

ORDINANCE NO. 24-\_\_\_\_\_

AN ORDINANCE  
ADDING CHAPTER 20 (MASSAGE ESTABLISHMENTS) TO  
TITLE 3 (BUSINESS AND LICENSE REGULATIONS)  
OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

1. **WHEREAS**, the purpose of this Ordinance is to provide for the public health, safety, and welfare, to preserve the character and economic viability, prevent human trafficking, and to protect the legitimate practice of Massage by professional Massage Therapists in the City of Naperville; by issuing permits to local Massage Establishments to ensure local Massage Therapists are licensed by the State of Illinois under the Illinois Massage Act (225 ILCS 57 et. seq., as amended from time to time) and to ensure that local Massage Therapists and Massage Establishments are in compliance with State and local laws; and
2. **WHEREAS**, the City of Naperville is a home rule unit of local government under the laws and Constitution of the State of Illinois; and
3. **WHEREAS**, under the Constitution of the State of Illinois, home rule units of government have broad authority to pass ordinances and promulgate rules and regulations that protect the public health, safety, and welfare of their residents; and
4. **WHEREAS**, in an effort to protect the public health, safety, and welfare, the City of Naperville has a clear and compelling interest in exercising its home rule authority as set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:**

**SECTION 1: Recitals incorporated.** The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

**SECTION 2: Amendment adding Chapter 20 to Title 3 of the Naperville Municipal Code.** Title 3 (Business and License Regulations) of the Naperville Municipal Code is hereby amended by adding Chapter 20 (Massage Establishments) through the addition of the underlined language as follows:

## TITLE 3 – BUSINESS AND LICENSE REGULATIONS

### CHAPTER 1 - MUNICIPAL OCCUPATION TAXES through CHAPTER 19 - REGULATION OF THE COMMERCIAL SALE OF ASSAULT RIFLES

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### CHAPTER 20 - MASSAGE ESTABLISHMENTS

#### SECTION:

#### 3-20-1: - DEFINITIONS.

For this Chapter, the following terms shall have the following meanings:

**Act:** The Illinois Massage Licensing Act 225 ILCS 57 et seq. as amended from time to time.

**Code Enforcement Officer:** Any person employed by the City of Naperville responsible for enforcing the City of Naperville Municipal Code.

**Compensation:** The payment, loan, advance, donation, contribution, deposit, or gift of money or anything of value.

**Designated Manager:** Any Person, whether employed by a Massage Establishment full or part time, who is charged with the administration of the Massage Establishment. Such Person may be a Massage Therapist. If the Designated Manager conducts Massage, then such person must be a Licensed Massage Therapist.

**Employee:** Any Person, other than a Massage Therapist, who works for or at a Massage Establishment, but has no physical contact with Patrons, including, but not limited to any person acting as an employee, agent, contractor, representative, participant, helper, or volunteer of a Massage Establishment or its owner, operator, employee, or Massage Therapist.

**Local Manager or General Manager:** A person who is the sole proprietor of a Massage Establishment or is a registered agent of a corporate owner of a Massage Establishment or is a local representative of a partnership owner of a Massage Establishment. A person who is responsible for the daily operations of a Massage Establishment.

**Licensed Massage Therapist:** A Massage Therapist who holds a valid, current, State of Illinois license under the Illinois Massage Licensing Act to practice Massage 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:** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or manual manipulation of the soft tissues of the human body. The stimulating of the external soft parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The purpose of these techniques is to enhance health and well-being, reduce muscle tension, promote relaxation, improve circulation, relieve stress, and manage pain.

**Massage Establishment:** Any fixed place of business in the City of Naperville where any Person engages in Massage with a Patron and where the giving of Massages is the primary source of business of the massage establishment.

**Massage Establishment Permit:** A permit issued by the City of Naperville to the Person owning or operating a Massage Establishment located in the City of Naperville, upon proper application and establishment of compliance with the terms of this Chapter.

**Massage Therapist:** Any Person who, for any consideration whatsoever, provides Massage to a Patron. This includes a masseur or masseuse.

**Outcall Massage Service:** Any Person who engages in Massage with a Patron at a location within the City of Naperville, other than at a Permitted Massage Establishment as defined herein.

**Patron:** Any Person who receives Massage from a Massage Therapist in the City of Naperville under such circumstances that it is reasonably expected that in exchange for the Massage Therapy said Person will pay money or give other consideration or compensation.

**Permitted Massage Establishment:** A Massage Establishment that possesses a current and valid Massage Establishment Permit.

**Permittee:** Any Person to whom a permit has been issued by the City of Naperville to operate a Massage Establishment as defined herein.

**Person:** Any individual, business, corporation, trust, co-partnership, firm, association, joint stock company, or combination of individuals of whatever form or character.

**Sexual or Genital Area:** Genitals, sex organs, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

### **3-20-2: - MESSAGE ESTABLISHMENT PERMIT REQUIRED.**

1. No Person shall operate a Massage Establishment in the City of Naperville without a valid and current Massage Establishment Permit issued by the City of Naperville pursuant to the terms of this Chapter. A separate permit shall be required for each Massage Establishment location regardless of whether multiple establishments are operated by the same Person.
2. No Person shall operate a Massage Establishment in the City of Naperville unless every Massage Therapist engaging in Massage at the location of the Massage Establishment is licensed by the State of Illinois pursuant to Massage Licensing Act (225 ILCS 57 et seq, as amended from time to time).
3. It shall be unlawful to operate a Massage Establishment in the City of Naperville without a valid and current Massage Establishment Permit issued by the City of Naperville. It shall be unlawful for any Massage Establishment in the City of Naperville to permit a Patron to receive a Massage at the premises of the Massage Establishment without a valid and current Massage Establishment Permit issued by the City of Naperville.
4. Massage Establishments shall only be in locations as permitted and allowed by the City of Naperville Municipal Code.

### **3-20-3: - EXEMPTIONS:**

1. When a Massage is not performed at the premises of a Massage Establishment, but rather is performed off-premises, including, but not limited to at a Patron's place of business or residence, a Massage Establishment Permit shall not be required.
2. A Massage Establishment Permit shall not be required for establishments where Massage is not the primary source of business, physicians, podiatric physicians, naprapathy, physical therapists, hospitals, nursing homes, sanatoriums, nail and facial salons, health clubs, reflexology establishments, spas, and or any facility at which a healthcare worker duly licensed by the State of Illinois provides, on an ongoing basis,

professional health services to individuals, including but not limited to, the offices of an occupational therapist, a physical therapist, a chiropractor, and a naprapath licensed under Illinois law.

### **3-20-4: - APPLICATION FOR A MASSAGE ESTABLISHMENT PERMIT.**

1. Applications for Naperville Massage Establishment Permits shall be made to the Community Services Department in writing, signed by the applicant, verified by oath or affidavit, and shall provide all information as required by the City on said permit application. All permittees must undergo fingerprinting and background checks. The City Clerk shall keep a complete record of all Massage Establishment Permits issued.
2. There is a one-time initial fee for a Massage Establishment Permit required by this Chapter. Permit fees shall not be prorated on account of the issuance date but shall in all cases be paid in full. If an application for a new permit is received after January 1 of any year, the City of Naperville may issue a permit that runs through a designated period not to exceed past December 31 of the next year provided the applicant pays the one-time initial permit fee that is to include the additional time for which the permit is valid. After a Massage Establishment has paid the one-time initial permit fee, subsequent yearly permits will be issued upon the receipt of an updated list of Licensed Massage Therapists. The initial permit fee will only be required for first time applications and for new Massage Establishments.
3. The initial fee shall be structured as follows based on the number of Massage Therapists employed at Permitted Massage Establishments:  
  
1 Massage Therapist - \$100.00 (one hundred dollars);  
2 to 5 Massage Therapists - \$150.00 (one hundred fifty dollars);  
6 to 10 Massage Therapists - \$200.00 (two hundred dollars);  
Over 10 Massage Therapists - \$300.00 (three hundred dollars).
4. The City of Naperville shall act to approve or deny an application for a Massage Establishment Permit under this Chapter within a reasonable period of time and in no event shall the City of Naperville act to approve or deny said permit later than ninety (90) days from the date that said application was accepted by the City of Naperville.
5. Massage Establishment Permits are issued annually and shall be operative for the municipal license year commencing on January 1 of each year. Every permit issued pursuant to this Chapter will terminate on December 31 of each year following such issuance, unless sooner suspended or revoked. Each permit may be renewed upon proper application, conformance with applicable requirements, and payment of the required fee.

6. In the event the applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, the applicant shall immediately notify the City of Naperville and provide appropriate corrections. Failure to accurately and completely provide or as necessary update, required information may delay the processing of such application or result in its denial.
7. The applicant has a continuing obligation, even after the City of Naperville has issued it a Massage Establishment Permit, to notify the City of Naperville in writing of any change affecting any of the information required to be provided by this Chapter. Such new information must be provided to the City of Naperville within thirty (30) days of any such change.

### **3-20-5: - FINGERPRINT AND BACKGROUND CHECK REQUIREMENTS.**

1. In addition to the requirements above of this Chapter, applicants shall submit their fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprinting by the Naperville Police Department unless the owner or Local Manager is a licensed Massage Therapist under the Illinois Massage Act and has submitted fingerprints for that license.
  - a. If applicant is a corporation, fingerprints shall be required of the applicant's Local Manager or General Manager of the Massage Establishment.
  - b. If the applicant is a limited liability company, fingerprints shall be required of the Local Manager or General Manager of the Massage Establishment.
  - c. If the applicant is a partnership, fingerprints shall be required of the applicant's Local Manager or General Manager of the Massage Establishment.
  - d. In the case of a renewal application, only new owners or new local or general managers will be required to submit fingerprints.
2. Applicant fingerprints will be kept on file with the City of Naperville Police Department.
3. The fee for each set of fingerprints required by this Chapter shall be in accordance with the current rate for the fingerprint procedure as determined by the Naperville Police Department in its sole discretion.

### **3-20-6: - EMPLOYMENT OF MASSAGE THERAPISTS.**

It shall be the responsibility of the Permittee to ensure that any Massage Therapist who provides Massage to Patrons at the Massage Establishment shall have obtained a valid State of Illinois massage therapist license pursuant to the Massage Licensing Act (225 ILCS 57 et seq, as amended from time to time).

**3-20-7: - REGISTER OF EMPLOYEES.**

The Permittee shall maintain a register listing all Employees and Massage Therapists at the Massage Establishment, and a copy of their State of Illinois massage therapy licenses, if any. Said register shall be available for inspection at the Massage Establishment to representatives of the City of Naperville during regular business hours and shall be provided upon request.

**3-20-8: - POSTING OF MASSAGE ESTABLISHMENT PERMIT.**

Every Massage Establishment shall, at all times, publicly display a valid Massage Establishment Permit issued by the City of Naperville. Said permit shall be displayed in a conspicuous place within the Massage Establishment so that the same may be readily seen by any person entering the premises.

**3-20-9: - MASSAGE THERAPIST LICENSE REQUIRED.**

It shall be unlawful for any Person to Massage any Patron without having first obtained a State of Illinois massage therapist license pursuant to the Illinois Massage Licensing Act (225 ILCS 57 et seq, as amended from time to time).

**3-20-10: - LIMITATION, DENIAL, AND RESTRICTION ON THE ISSUANCE AND RENEWAL OF PERMIT.**

1. The City of Naperville may deny a Massage Establishment Permit for failure to comply with any of the requirements set forth in any sections of this Chapter.
2. No Massage Establishment Permit shall be issued or renewed:
  - a. To an applicant who has been convicted of the following offenses:
    - i. Any offense involving sexual misconduct with children or other sex offenses as defined in 720 Illinois Compiled Statutes;
    - ii. A felony based upon conduct or involvement in a related or similar business activity within the past ten (10) years;

- iii. A felony unrelated to conduct or involvement in a related or similar business activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including sexual misconduct, within the past ten (10) years;
  - iv. A misdemeanor or licensing ordinance violation from any jurisdiction, based upon or involvement in a related or similar business activity; or
  - v. A crime of moral turpitude.
- b. To an applicant whose Massage Establishment Permit issued to a predecessor business has been revoked for cause.
  - c. To an applicant who at the time of application for renewal of any Massage Establishment Permit issued hereunder would not be eligible for such permit upon a first application.
  - d. To an applicant under the age of eighteen (18) years of age.
  - e. To an applicant where grounds for revocation exist as provided in this Chapter.

**3-20-11: - TRANSFER, CHANGES IN OWNERSHIP OR MANAGEMENT.**

1. No Massage Establishment Permit issued pursuant to the provisions of this Chapter shall be sold, transferred, or otherwise assigned. A transfer in the ownership or control of a Massage Establishment shall constitute a change in the Permittee and the existing Massage Establishment Permit shall be deemed surrendered and extinguished. A new application for a Massage Establishment Permit may be filed and processed as provided in this Chapter prior to such transfer taking effect.
2. The Permittee shall provide written notice to the City of Naperville of any change of the Permittee's Designated Managers. A Designated Manager must be qualified to operate the Massage Establishment as provided in this Chapter. The Permittee shall provide said written notice to the City, not less than ten (10) business days from said change and when possible the Permittee shall provide said notice to the City prior to any such change.

**3-20-12: - ADVERTISING RESTRICTIONS.**

No Massage Establishment shall place, publish, distribute, depict, or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective Patrons, customers, or clients that any services are available other than those services permitted by this Chapter, or which would suggest that Massage Establishment Employees or Massage Therapists are dressed in a manner other than that permitted by this Chapter.

**3-20-13: - FACILITY REQUIREMENTS.**

1. No Massage Establishment Permit shall be issued to a Massage Establishment unless and until an inspection by the City of Naperville determines that the Massage Establishment complies with each of the following minimum requirements:
  - a. Hot and cold running water shall be available;
  - b. Adequate privacy shall be provided for Patrons while they are dressing;
  - c. Adequate toilet and sink facilities shall be provided and installed in accordance with the City of Naperville Municipal Code;
  - d. All walls, ceilings, floors, steam rooms, and other physical facilities in the Massage Establishment shall be kept in good repair and maintained in a clean and sanitary condition;
  - e. 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;
  - f. The Massage Establishment premises shall be in compliance with applicable codes and ordinances of the City, including, but not limited to, zoning, building, and life safety codes; and
  - g. Oils, creams, lotions, or other preparations used in administering Massages shall be kept in clean, closed containers or cabinets and shall be cleaned after each use.

**3-20-15: - GENERAL REGULATIONS.**

1. The following regulations shall be applicable to all Permittees, Massage Therapists, and Employees:

- a. Every portion of the Massage Establishment, including appliances and apparatuses therein, shall be kept clean and operated in a sanitary condition.
- b. No Massage Establishment shall open for business before six o'clock (6:00) A.M. nor remain open for business after ten o'clock (10:00) P.M.
- c. Pricing for all services shall be prominently posted or provided in brochures in the reception area in a location available to all prospective Patrons, clients, and customers.
- d. No Person shall sell, give, dispense, provide, or keep, or cause to be sold, given, dispensed, provided, or kept, any alcoholic beverage on the premises of any Massage Establishment unless the Massage Establishment has a local liquor license.
- e. Animals, except for bona fide service animals, shall not be permitted in areas where Massages are given.
- f. No Person shall permit any person under the age of eighteen (18) years to come or remain on the Massage Establishment premises as a Massage Therapist, Employee, or Patron, unless such person is on the premises on lawful business and accompanied by, or with the written consent of, a parent or legal guardian.
- g. Massage Therapists and Employees must wear clean, nontransparent clothing covering the Sexual and Genital Areas.
- h. The Sexual and Genital Areas of Patrons must be covered by towels, cloths, or undergarments when in the presence of a Massage Therapist or Employee.
- i. No Massage Therapist or Employee shall knowingly place a hand upon, or touch with any part of his or her body, or use any instrument or implement, with intent to fondle in any manner, a Sexual or Genital Area of any other person.
- j. No Massage Therapist or Employee shall perform, offer, or agree to perform any act which shall require the touching of a person's Sexual or Genital Area.
- k. No Massage Therapist or Employee shall Massage any part of a person's body which exhibits any skin fungus, skin infection, skin inflammation or skin eruption, unless a physician duly licensed by the state certifies in writing that such persons may be safely massaged, prescribing the conditions thereof.

- i. Massage may be practiced only for the purposes of physical fitness, relaxation, or medical therapy. The practice of Massage for any other purpose is prohibited.
- m. Each Massage Therapist shall wash his or her hands in hot running water using a proper soap or disinfectant before administering any Massage to any person.
- n. Oils, creams, lotions, or other preparations used in administering Massages shall be kept in clean, closed containers or cabinets and shall be dispensed in unit doses so that bulk containers are not contaminated between clients.

### **3-20-16: - ENFORCEMENT AUTHORITY.**

The City of Naperville City Manager or his/her designee shall appoint Code Enforcement Officers who are authorized to issue Municipal Code violation notices for violations of this Code. Currently, Code Enforcement Officers, City of Naperville Police Officers, the Director of Transportation, Engineering and Development (TED) or his/her designee, and any other Person appointed by the City of Naperville City Manager to issue Code violation notices.

### **3-20-17: - INSPECTIONS.**

Every Permitted Massage Establishment shall allow for inspections by duly authorized representatives of the City of Naperville concerned with the permitting of such establishments. Such inspections shall be conducted at a reasonable time and in a reasonable manner. The appropriate City of Naperville representative shall have general sanitary supervision thereof and shall cause inspections of such establishments to be made periodically to determine whether the health and sanitary provisions of this Chapter are complied with. It shall be unlawful for any Person to fail to allow any representative of the City of Naperville access to the premises of a Permitted Massage Establishment or to hinder such access in any manner.

### **3-20-18: - OUTCALL MESSAGE SERVICE.**

A Massage Therapist may provide a Massage in the City of Naperville only as authorized in this Chapter, including at a Permitted Massage Establishment and at a Patron's place of business or residence; however, no Massage or Outcall Massage Service may be provided other than by a Licensed Massage Therapist. All Massages and Outcall Massage Services must be performed in a manner consistent with that prescribed in this Chapter.

### **3-20-19: - DISCIPLINE AGAINST PERMITTEE, PENALTY, AND APPEAL.**

1. The City of Naperville City Manager may take disciplinary action against a Permittee including the imposition of a verbal or written warning, a fine, and a suspension, non-renewal, or revocation of a Massage Establishment Permit if it is determined that a violation of this Chapter exists or occurred.
2. Any Massage Establishment Permit may be suspended, non-renewed, or revoked by the City of Naperville City Manager or his/her designee after notice for good cause, or in any case where any of the provisions of this Chapter are violated or where it is determined that any of the following occurred:
  - a. A Permittee has made false statements on an application for a Massage Establishment Permit.
  - b. A Permittee or any Employee or Massage Therapist engaged in any conduct which violates any state or local laws or ordinances at the Permitted Massage Establishment and the Permittee had actual or constructive knowledge thereof.
  - c. A Permittee or any Employee or Massage Therapist knowingly conducted a Massage at the Permittee's Massage Establishment during a period of time when the Massage Establishment's Permit was suspended, non-renewed, or revoked.
  - d. A Permittee or any Employee or Massage Therapist at the Permitted Massage Establishment fails to allow a Code Enforcement Officer access to the premises or hinders such officer in any way and the Permittee had actual or constructive knowledge thereof.
  - e. A Permittee's Massage Establishment Permit has been suspended twice within a 24-month period and is found in violation of this Chapter for a third offense within that 24-month period.
  - f. A Permittee or any Employee or Massage Therapist engaged in any act of sexual intercourse, sodomy, oral copulation, masturbation, bestiality, prostitution, or flagellation in or on the premises of the Permitted Massage Establishment and the Permittee had actual or constructive knowledge thereof.
  - g. Upon recommendation of a hearing officer designated by the City Manager that the Permittee is operating the Permitted Massage Establishment or is allowing the Permitted Massage Establishment to be operated without sufficient regard for the public health, safety, or welfare; or the health, safety, or welfare of Patrons, clients, or customers; or without due regard to proper sanitation or hygiene.

- h. A Permittee has been convicted of:
  - i. Any offense involving sexual misconduct with children or other sex offenses as defined in 720 Illinois Compiled Statutes;
  - ii. A felony based upon conduct or involvement in a related or similar business activity within the past ten (10) years;
  - iii. A felony unrelated to conduct or involvement in a related or similar business activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including sexual misconduct, within the past ten (10) years;
  - iv. A misdemeanor or licensing ordinance violation from any jurisdiction, based upon or involvement in a related or similar business activity; or
  - v. A crime of moral turpitude.
  
- 3. Due Process Provided. The City Manager may impose a fine, a suspension, non-renewal, or revocation of a Massage Establishment for cause, when finding, in the opinion of the City Manager, it is more likely than not that the Permittee violated any provision of this Chapter. Notice of said disciplinary action shall be served on the Permittee, personally or by certified mail, at the address stated in the permit application. Within fourteen (14) days of the date of the notice of disciplinary action, the Permittee may request a formal hearing before a hearing officer designated by the City Manager or an informal hearing before the City Manager. Said request for formal or informal hearing shall be made in writing and served on the City, personally or by certified mail. Upon timely and proper service of a request for formal or informal hearing, the hearing will be scheduled within thirty (30) days and at said hearing, the Permittee and a representative from the City may present evidence concerning the basis for the violation(s) and disciplinary action. In a formal hearing all corporations must be represented by legal counsel. Within thirty (30) days of the conclusion of the formal or informal hearing, the City Manager shall either affirm, vacate, or revise his or her original finding of a violation and imposition of disciplinary action. The City Manager's decision shall be final and subject to administrative review in the Eighteenth Judicial Circuit in DuPage County in accordance with the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. seq.

**3-20-20: - PUBLIC NUISANCE.**

Any premises used as a Massage Establishment in violation of this Chapter with the knowledge and permission of premises owner, or the agent of the premises owner, together with all fixtures and other property used in violation of this Chapter are hereby declared to be a nuisance.

**3-20-21: - PENALTY.**

1. Any Person, except those Persons who are specifically exempted by this Chapter, who gives a Massage without a current and valid license issued by the State of Illinois pursuant to the Massage Licensing Act (225 ILCS 57 et seq, as amended from time to time) or who otherwise violates any of the provisions of this Chapter shall be guilty of a City of Naperville Municipal Code violation. A separate offense shall be deemed committed on each day during or on which the violation occurs or is permitted to continue.
2. Any Person, except those Persons who are specifically exempted by this Chapter, who operates or allows to be operated a Massage Business Establishment without a current and valid Massage Establishment Permit issued by the City of Naperville or who otherwise violates any of the provisions of this Chapter shall be guilty of a City of Naperville Municipal Code violation. A separate offense shall be deemed committed on each day during or on which the violation occurs or is permitted to continue.
3. Upon finding of a violation, such Person shall be punished by a fine as set out in general penalties of Title 1 Chapter 4-1 of the City of Naperville Municipal Code.

**3-20-22: - REIMBURSEMENT OF COSTS FOR INVESTIGATION RESULTING IN BUSINESS PERMIT SUSPENSION OR REVOCATION.**

If a City of Naperville investigation of a Permitted Massage Establishment, results in the revocation or suspension of its permit, the Permittee shall reimburse the City of Naperville for any and all of the City of Naperville's investigation costs. Failure to pay such costs within thirty (30) days written notice from the City of Naperville shall result in the continuance of any suspension until such time as those costs are paid and no Massage Establishment Permit shall be issued or renewed for a Massage Establishment at the same location until said investigation costs have been paid to the City of Naperville. The City of Naperville shall have additional and further remedies for collection of such costs as are available by law.

**3-20-23: - RECORDS MAINTENANCE AND ACCESS.**

Records of Permits applications, Permits revocation or suspension notices, or any other related records shall be maintained by the City of Naperville City Clerk. Access to these records may

be accessible to the Naperville Police Department and Code Enforcement for the City of Naperville.

**3-20-24: - SEVERABILITY.**

The provisions of this Chapter are severable and the invalidity of any phrase, clause or part of this Chapter shall not affect the validity or effectiveness of the remainder of this Chapter.

**3-20-25: – INCORPORATION OF THE ILLINOIS MASSAGE LICENSING ACT.**

All terms of the Illinois Massage Licensing Act are incorporated herein and adopted hereby as material components of this Chapter; the provisions of this Chapter shall be interpreted and applied in harmony with the Act; and all provisions of the Act shall be enforced as provisions of this Code except to the extent that the City of Naperville is preempted by the Act in respect to the regulation of Massage Therapy and licensing of Massage Therapists.

**SECTION 3:** This Ordinance shall be in full force and effect on August 1, 2025.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

\_\_\_\_\_  
Dawn Portner  
City Clerk