

ORDINANCE NO. 10-

AN URGENCYORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, EXTENDING FOR A PERIOD OF ONE YEAR, AN EXISTING MORATORIUM ON THE APPROVAL OF ANY BUSINESS LICENSE, USE PERMIT, OR ANY APPLICABLE APPLICATION RELATED TO MASSAGE ESTABLISHMENTS AND/OR MASSAGE PRACTITIONERS

WHEREAS, the City of Costa Mesa General Plan was adopted in January 2002, and it embodies the community's long-range vision of providing for the balanced development of a diverse mix of commercial goods and services and employment opportunities in consideration of the needs of the business and residential segments of the community; and

WHEREAS, a high concentration of massage establishments exists in specific areas of the City; and

WHEREAS, the growing number of massage establishments and associated massage practitioners in the city has increased staff workload for licensing, inspection, and enforcement for massage related issues; and

WHEREAS, the Costa Mesa Police Department has requested an extension to the moratorium currently in effect; and

WHEREAS, the City Council adopted a forty-five (45) day moratorium on new massage establishment permits and new massage practitioner permits that became effective on July 7, 2009, by urgency ordinance; and

WHEREAS, the City Council adopted an extension to the moratorium on new massage establishment permits and new massage practitioner permits that became effective on August 18, 2009 and is set to expire on July 2, 2010, by urgency ordinance No. 09-11; and

WHEREAS, the same factors that served as justification for the moratorium still exist and it can be foreseen that they will continue to exist for an extended period of time; and

WHEREAS, the Costa Mesa City Council finds, determines, and declares that current and immediate threat to the public health safety and welfare of the city and its citizens necessitates the immediate enactment of the ordinance.

THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1.

In order to protect against this current and immediate threat to the public health, safety, and welfare and pursuant to the provisions of California Government Code Section 65858, the previously enacted moratorium extension adopted August 18, 2009 is extended for a period of one (1) year.

Section 2. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 4. Applicability. The provisions of this ordinance shall be applicable to the licensing of new massage establishments or massage practitioners. The provisions of this ordinance shall not be applied to any licenses or permits issued to massage establishments or practitioners approved prior to the effective date of this ordinance.

Section 5. Publication. The City Clerk shall certify to the passage and adoption of this ordinance, by at least a four-fifths vote of the City Council, and shall cause the ordinance to be published in the manner required by law. This ordinance shall become effective immediately from and after its passage.

PASSED AND ADOPTED this ____ day of _____, 2010.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Julie Folcik, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 10-6 was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of ____, 2010, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2010, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2010.

City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa