

ORDINANCE NO. 1258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY AMENDING TITLE 5, CHAPTER 15 OF THE SIMI VALLEY MUNICIPAL CODE REGULATING MESSAGE ESTABLISHMENTS, OFF-PREMISES MESSAGE BUSINESSES, AND MESSAGE PRACTITIONERS.

WHEREAS, the City of Simi Valley Massage Ordinance contained in Simi Valley Municipal Code (SVMC) Chapter 15 of Title 5, *et seq.* does not explicitly state that the inspection of Massage Establishments is for the purpose of determining that the provisions of the Massage Chapter are met; and

WHEREAS, the City wishes to ensure that Simi Valley Municipal Code § 5-5.18(a) is in full compliance with State law and constitutional mandates; and

WHEREAS, the City Council finds that an immediate threat to the public health, safety and welfare exists, due to a number of facts, including but not limited to the following: the Police Department and City Attorney's Office report approximately 20 misdemeanor counts filed for violations related to the Massage Ordinance since enforcement was increased in February 2016; the Police Department has previously reported that the number of the establishments advertising in a sexually explicit manner and that have been reviewed for sexual activities on-line and in adult entertainment media avenues, has dramatically increased, strongly suggesting an increase in illicit activities; other cities throughout the state including the City of Ventura have reported similar increases in establishments and reports of illicit advertising and activities; and further, similar and related findings are also set forth in Ordinance No. 1236 which was approved by the City Council on January 1, 2015 as well as Ordinance No. 1249 approved by the City Council on October 12, 2015, which are hereby referenced and adopted as though fully set forth herein.

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

SECTION 1. Chapter 15, Title 5 of the Simi Valley Municipal Code as amended in Exhibit A attached hereto is hereby approved.

SECTION 2. Severability. If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, adjudicated to a final determination, the City Council finds that said voided part is severable, that the City Council would have adopted the remainder of this Ordinance without the severed and voided part, and that the remainder of this Ordinance shall remain in full force and effect.

SECTION 3. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

PASSED and ADOPTED this 6<sup>th</sup> day of June 2016.

**Attest:**

/s/  
Ky Spangler, Deputy Director/City Clerk

/s/  
Robert O. Huber, Mayor of the City of  
Simi Valley, California

**Approved as to Form:**

**Approved as to Content:**

/s/  
Lonnie J. Eldridge, City Attorney

/s/  
Eric J. Levitt, City Manager

**EXHIBIT A**

**SIMI VALLEY MUNICIPAL CODE AMENDMENT  
REGULATING MASSAGE ESTABLISHMENTS,  
OFF-PREMISES MASSAGE BUSINESSES, AND  
MASSAGE PRACTITIONERS**

Simi Valley Municipal Code (SVMC) Section 5-15.18(a), "Inspections and enforcement" is amended to add the following underlined text, and delete the text in ~~strikeout~~, as shown below:

- (a) Representatives of the City's Building and Safety Division, Code Enforcement Unit, Planning Division, Police Department, and any duly appointed or engaged contractors thereof may, from time to time, with or without notice, make an inspection of each Massage Establishment in the City during regular business hours for the purpose of determining that ~~all applicable laws~~ the provisions of this chapter are met. No person shall refuse to permit or interfere with a lawful inspection or compliance check of the premises by City officials or contractors.