

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF CATHEDRAL CITY AMENDING CHAPTER 5.33,
"MASSAGE THERAPY PERMITS" OF TITLE 5,
"BUSINESS REGULATIONS" OF THE CATHEDRAL CITY
MUNICIPAL CODE**

WHEREAS, the City of Cathedral City ("City") has recently uncovered illegal activity occurring at multiple massage therapy establishments within the City; and

WHEREAS, the City anticipates and wishes to avoid massage therapy establishments from re-opening in the same location and conducting the same illegal activity shortly after closure; and

WHEREAS, the City's Municipal Code currently lacks the ability to regulate the re-opening of the same type of business in the same location for a specified amount of time after such establishment has closed due to criminal activity; and

WHEREAS, the City Council anticipates that certain massage therapy establishments may attempt to re-open in the same location after the City has worked to close them, and may continue to conduct the same illegal; and

WHEREAS, the City Council wishes to balance and protect the rights of commercial property owners and other innocent parties in order to ensure that they are not inadvertently punished for the conduct of unscrupulous massage establishments; and

WHEREAS, the City Council desires to enact a regulation to require a new massage therapy establishment to undergo a background check if the new establishment seeks to open in the same location as any other massage establishment that was closed due to criminal activity during the past year. necessary to protect the health and safety of the general public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. **ADDING SECTION 5.33.045, "RESTRICTION ON SAME LOCATION AFTER CLOSURE DUE TO CRIMINAL ACTIVITY", TO CHAPTER 5.33 "MASSAGE THERAPY PERMITS" TO THE CATHEDRAL CITY MUNICIPAL CODE**

Cathedral City Municipal Code Section 5.33.045 shall be added to Chapter 5.33 of the Municipal Code and shall include the following:

Section 5.33.045 Restriction on same location after closure due to criminal activity.

Notwithstanding any other provision of this Code to the contrary, when a massage establishment has been closed due to criminal activity, any new massage establishment wishing to open in the same location, the following provisions shall apply:

A) As part of the business license application process, the applicant and the on-site manager, if different from the applicant, shall be required to undergo a background check.

B) This provision shall apply to all business license applicants who wish to open a massage establishment in a location subject to this Section, including both persons who possess a valid certification recognized by the state pursuant to Chapter 10.5 of Division 2 of the California Business and Professions Code and persons who do not possess such certification.

C) The background check required under this chapter shall be conducted in the same manner as background checks conducted pursuant to Section 5.33.110(D). The applicant shall be required to complete all the same processes as if he or she were applying for a massage establishment permit pursuant to Section 5.33.110.

D) The applicant shall be required to pay all fees for the background check as required pursuant to Section 5.33.110(F).

Section 3. **SEVERABILITY**

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. ENVIRONMENTAL FINDINGS

The City Council finds that adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15061, subsection (b)(3), because there is nothing in this chapter or its implementation that could foreseeably have any impact on the environment.

Section 5. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 6. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 7. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after its second reading by the City Council.

Section 8. CITY ATTORNEY REVIEW

The City Attorney prepared and framed this ordinance pursuant to Section 1.04.010 of the Municipal Code and finds that the City Council has the authority to adopt this ordinance, that the ordinance is constitutionally valid and that the ordinance is consistent with the general powers and purposes of the City as set forth in Section 1.04.031 of the Municipal Code.

Section 9. EXECUTION AND CERTIFICATION

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2015 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Stan Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Charles R. Green, City Attorney