

ORDINANCE NO.

**AN ORDINANCE REPEALING  
CHAPTER 117, “MASSAGE  
ESTABLISHMENTS AND  
SERVICES” OF THE REVISED  
CODE OF ORDINANCES OF  
THE CITY OF O’FALLON,  
ST. CLAIR COUNTY,  
ILLINOIS AND  
IMPLEMENTING A REVISED  
CHAPTER 117 “MASSAGE  
ESTABLISHMENTS AND  
SERVICES” OF THE REVISED  
ODE OF ORDINANCES OF THE  
CITY OF O’FALLON, ST. CLAIR  
COUNTY, ILLINOIS**

**Whereas**, the City now has in effect an Ordinance entitled “Massage Establishments and Services” designated as Chapter 117 of the Revised Code of Ordinances; and

**Whereas**, Chapter 117.01 in part provides a massage therapy clinic may be located within a licensed massage therapist’s home; and

**Whereas**, the allowance of a massage therapy clinic in a licensed massage therapist’s home is in conflict with Article III Section 3.02 “Home Occupation” of the City’s Zoning Code of Ordinances; and

**Whereas**, the State General Assembly passed and the Governor for the State of Illinois signed Public Act 93-0524 by which the State of Illinois through the Illinois Department of Professional Regulations has implemented the requirement of licensing of professional massage therapists by the State of Illinois under the Massage Licensing Act, 225 ILCS 57-15; and

**Whereas**, the City’s Revised Code of Ordinances at Chapter 117.15 through 117.22 provides the City of O’Fallon shall regulate the licensing of professional massage therapists; and

**Whereas**, since the State of Illinois now regulates the licensing of professional massage

therapists, the City of O’Fallon no longer has authority to license professional massage therapists; and

**Whereas**, it is necessary to repeal the City of O’Fallon’s Revised Code of Ordinances Chapter 117.15 through 117.22 to conform to State Statute; and

**Whereas**, since many provisions of Chapter 117 are affected by the change in the State Statute and for purposes of clarity and conciseness, Chapter 117 of the Revised Code of Ordinances should be repealed in it’s entirety and replaced with a revised Chapter 117.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF O’FALLON:

1. AMENDMENT BY REPEALING AND INSTITUTING NEW ARTICLE.

Chapter 117 of the Revised Code of Ordinances of the City of O’Fallon and all of its sections are hereby amended by repealing same and instituting a new Chapter 117 “Massage Establishments and Services” as said forth below:

**§ 117.01 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***THERAPEUTIC MASSAGE* or *MASSAGE THERAPY***

(1) Scientific health care, health maintenance, and rehabilitation techniques scientifically applied to the client by a trained professional massage therapist for the purpose of causing increased circulation throughout the body, ridding the body of waste products and/or toxins, inducing relaxation, easing mental and physical tension, alleviating aches and pain, and the breaking up of fatty tissues, adhesions, scar tissue and muscle spasms and releasing the body’s natural pain killers called “endorphins” which produce biological effects of analgesia and euphoria. ***THERAPEUTIC MASSAGE*** does not diagnose or treat classified diseases, practice spinal manipulation, or prescribe medicine or drugs.

(2) ***THERAPEUTIC MASSAGE*** may include but is not limited to joint mobilization techniques, stretches, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and any reasonable method of pressure on the

external soft parts of the body with the hands, elbows, or forearms, or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oils, liniments, hot and cold packs, antiseptics, powders, creams, lotions, salt glows, ointments, or other similar preparations commonly used in the practice.

(3) **MASSAGE THERAPISTS.** Any person who, for any consideration whatsoever, engages in the practice of therapeutic massage as defined above and who provides proof of the following:

(a) Proof of active member status in a professional massage therapy organization.

(b) Completion and graduation from an approved program for 500-hour massage/bodywork training or a passing score on a recognized certification exam such as the National Certification exam.

(4) **MASSAGE THERAPY CLINIC.** Any place of business having a source of income or compensation derived from therapeutic massage, where a licensed massage therapist administers therapeutic massage or from where a massage therapist is dispatched to administer therapeutic massage. A massage therapy clinic also includes schools and institutions for purposes of this chapter.

(5) **OFF-PREMISES MASSAGE.** The activity of providing massage services by a licensed massage therapist for a fee at a location other than at a massage therapy clinic.

(6) **PROFESSIONAL MASSAGE THERAPY ORGANIZATION.** An organization that promotes minimum standards for the profession, assists legislatures in developing laws regarding the profession, requires members to adhere to a code of ethics, and provides legal assistance, education, insurance, support, and information to its members.

## **§ 117.02 APPLICIBILITY OF PROVISIONS**

The provisions of this chapter shall not apply to:

(1) Illinois licensed medical doctors, doctors of osteopathic medicine, chiropractors, physical therapists, naprapaths, or registered nurses, where such massage is part of their state practice act.

(2) Illinois licensed practical nurses, hospitals, or nursing homes while administering such massages in the normal course of their medical duties.

(3) Any state-registered athletic trainer who administers such athletic-related massage in the normal course of training duties, where such massage is part of the “Illinois Athletic Practice Act.”

### **§ 117.03 LICENSES**

(1) Every massage therapist shall be licensed as required by the State of Illinois, pursuant to the Massage Licensing Act 225 ILCS 57-15.

(2) Every massage therapist shall conspicuously display the license required by the State of Illinois in his/her work area.

(3) It shall be the responsibility of the license holder of a massage therapy clinic to insure that each person employed as a massage therapist shall first have obtained a valid massage therapist license as set forth in this chapter. It shall be unlawful for such a clinic to allow a licensed massage therapist to practice other than as defined by this chapter.

### **§ 117.04 FACILITIES**

No Massage Therapy Clinic shall be allowed to operate unless the clinic complies with each of the following minimum requirements:

(1) Adequate private dressing and toilet facilities shall be provided for clients.

(2) All walls, ceilings, floors, steam rooms, and other physical facilities in the massage therapy clinic shall be kept in good repair and maintained in a clean and sanitary condition.

(3) Clean and sanitary towels and linens shall be provided for each client receiving massage services. No common use of towels or linens shall be permitted.

(4) 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 the building code of the City.

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

(6) 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.

(7) Adequate and sanitary storage 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 area.

(8) 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.

### **§ 117.05 OPERATING REQUIREMENTS**

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

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

(3) Massage therapists shall be clean and wear clean, nontransparent outer garments. Adequate private dressing and toilet facilities must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.

(4) All massage therapy clinics 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.

(5) The sexual or genital area of patrons must be covered by towels, cloths, or undergarments.

(6) It shall be unlawful for any person knowingly, in a massage therapy clinic, 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 the genital area of any other person.

(7) No massage therapist, employee, or operator shall perform, offer, or agree to perform any act which would require the touching of the patron's genital area.

(8) 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, 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 floors, it shall be kept dry.

(9) Oils, creams, lotions, or other preparation used in administering massages shall be kept in clean, closed containers or cabinets.

(10) Eating in the massage work areas shall not be permitted. Animals, except for service dogs, shall not be permitted in the massage work areas.

(11) No massage therapist shall administer a massage to a patron exhibiting any skin fungus, skin infection, or skin disease unless a physician duly licensed by the state certifies in

writing that such person may be safely massaged, prescribing the conditions thereof.

(12) Massage therapists shall wash their hands in hot running water, using a proper soap or disinfectant before administering a massage to each person.

**§ 117.06 INSPECTIONS**

The city has the right to enter the premises at any time to conduct an inspection of each massage therapy clinic for the purpose of determining that the provisions of this chapter are met.

**§ 117.07 PENALTY AND REMEDIES**

The penalty for violation of this chapter shall be as provided in Chapter 10, Section 10.99 of the Revised Code of Ordinances.

This Ordinance shall be in full force and affect after its passage and approval and its publication as required by law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_ 2005.

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ATTEST: Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_ 2005.

(seal)

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

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Gary L. Graham, Mayor

<b>ROLL CALL:</b>	Grogan	Schmidt	True	Henry	Reckamp	Medford	Bequette	<b>SUB TOTALS</b>
<b>Aye</b>								
<b>Nay</b>								
<b>Absent</b>								

<b>ROLL CALL:</b>	Mouser	Renner	Bennett	Boone	Drolet	Albrecht	West	<b>SUB TOTALS</b>	<b>SUM OF TOTALS</b>
<b>Aye</b>									
<b>Nay</b>									
<b>Absent</b>									