



## City Council Agenda Item

**To:** Mayor Graham and City Council  
**From:** Walter Denton, City Administrator  
Ted Shekell, Planning Director  
**Date:** May 11, 2005  
**Subject:** First Reading for Amendment of the City's Massage Therapy Ordinance

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**List of Committees Reviewed:** The ordinance amendment was reviewed by the Public Safety Committee at its meeting on May 9, 2005, and was unanimously recommended.

**Background:** The proposed ordinance amends existing City ordinance Chapter 117 pertaining to the regulation of massage therapist and massage therapy clinics in the City. The proposed ordinance accomplishes two primary objectives. First, the State of Illinois changed the state laws regarding licensure of massage therapists, requiring them to be licensed through the IL Dept of Professional Regulation, rather than through local jurisdictions. Our current ordinance states the City is responsible for licensing them, which this new state law now prohibits. This ordinance amendment makes our ordinance consistent with state laws regarding the licensure of massage therapists.

Secondly, another defect in the current ordinance is that it allows for massage therapy clinics to be operated out of a personal residence, which this ordinance amendment will prohibit. Our present home occupation ordinance does not allow commercial businesses to operate out of the home. It does allow licensed professionals, such as massage therapists, attorneys, physicians, etc., to operate a home-based business, but it will not allow a clinic to be established in the home nor clients to be seen at the home.

Attached to the draft prepared by Dale is a copy of the existing City ordinance. As you can see, Section 17.15 through 17.22 are being deleted and replaced with a new paragraph, Section 17.03 entitled "Licenses". Also, the new ordinance deletes the definition of "Offices Within a Home" which presently allows clinics in the home. Finally, the "Penalty" section has been modified to be consistent with current City ordinance provisions.

**Legal Considerations, if any:** Dale drafted the ordinance amendment. No adverse legal impacts are anticipated.

**Budget Impact:** Minimal. City inspection staff will remain responsible for initial inspection of clinics as well as for their annual inspection.

**Staff Recommendation:** Approval of the Ordinance.