a defined medical district, complemented by Moraine Valley Community College's nursing program.

In 2014, the City of Blue Island adopted the Western Avenue Business Development District (BDD). The district boundaries primarily front the Western Avenue commercial corridor beginning at 119th Street to 135th Street and Vermont Street from east side of Division Street to the west side of Greenwood Avenue. Under the guidelines of the state statute, the City of Blue Island has established a Western Avenue Business District Tax Allocation Fund with the principle purpose of paying or reimbursing business district project costs and general capital improvements occurring within the geographic boundaries of the district itself.

E. Projected use of the property, as indicated in the Comprehensive Plan.

The Blue Island Comprehensive Plan links TOD with success of Uptown and a medical district:

The City's continued efforts to develop the area surrounding Vermont Street station as walkable Transit Oriented Development (TOD) is a critical for the successful revitalization of the Uptown District and expansion of the Medical District.

Also, medical facilities are among the Comprehensive Plan's economic goals:

Support expansion of medical facilities within the community in order to attract employees, utilize vacant parcels, and support local business growth.

IV. Additional Staff Recommendations

If approved, definitions for Massage Establishment and Medical Use will need to be added:

- Massage Establishment
Any building, room, place, or establishment other than a regularly licensed and established Medical Use where nonmedical or nonsurgical manipulative exercises or devices are practiced upon the human body for other than cosmetic or beautifying purposes manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Shall also include any bathing establishment.
- Medical Use
Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals; dental services; medical services or clinics; physical or occupational therapy; nursing, convalescent homes; orphan's homes; rest homes; sanitariums.

As a condition of approval, Staff recommends that the Judiciary Committee consider an amendment to the Business License Regulations to include Massage Establishment. Proposed regulations are included in the attachments.

V. Attachments

- Zoning Relief Application (March 21, 2016)
- Business License Application (February 8, 2016)
- Massage Establishment Business License regulations



RECEIVED

City of Blue Island FEB 08 2016
Business License Application
BUILDING DEPT.

Blue Island City Hall
13051 Greenwood Ave
Blue Island, IL 60406
708.597.8606 • F: 708.396.2686
www.bluelisland.org

- New Business
- Change Ownership of Existing Business
- Home Business
- Relocate Business
- State-licensed Business Registration Submit copy of State License with application

Business Information

Health Massage SPA
Business Name _____ Corporate Name (if applicable) _____

13046 N. S. Western Ave. Blue Island
Business Address _____ Corporate Address _____
Chicago, IL.

Business Phone _____ Corporate Phone _____

healthfootmassage@yahoo.com
Business Email Address _____ Corporate Email Address _____

1,400 square feet Own Rent
Square footage of Business Do you own or rent building
Property Identification Number _____



If renting space, list the owner's name & address
Adnan Nassor - (708) 925-4616
(708) 473-7273
Owners Name

- Current Zoning Designation
- R1: Single Family Residential
 - C1: Central Area Commercial
 - C2: Highway Commercial
 - UTOD: Uptown TOD
 - I1: Limited Industry
 - I2: General Industry

5841 S. Kedzie, Chicago IL 60629
Owners Address

Mon Tue Wed Thurs Fri Sat Sun
Days of Operation

10:00 a.m. - 9:00 p.m.
Hours of Operation

Yes No
Will your business be serving liquor?

Yes No
If yes, are you an elected official or police officer?

Yes No
Will your business be serving food?

Form of Business Corporation Partnership Limited Liability Corporation Sole Proprietor
 For Profit Not-for-Profit (Attach copy of State Form 501c)

Federal Tax Identification Number _____

If yes, Food Certification # _____

Illinois Retail Occupation Tax Number _____

State of Illinois
Department of Financial and Professional Regulation

Division of Professional Regulation

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois Statutes and/or rules, regulations and/or its hereby authorized to engage in the activity as indicated below.

LICENSE NO.
227-005876

EXPIRES:

12/31/2016

LICENSED
MESSAGE THERAPIST

YU XIANG
1922 S YOUNG PKWY
CHICAGO, IL 60616

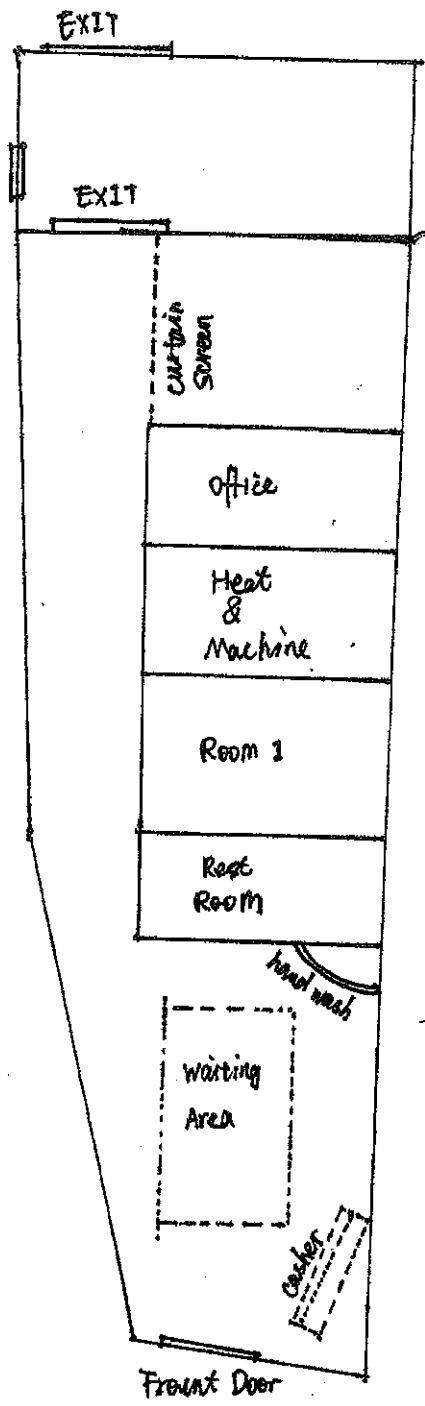


Mandel Flores
MANDEL FLORES
ACTING SECRETARY

Jay Stewart
JAY STEWART
DIRECTOR

The official status of this license can be verified at www.tdfr.com

9235415



Washer/Dryer Room

- Installing Service Room #1
 • Full Body (2 Bed)
 Existing Rooms to Remain

Service Room #2
 • Full Body (7 Bed)

• 6-7 Cot
 "Nak/Shoulder/leg"

RECEIVED
 APR 04 2016
 BUILDING DEPT.

CHAPTER __ : MASSAGE ESTABLISHMENTS

Section

- 01.01 Definitions
- 01.02 Business license required
- 01.03 Application for massage establishment business license
- 01.04 Issuance of license for a massage establishment
- 01.05 Approval or denial of application
- 01.06 Posting of license
- 01.07 Register of employees
- 01.08 Revocation or suspension of license
- 01.09 Revocation of massage therapist license
- 01.10 Compliance with codes necessary
- 01.11 Operating requirements
- 01.12 Persons under age 18 prohibited on premises
- 01.13 Alcoholic beverages prohibited
- 01.14 Hours
- 01.15 Employment of massage therapist
- 01.16 Inspection required
- 01.17 Unlawful acts
- 01.18 Sale or transfer or change of location
- 01.19 Name and place of business
- 01.20 Transfer of license
- 01.99 Penalty

§ 01.01 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

“EMPLOYEE.” Any person over 18 years of age, other than a massage therapist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

“LICENSEE.” The person to whom a license has been issued to own or operate a massage establishment as defined herein.

"MASSAGE" or "MASSAGE THERAPY." A system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage is to enhance the general health and well-being of the mind and body of the recipient. "MASSAGE" does not include the diagnosis of a specific pathology. "MASSAGE" does not include those acts of physical therapy such as those provided by medical doctors, chiropractors, physical therapists or athletic trainers, or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined in this Section.

"MASSAGE ESTABLISHMENT." Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries, or permits to be engaged in or carries on any "massage" or "massage therapy" activities.

"MASSAGE THERAPIST." A person who is licensed by the Illinois Department of Professional Regulation and administers massage for compensation.

"OUTCALL MASSAGE SERVICE." Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment.

"PATRON." Any person over 18 years of age who received a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefore.

"PERMITTEE." The operator of a massage establishment.

"PERSON." Any individual, partnership, firm, association, limited liability company, joint stock company, corporation or combination of individuals of whatever form or character.

"SEXUAL OR GENITAL AREA." Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

§ 01.02 BUSINESS LICENSE REQUIRED.

(A) Business license required. No person shall engage in or carry out the business of massage unless he has a valid business license issued by the City pursuant to the provisions of this Chapter for each and every separate office or place of business conducted by such person. However, where individuals possessing the license required in division (B) of this section, perform massage in their own homes, or for an individual client in the home of that client, no business license shall be required for the premises. When a licensee performs massage in his or her own home, the requirements of the Blue Island Zoning Ordinance pertaining to home occupations shall be met in addition to the requirements of this Chapter.

(B) State license required. No person shall engage in massage for compensation, unless he has a valid State license issued pursuant to ILCS Ch. 225, Act 57, §§ 1 et seq., the Massage Licensing Act or ILCS Ch. 225, Act 401, §§ 3A-1 et seq.

§ 01.03 APPLICATION FOR MASSAGE ESTABLISHMENT BUSINESS LICENSE.

(A) Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application under oath with the City of Blue Island upon a form provided by the City Clerk and pay a nonrefundable annual business license fee based on the Blue Island Municipal Code. The application,

once accepted, shall also be referred to the Police Department for investigation of the applicant's character and qualification. The Police Department will perform the required criminal record check. Background investigations shall require the submission of fingerprints with the cost of the criminal record check and cost of fingerprint submissions to be borne by the applicant. Each application shall contain the following information:

- (1) A definition of service to be provided.
- (2) The location, mailing address and all telephone numbers where the business is to be conducted.
- (3) The name and residence address of each applicant [hereinafter all provisions which refer to applicant include an applicant which may be a corporation, limited liability company or partnership].
 - (a) If applicant is a corporation or limited liability company, the names and residence addresses of each of the officers and directors of said corporation or company and of each stockholder owning more than 10% of the stock of the corporation or company, and the address of the corporation or company itself, if different from the address of the massage establishment.
 - (b) If applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the massage establishment.
- (4) The two previous addresses immediately prior to the present address of the applicant.
- (5) Proof that the applicant is at least 18 years of age.
- (6) Individual or partnership applicant's height, weight, color of eyes, hair and sex.
- (7) Copy of identification such as driver's license and social security card.
- (8) One portrait photograph of the applicant at least two inches by two inches and a complete set of applicant's fingerprints shall be taken by the Chief of Police or his agent. If the applicant is a partnership, limited liability company, or corporation, the Chief of Police shall have the right to require fingerprints of any and all officers, shareholders, directors, partners, members, managers or agents of the entity with the \$50 fee for each to be paid by the applicant.
- (9) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application.
- (10) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another City or State, has had a business license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
- (11) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted.
- (12) The name and address of each massage therapist who is or will be employed in said establishment, including a copy of their respective licenses as issued by the State Department of Professional Regulation.

(13) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in division (A)(3) of this section wherein the business or profession of massage is carried on.

(14) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(15) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(16) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

(17) The names, current addresses and written statements of at least three bonafide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the City, then the county, then the State of Illinois and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

(B) Upon the completion of the above provided form and the furnishing of all foregoing information the Police Department shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the City Clerk of each change in any of the data required to be furnished by this Section within ten days after such change occurs.

§ 01.04 ISSUANCE OF LICENSE FOR A MASSAGE ESTABLISHMENT.

(A) The City of Blue Island may issue a business license for a massage establishment if all requirements for a massage establishment described in this chapter are met unless it finds:

(1) The correct license fee or other fees or fines owed to the City of Blue Island have not been tendered to the City, and in the case of a check, or bank draft, honored with payment upon presentation.

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning, and health regulations.

(3) (a) The applicant, if an individual; or any of the stockholders holding more than 10% of the stock of the corporation or limited liability company, any of the officers and directors, if the applicant is a corporation or limited liability company; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business and/or the equipment used therein; or the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense within the State of Illinois that would have constituted any of the following offenses if committed within the State of Illinois:

1. An offense involving the use of force and violence upon the person of another that amounts to a felony;

2. An offense involving sexual misconduct; or

3. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

(b) The City of Blue Island may issue a license to any person convicted of any of the crimes described in divisions (A)(3)(a)1., 2., or 3. of this section if it finds that such conviction occurred at least ten years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for a crime or crimes mentioned in this section.

(4) The applicant has knowingly made any false, misleading, or fraudulent statement of fact or failed to disclose required information or a fact in the license application or in any document required by the City in conjunction therewith.

(5) The applicant has had a massage business, massage therapy, or other similar permit or license denied, revoked, or suspended by the City or any other State or local agency within five years prior to the date of the application.

(6) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation or limited liability company; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.

§ 01.05 APPROVAL OR DENIAL OF APPLICATION.

The City of Blue Island shall act to approve or deny an application for a license under this Chapter within a reasonable period of time. Every license issued pursuant to this chapter will terminate at the end of the calendar year unless sooner suspended or revoked.

§ 01.06 POSTING OF LICENSE.

(A) Every massage therapist shall post his/her state license in his/her work area.

(B) Every person, corporation, limited liability company, partnership, or association licensed under this chapter shall display such license in a prominent place.

§ 01.07 REGISTER OF EMPLOYEES.

(A) The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time, as well as a list of all massage therapists and a copy of their licenses.

(B) Such register shall be available at the massage establishment to representatives of City of Blue Island during regular business hours.

§ 01.08 REVOCATION OR SUSPENSION OF LICENSE.

Any license issued for a massage establishment may be revoked or suspended by the City of Blue Island after notice and a hearing, for good cause, or in any case where any of the provisions of this chapter are violated or where any employee of the licensee, including a massage therapist is engaged in any conduct which violates any of the state or local laws or ordinances at licensee's place of business and the licensee has actual or constructive knowledge by due diligence. Such permit may also be revoked or suspended by the City of Blue Island after notice and hearing, upon the recommendations of the Health Inspector that such business is being managed-conducted or maintained without regard to proper sanitation and hygiene. Such revocation proceedings shall be as prescribed by the Blue Island Municipal Code.

§ 01.09 REVOCATION OF MASSAGE THERAPIST LICENSE.

A massage therapist license issued by the State shall be revoked or suspended in accordance with the Massage Licensing Act. The Chief of Police shall report any and all suspected violations to the Massage Licensing Board and the Department of Professional Regulation.

§ 01.10 COMPLIANCE WITH CODES NECESSARY.

No license to conduct a massage establishment shall be issued unless an inspection by the City of Blue Island reveals that the establishment complies with all of the City of Blue Island's Building, Plumbing and Electrical Codes, the Blue Island Zoning Ordinance, and any and all other applicable laws, codes and regulations.

§ 01.11 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 prospective customers.

(C) All employees, including massage therapists, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas, whose use is restricted to the massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(D) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(E) No massage establishment granted a license under the provisions of this Chapter shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

§ 01.12 PERSONS UNDER AGE 18 PROHIBITED ON PREMISES.

No person shall permit any person under the age of 18 years, unless with a guardian, to come or remain on the premises of any massage business establishment, as massage therapist, employee, or patron, unless such person is on the premises on lawful business other than as a massage therapist, employee or patron.

§ 01.13 ALCOHOLIC BEVERAGES PROHIBITED.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage in the portion of any business premises used in any way for or by a massage business.

§ 01.14 HOURS.

No portion of any business premises used in any way for or by a massage business shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m.

§ 01.15 EMPLOYMENT OF MASSAGE THERAPIST.

No person shall employ as a massage therapist any person unless said employee has obtained and has in effect a State License issued pursuant to the Massage Licensing Act.

§ 01.16 INSPECTION REQUIRED.

The Chief of Police or his or her authorized representatives shall from time to time make inspection of each massage business establishment for the purposes of determining that the provisions of this Chapter are fully complied with. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

§ 01.17 UNLAWFUL ACTS.

(A) It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands 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 other person. Sexual or genital areas shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(B) It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital areas, or any portion thereof, to any other person.

(C) It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital areas of his or her body.

(D) It shall be unlawful for any person owning, operating or managing a massage establishment, knowingly to cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in divisions (A), (B), (C) or (D) of this section.

(E) It shall be further unlawful for any permittee under this Chapter to administer massage except within an establishment licensed to carry on such business under this chapter, or in the permittee's or the client's home. Outcall massage service as described in § 01.01 of this chapter is prohibited except in the client's own home.

(F) It shall be unlawful for any massage service to be carried on within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked. Toilets and cubicles used solely for the application of liquid and vapor baths shall be clearly marked as to purposes on the exterior door or curtain of said cubicle, room or booth. Nothing contained herein shall be construed to eliminate other requirements of statutes or ordinances concerning the maintenance of premises, or to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police or health departments.

§ 01.18 SALE OR TRANSFER OR CHANGE OF LOCATION.

Upon sale, transfer or relocation of a massage establishment, the license therefore shall be null and void unless approved as provided in § 01.03 provided, however, that upon the death or incapacity of the licensee or any co-licensee of the massage establishment, any heir, beneficiary or legal representative of a deceased licensee, or any guardian of an heir or beneficiary of a deceased licensee, may continue the business of the massage establishment for a reasonable period of time not to exceed 60 days to allow for an orderly transfer of the license.

§ 01.19 NAME AND PLACE OF BUSINESS.

No person granted a license pursuant to this chapter shall operate the massage establishment under a name not specified in his or her license, nor shall he conduct business under any designation or location not specified in his or her license.

§ 01.20 TRANSFER OF LICENSE.

No license shall be transferable except with the consent of the City of Blue Island. An application for such transfer shall be in writing and shall be accompanied by fees prescribed in § 01.03. The written application for such transfer shall contain the same information as requested herein for initial application for the license.

§ 01.99 PENALTY.

Every person, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker, who in any way, directly or indirectly, gives massages or operates a massage establishment or provides any of the services defined in this chapter without first obtaining a license and paying a fee to do so in accordance with this chapter, or whosoever shall violate any provisions of this chapter shall be guilty of a misdemeanor and upon conviction such person shall be punished by a fine not to exceed \$750.

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATE

I, Randy Heuser, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **November 22, 2016** the Corporate Authorities of such municipality passed and approved Ordinance No. **2016 - 040** entitled: **AN ORDINANCE AMENDING THE CODE OF BLUE ISLAND, ILLINOIS, TITLE XV LAND USAGE, CHAPTER 166 ZONING CODE.** Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2016 - 040** including the Ordinance and a cover sheet thereof, was as prepared, and a copy of such Ordinance posted in the municipal building commencing **November 22, 2016** 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 Blue Island, Illinois, this **22nd** day of **November, 2016.**

(SEAL)

Municipal Clerk