

AN ORDINANCE REVISING ARTICLE 18 OF THE CODE OF THE CITY OF PEORIA
APPROVING THE REGULATION OF BODYWORK ESTABLISHMENTS

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs including the regulation of the licensing of bodywork establishments within its corporate limits; and

WHEREAS, prior to January 18, 2005, the Code of the City of Peoria contained Article VII, Sections 18-231 through 18-295 of Chapter 18 regulating licensing for massage establishments; and

WHEREAS, on January 18, 2005, pursuant to ordinance No. 15,734, the City of Peoria repealed Article VII, Sections 18-231 through 18-295 due to the State of Illinois adopting the Massage Licensing Act, 220 ILCS 57/1 *et. seq.*; and

WHEREAS, massage therapists are regulated exclusively by the State pursuant to the Massage Licensing Act, but massage establishments and establishments that perform bodywork are not regulated by the State; and

WHEREAS, the City Council adopted Ordinance No. 17571 on April 24, 2018 to reduce the probability that establishments purporting to house legitimate bodywork would be used to promote illegal sexual activities while protecting legitimate, lawful providers of such a bodywork approach; and

WHEREAS, Ordinance No. 17571 was not intended to regulate the licensing of massage therapy or massage therapist or to encroach on the State's exclusive authority to regulate those activities; and

WHEREAS, Ordinance No. 17571 contains licensing exemptions for facilities licensed under other statutory provisions in Illinois; and

WHEREAS, salons and shops licensed pursuant 225 ILCS 410 with the Illinois Department of Professional Regulation can be included in the list of facilities exempt from the City's licensing requirement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1: Chapter 18, Article VII of the Code of the City of Peoria is hereby revised in its entirety by adding the following underlined language:

ARTICLE VII. – BODYWORK ESTABLISHMENTS

§ 18-232 - License Required.

(A) Bodywork Establishment License Required

8. Cosmetology, esthetics, hair braiding, nail technology salons and barber shops registered with the State of Illinois pursuant to 225 ILCS 410 et. seq. provided the salon/shop can provide proof of a valid, current Certificate of Registration from the Illinois Department of Professional Regulation for the location at which massages are being performed plus proof, in a form acceptable to the City, that the salon or shop employs a minimum of ten (10) full-time employees (FTE), unless the salon or shop owner can demonstrate with clear and convincing evidence when the exemption is requested annually that the failure to meet the 10 FTE criteria was temporary and due to a disaster, pandemic or other Act of God. Proof of employment may be established by, but is not limited to, W-2 forms issued to employees for the prior year; State of Illinois issued identification possessed by employees who are observed working within the business; tax returns, tax information or tax filings of the salon or shop owner seeking the exemption. This exemption must be sought by the salon or shop owner on an annual basis.

Section 2. This ordinance shall be in full force and effect immediately after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of _____, 2020.

APPROVED:

Jim Ardis, Mayor

ATTEST:

Beth Ball, City Clerk

EXAMINED AND APPROVED:

Corporation Counsel