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Evanston message zoning plan draws wave of criticism

Thursday, May 17, 2012, at 10:12 am by [Bill Smith](#)

Dozens of people turned out at the Evanston Civic Center Wednesday night to object to a city staff plan to impose special use restrictions on massage therapists and similar professionals.

The wave of opposition, from therapists themselves and other groups and individuals, initially persuaded three of the six Plan Commissioners present that they should drop the effort to regulate massage through zoning entirely.

But a plea by the commission's chair, Scott Peters, persuaded them to instead defer the issue for further discussion at their July 19 meeting.

Peters, a former prosecutor, said prostitution cases are very difficult to prosecute under criminal law and that zoning codes offer a much easier way to address the problem because standards of proof are much lower and the difficulties of proving a case are much less.

"Maybe all we need is a definition of what a massage establishment is, so that when someone is operating a house of prostitution and pretending to be operating a massage establishment, we can say, you're not meeting the definition and are therefore in violation of the ordinance," Peters said.

"It's quicker, easier and more likely to be successful," he added.

The staff had retreated somewhat by Wednesday night from its original proposal to require all establishments offering massage-like services to go through the city's special use licensing process.

After complaints from the [American Massage Therapy Association](#), which has its headquarters in Evanston, that massage therapists are state-licensed professionals, the staff proposal was revised to exempt them from the special use restrictions.

But it preserved the special use requirements for practitioners of nearly a dozen other body works therapeutic models, including the Shiatsu.

Steve Rogne, owner of [Zen Shiatsu Chicago](#) at 825 Chicago Ave., said the professional group he belongs to, the [American Organization for Bodywork Therapies of Asia](#), has been lobbying the state for three years to establish a licensing procedure for his profession.

He suggested that bodyworks professionals could voluntarily submit to the criminal background checks and fingerprinting already required of massage therapists.

And he complained that the ordinance stigmatizes legitimate professionals by claiming that clustering massage and bodyworks establishments would detract from the character of the community.

Nancy Floy, who owns the [Heartwood Center](#) on Dempster Street, which houses dozens of professionals in

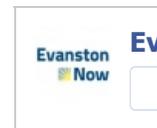


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massage, body work and other fields, said she had met Wednesday morning with Police Chief Richard Eddington and wanted to help stop prostitution problems in the city.

"But we don't want our profession to be sacrificed in the name of stopping that," Floy added.

Kaethe Morris Hoffer, legal director of the [Chicago Alliance Against Sexual Exploitation](#), said that rather than using zoning laws, the city should "focus on the true root of prostitution -- the demand side, those men who purchase sex."

"It doesn't take a degree in rocket science to figure out where to go to purchase sex," Hoffer said. "If the johns can figure out where to go, so can police and law enforcement agencies."

Dick Peach, the vice president for government affairs of the Evanston chamber of Commerce, said at least 22 chamber members would fall under the proposed ordinance and all are adamantly against it.

"It bothers us that in a community that supposedly is very proud of its small businesses, this ordinance turns around and stomps all over that reputation and impugns very good small businesses."

Jeanne Lindwall of 625 Library Place, a urban planning consultant, said she's thrilled that there are so many massage therapists and body workers in town.

"I've been getting massages over the last 10 to 15 years. They're wonderful," Lindwall said, adding that she doesn't believe the zoning ordinance is an appropriate mechanism for trying to address prostitution.

"Zoning is about land use," Lindwall said, "Prostitution is an illegal activity and should be dealt with as such."

Two prostitution busts over the past two years at spas or other establishments that claimed to offer massages were the trigger cited by city officials for the proposed new restrictions, which some officials say is part of a larger program to increase regulation of businesses in the city.

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So Mr. Peters, why should the

Submitted by Anonymous (not verified) on Thursday, May 17, 2012, at 8:42 pm.

So Mr. Peters, why should the burden of proof be on the legitimate state licensed professionals? Why can't you people just ask for proof of state licensure when issuing business permits and conduct inspections? There are websites where illicit sites are NAMED. Why can't prostitution just be shut down when found? What's so hard about prosecuting laws that already exist and doing your job?

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Ridiculous

Submitted by dan (not verified) on Thursday, May 17, 2012, at 5:57 pm.

The City Council needs to start seriously thinking about how to resolve Evanston's fiscal mess and empty storefronts instead of focusing on senseless regulation against one industry or business segment like massage therapists.

Who's next, bed and breakfasts? Ooh, I forgot, they are already targeted.

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Clever

Submitted by Anonymous (not verified) on Thursday, May 17, 2012, at 1:52 pm.

When Peters saw the demise of the plan he instead pushed off the decision till July, hoping that the opposition will tire and forget. Typical.

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Like mobsters?

Submitted by Anonymous (not verified) on Thursday, May 17, 2012, at 1:35 pm.

So, like nabbing mobsters for tax evasion instead of for killing people, we're going to nab prostitutes not because they are taking money for sexual services, but because they are taking money for sexual services in the wrong zone or operating (sexually) with a special license that only includes massage and not prostitution?

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