

Introduced by: _____

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE ISSUANCE OF MESSAGE
ESTABLISHMENT PERMITS PURSUANT TO TITLE 17 OF THE PASADENA
MUNICIPAL CODE**

WHEREAS, the City of Pasadena (“City”) has adopted the Land Use Element, and a Social and Economic Development Element, of its General Plan; and

WHEREAS, the Land Use Element sets forth policies and goals toward the protection of residential neighborhoods, and the Social and Economic Development Element sets forth policies and goals toward land use planning that is protective of the social impacts of land uses; and

WHEREAS, the City Council of the City of Pasadena has expressed concern regarding actual and potential prostitution activity at massage establishments in the City, and the secondary effects such illegal activity may have on residentially zoned neighborhoods, particularly since there is no distance requirement between adult businesses and residentially zoned neighborhoods in the City’s Zoning Code; and

WHEREAS, there is no First Amendment protected right conferred upon massage establishments; and

WHEREAS, further regulation of massage establishments may reduce the potential for secondary effects commonly associated with such businesses on nearby residential areas; however, to better understand the land use and legal nuances of locational restrictions on massage establishments, City staff would need adequate time to study the matter; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety and welfare because, without the moratorium, a massage establishment could be granted

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the required permit, or an overconcentration of massage establishments could occur, within the City, without full protection to residential zones from the potential secondary effects of massage establishments; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning proposal that the City intends to study within a reasonable time.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. The provisions of this ordinance temporarily prohibit the issuance of massage establishment permits pursuant to Title 17 of the Pasadena Municipal Code.

SECTION 2. During the effectiveness of this ordinance, the City will undertake a review of its land use regulations and study whether a distance requirement between massage establishments and residential zones may reduce the secondary effects commonly associated with massage establishments on the residential neighborhoods that may necessarily be in very close proximity, and in consideration of the goals and policies established in the City's Land Use Element, Social and Economic Development Element, and zoning code.

SECTION 3. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the 45 day period following its date of publication.

SECTION 4. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein, any provision of the Pasadena Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all such businesses.

SECTION 5. The City Council hereby declares that, should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the

intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 6. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 7. This ordinance shall take effect upon publication, and shall remain in effect for a period of 45 days from the date of publication, in accordance with California Government Code Section 65858.

Signed and approved this _____ day of _____, 2007.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2007, by the following vote:

AYES:

NOES:

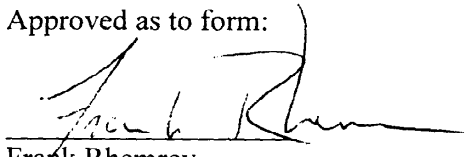
ABSENT:

ABSTAIN:

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



Frank Rhemrev
Assistant City Attorney