

## ORDINANCE NO. F-1617

### **AN ORDINANCE AMENDING CHAPTER 26, "BUSINESSES" ARTICLE VII "MASSAGE BUSINESSES", OF THE CODE OF ORDINANCES OF THE CITY OF WHEATON BY THE ADDITION OF SECTION 26-195 "PROOF OF EXEMPTION"**

**WHEREAS**, corporate authorities of the City of Wheaton have determined that it is in the interest of the public health, safety and welfare that any spa or massage business claiming an exemption under 225 ILCS 57/25 establish the legitimacy of the exemption.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois pursuant to its home rule authority, that Chapter 26, "Businesses," Article VI "Massage Businesses" of the Wheaton City Code is hereby amended by the addition of a new Section 26-195 which shall read as follows:

#### **SECTION 1: Sec. 26-195: Proof of Exemption**

Any person or entity seeking a Wheaton business license for the operation of a business which offers services defined by this Ordinance as a massage, but claiming an exemption under 225 ILCS 57/25, or seeking to maintain a business license after it has been granted such exemption, shall provide, in conjunction with its license application or upon request by the City Clerk, information establishing the qualification for an exemption, which information shall include:

- (1) Identification of the section of 225 ILCS 57/25 under which exemption sought; and
- (2) Documents establishing that the business and any person proposing to practice under an exemption satisfy the criteria for the exemption including, but not limited to;
  - (a) Documents showing: the name, address of the organization, association or school issuing the licenses or certificates to the persons employed by the business as well a copy of its curriculum; and
  - (b) Documents from the organization, association or school issuing the licenses or certificates establishing the minimum level of training, testing and ethical standards set by the governing body of the organization or association; and
  - (c) The name and address of the governing body of the organization, association or school; and
  - (d) Proof that the person asserting the exemption has completed the level of training, demonstrated competency, and adherence to ethical standards by records of the governing association establishing the practitioner's attendance at the program, including; the date the practitioner began training; the date of

completion of the practitioner's training program; proof of payment of the practitioner's tuition, and the identity including the name, business address, website address, and telephone number(s) for the faculty, testers or other persons involved in the training, testing and establishment of ethical standards of their school or governing body and the name and address of the governing body.

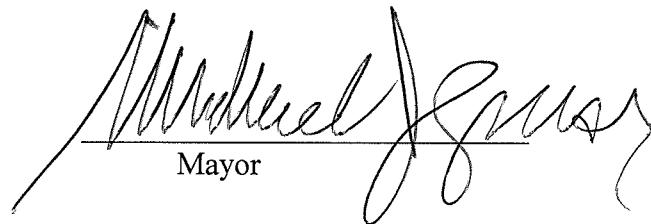
- (e) Any licenses or certificates for each practitioner; and
- (f) Such other information as maybe reasonably required by the City to establish the accuracy and legitimacy of the other information provided pursuant to this Section.
- (g) Written certification that the documents provided pursuant to these provisions are true and correct;
- (h) Such other information as maybe reasonably required by the City to establish the accuracy and legitimacy of the other information provided pursuant to this Section;

(3) After the City issues a business license under this section it shall be the obligation of the licensee to provide the City with all of the information set forth in this section for each new or different practitioner claiming an exemption prior to the time that person commences work at the licensed premises.

**SECTION 2:** Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

**SECTION 3:** If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

**SECTION 4:** This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Michael J. Gruber  
Mayor

ATTEST:



Anna Bennett Hager  
City Clerk

Roll Call Vote:

Ayes: Councilman Suess  
Councilwoman Ives  
Councilman Mouhelis  
Councilman Rutledge  
Mayor Gresk  
Councilwoman Pacino Sanguinetti  
Councilman Scalzo

Nays: None

Absent: None

Passed: January 3, 2012

Published: January 4, 2012

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