



RIVER FOREST ZONING BOARD OF APPEALS MEETING AGENDA

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, March 12, 2020 at 7:30 P.M. in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

- I. Call to Order
- II. Approval of the Minutes from the meeting of the Zoning Board of Appeals on February 13, 2020
- III. Text Amendment Request – Public Hearing Regarding the Following Proposed Amendment to the Village of River Forest Zoning Ordinance:
 - a. A Text Amendment to Section 10-21 (Land Use Chart) of the Zoning Ordinance to change massage therapy establishments from a permitted use to a special use in the C1, C2, C3 and ORIC Zoning Districts
- IV. Approval of Findings of Fact for the Proposed Text Amendment related to Massage Therapy Establishments from the meeting of the Zoning Board of Appeals on March 12, 2020
- V. Confirmation of April 9, 2020 Meeting
- VI. Public Comment
- VII. Adjournment

VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
February 13, 2020

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, February 13, 2020 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. Upon roll call, the following persons were:

Present: Chairman Frank Martin, Gerald Dombrowski, Ronald Lucchesi, Tagger O'Brien, David Berni, and Joanna Schubkegel

Absent: Michael Smetana

Also Present: Assistant Village Administrator Lisa Scheiner and Village Attorney Carmen Forte, Jr.

II. APPROVAL OF JANUARY 9, 2020 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member Lucchesi and SECONDED by Member Dombrowski to approve the minutes of the January 9, 2020 Zoning Board of Appeals meeting as amended.

Ayes: Members Dombrowski, Lucchesi, and O'Brien

Nays: None

Abstain: Chairman Martin, Berni, and Schubkegel

Motion passed.

III. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED TEXT AMENDMENTS RELATED TO BEAUTY SHOPS, PERMANENT COSMETICS, MICROBLADING AND MICROPIGMENTATION FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON JANUARY 9, 2020

A MOTION was made by Member Lucchesi and SECONDED by Member Dombrowski to approve the Findings of Fact and recommendation for the proposed Text Amendments related to Beauty Shops, Permanent Cosmetics, Microblading and Micropigmentation from the meeting of the Zoning Board of Appeals on January 9, 2020.

Ayes: Chairman Martin, Members Dombrowski, Lucchesi, and O'Brien

Nays: None

Abstain: Members Berni and Schubkegel

Motion passed.

IV. MOTION TO RECONSIDER RECOMMENDATION REGARDING VARIATION REQUEST TO SECTION 10-8-7 OF THE ZONING ORDINANCE (SETBACK) AT 243 PARK AVENUE

Village Attorney Forte described the procedural issue before the Zoning Board of Appeals.

A MOTION was made by Member O'Brien and SECONDED by Member Lucchesi to reconsider the variation request to Section 10-8-7 of the Zoning Ordinance (Setback) at 243 Park Avenue.

Ayes: Members Dombrowski, Lucchesi and O'Brien
Nays: None
Abstain: Chairman Martin, Members Berni and Schubkegel

Motion passed.

V. RECOMMENDATION REGARDING MAJOR VARIATION REQUEST TO SECTION 10-8-7 OF THE ZONING ORDINANCE (SEETBACK) FOR 243 PARK AVENUE

Village Attorney Forte and Chairman Martin explained who may cast a vote on this matter.

A MOTION was made by Member Lucchesi and SECONDED by Member Dombrowski to recommend that the requested variations at 243 Park Avenue variation be granted.

Member Berni certified that he listened to the audio of the meeting and certified that he is comfortable voting on the matter.

Member Schubkegel stated that she did not listen to the audio but reviewed the minutes and feels comfortable voting on the matter.

Ms. O'Brien stated her reasons for reconsidering the matter, including that there was not a lot coverage variation requested which was included in the legal notice, that the width of the lot was smaller than she thought and the size was corrected from approximately 45 feet to 42 feet, and that the height of the building would not exceed zoning height limits.

Ayes: Members Dombrowski, Lucchesi, O'Brien, Berni, and Schubkegel
Nays: None
Abstain: Chairman Martin

Motion passed.

VI. APPROVAL OF FINDINGS OF FACT FOR THE VARIATION REQUESTS FOR LOT COVERAGE AND SETBACK AT 243 PARK AVENUE FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON JANUARY 9, 2020

A MOTION was made by Member Schubkegel and SECONDED by Member Berni to approve the Findings of Fact and recommendation regarding front yard and secondary front yard setback variations for a corner lot related to a proposed addition at 243 Park Avenue.

Ayes: Members Dombrowski, Lucchesi, O'Brien, Berni, and Schubkegel
Nays: None
Abstain: Chairman Frank Martin

Motion passed.

VII. CONFIRMATION OF MARCH 12, 2020 MEETING

Chairman Martin announced that a public hearing would be held on March 12, 2020 regarding a petition from the Village Board of Trustees for a Text Amendment.

VIII. PUBLIC COMMENT

None.


IX. ADJOURNMENT

A MOTION was made by Member Berni and SECONDED by Member O'Brien to adjourn the meeting at 7:41 p.m.

Ayes: Chairman Martin, Dombrowski, Lucchesi, O'Brien, Berni, and Schubkegel
Nays: None

Motion passed.

Respectfully Submitted:



Lisa Scheiner, Secretary

Frank Martin, Chairman
Zoning Board of Appeals

Date: _____



Village of River Forest
Village Administrator's Office

400 Park Avenue
River Forest, IL 60305
Tel: 708-366-8500

MEMORANDUM

Date: March 3, 2020

To: Frank Martin, Chairman, Zoning Board of Appeals

From: Lisa Scheiner, Assistant Village Administrator

Subj: Massage Therapy Establishments - Proposed Text Amendments

Issue:

At its January 27, 2020 meeting, the Village Board of Trustees unanimously voted to recommend that a petition be sent to the Zoning Board of Appeals to consider text amendments to the Zoning Ordinance regarding massage therapy establishments. The purpose of the March 12, 2020 public hearing is for the Zoning Board of Appeals to consider the proposed text amendment. This hearing has been advertised on the Village's website, a legal notice was published at the Village Hall, on the Village website, and in the *Wednesday Journal* in accordance with the requirements of the Zoning Ordinance.

Petition:

Pursuant to Section 10-5-5 of the River Forest Zoning Ordinance, the Village Board of Trustees has petitioned the Zoning Board of Appeals to consider text amendments to amend Section 10-21 (Land Use Chart) of the Zoning Ordinance to change massage therapy establishments from a permitted use to a special use in the C1, C2, C3 and ORIC Zoning Districts.

A copy of Section 10-18 of the Zoning Ordinance regarding Special Use permits is attached. As noted in the Ordinance, "the development and execution of this Zoning Title is based upon the division of the Village into districts, within which the uses of land, structures, and buildings as well as the massing and location of structures and buildings in relation to the land are substantially uniform. It is recognized, however, that there are certain types of uses which because of their specific characteristics, or the services which they provide cannot be permitted in a particular district without consideration of the impact of such use upon the neighboring land, and of the public need for such particular use at a particular location."

Additional Information Regarding the Local and State Regulations of Massage Therapy Establishments and Massage Therapists:

In accordance with the Illinois Massage Licensing Act, the State of Illinois licenses individual massage therapists, not the Village. Additional information from the Illinois Department of Financial and Professional Regulations, including a copy of the Massage Licensing Act and the requirements for licensure as a massage therapist, are available at www.idfpr.com/profs/MassageTherapy.asp.

The Village licenses massage therapy establishments, which must comply with the Village's zoning ordinance, general business licensing and registration requirements, and business regulations specific to massage therapy establishments. A copy of the applicable Village Code Sections is attached for reference.

Attachments:

- Legal Notice
- Memo from Eric Palm, Village Administrator
- Title 10, Chapter 18 (Special Use Permits)
- Title 3, Chapter 1 (General Licensing and Registration Requirements) and Chapter 10 (Massage Therapy Establishments; Massage Therapist)



**PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
RIVER FOREST, ILLINOIS**

Public Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Village of River Forest, Cook County, Illinois, on Thursday, March 12, 2020 at 7:30 p.m. in the First Floor Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois, to consider amendment(s) to the Village's Zoning Ordinance which include, but may not be limited to, the following:

1. A Text Amendment to Section 10-21 (Land Use Chart) of the Zoning Ordinance to change massage therapy establishments from a permitted use to a special use in the C1, C2, C3 and ORIC Zoning Districts.

The petitioner for the Text Amendments is the Village President and Board of Trustees.

This public hearing is being held pursuant to direction given by the Village Board of Trustees for the Zoning Board of Appeals to consider these amendments. For additional information visit www.vrf.us.

All interested persons will be given the opportunity to be heard at the public hearing. **For public comments to be considered by the Zoning Board of Appeals and Village Board of Trustees in their decision, they must be included as part of the public hearing record.**

For further information or for a copy of the proposed text amendments, please contact Assistant Village Administrator Lisa Scheiner at (708) 714-3554 or at lscheiner@vrf.us or visit www.vrf.us.

Sincerely,
Lisa Scheiner
Secretary, Zoning Board of Appeals



Village of River Forest
Village Administrator's Office
400 Park Avenue
River Forest, IL 60305
Tel: 708-366-8500

MEMORANDUM

Date: January 23, 2020

To: Catherine Adduci, Village President
Village Board of Trustees

From: Eric J. Palm, Village Administrator

Subj: Text Amendment Request – Massage Therapy Establishments as Special Uses

Currently the Zoning Ordinance allows massage therapy establishments as permitted uses in the C1, C2, C3 and ORIC Zoning Districts. Permitted uses may be established without review or approval by the Zoning Board of Appeals, Plan Commission, Development Review Board or the Village President and Board of Trustees. Staff is recommending that the designation of such establishments be amended to that of special uses, which would then allow massage therapy establishments to only be opened after a public hearing process, with notice to neighbors, before the Zoning Board of Appeals and after approval by the Village President and Board of Trustees.

In recent months, a second business offering massage therapy services has opened on the same block of North Avenue in River Forest. In certain commercial corridors, there can be a lower threshold for opening certain permitted businesses which can lead to the unintended consequence of certain business types being too clustered in one geographic area. The special use process provides an additional layer of review as well as the consideration of conditions on the operation of the business, including the need for the proposed use. This process will help mitigate the clustering issue and allow the Village to have more compatible land uses in its key commercial corridors.

In light of these reasons, Staff is recommending initiating a zoning text amendment to make massage therapy establishments a special use (currently a permitted use) in the C1, C2, C3 and ORIC Zoning Districts.

Please contact me should you have any questions. Thanks.

Chapter 18

SPECIAL USE PERMITS

10-18-1: INTENT AND PURPOSE:

- A. The development and execution of this Zoning Title is based upon the division of the Village into districts, within which the uses of land, structures, and buildings as well as the massing and location of structures and buildings in relation to the land are substantially uniform. It is recognized, however, that there are certain types of uses which because of their specific characteristics, or the services which they provide cannot be permitted in a particular district without consideration of the impact of such use upon the neighboring land, and of the public need for such particular use at a particular location.
- B. The Board of Trustees, in accordance with the procedures and standards set forth in this Section, may grant special use permits.
- C. Special use permits will be limited to those uses currently permitted in the underlying zoning district as indicated on the land use chart in Chapter 21 of this Zoning Title. (Ord. 2640, 5-23-1995)

10-18-2: GENERAL PROVISIONS:

- A. The special uses allowed in the land use chart in Chapter 21 of this Zoning Title shall be authorized in the districts hereinafter indicated subject to the provisions of this Section. When a use is not specifically listed in Section [10-21-2](#) of this Zoning Title or cannot reasonably be included in any category shown on the land use chart it shall be considered a special use subject to the provisions of this Chapter. All other applicable provisions of this Zoning Title, including those of the district in which the proposed special use is to be located, shall apply, except as expressly modified by the terms of the special use permit in order to comply with the standards set forth in this Section. (Ord. 2758, 3-23-1998)
- B. The development of any parcel or tract of land which has been submitted to the Village as a planned development pursuant to [Chapter 19](#) of this Zoning Title shall not be subject to the approval process of this Section.
- C. Each special use should be presented and judged on its own merits. It shall not be sufficient to base justification for approval upon an already existing special use.
- D. The burden of providing evidence and persuasion that any special use permit is necessary and desirable shall in every case rest with the applicant. (Ord. 2640, 5-23-1995)

10-18-3: STANDARDS FOR REVIEW:

An application for a special use permit shall be granted by the Board of Trustees only if it finds that the applicant has demonstrated that at a minimum the proposed use complies with the following standards:

- A. The proposed use is consistent with the goals and policies of the Comprehensive Plan;
- B. The establishment, maintenance, or operation of the use or combination of uses will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare of the residents of the Village;
- C. The proposed use will not diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses which are permitted by this Zoning Title;
- D. The establishment of the proposed use will not impede the normal and orderly development and improvement of surrounding properties for uses or combination of uses otherwise permitted in the zoning district;
- E. The proposed use will not diminish property values in the vicinity;
- F. Adequate measures already exist or will be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets;
- G. The proposed use will be consistent with the character of the Village;
- H. The proposed use will not materially affect a known historical or cultural resource;
- I. The design of the proposed use considers its relationship to the surrounding area and minimizes adverse effects, including visual impacts of the proposed use on adjacent property;
- J. The design of the proposed use promotes a safe and comfortable pedestrian environment;
- K. The proposed use has included adequate consideration consistent with these standards for buffers, landscaping, fencing, lighting, building materials, public open space, and other improvements associated with the proposed use; and
- L. The off-site impacts of the proposed use such as vehicular traffic, noise, hours of operation, etc., have been shown to be compatible with the surrounding area. (Ord. 2640, 5-23-1995)

10-18-4: PROCEDURES:

The following steps are provided to assure the orderly review of every special use permit application in

a timely and equitable manner:

A. Prefiling Review And Transmittal Of Application:

1. Conference:

- a. A prospective applicant, prior to submitting a formal application for a special use permit, shall meet for a prefiling conference(s) with the Zoning Administrator, the Director of Public Works and any other Village official designated by the Village Administrator. The purpose of the conference(s) is to help the applicant understand the Comprehensive Plan, the Zoning Title, the standards by which the application will be evaluated, and the application requirements.
- b. After reviewing the special use permit process, the applicant may request a prefiling conference with the Village staff to discuss a request for waiver of any application requirement which in the applicant's judgment should not apply to the proposed special use. Such request shall be made in writing prior to the submission of the formal application documents.
- c. All requests for waiver shall be reviewed by the Zoning Administrator and a final determination regarding the waiver shall be given in writing to the prospective applicant within ten working days.
- d. The applicant, prior to submitting a formal application for a special use permit, may be required to schedule a meeting to discuss the proposed development and its impact on area residents. If such a meeting is required, the applicant shall send a written notice of the meeting to all property owners within five hundred feet of the proposed development. Such notice shall be mailed not less than fifteen days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the Zoning Administrator. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

2. Zoning Board of Appeals: The Zoning Administrator shall confer with the Chairman of the Zoning Board of Appeals on all applications. Upon the determination of both the Administrator and the Chairman, the Zoning Board of Appeals may be asked to participate in the prefiling conference(s).

3. Filing of Application: Following the completion of the prefiling conference(s), the applicant shall file the application for a special use permit. The Zoning Administrator may deliver copies of the application to other appropriate Village departments for review and comment.

4. Deficiencies: The Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, he shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.

5. Report on Compliance: A copy of the complete application and a written report prepared by the Zoning Administrator incorporating the comments of Village staff and other agencies regarding the compliance of the proposed development with the requirements and standards of this Section shall be delivered to the Zoning Board of Appeals.

6. Determination Not Binding: Neither the Zoning Administrator's determination that an application is complete nor any comment made by the Zoning Administrator, staff or the Zoning Board of Appeals at a prefiling conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a special use permit for the proposed

development, or component part thereof, nor shall be intended or construed as a binding decision of the Village, the Zoning Board of Appeals or any staff member.

B. Review and Action by the Zoning Board of Appeals:

1. Upon receiving the report from the Zoning Administrator, the Zoning Board of Appeals shall hold at least one public hearing on the proposed special use. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with the provisions of this Zoning Title, State law and rules of procedure adopted by the Zoning Board of Appeals.
2. Notice of the required public hearing shall be published by the Village not more than thirty nor less than fifteen days before the scheduled hearing in a newspaper published in the Village or if there is none, then in a newspaper of general circulation in the Village and shall contain the following information:
 - a. The number designation of the application;
 - b. The date and time of the public hearing;
 - c. The location of the public hearing; and
 - d. The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed project and purpose of the public hearing.
3. Notice of the required public hearing shall also be provided by the Village by posting a sign or signs on the property no less than seven days prior to the public hearing. The sign shall be weatherproof and contain such information as is required in subsection B2 above. Failure to post such sign(s) and/or the removal or knocking down (by the Village or others) of the sign after posting but before the hearing shall not invalidate, impair, or otherwise affect any special use permit subsequently granted following such public hearing.
4. Notice of the required public hearing shall also be provided by the Village by regular mail to the owners of record of the property which is the subject of the application (if different than the applicant), and the owners of all property within five hundred feet of the subject property as shown on the written list provided by the applicant pursuant to the requirements of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code (such notice should be sent to the owners as recorded in the office of the Recorder of Deeds or the Registrar of Zoning Ordinances of Cook County and as they appear from the authentic tax records of Cook County, as shown on the list prepared by the applicant as required in 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code). The applicant shall be required to submit to the Village a search by a reputable zoning ordinance company or other evidence satisfactory to the Village indicating the identity of all such owners required to receive notice, and an affidavit certifying that the applicant has complied with the requirements of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code. Such notice shall contain the information as is required in subsection B2 of this Section and shall be mailed not more than thirty nor less than fifteen days prior to the date of the public hearing. The notice shall also include the name and address of the applicant for the special use permit. The applicant shall also provide for the service of a separate notice which the applicant is required to serve under 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code. The applicant shall be required to comply with all conditions of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code, except that the statutory area requirement of two hundred fifty feet is hereby replaced with a Village requirement of five hundred feet.

5. The Zoning Board of Appeals shall review the application, the standards and requirements established by this Zoning Title, the report of the Zoning Administrator, and any oral and written comments received by the Zoning Board of Appeals before or at the public hearing. Within thirty days following the close of the public hearing and at a regular meeting, the Zoning Board of Appeals shall make specific findings addressing each of the standards set forth in Section [10-18-3](#) of this Chapter and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the Board of Trustees.

C. Review And Action By The Board Of Trustees:

1. Within sixty days of receipt of the report and recommendation of the Zoning Board of Appeals, and without further public hearing, the Board of Trustees may deny the application, may refer the application to the Zoning Board of Appeals for further review, may postpone further consideration pending the submittal of additional information including any application requirement previously waived or may approve the special use permit. (Ord. 2640, 5-23-1995)
2. Any action taken by the Board of Trustees pursuant to subsection C1 of this Section shall require the concurrence of a majority of all Trustees and the Village President then holding office, however, if the application fails to receive the approval of the Zoning Board of Appeals, the zoning ordinance shall not be approved except by a favorable majority vote of all Trustees then holding office. (Ord. 2733, 8-11-1997)
3. In approving a special use permit, the Board of Trustees may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in Section [10-18-3](#) of this Chapter and to prevent or minimize adverse effects on other property in the immediate vicinity. Such conditions may include, but are not limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, provisions for adequate ingress and egress; hours of operation; and such other conditions as the Village Board may deem to be in furtherance of the objectives of this Section.
4. Advance written notice of the first meeting of the Village Board where a special use permit application will be considered shall be provided by regular mail to the owners of record of the property which is the subject of the application (if different from the applicant), and the owners of all property within five hundred feet of the subject property, not less than ten days prior to the date of the first Village Board meeting. This requirement is enacted to assure the most complete public notice possible for the proposed application for a special use permit, it is not required by State law. Accordingly, any failure to comply with this subsection shall not invalidate, impair or otherwise affect any special use permit subsequently granted following such meetings. (Ord. 2640, 5-23-1995)

10-18-5: APPLICATION REQUIREMENTS:

- A. An application for a special use permit may only be filed by one who has an ownership interest, or the agents thereof, or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use is to be located, or any unit of government which either owns the parcel or proposes to acquire the parcel by purchase, gift, or condemnation.
- B. Applications for a special use permit shall be filed with the Zoning Administrator in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the Zoning Administrator. Every application shall contain at a minimum the following information and related data:

1. The names and addresses of the owner of the subject property, the applicant and all persons having an ownership or beneficial interest in the subject property and proposed project.
 2. A statement from the owner, if not the applicant, approving the filing of the application by the particular applicant.
 3. A survey, legal description and street address of the subject property.
 4. A statement showing compliance of the proposed project to the Comprehensive Plan and Zoning Title; and evidence of the proposed project's compliance in specific detail with each of the standards and objectives of this Section.
 5. A scaled site plan showing the existing contiguous land uses, zoning districts and public thoroughfares.
 6. A scaled site plan of the proposed project showing the lot area, required yards and setbacks, contour lines, common space and the location, bulk, and lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.
 7. Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses and the floor area of the entire project.
 8. A landscaping plan showing the location, size, character and composition of vegetation and other material.
 9. The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.
 10. A schedule of development showing the approximate date for beginning and completion of each stage of construction of the project.
- C. The applicant may submit a written request for waiver of any application requirement in accordance with subsection [10-18-4A1b](#) and c. The decision of the Zoning Board of Appeals shall be final regarding the approval or denial of the request. However, the Zoning Board of Appeals' decision regarding the request for a waiver of an application requirement does not preclude the Village Board from requesting that same information or any additional information it deems applicable for its review of the application.
- D. Every application must be accompanied by a fee in such amount as established from time to time by the Village Board to defray the costs of providing notice and contracting with independent professionals to review applications as required by the Zoning Board of Appeals or the Village Board. Additional materials may be required during the review of a proposed special use permit if determined necessary by the Zoning Board of Appeals or the Village Board. (Ord. 2640, 5-23-1995)

10-18-6: EFFECT OF APPROVAL OR DENIAL:

- A. Approval of the special use permit by the Board of Trustees in accordance with this Section, authorizes the applicant to proceed with any necessary applications for building permits,

certificates of occupancy, and other permits which the Village may require for the proposed project. The Zoning Administrator shall review applications for these permits for compliance with the terms of the special use permit granted by the Board of Trustees. No permit shall be issued for the project which does not comply with the terms of the special use permit.

- B. An approval of a special use permit by the Board of Trustees shall be null and void if the recipient does not file an application for a building permit for the proposed project within nine months after the date of the approval of the special use permit.
- C. An approval of a special use permit by the Board of Trustees shall be null and void if construction has not commenced within fifteen months and is not completed within thirty three months after the date of adoption of the ordinance approving the special use permit.
- D. An extension of the time requirements stated in subsections B and C of this Section may be granted by the Board of Trustees for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.
- E. A special use permit shall be null and void if the use for which the approval was granted ceases for a period of one year.
- F. No application for a special use permit which was previously denied by the Board of Trustees shall be reconsidered by the Zoning Board of Appeals or the Board of Trustees if it is resubmitted in substantially the same form and/or content within two years of the date of such prior denial.
 - 1. The Zoning Administrator shall review the revised application for a special use permit and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the Zoning Board of Appeals to appeal the determination of the Zoning Administrator, provided a petition for appeal is filed in writing with the Zoning Administrator within ten days of the decision.
 - 2. The Zoning Board of Appeals shall affirm or reverse the determination of the Administrator regarding whether the new application is in substantially the same form within thirty days of receipt of a petition for appeal.
 - 3. If it is determined that the new application is not substantially in the same form, then the applicant is entitled to submit an application and have it reviewed in accordance with the provisions of Section [10-18-4](#) of this Chapter. (Ord. 2640, 5-23-1995)

TITLE 3

BUSINESS REGULATIONS

CHAPTER 1

GENERAL LICENSING AND REGISTRATION REQUIREMENTS

SECTION:

3-1-1: Purpose; Jurisdiction

3-1-2: License And/Or Registration Required; Registration Fee

3-1-3: Application For Business License

3-1-4: Investigation Of Applicant

3-1-5: Term, Transferability

3-1-6: Granting Of License; Approval Of Bond

3-1-7: Building And Premises To Conform

3-1-8: All Licenses To Be Signed By Village Administrator

3-1-9: Authority Of Village To Make Inspections; Reinspection Fee

3-1-10: License To Be Posted

3-1-11: Denial, Suspension, And Revocation Procedure; Hearing

3-1-12: Appeal To The Village Board

3-1-13: Sunday And Holiday Restrictions

3-1-14: Regulation Of Hours Of Operation Of Certain Retail Premises

3-1-15: Penalty For Violations Of This Title

3-1-16: Exemptions

3-1-17: Outdoor Donation Boxes

3-1-1: PURPOSE; JURISDICTION:

A. General: Because each commercial establishment located in the village is a basic part of and affects the physical and economic well being of the village, thereby necessitating special services from the village in the form of fire, health, sanitation, building, and police inspections and services, these commercial establishments shall in all respects comply with the provisions of this chapter. This chapter is designed to provide for the means whereby the village may render the necessary inspections and services to commercial establishments and commercial areas in order to promote, protect, and safeguard the public health, safety, and welfare of the citizens of the village, and such establishments and areas, and to enable the effecting of an accurate record of commercial establishments located and carrying on commercial activities or commerce within the village.

B. Principal Place Of Business: The commercial establishments licensed or registered as provided herein may or may not have their principal place of business located within the village.

C. **Persons Subject To License:** A license is hereby required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, from a location within the village. Any person shall be subject to the requirement if directly or through an agent, employee, or partner, such person, firm or corporation, holds itself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or attempts to perform any part of a business or occupation in the village. All of the above activities are included when this chapter refers to "engaging in or carrying on any business, occupation or trade" or similar provisions.

D. **License For The Sale Of Liquor:** The issuance of licenses for the sale of liquor shall be governed by title 8, chapter 5 of this code. (Ord. 2668, 2-12-1996)

3-1-2: LICENSE AND/OR REGISTRATION REQUIRED; REGISTRATION FEE:

Except as may be prohibited by law or otherwise expressly exempted herein, it shall be unlawful for any person to engage in or carry on any business, occupation or trade within the village without first having registered and having obtained a village license therefor. When the term "license" is used herein it shall include licenses in either written or sticker format.

Registration shall be required of all businesses located within the village, whether licensed or not licensed by the village, with the exception of contractors (see list in section 3-3-1 of this title). In addition to any license fee set forth in section 3-2-3 of this title, there shall be a registration fee of ten dollars to defray the cost of maintaining the village's database. Registration shall be on the form prepared by the office of the village administrator and shall be completed and registration fee paid no later than March 31 of each year. (Ord. 2668, 2-12-1996)

3-1-3: APPLICATION FOR BUSINESS LICENSE:

A. **General:** Applications shall be made in writing to the office of the village administrator, in the absence of a provision to the contrary. Each application shall state the name of the applicant (and in the case of a partnership, the name and address of all partners; and in the case of a corporation: the name of its president, secretary, and registered agent, and manager or other principal employee who will be principally in charge of the day to day operations of the business), the license desired, the location to be used, if any, the time period the license is to cover, and the fees to be paid. Each application shall contain any additional information as may be needed for the proper guidance of village officials in the issuance of the license applied for. Forms for all licenses and applications therefor shall be prepared and kept on file by the village clerk.

B. **Fraud; Deceit Or Other Misrepresentations:** It shall be unlawful for any person to knowingly give false information or falsely swear to any matter in the application for a license or obtain a license by fraudulent means, or to display a fictitious or fraudulently altered license or permit, or otherwise to misuse any license. The corporate authorities shall deny, suspend or revoke the license of any person, firm, or corporation who violates the provisions of this section and any suspension or revocation shall be in addition to any and all other penalties hereinafter provided and shall be in accordance with the procedures set forth in section 3-1-11 of this chapter. (Ord. 2668, 2-12-1996)

3-1-4: INVESTIGATION OF APPLICANT:

A. **Referral Of Application To Proper Inspecting Body:** Where the provisions of this Code or other ordinances necessitate an inspection or investigation before the issuance of such license, the Village Administrator shall, upon receipt of the application for a license, refer such application to the proper officer for making such inspection and/or investigation.

B. **Report From Inspection:** The officer charged with the duty of making the investigation or inspection shall make a report thereon within ten days after receiving the application or copy thereof and return the application with a recommendation to either grant or deny the request for the license, or grant it with appropriate conditions, if any. (Ord. 2668, 2-12-1996)

3-1-5: TERM, TRANSFERABILITY:

A. **Expiration Of License:** All annual licenses shall terminate on March 31 unless otherwise provided herein.

B. **Requirements For Valid Transfer Of License:** Any person to whom any license may have been issued may, with the written permission of the Village Administrator, assign and transfer the same unless otherwise prohibited by this Code or any other ordinances of the Village, to any other person; provided, that in all cases where a bond is required, the person applying for such license shall furnish a similar bond. Not more than one transfer of any license shall be allowed within any license year.

C. Fee For Transfer: The fee for the transfer of a license shall be twenty five percent of the annual fee originally paid and there shall be no refund made to the transferor for the license fee originally paid.

D. Prohibited Transfers: It shall be unlawful to transfer any license of any peddler, itinerant vendor or canvasser, nor any liquor license (see Title 8, Chapter 5). (Ord. 2668, 2-12-1996)

3-1-6: GRANTING OF LICENSE; APPROVAL OF BOND:

Except as otherwise provided by this Code or any other ordinance of the Village, all licenses shall be granted by the Village Administrator, and he is hereby authorized to approve the security and surety in cases where bond is required before such license shall issue, and said bond, when so approved, shall be filed in the office of the Village Administrator. (Ord. 2668, 2-12-1996)

3-1-7: BUILDING AND PREMISES TO CONFORM:

No license shall be issued for the conduct of any business or for the performance of any act, if the building and the premises to be used for the purpose do not fully comply with the requirements of the ordinances of the Village relating thereto. No license shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning regulations of the Village. (Ord. 2668, 2-12-1996)

3-1-8: ALL LICENSES TO BE SIGNED BY VILLAGE ADMINISTRATOR:

Except when otherwise designated by the Village Administrator, every valid business license shall bear the written or facsimile signature of the Village Administrator, or the Village Administrator's authorized representative, in the absence of any provision to the contrary. Any business license not bearing the signature of said official shall be deemed invalid unless the Village Administrator, in his discretion, determines to issue a license sticker without his signature. (Ord. 2668, 2-12-1996)

3-1-9: AUTHORITY OF VILLAGE TO MAKE INSPECTIONS; REINSPECTION FEE:

A. Inspections Of Premises; Reinspection Fee: Whenever inspections of the premises used for or in connection with the operation of a business or occupation are provided for or required by ordinance, or are reasonably necessary thereto to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the business, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Village who is authorized or directed to make an inspection at any reasonable time that admission is requested. If a reinspection for public health purposes as required by Title 6 of this Code, is performed for any premises there shall be a reinspection fee of one hundred dollars that must be paid to the Village.

B. Analysis/Examination Of Materials; Production Upon Request: Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee or business whose business is governed by the provision to give any authorized officer or employee of the Village requesting the same, sufficient samples of any materials or commodity for an analysis upon request.

C. Revocation For Refusal To Permit Inspection/Analysis: In addition to any other penalty which may be provided, the President and Board may revoke the license of any licensed proprietor of any licensed business within the Village who refuses to permit any officer or employee who is authorized to make an inspection or to obtain samples, or to take a sample of the commodity, or who interferes with an officer or employee while in the performance of his duty in making an inspection or obtaining samples, provided that no license shall be revoked for any cause unless written demand is made upon the licensee or person that the inspection be made and/or that the sample is desired at the time when it is sought to make the inspection or to obtain the sample. Revocation proceedings under this Section shall be conducted in the manner set forth in Section 3-1-11 of this Code. (Ord. 2668, 2-12-1996)

3-1-10: LICENSE TO BE POSTED:

It shall be the duty of any person conducting a licensed business within the Village to keep the license posted at all times in a prominent place on the premises used for such business. (Ord. 2668, 2-12-1996)

3-1-11: DENIAL, SUSPENSION, AND REVOCATION PROCEDURE; HEARING:

Any application for a license may be denied or an existing license may be suspended or revoked in accordance with this Section for the violation by the applicant or licensee of any ordinance provision relating, directly or indirectly, to the license or the premises occupied. The denial, suspension or revocation may be in addition to any fine imposed and shall be in accordance with the procedures set forth below. However, in any situation where the public health, safety, morals, or welfare is immediately threatened by the continued operation of any business, the President shall be and is hereby authorized to order the immediate cessation of business and/or

the closing of the premises, and the immediate suspension of any business license, for a period not to exceed twenty one days pending the hearing procedure set forth below. If the President finds any cause listed in subsection C below to exist upon review of the evidence brought forth at the denial/suspension/revocation hearing, the President shall recommend to the Board of Trustees the denial, suspension, or revocation of the business license at issue.

A. Notice Of Denial, Suspension, Or Revocation:

1. Within three days after the denial of an application for a business license, the Village Administrator shall notify the applicant by mail. Such notice is deemed received by the applicant three days after mailing. If the applicant desires a hearing on the denial, he must then notify the Village President by certified or registered mail, return receipt requested, within seven days of the mailing of the notice sent by the Village Administrator.

2. Whenever the Village President receives a request for or deems suspension or revocation of a business license appropriate, the licensee shall be notified by mail, by the Village Administrator. Such notice shall be deemed received by the licensee three days after mailing. Such notice shall indicate the alleged basis for the suspension and/or revocation and may be combined with the hearing notice provided in subsection 3-1-11D below.

B. Hearing: Within eight days after the Village President has received a proper request for a hearing on the denial, suspension and/or revocation of a business license, the President shall schedule a hearing for the purpose of determining whether or not the business license should be denied, suspended, and/or revoked.

C. Causes For Denial, Suspension, Or Revocation: Business licenses unless otherwise provided, may be revoked by the President after notice and hearing as provided in this Section for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the business license;
2. Any violation by the licensee of ordinance provisions relating to the license, the subject matter of the license, or the premises occupied;
3. Conviction of the licensee of any felony or a misdemeanor set forth in 720 Illinois Compiled Statutes 5/11-6, 5/11-7, 5/11-9, 5/11-14, 5/11-15, 5/11-17, 5/11-18, 5/11-19, 5/12-2, 5/12-6, 5/12-15, 5/14-4, 5/16-1, 5/24-1, 5/24-3.1, 5/24-5, 5/25-1, 5/28-3, 5/31-1, 5/31-4, 5/31-7, 5/32-1, 5/32-2, 5/32-3 and 5/32-8;
4. Failure of the licensee to pay any fine or penalty owing to the Village;
5. Refusal to permit an inspection or sampling, or any interference with a duly authorized Village officer or employee while in the performance of his duties in making such inspections; and/or
6. Failure to comply with the Village Building Codes or any other ordinances of the Village.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of applicable provisions of this Code or other ordinances of the Village.

D. Notice Of Hearing For Denial, Suspension, Or Revocation: Notice of the hearing on the denial, suspension or revocation of a business license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the applicant or licensee at his last known address as set forth in the application for the then current license period at least five days prior to the date set for the hearing, or may be served by personal service at least two days prior to the date set for hearing.

E. Representation At Hearing: At the hearing the Village Attorney shall present the complaint and shall represent the Village. The applicant or licensee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The President shall preside and shall render the decision.

F. President's Decision To Remain In Effect Until After Appeal: The decision of the President upon hearing the evidence of both sides at the denial/suspension/revocation hearing shall remain in full force and effect unless and until the decision is reversed or modified by the Village Board.

G. Reapplication For License Or Permit: If an application for a license has been denied, or a license has been revoked, the applicant or holder may not seek another license from the Village earlier than twelve months after the final denial or revocation. (Ord. 2668, 2-12-1996)

3-1-12: APPEAL TO THE VILLAGE BOARD:

Any person aggrieved by the decision of the President in regard to the denial of an application for a business license, as provided in this Chapter, or in connection with the suspension or revocation of a business license as provided in Section 3-1-11 above, shall have the right to appeal any such decision to the Village Board. Such appeal shall be taken by filing with the Village Administrator, within two days after notice of a denial, suspension or revocation of a business license, a written statement under oath setting forth specifically the grounds for appeal. The Village Board shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in subsection 3-1-11D hereof. The decision of the Village Board on such appeal shall be final. (Ord. 2668, 2-12-1996)

3-1-13: SUNDAY AND HOLIDAY RESTRICTIONS:

The following activities are prohibited on Sunday and holidays:

A. Manufacturing And Construction Work: It shall be unlawful for any person to engage in the business of manufacturing, constructing, producing or processing tangible personal property of any kind or description, on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day; provided however, that this provision shall not be applicable to works of charity or to the manufacturing or construction work necessary to meet any emergency needs of the village. (Ord. 3041, 8-11-2003)

3-1-14: REGULATION OF HOURS OF OPERATION OF CERTAIN RETAIL PREMISES:

Any business primarily devoted to the sale at retail of grocery food, beverages, drugs, or sundries, commonly known as supermarkets or drugstores, consisting of fourteen thousand gross square feet or more, shall be permitted to be in operation only between the hours of seven o'clock A.M. and twelve o'clock midnight. Regulations pertaining to any premises with a liquor license shall also be governed by the provisions of title 8, chapter 5 of this code. (Ord. 2668, 2-12-1996)

3-1-15: PENALTY FOR VIOLATIONS OF THIS TITLE:

In addition to (and not precluded by) any possible denial, suspension or revocation of a license, any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars and not more than seven hundred fifty dollars. A separate offense shall be deemed committed for each day such violation is committed or permitted to continue, and shall be punishable hereunder as such. In addition to the monetary penalty set forth herein, the village may seek injunctive relief to compel compliance with this chapter and the codes incorporated herein by reference. (Ord. 3041, 8-11-2003)

3-1-16: EXEMPTIONS:

No provision in this title shall be interpreted in a way that would contradict express licensing or permit exemptions provided for by state law. (Ord. 2668, 2-12-1996)

3-1-17: OUTDOOR DONATION BOXES:

A. Businesses are prohibited from having outdoor donation boxes unless the outdoor donation box is owned, maintained, and operated by the owner of the business.

B. Outdoor donation boxes shall not exceed six and one-half feet in height.

C. Outdoor donation boxes shall not possess a footprint exceeding twenty square feet.

D. No business shall be permitted to have more than one outdoor donation box per lot.

E. Donation boxes may only be located in the side or rear portion of the lot.

F. Outdoor donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust and shall be free of graffiti. All boxes shall be serviced regularly so as to prevent overflow of collections or the accumulation of junk, debris or other material. (Ord. 3448, 7-9-2012)

CHAPTER 10

MESSAGE THERAPY ESTABLISHMENTS; MESSAGE THERAPIST

SECTION:

3-10-1: Definitions**3-10-2: License Required****3-10-3: Exemptions****3-10-4: Application For Massage Therapy Establishment License****3-10-5: Fingerprinting Requirements****3-10-6: Posting Of License****3-10-7: Limitation, Denial, And Restriction On The Issuance And Renewal Of License****3-10-8: Transfer; Changes In Ownership Or Management****3-10-9: Facility Requirements****3-10-10: General Regulations****3-10-11: Inspections****3-10-12: Outcall Massage Service****3-10-13: Suspension, Revocation Of License; Penalty And Appeal****3-10-14: Public Nuisance****3-10-15: Penalty****3-10-16: Severability****3-10-1: DEFINITIONS:**

DESIGNATED MANAGER: Any person, whether employed by the massage therapy establishment full or part time, who is charged with the administration of the massage therapy establishment. Such person may be a massage therapist. If the designated manager conducts massage therapy then such person must be a licensed massage therapist.

EMPLOYEE: Any and all persons other than a masseur or masseuse who render any service for the licensee and who receives compensation directly from the licensee but has no physical contact with patrons, customers or clients.

LICENSED MASSAGE THERAPIST: A person 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.

LICENSEE: The person to whom a license has been issued to operate a "massage therapy establishment" as defined herein.

MASSAGE: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or 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.

MASSAGE THERAPY ESTABLISHMENT: Any establishment having its primary source of income or compensation derived from the practice of "massage" as defined herein, and which has a fixed place of business in the village of River Forest where any person, firm, association or corporation engages in or carries on any of the activities described above by one or more persons licensed by the state of Illinois as massage therapists.

MASSEUR OR MASSEUSE: Any person who, for any consideration whatsoever, engages in the practice of massage.

OUTCALL MASSAGE SERVICE: Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a "massage therapy establishment" as defined in

this section.

PATRON: Any person who receives a massage in the village under such circumstances that it is reasonably expected that he or she will pay money or give other consideration therefor.

PERSON: Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

SEXUAL OR GENITAL AREA: Genitals, buttocks, pubic area, anus or perineum of any person, or the vulva or breasts of a female. (Ord. 3450, 7-9-2012)

3-10-2: LICENSE REQUIRED:

A. No person shall engage in the business of operating a massage therapy establishment in the village without a valid and current license therefor issued by the village pursuant to the terms of this chapter. A separate license shall be required for each massage therapy establishment location regardless of whether such multiple establishments are operated by the same person.

B. It shall be unlawful to engage in, conduct, operate, carry on or permit to be engaged in or upon any premises in the village, the business of a massage therapy establishment without having at least one licensed massage therapist employed at each licensed location.

C. Massage therapy establishments shall be only in locations as permitted by the village of River Forest zoning ordinance. (Ord. 3450, 7-9-2012)

3-10-3: EXEMPTIONS:

A. Where massage is actually performed at the patron's premises, including the patron's place of business or residence, a massage therapy establishment license shall not be required for such patron's premises.

B. No license shall be required for any business establishment which is permitted by the zoning code and which offers massage only as an ancillary service to their primary business.

C. A massage therapy 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. (Ord. 3450, 7-9-2012)

3-10-4: APPLICATION FOR MASSAGE THERAPY ESTABLISHMENT LICENSE:

A. Application for massage therapy establishment license shall be made in conformance with the general license requirements relating to business licenses, as set forth in this chapter, and shall be renewed annually, and also shall include the following information:

1. The name (including any nicknames or aliases) and address, telephone number, social security number, and age of each applicant, the registered agent of the applicant if the applicant is a corporation or a limited liability company and the general or managing partners if the applicant is a partnership.

a. If the applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation and the address of the corporation itself, if different from the address of the massage therapy establishment.

b. If the applicant is a limited liability company, names and residence addresses of each of the managers and of each member having greater than a ten percent interest in the limited liability company, and the address of the limited liability company itself, if different from the address of the massage therapy establishment.

c. If the applicant is a partnership, the names and residence addresses of each of the partners including limited partners and the address of the partnership itself, if different from the address of the massage therapy establishment.

d. If the applicant is a corporation, the total percentage of all stock held by all persons with a ten percent or less interest in the corporation.

e. If the applicant is a limited liability company, the total percentage of interest of those members with a ten percent or less interest in the limited liability company.

2. A description of the premises, the location of the massage therapy establishment and all telephone numbers where the business is to be conducted.

3. The two previous addresses immediately prior to the present address of the applicant.
4. Proof that the applicant is at least eighteen years of age.
5. Copy of identification such as driver's license and social security card.
6. Business occupation, or employment of the applicant for the three years immediately preceding the date of application.
7. The massage or similar business license history of the applicant; whether such person has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
8. All criminal convictions other than misdemeanor traffic violations and all municipal ordinance violations, including the dates of convictions, nature of the crimes or violations, jurisdiction where convicted and the sentence and/or fine imposed.
9. The name and address of each masseur and/or masseuse who is or will be employed in said establishment and a copy of diploma or certificate of graduation for each masseur and/or masseuse from an accredited institution.
10. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
11. Authorization for the village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of applicants for a license.
12. Permission for investigation of the premises by the village by its designated representative to investigate the premises named in said application to determine whether the provisions of all village ordinances applicable thereto have been complied with.
13. Fingerprint requirements as set forth in section 3-10-5 of this chapter.
14. Payment of fee for a massage therapy establishment license as set forth in this chapter.
15. Compliance with all applicable requirements of the village building codes and zoning ordinance.
16. The names of all licensed massage therapists who are employed to provide massage therapy at the massage therapy establishment. The application shall include copies of the licenses issued to said massage therapists.

B. Massage therapy establishment licenses are issued annually and shall be operative for the municipal license year commencing on April 1 of each year. Each license may be renewed upon proper application, conformance with applicable requirements, and payment of the required fee.

C. In the event applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, applicant shall immediately notify the village 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.

D. The applicant has a continuing obligation, even after the village has issued a license for a massage therapy establishment, to notify the village in writing of any change affecting any of the required information required to be provided by this chapter. Such new information must be provided to the village within thirty days of any such change. (Ord. 3450, 7-9-2012)

3-10-5: FINGERPRINTING REQUIREMENTS:

A. In addition to the requirements of section 3-10-4 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 River Forest police department. If applicant is a corporation, fingerprints shall be required of applicant's officers, directors and any stockholder(s) owning in aggregate more than ten percent of the stock of such corporation. If the applicant is a limited liability company, fingerprints shall be required of all of the members of the limited liability company having more than a ten percent interest in the limited liability company. If the applicant is a partnership, fingerprints shall be required of all general partners and any limited partner owning more than ten percent of the aggregate limited partner interest in such partnership. In the case of a renewal

application, the requirement for fingerprints may be waived at the village's discretion if the village fingerprinted the applicant within three years of the renewal date and the applicant's fingerprints are on file with the village.

B. Applicant fingerprints will be kept on file with the village of River Forest police department.

C. The fee for each set of fingerprints required by this section is fifty dollars.

D. All applicants for renewal of a license under this chapter shall present their current massage therapy establishment license to the River Forest police department at the time of renewal. (Ord. 3450, 7-9-2012)

3-10-6: POSTING OF LICENSE:

Every person, corporation, limited liability company, partnership or association licensed as a massage therapy establishment under this chapter shall display such license in a prominent place in the massage therapy establishment. (Ord. 3450, 7-9-2012)

3-10-7: LIMITATION, DENIAL, AND RESTRICTION ON THE ISSUANCE AND RENEWAL OF LICENSE:

A. The village may deny a massage therapy establishment license for failure to comply with any of the requirements set forth in any sections of this chapter.

B. No massage therapy establishment license shall be issued or renewed:

1. To an applicant who has been convicted of the following offenses:

a. Any offense involving sexual misconduct with children or other sex offenses as defined in 720 Illinois Compiled Statutes.

b. A felony based upon conduct or involvement in such related business activity or similar business activity within the past ten years.

c. A felony unrelated to conduct to involvement in such related business activity or similar business activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape or other sexual misconduct, within the past ten years.

d. A misdemeanor or licensing ordinance violation from any jurisdiction, based upon conduct or involvement in such related business activity or similar business.

e. A crime of moral turpitude.

2. To an applicant whose massage therapy establishment license issued under this chapter's predecessor has been revoked for cause.

3. To an applicant who at the time of application for renewal of any massage therapy establishment license issued hereunder would not be eligible for such license upon a first application.

4. To an applicant under the age of eighteen years of age.

5. To an applicant where grounds for revocation exist as provided in section 3-10-4 of this chapter. (Ord. 3450, 7-9-2012)

3-10-8: TRANSFER; CHANGES IN OWNERSHIP OR MANAGEMENT:

A. No license for the operation of a massage therapy establishment 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 therapy establishment shall constitute a change in the licensee and the existing license shall be deemed surrendered and extinguished. A new application and license shall be filed and processed as provided in section 3-10-4 of this chapter prior to such transfer taking effect.

B. Notice shall be provided prior to any change of the designated manager conducting business for the massage therapy establishment licensee. The new manager must be qualified to operate the massage therapy establishment as provided in section 3-10-4 of this chapter. The licensee shall, not less than ten business days before such change is to take effect, give the appropriate village officer notice of such change. (Ord. 3450, 7-9-2012)

3-10-9: FACILITY REQUIREMENTS:

No license shall be issued to a massage therapy establishment unless an inspection discloses that it complies with each of the following minimum requirements:

- A. Hot and cold running water shall be provided.
- B. Adequate privacy shall be provided for clients while they are dressing.
- C. Adequate toilet and sink facilities shall be provided and installed in accordance with the village plumbing code.
- D. All walls, ceilings, floors, steam rooms, and other physical facilities in the massage therapy 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 therapy establishment premises shall be in compliance with applicable codes and ordinances of the village, including, but not limited to, zoning, building, and life safety codes.
- G. The doors to the individual massage rooms shall not be locked, blocked or obstructed from either side during a massage.
- H. 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. (Ord. 3450, 7-9-2012)

3-10-10: GENERAL REGULATIONS:

The following regulations shall be applicable to holders of any massage therapy establishment license issued in the village:

- A. Every portion of the massage therapy establishment, including appliances and apparatuses therein, shall be kept clean and operated in a sanitary condition.
- B. No massage therapy establishment shall open for business before seven o'clock A.M. nor remain open for business after ten o'clock P.M.
- C. Price rates for all services shall be prominently posted or provided in brochures in the reception area in a location available to all prospective 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 therapy establishment.
- E. Eating and/or drinking, other than water, in the massage work areas shall not be permitted.
- F. Animals, except for seeing eye dogs or other registered assistance dogs, shall not be permitted in the massage work areas.
- G. At all times during the hours of operation of a massage therapy establishment there shall be present a manager or other employee of the licensee, and a licensed massage therapist.
- H. No person shall permit any person under the age of eighteen years to come or remain on the premises of any massage therapy establishment as a masseur and/or masseuse, employee, or patron, unless such person is on the premises on lawful business.
- I. Masseurs and/or masseuses and massage therapy establishment employees and agents, must wear clean, nontransparent clothing covering the sexual and genital areas.
- J. The sexual or genital areas of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee or masseur and/or masseuse.
- K. No masseur and/or masseuse, massage therapy establishment employee, or agent or licensee, shall knowingly place his or her 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.
- L. No masseur and/or masseuse, massage therapy establishment employee, agent or licensee shall perform, offer or agree to perform any act which shall require the touching of the patron's genital area.

M. No masseur and/or masseuse, or massage therapy establishment employee, or agent or licensee, shall administer a massage to any part of a patron'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.

N. 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.

O. Each masseur and/or masseuse shall wash his or her hands in hot running water using a proper soap or disinfectant before administering any massage to any patron. (Ord. 3450, 7-9-2012)

3-10-11: INSPECTIONS:

Every massage therapy establishment shall at all times be held open for inspection by duly authorized representatives of village departments concerned with the licensing and supervision of such establishments. Such inspections shall be conducted at a reasonable time and in a reasonable manner. The appropriate village 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. (Ord. 3450, 7-9-2012)

3-10-12: OUTCALL MASSAGE SERVICE:

A masseur or masseuse may provide any of the services listed in this chapter only at a permanent residence or place of business, except a place of business which is in the business of providing temporary residence, that is, hotel, motel, or the equivalent. No "outcall massage service" may be operated other than by a licensed massage therapist. All massages performed by an "outcall massage service" must be performed in the manner prescribed in this chapter. (Ord. 3450, 7-9-2012)

3-10-13: SUSPENSION, REVOCATION OF LICENSE; PENALTY AND APPEAL:

A. The village president may suspend a massage therapy establishment license for a period not to exceed ten days if it is determined that a violation of this chapter exists, or occurred.

B. In addition to those grounds for revocation set forth in this chapter the village president may revoke a massage therapy establishment license if it is determined that any of the following occurred:

1. A licensee has made false statements on an application for a massage therapy establishment license.
2. A licensee or any employee of the licensee, including a masseur and/or masseuse or other employee is engaged in any conduct which violates any of the state or local laws or ordinances at the licensee's place of business and the licensee has actual or constructive knowledge thereof.
3. A licensee or masseur and/or masseuse knowingly conducted massage activities in the village during a period of time when his/her license was suspended.
4. A licensee fails to allow a village appointed inspection officer access to the premises or hinders such officer in any way.
5. A licensee whose license has been suspended twice within a twenty four month period is found in violation of this chapter for a third offense within that twenty four month period.
6. A licensee who has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, bestiality, prostitution or flagellation to occur in or on the licensed premises.
7. Upon recommendation of the designated village inspector that the licensee is managing, conducting, or maintaining the massage therapy establishment without regard for the public health or the health of patrons or customers or without due regard to proper sanitation or hygiene.
8. A licensee has been convicted of:
 - a. Any offense involving sexual misconduct with children or other sex offenses as defined in 720 Illinois Compiled Statutes.
 - b. A felony based upon conduct or involvement in such related business activity or similar business activity within the past ten years.
 - c. A felony unrelated to conduct to involvement in such related business activity or similar business activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against

another person, including rape or other sexual misconduct, within the past ten years.

d. A crime of moral turpitude.

C. Suspension and revocation procedures shall be as set forth in this chapter and section 3-1-11 of this title.

D. Procedures for appeal of any person aggrieved by the decision of the village president shall be as set forth in section 3-1-12 of this title. (Ord. 3450, 7-9-2012)

3-10-14: PUBLIC NUISANCE:

Any building used as a massage therapy establishment in violation of this chapter with the intentional knowing, reckless, or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this chapter are hereby declared to be a nuisance. (Ord. 3450, 7-9-2012)

3-10-15: PENALTY:

In addition to suspension or revocation of a license as provided hereunder, any person violating any of the provisions of this chapter shall be fined not less than fifty dollars nor more than seven hundred fifty dollars for each offense. A separate offense shall be deemed committed on each day during or on which the violation occurs or is permitted to continue. (Ord. 3450, 7-9-2012)

3-10-16: 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. (Ord. 3450, 7-9-2012)