

CHAPTER 14 - OTHER BUSINESS

ORDINANCE

020	Beauty Shop Control	03.23.66
96-021	Licensing of Massage Establishments	02.27.96
98-088	Tattoo and Body Piercing Establishments	08.11.98
99-126	Christmas Tree Sales	10.12.99

CHAPTER 14 - OTHER BUSINESS

	<u>Page</u>
<u>ARTICLE 1 - BEAUTYSHOPS</u>	
Sec. 14-101	DEFINITION 14-1
14-102	LICENSE REQUIRED 14-1
14-103	SANITATION AND INSPECTION 14-1
14-104	LIMITATIONS 14-1
14-105	PENALTY 14-1
<u>ARTICLE 2 - SALE OF CHRISTMAS TREES</u>	
Sec. 14-201	LICENSE REQUIRED 14-2
14-202	APPLICATION AND LICENSE FEE 14-2
14-203	SAFETY 14-2
14-204	LOCATION 14-2
14-205	SANITARY REGULATIONS 14-3
14-206	BOND 14-3
14-207	PENALTY 14-3
<u>ARTICLE 3 - MASSAGE ESTABLISHMENTS</u>	
Sec. 14-301	MASSAGE ESTABLISHMENT LICENSE REQUIRED 14-4
14-302	APPLICATION; FEE 14-4
14-303	DURATION OF MASSAGE ESTABLISHMENT LICENSE; RENEWAL 14-4
14-304	PREMISES 14-4
14-305	OPERATING REQUIREMENTS 14-4
14-306	INSPECTIONS 14-4
14-307	MASSAGE ESTABLISHMENT LICENSE REVOCATION AND SUSPENSION 14-5
14-308	TRANSFER OF LICENSE PROHIBITED 14-5
14-309	DISPLAY OF LICENSE REQUIRED 14-5
14-310	EMPLOYMENT OF LICENSED MASSAGE THERAPIST(S) 14-5
14-311	LISTS OF LICENSED THERAPISTS 14-5
14-312	MASSAGE THERAPIST - LICENSE REQUIRED 14-5
14-313	MASSAGE THERAPIST - LICENSE APPLICATION 14-5
14-314	MASSAGE THERAPIST LICENSE - ISSUANCE, TERMINATION DATE, RENEWAL 14-5
14-315	MASSAGE THERAPIST LICENSE - REVOCATION OR SUSPENSION 14-6
14-316	CARRYING OF LICENSE REQUIRED 14-6
14-317	OUT CALL SERVICES 14-6
14-318	PENALTY 14-6
<u>ARTICLE 4 - TATTOO AND BODY PIERCING ESTABLISHMENTS</u>	
Sec. 14-401	DEFINITIONS 14-7
14-402	LICENSE REQUIRED 14-7
14-403	APPLICATION FEE 14-7
14-404	DURATION OF LICENSE; RENEWAL 14-7
14-405	PREMISES 14-7
14-406	OPERATING REQUIREMENTS 14-8
14-407	INSPECTIONS 14-9
14-408	LICENSE REVOCATION AND SUSPENSION 14-9
14-409	TRANSFER OF LICENSE PROHIBITED 14-9
14-410	DISPLAY OF LICENSE REQUIRED 14-9
14-411	EXEMPTIONS 14-9
14-412	REQUIREMENT FOR AUTHORIZED PHYSICIAN FOR BODY PIERCING 14-9
14-413	TATTOOING OF MINORS 14-9
14-414	PENALTY 14-9

CHAPTER 14 - OTHER BUSINESSES

ARTICLE 1 - BEAUTY SHOPS

Section 14-101. DEFINITION. For the purposes of this article a beauty shop shall be defined as such business activity which includes the styling, washing, cleansing, color rinsing, dyeing, cutting, and general treatment of the hair, primarily for female customers, as well as and including, but not being limited to, various facial treatments, cosmetic applications and other services intended to beautify or enhance the appearance of the customer being serviced.

Section 14-102. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to maintain and operate a beauty shop without first having obtained a license as herein provided. Such license shall be twenty-five (\$25) per year. No license shall be issued except upon payment of this fee. Application for such license shall be on such forms as provided by the Village Clerk.

Section 14-103. SANITATION AND INSPECTION. It shall be the duty of the President and Board of Trustees to make or cause to make an inspection to insure compliance with sanitary rules and regulations of the State of Illinois and all applicable provisions of this Code relating to health and sanitation.

Section 14-104. LIMITATIONS. Beauty shop licenses shall be limited within the Village of Bolingbrook to not more than one license for every five hundred residents or major portion thereof.

Section 14-105. PENALTY. Any person, firm or corporation violating any provisions of this article shall be fined not less than Ten Dollars (\$10) nor more than Five Hundred Dollars (\$500) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. A revocation or denial of license shall be made by a decision of the President and Board of Trustees.

ARTICLE 2 - SALE OF CHRISTMAS TREES

Section 14-201. LICENSE REQUIRED. It shall be unlawful for any person, firm, or corporation to store, sell or offer for sale in any building or structure, or on any open or vacant lot or parcel, within the Village any pine, balsam, fir, or any other trees, or branches or parts thereof, which have been cut for use as Christmas trees or for ornamental or decorative purposes, without first having obtained a license as herein provided.

Section 14-202. APPLICATION AND LICENSE FEE. (Ordinance 99-126, 10.12.99)

(A) Any person desiring to obtain a license required by this Article shall make and file a verified business license application therefor with the Village Clerk. Such application shall set forth the following information:

- (1) The name and residence address of the applicant, if a natural person, or, if a corporation, partnership, association or unincorporated entity, its name and the address of the principal place of business.
- (2) The name and residence address of the person who is to manage and/or control the Christmas tree lot, if other than applicant.
- (3) The address at which the Christmas tree sales are to be conducted.
- (4) The name and address of the owner of the lot on which the sales are to be conducted and written authorization from the owner of the lot for sales to be conducted on the lot.
- (5) Whether or not the lot will be operated at night and for what particular hours.

(B) At the time of filing of the application, the applicant shall pay to the Village Clerk a nonrefundable application fee of one hundred dollars (\$100.00) for each business location to provide for the expense of processing the application, inspections related thereto, and any or all additional permits required in conjunction therewith by the codes and ordinances of the Village, including the Fire Code, Building Code and Electrical Code.

(C) The license issued shall be valid for a thirty (30) day period.

(D) Upon the disassembling of a Christmas tree lot, the property on which such lot was located shall be thoroughly cleaned and cleared of any and all debris, including straw, trees, tree remnants, trash and other waste material, no later than December 31, to the reasonable satisfaction of the Code Enforcement Supervisor.

Section 14-203. SAFETY. No person, firm or corporation shall operate or maintain any business for which a license is required by this Article unless the location thereof has been inspected and approved by the Building Commissioner and Fire Chief or their designees to determine that the conduct of such business at such location will not constitute a fire hazard or endanger the safety of the public. Operation of the business shall comply at all times with the applicable codes and ordinances of the Village.
(Ordinance 99-126, 10.12.99)

Section 14-204. LOCATION. No license shall be issued for any business required to be licensed by this Article unless the Zoning Ordinance of the Village of Bolingbrook permits the conduct of such business at such location.

Section 14-205. SANITARY REGULATIONS. Premises used for the sale of Christmas trees, or branches or parts thereof, shall be cleared and all trees, branches and parts thereof removed from the said premises on or before December 31 of the year for which the license is issued.

Section 14-206. BOND. No license shall be issued for any business for which a license is required by this Article unless the licensee shall have deposited with the Finance Director a cash bond in the amount of Two Hundred Fifty Dollars (\$250.00) for each location for which a license is issued. Such bond shall be held by the Finance Director for the purpose of securing the prompt and orderly removal of Christmas trees and branches and parts thereof from the said premises on or before December 31 of each year. Such bond shall be refunded to the licensee upon surrender of the receipt thereof within five (5) days after the discontinuance or termination of the said business, together with satisfactory evidence that all trees, branches and parts thereof have been removed from the premises and that the premises have been left in a clean and orderly fashion. (Ordinance 99-126, 10.12.99)

Section 14-207. PENALTY. Any person, firm or corporation violating any of the provisions of this Article shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and a separate offense shall be determined to have been committed each day during which or on which the violation occurs or continues. (Ordinance 99-126, 10.12.99)

ARTICLE 3 - MASSAGE ESTABLISHMENTS (Adopted entirely by Ordinance 96-021, 02.27.96)

Section 14-301. MASSAGE ESTABLISHMENT LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to maintain and operate a massage establishment without first having obtained a license as hereinafter provided.

Section 14-302. APPLICATION; FEE. Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application with the Executive Department upon a form provided by the Village Clerk and pay a nonrefundable filing fee of One Hundred Dollars (\$100.00) to the Village Clerk. The Village Clerk shall, within 15 days thereafter, refer copies of such application and all additional information to the fire department, police department, community development department and Mayor. The Village departments shall, within forty five (45) days, inspect the premises proposed to be operated as a massage establishment, and make recommendations to the Mayor concerning compliance with the codes of the Village. Upon receipt of the recommendations of the respective Village departments, the Mayor shall notify the applicant as to whether his application has been granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days.

Section 14-303. DURATION OF MASSAGE ESTABLISHMENT LICENSE; RENEWAL. A massage establishment license as provided for herein shall expire on June 30th of each year following issuance and shall be renewable upon payment of the required annual fee of One Hundred Dollars (\$100.00). When a license is issued after the 1st day of July, the regulatory fee shall be prorated monthly for the unexpired term of the regulatory year.

Section 14-304. PREMISES. No massage establishment shall receive a license or be operated, established or maintained unless the establishment shall comply with each of the following minimum regulations:

(A) All massage tables, lavatories and floors shall have surfaces which may be readily disinfected.

(B) Separate dressing, locker and massage room facilities shall be provided for female and male patrons, so that female and male patrons may be served simultaneously in the event that patrons of both sexes are permitted.

(C) Toilet facilities shall be provided within the massage establishment. When five (5) or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories shall be provided with both hot and cold running water and shall be installed in the toilet room. Lavatories shall be provided with soap and a dispenser with sanitary towels.

(D) Closed cabinets shall be provided for use in the storage of clean linens, towels and other materials used in administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets which shall be kept separate from the clean storage areas.

Section 14-305. OPERATING REQUIREMENTS. It shall be unlawful for any massage therapist or employee or licensee of a massage establishment to place his or her hand upon or to touch with any part of his or her body, or to fondle in any manner, or to massage a sexual or genital area of any person.

Section 14-306. INSPECTIONS. Any Village department or agency may make an inspection of each massage establishment granted a license under the provisions of this Article for the purposes of determining compliance with the provisions of this Article.

Section 14-307. MESSAGE ESTABLISHMENT LICENSE REVOCATION AND SUSPENSION. It shall be cause for revocation or suspension that the massage establishment licensee has made a false statement on any application for license under this Article or, in the event that the licensee shall refuse to permit any authorized police officer or authorized member of the police department, building department, or fire department of the Village to inspect the premises or the operations thereof at reasonable times.

Section 14-308. TRANSFER OF LICENSE PROHIBITED. No license for the operation of a massage establishment shall be transferable.

Section 14-309. DISPLAY OF LICENSE REQUIRED. Each licensee shall display a valid current license in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the establishment.

Section 14-310. EMPLOYMENT OF LICENSED MASSAGE THERAPIST(S). Massage establishments may not employ persons as massage therapists who have not obtained the necessary license required by Section 14-312.

Section 14-311. LISTS OF LICENSED THERAPISTS. Each massage establishment shall maintain a current listing of all licensed massage therapists who perform massage services at the site of the establishment.

Section 14-312. MASSAGE THERAPIST - LICENSE REQUIRED. Any person who engages in the practice of massage shall file an application for a license as a massage therapist, which application shall be submitted to the Executive Department upon the form provided by the Village Clerk, and shall pay a fee of One Hundred Dollars (\$100.00).

Section 14-313. MASSAGE THERAPIST - LICENSE APPLICATION. The application for a license for a massage therapist shall contain the following:

- (1) Name and residence;
- (2) Social Security number;
- (3) Written evidence that the applicant is at least 18 years of age;
- (4) Written evidence that the applicant has graduated from a massage therapy school or training program which has been accredited by the State of Illinois, or those agencies which are recognized by the U.S. Department of Education and Council on Post Secondary Accreditation; or

Written evidence that the applicant has passed the National Certification Examination for Massage Therapy and Bodywork Therapy; or

Written evidence of membership in a professional organization which offers continuing education programs in massage therapy and has a written code of ethics.

Section 14-314. MASSAGE THERAPIST LICENSE - ISSUANCE, TERMINATION DATE, RENEWAL. The Mayor shall direct the issuance by the Village Clerk of a license for a massage therapist following the application and the providing of all information required by this Article unless the Mayor finds that the applicant for a license has been convicted of a felony within the last five years, an offense involving sexual misconduct with children, or any violation of 720 ILCS 5/11-6 et seq., or he finds that the applicant has failed to provide all of the information and certificates required

by this article, or unless the applicant's license has previously been revoked. Each license for a massage therapist pursuant to this article shall terminate on June 30th following its issuance and shall be renewable upon payment of the required annual fee of One Hundred Dollars (\$100.00).

Section 14-315. MASSAGE THERAPIST LICENSE - REVOCATION OR SUSPENSION.

A license for massage therapist may be revoked or suspended where it appears that the massage therapist has been convicted of any offense which would be cause for denial of a license upon an original application, has made a false statement on an application for a license, or has committed an act in violation of this Article. The Mayor shall give the license holder a written notice specifying the grounds of suspension or revocation. The license holder may, within fifteen (15) days from the date of such revocation or suspension, file a written request for public hearing, which hearing shall be held within fifteen (15) days after the filing of request for same, and at which time the license holder may present evidence bearing upon the question. The Mayor shall then issue a written order as to whether the license shall be revoked or suspended within five days after the date of the hearing.

Section 14-316. CARRYING OF LICENSE REQUIRED. Each massage therapist licensee shall carry a current license upon his/her person while engaged in his or her employment and shall produce such license upon request.

Section 14-317. OUT CALL SERVICES. Any massage therapist who provides any of the services provided in this Article at any hotel or motel must first register his or her name and license number with the owner, manager or person in charge of such hotel or motel. No out call massage service may be operated other than by a licensed establishment, and each out call massage service must be performed within the manner provided in this Article.

Section 14-318. PENALTY. Any person, firm or corporation violating any of the provisions of this Article shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), and a separate offense shall be determined to have been committed each day during which or on which the violation occurs or continues.

ARTICLE 4 - TATTOO AND BODY PIERCING ESTABLISHMENTS

Section 14-401. DEFINITIONS: For purposes of this Article, the words and terms defined below shall have the following meanings:

- (A) BODY PIERCING means any procedure whereby a part or parts of the human body are pierced by a sharp instrument in order to allow insertion of a piece or pieces of jewelry, a ring(s) or other ornamental device(s) through the orifice(s) thus created.
- (B) OPERATOR means any individual, firm, company, corporation or association that owns or operates an establishment where tattooing and/or body piercing is performed and any individual who performs or practices the art of tattooing and/or body piercing other human beings.
- (C) TATTOO, TATTOOED, TATTOOING means any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin.

Section 14-402. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to maintain and operate a tattoo establishment, with or without body piercing, without first having obtained a license as hereinafter provided.

Section 14-403. APPLICATION; FEE. Every applicant for a license to maintain, operate or conduct a tattoo establishment shall file an application upon a form provided by the Village Clerk and pay a nonrefundable filing fee of Fifty Dollars (\$50.00) to the Village Clerk. The Village Clerk shall, within 15 days thereafter, refer copies of such application and all additional information to the Police Department, Community Development Department and Mayor. The Village departments shall, within forty five (45) days, inspect the premises proposed to be operated as a tattoo establishment, and make recommendations to the Clerk concerning compliance with the codes of the Village. Upon receipt of the recommendations of the respective Village departments, the Clerk shall notify the applicant as to whether his application has been granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days.

Section 14-404. DURATION OF LICENSE; RENEWAL. A license as provided for herein shall expire and be renewed as set forth within Section 9-204 of the Municipal Code.

Section 14-405. PREMISES. No tattoo establishment shall receive a license or be operated, established or maintained unless the establishment shall comply with each of the following minimum regulations:

- (A) The establishment shall have a certificate of compliance with or inspection by the Will or DuPage County Health Department, as appropriate, if available.
- (B) The room in which tattooing is done shall have an enclosed area of not less than five hundred (500) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.
- (C) Toilet facilities shall be provided within the establishment. When five (5) or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories shall be provided with both hot and cold running water and shall be installed in the toilet room. Lavatories shall be provided with soap and a dispenser with sanitary towels.

- (D) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a solid wall or door totally eliminating any view into the tattooing room.
- (E) Closed cabinets shall be provided for use in the storage of clean linens, towels, needles, and other materials and instruments used in tattooing. All used linens, towels, equipment, instruments, and other materials shall be kept in properly covered containers or cabinets which shall be kept separate from the clean storage areas.

A steam sterilizer shall be provided to properly sterilize all needles and instruments before use on any customer, person or patron. Such needles and instruments required to be sterilized shall be so used, handled and temporarily placed during their use so that they will not be contaminated.
- (F) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.
- (G) No tattoo establishment shall be open to the public for business between the hours of 10:00 p.m. and 7:00 a.m.
- (H) The main entrance door of any tattoo establishment shall be visible from a public street and shall remain unlocked during business hours.
- (I) The business shall also comply with all of the terms and conditions set forth within Article 2 of Chapter 9 with respect to business licenses.

Section 14-406. OPERATING REQUIREMENTS.

- (A) The operator shall wash his hands thoroughly with antiseptic soap and water before starting any tattoo; the hands shall be dried with individual, single-use towels.
- (B) The area on the patron to be tattooed shall first be thoroughly washed with a sterile, single-use sponge with warm water containing an antiseptic liquid soap. The area should be shaved with a safety razor, using single-service blades for each customer or patron, followed by a solution of seventy percent (70%) alcohol to be applied to the area before tattooing is begun.
- (C) Only petroleum jelly in collapsible metal or plastic tubes shall be used on the area to be tattooed, and it shall be applied with sterile gauze.
- (D) Single service or individual containers of dye or ink shall be used for each patron, and the container therefor shall be discarded immediately after completing work on each patron. Any dye in which the needles are dipped shall not be used on another person. All needles, pigments, dyes, colors and any other material used in tattooing and all bandages and surgical dressings used in connection with tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances. After completing work on any person, the tattooed area shall be washed with sterile gauze and seventy percent (70%) alcohol solution and allowed to dry. A sterile gauze dressing shall be fastened to the tattooed area.
- (E) Operators shall at all times while in the performance of their services wear uniforms or garments which cover the torso, and said garments shall be kept clean and in a sanitary condition.

- (F) No person, while on the premises of any tattoo establishment, shall possess, sell, dispense, provide, give, keep or maintain any alcoholic beverage.
- (G) No intoxicated person shall be tattooed by an operator on the licensed premises.
- (H) Operators shall at all times comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 CFR Paragraph 1910.1030), as presently existing or hereafter amended, with respect to occupational exposure to blood, bloodborne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein.
- (I) Tattooing may be performed within such licensed tattoo establishment but shall be done only by a physician or osteopath or in the physical presence and under the direct supervision of a physician or osteopath authorized to practice medicine or osteopathic medicine in the State of Illinois as set forth in the Illinois Medical Practice Act of 1987 (225 ILCS 60/1 et seq.) or any amendment thereof.

Section 14-407. INSPECTIONS. Any Village department or agency may make an inspection of each establishment granted a license under the provisions of this Article for the purposes of determining compliance with the provisions of this Article.

Section 14-408. LICENSE REVOCATION AND SUSPENSION: It shall be cause for revocation or suspension that a licensee has violated the provisions of this Article or any code or ordinance of the Village relative to operation of the business or use of the premises, has made a false statement on any application for license under this Article or, in the event that the licensee shall refuse to permit any authorized police officer or authorized member of the Police Department or Community Development Department of the Village to inspect the premises or the operations thereof at reasonable times.

Section 14-409. TRANSFER OF LICENSE PROHIBITED. No license for the operation of a tattoo establishment shall be transferable.

Section 14-410. DISPLAY OF LICENSE REQUIRED. Each licensee shall display a valid current license in a conspicuous place within the licensed establishment so that the same may be readily seen by persons entering the establishment.

Section 14-411. EXEMPTIONS. The provisions of this Article shall not apply to licensed medical doctors or doctors of osteopathic medicine who perform body piercing or tattoo individuals while in the course of their medical practice.

Section 14-412. REQUIREMENT FOR AUTHORIZED PHYSICIAN FOR BODY PIERCING. Body piercing may be performed within such licensed tattoo establishment but shall be done only by a physician or osteopath or in the physical presence and under the direct supervision of a physician or osteopath authorized to practice medicine or osteopathic medicine in the State of Illinois as set forth in the Illinois Medical Practice Act of 1987 (225 ILCS 60/1 et seq.) or any amendment thereof. The piercing of ears shall be exempt from the provisions of this Section.

Section 14-413. TATTOOING OF MINORS. In accordance with 720 ILCS 5/12-10, no person under the age of 21 may be tattooed except by a person authorized to practice medicine or osteopathic medicine as hereinabove set forth. (Ordinance 99-088, 08.11.99)

Section 14-414. PENALTY: In addition to license suspension or revocation as hereinabove provided, any person, firm or corporation violating any of the provisions of this Article shall be fined not less than Seventy Five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00), and a separate offense shall be determined to have been committed each day during which or on which the violation occurs or continues.