

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ESTABLISHING THE SCHEDULE OF ADMINISTRATIVE CITATION FINES PURSUANT TO TEMECULA MUNICIPAL CODE SECTION 1.21.060 FOR VIOLATIONS OF CHAPTER 5.22 PERTAINING TO MASSAGE ESTABLISHMENTS

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES RESOLVE AS FOLLOWS:

Section 1. Recitals. The City Council of the City of Temecula does hereby find, determine and declare as follows:

- (a) Chapter 1.21 of the Temecula Municipal Code provides for the assessment of administrative penalties for violations of Temecula Municipal Code.
- (b) Section 1.21.060 of the Temecula Municipal Code provides for the establishment of fines to be imposed for violations subject to Chapter 1.21. Section 1.21.060 provides:

“The fine imposed pursuant to this chapter for a particular violation shall be in the amount set forth in the administrative citation schedule established by resolution of the city council. The administrative citation schedule shall specify the amount of any late payment charges imposed for failure to timely pay the fine.”

- (c) On February 10, 1998, the City Council adopted Resolution No. 98-14 establishing an administration citation schedule for the purpose of setting forth administrative citation fines amounts.
- (d) The City Council desires to establish fines at higher amounts than those set forth in Resolution No. 98-14 for the following violations pertaining to massage establishments:
 - 1. Temecula Municipal Code Section 5.22.040(A) regarding the requirement that all massage establishments must have a valid massage establishment permit to operate in the City.
 - 2. Temecula Municipal Code Section 5.22.080 regarding the requirements applicable to the operation of massage establishments.

Section 2. Schedule of Administrative Citation Fines. The fines to be assessed for violations of Temecula Municipal Code Sections 5.22.040(A) and 5.22.080, shall be those described on the “Schedule of Administrative Citation Fines for Violations of the Massage Establishment Ordinance” attached hereto as Exhibit “A” and incorporated herein as though set forth in full.

Section 3. Effective Date; Supersedes Conflicting Resolutions. The fines set forth in the Resolution shall be applied to violations of Section 5.22.040(A) pertaining to the requirement that all massage establishments hold a valid massage establishment permit, and to violations of Section 5.22.080 pertaining to the requirements applicable to the operation of massage establishments that occur on or after the date of adoption of this Resolution. All parts of resolutions not consistent with or in conflict with this Resolution are hereby superseded by this Resolution, including Resolution No. 98-14.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution, 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 portions of this ordinance. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 5. Certification. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 25th day of June, 2019.

Michael S. Naggar, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 19- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 25th day of June, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk

EXHIBIT “A”
SCHEDULE OF ADMINISTRATIVE CITATION FINES FOR VIOLATIONS OF THE
MASSAGE ESTABLISHMENT ORDINANCE

1. The fines for violations of Section 5.22.040(A) pertaining to the requirement that all massage establishments hold a valid massage establishment permit, and for violations of Section 5.22.080 pertaining to the requirements applicable to the operation of massage establishments, for which administrative citations are issued pursuant to Chapter 1.21 of the Temecula Municipal Code, shall be one thousand dollars (\$1,000) for every offense.

2. In the event a person fails to pay an administrative citation fine within the time required by Chapter 1.21, there is imposed an initial charge of twenty-five dollars (\$25.00) for administrative costs and then a late payment charge of one percent (1%) per month for each month the fine is over-due.