





## LOMBARD POLICE DEPARTMENT

Date: August 6, 2004

To: William T. Lichter, Village Manager

From: Ray Byrne, Police Chief

**Re: Revisions to Massage Establishment Ordinance**

Attached to this correspondence, please find an ordinance that proposes some modifications to our existing Massage Establishments Ordinance (Chapter 122). The modifications are largely being proposed because of Public Act 92-0860, which gives the State of Illinois the exclusive authority to regulate and license massage therapists. Public Act 93-0524 extended the implementation of these provisions to January 1, 2005.

The ordinance was prepared by Janet Petsche of Klein, Thorpe and Jenkins, Ltd. At a staff level, it has been reviewed by licensing specialist Jean Tufano and Detective William Marks, who conducts background investigations on massage therapists and massage establishments for the police department. The practical effect is that we will now only license establishments, but not the actual massage therapists.

Please feel free to contact me with any questions.

cc: Dep. Chief Dane Cuny  
Dep. Chief Pat Rollins  
Lt. Scott Watkins  
Detective William Marks  
Jean Tufano, Licensing Specialist

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**MEMORANDUM**

TO: Jean Tufano  
Village of Lombard

FROM: Janet N. Petsche

DATE: December 10, 2003

RE: Ordinance Amending Ordinance Regarding Massage Establishments  
(effective January 1, 2005)

Enclosed herewith is the above-captioned document revised to show the effective date for each provision to be January 1, 2005. The Governor signed Public Act 93-0524 and it became law on August 12, 2003. Public Act 93-0524 advanced the effective date of the State's pre-emption of the licensing of massage therapists from January 1, 2004 to January 1, 2005. You may still consider this a draft for review by staff and Board Committee as appropriate before presentation to the Village Board of Trustees and let me know if any changes are desired. As you will note, I have listed the adoption date occurring in 2004 since it is not likely that you will have time for review before the last Trustee's meeting in 2003.

Please let me know if you have any questions or wish to revise the Ordinance before it is presented to the Board.

encl.  
cc: William T. Lichter, Village Manager  
Len Flood, Finance Director  
Thomas P. Bayer

#125437v1<iManage> -Memo-Massage Ord.-Lombard

**LOMBARD POLICE DEPARTMENT**  
235 E. Wilson Avenue Lombard, IL. 60148

**TO:** Chief Bryne

**FROM:** Detective William Marks #3  
Office : 630-873-4446  
Fax : 630-873-4444  
e-mail : marksjrw@villageoflombard.org

**DATE:** Tuesday June 29<sup>th</sup>, 2004

**SUBJECT:** For your review



Chief Byrne,

Please review the ordinance reference the massage licensing. Effective January 1<sup>st</sup>, 2005 individuals that want to practice massage therapy in Lombard will have to go through the State of Illinois for their permit approval.

Jean Tuffano from the village Finance Department would like to get this ordinance on the agenda for the September Board meeting.

A handwritten signature in black ink, appearing to read "William Marks", written over a horizontal line.

Detective William Marks #3

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 12, CHAPTER 122,  
OF THE LOMBARD VILLAGE  
CODE IN REGARD TO MASSAGE ESTABLISHMENTS**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That, effective January 1, 2005, Title 12, Chapter 122, Section 122.01 of the Lombard Village Code is amended so that the definitions of CERTIFIED MASSAGE THERAPIST, MASSAGE, and MASSAGE ESTABLISHMENT shall be deleted and replaced by definitions which shall read in their entirety as follows:

"LICENSED MASSAGE THERAPIST. An individual who holds a valid, current, State of Illinois license as a massage therapist to practice massage/massage therapy as defined herein and who is thereby entitled to exclusive use of the terms "massage," "massage therapy," and "massage therapist" in advertising and printed promotional material.

MASSAGE/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.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business within the Village of Lombard where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on, massage or massage therapy as defined herein by one or more persons licensed by the State of Illinois as massage therapists."

**SECTION 2:** That, effective January 1, 2005, Title 12, Chapter 122, Section 122.10 (C) of the Lombard Village Code is amended to read in its entirety as follows:

"(C) The application for a permit to operate a massage establishment shall state the name of all of the licensed massage therapists who are employed to provide

massage or massage therapy at the massage establishment. Said application shall be accompanied by copies of the licenses issued to said massage therapists."

**SECTION 3:** That, effective January 1, 2005, Title 12, Chapter 122, Sections 122.20 through 122.23 of the Lombard Village Code are repealed in their entirety.

**SECTION 4:** That, effective January 1, 2005, Title 12, Chapter 122, Section 122.31 of the Lombard Village Code is amended to add a first paragraph to read in its entirety as follows:

"All individuals in the Village of Lombard who are employed as a massuer or massuese by a massage establishment or who otherwise administer massages or massage therapy as defined in this Chapter, except where exempt under State law, shall, at all times, have a current, valid massage therapist license from the State of Illinois and all massage establishments within the Village of Lombard shall, comply with the following requirements:"

**SECTION 5:** That, effective January 1, 2005, Title 12, Chapter 122, Section 122.31(M) of the Lombard Village Code is amended to add a first paragraph to read in its entirety as follows:

"(M) Within thirty days of employment, massage establishments shall, for as long as they continue in business within the Village of Lombard provide the Village's Finance Director with copies of the licenses of all massage therapists employed subsequent to the date on which application was made for the massage establishment's first issued permit."

**SECTION 6:** That, effective January 1, 2005, Title 12, Chapter 122, Section 122.35 of the Lombard Village Code is repealed in its entirety.

**SECTION 7:** That, effective January 1, 2005, Title 12, Chapter 122, Section 122.37 of the Lombard Village Code is amended to read in its entirety as follows:

**"§ 122.37 EXEMPTIONS**

A massage establishment license shall not be required of establishments where persons engage in massage, massage therapy or similar practices but are not required to obtain a massage therapist license under Illinois law ."

**SECTION 8:** That, effective January 1, 2005, Title 12, Chapter 122, Section 122.39 of the

Lombard Village Code is amended to read in its entirety as follows:

**"§ 122.39 PENALTY**

Any person who conducts a massage establishment without first obtaining a permit and paying a license fee to do so from the Village, or who shall violate any of the provisions of this Chapter, shall be guilty of a misdemeanor. Upon conviction, such person shall be punished by a fine of not to exceed \$750, or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Anyone who knowingly aids and abets one or more persons not authorized to use the professional term "massage therapist" or employs persons not authorized to use the title "massage therapist" in the course of employment or who uses the term "massage," "massage therapy" or "massage therapist" in advertising or printed promotional material without authorization to do so under Illinois law shall be prosecuted for violation of the Massage Licensing Act (225 ILCS 57/1 *et seq.*) for which the first offense is a Class "A" misdemeanor and a second and any subsequent offense is a Class 4 felony."

**SECTION 9:** That this Ordinance shall be in full force and effect from and after its passage,

approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_,

2004.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004, pursuant to

a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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William J. Mueller  
Village President

ATTEST:

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Barbara A. Johnson  
Acting Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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Barbara A. Johnson  
Acting Village Clerk

#115126