

ORDINANCE NO. 4191

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING POMONA MUNICIPAL CODE ARTICLE VI OF CHAPTER 30 REGULATING MASSAGE ESTABLISHMENTS WITHIN THE CITY OF POMONA AND AMENDING POMONA ZONING CODE SECTION(S) .062, .371, .55122, .580, .5809-8, AND .341 TO CONFORM WITH SUCH AMENDMENTS

WHEREAS, for the benefit of the public health, safety and welfare, the City regulates massage services and Massage Establishments pursuant to Article VI of Chapter 30 of the Pomona City Code through a permit process; and

WHEREAS, California Business and Professions Code § 4600, *et seq.* establishes a statewide system for certification of massage practitioners and massage therapists;

WHEREAS, pursuant to the Business and Professions Code, if the massage therapists and practitioners have acquired a State certification or, if a massage business employs only State-certified personnel to perform massage, then cities shall allow massage services to be provided without the need for City permits; and

WHEREAS, the California Massage Therapy Council (CAMTC) was established by statute and is authorized to certify massage practitioners and massage therapists that fulfill the criteria set by Business and Professions Code § 4600, *et seq.*; and

WHEREAS, rather than establishing dual City processes for massage services permitted by the City and massage services permitted through State certification, the City seeks to conform its massage regulations to the requirements of Business and Professions Code Chapter 10.5, as amended, and will require that all persons and businesses providing massage services in Pomona obtain State certification; and

WHEREAS, establishing one regulatory scheme for massage services will create a consistent and clear process for applicants and will enable consumers to identify legitimate massage workers, thus protecting the health, safety, and welfare of the City; and

WHEREAS, the Pomona Zoning Ordinance contains zoning regulations of Massage Establishments that are inconsistent with State law and should be amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pomona as follows:

SECTION 1. Article VI (MASSAGE ESTABLISHMENTS, PUBLIC BATHS AND SIMILAR BUSINESSES) of Chapter 30 (LICENSES, PERMITS AND MISCELLANEOUS REGULATIONS) of the Pomona City Code is hereby repealed and replaced by the following:

ARTICLE VI. MASSAGE

- Sec. 30-356. - Declaration of Purpose and Intent.**
- Sec. 30-357. - Definitions.**
- Sec. 30-358. - Administration.**
- Sec. 30-359. - Certifications Required.**
- Sec. 30-360. - Business license required.**
- Sec. 30-361. - Massage Establishment Owner Background Check Required.**
- Sec. 30-362. - Additional Requirements.**
- Sec. 30-363. - Display of Permit.**
- Sec. 30-364. - Prohibited Conduct.**
- Sec. 30-365. - Facilities and Operations.**
- Sec. 30-366. - Exceptions.**
- Sec. 30-367. - Public Nuisance Abatement.**
- Sec. 30-368. - Revocation.**
- Sec. 30-369. - Civil Penalties.**
- Secs. 30-370 - 30-385. - Reserved.**

Sec. 30-356. Declaration of Purpose and Intent.

- A. This Article establishes new permitting standards intended to comply with California law and establish health and safety guidelines for Massage Establishments.
- B. This Article is not intended to be exclusive. Compliance shall not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal services businesses including, without limitation, all zoning applications; business license regulations; building, fire, electrical, and plumbing codes; and health and safety code laws and regulations applicable to professional or personal services businesses.
- C. This Article establishes a local regulatory system that allows State Certified Massage Therapists and Massage Practitioners to operate within the City. This Article provides regulations for the enforcement of the State law and City code through reasonable inspections and investigations.

Sec. 30-357. - Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Article. Words and phrases not defined by this Article have the meaning set forth elsewhere in this Code, the Business and Professions Code, or Government Code.

"*California Massage Therapy Council (CAMTC)*" means the California Massage Therapy Council created pursuant to Business and Professions Code § 4600.5.

"*Certified Massage Practitioner*" means a person who is currently certified as a massage practitioner by the CAMTC, and who administers massage for compensation.

"*Certified Massage Therapist*" means a person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.

"*City*" means the City of Pomona.

"*Director*" means the Director of Community Development or such other director designated by the City Manager.

"*Massage*" means any method of applying pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, herb infused water or other similar preparations.

"*Massage Establishment*" means and includes any business, parlor, room, place or institution, where massage is given or administered by a Massage Technician as a service of the business establishment.

"*Massage Technician*" means any person that is a Certified Massage Therapist or Certified Massage Practitioner, and gives, performs or administers a massage for any form of consideration.

"*Person*" means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group.

"*Specified anatomical areas*" means and includes any of the following human anatomical areas: genitals, pubic regions, anuses or female breasts below a point immediately above the top of the areola.

"*Specified sexual activities*" means and includes all of the following:

- A. Fondling or other erotic touching of specified anatomical areas;
- B. Sex acts including, without limitation, intercourse, oral copulation, or sodomy;
- C. Masturbation; or
- D. Excretory functions as part of or in connection with any specified sexual activity listed in this definition.

Sec. 30-358. - Administration.

The Director is authorized to administer this Article and to promulgate administrative policies and procedures required to implement the regulations set forth in this Article.

Sec. 30-359. - Certifications Required.

- A. **Massage Establishment.** Owners, operators, and managers of Massage Establishments shall not allow or provide massages to be administered or performed by any person other than a Certified Massage Practitioner or Certified Massage Therapist holding a valid, current certification from the CAMTC.
- B. **Massage Technician.** It is unlawful for any person to engage in, or carry on the business or activities of a Massage Technician without a certification from the CAMTC as a Certified Massage Practitioner or Certified Massage Therapist.
- C. **Off-premises massage service.** It is unlawful for any person to own, operate, or maintain an off-premise massage service in the City unless all Massage Technicians employed by the off-premises massage service hold a valid, current certification from the CAMTC as a Certified Massage Practitioner or Certified Massage Therapist.

Sec. 30-360. Business license required.

It shall be unlawful for any person to operate, manage or otherwise conduct business as a Massage Establishment, or to act in any capacity as a Massage Technician, either directly or indirectly, without obtaining a City of Pomona business license.

Sec. 30-361. - Massage Establishment Owner Background Check Required.

- A. Any person, association, partnership, or corporation desiring to operate a Massage Establishment, that owns or will own five percent (5%) or more of the Massage Establishment, and that is not a Certified Massage Practitioner or Certified Massage Therapist, must submit an application to the Director for an investigation of the applicant's background and history. A nonrefundable fee, in an amount set by resolution, shall accompany the submission of each application to defray the cost of investigation, inspection and enforcement of this Article. An annual nonrefundable renewal fee shall be charged to defray associated costs of investigation, inspection and enforcement.
- B. Each applicant for a background check must submit the following information:
 - 1. Applicant's full legal name and any other names used by the applicant.
 - 2. Applicant's present address and telephone number.
 - 3. Applicant's Driver's license number and social security number.
 - 4. The proposed address of the Massage Establishment.
 - 5. Each residence and business address of the applicant for the three years immediately preceding the date of the application, and the inclusive dates for each address.

6. Proof that the applicant is at least 18 years of age.
7. Applicant's height, weight, hair color, and eye color.
8. Two photographs of the applicant at least two inches by two inches taken within four months preceding the date of the application.
9. Applicant's business, occupation and employment history for the five years immediately preceding the date of application.
10. The business license or permit history of the applicant, including:
 - a. Whether the applicant has ever had any license or permit issued by any agency or board, City, county or state revoked or suspended; and
 - b. Whether the applicant had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation or suspension.
11. All criminal convictions and a statement of the dates and places (City and state) of such convictions.
12. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in the articles of incorporation or charter, together with the state and date of incorporation and names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock of the corporation. If the applicant is a partnership, the application must set forth the names and residence addresses of each of the partners, including the limited partners. If the applicant is a limited partnership, it must furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more partners is a corporation, the provisions of this section pertaining to corporate applicants will apply. The applicant corporation or partnership must designate one of its officers or general partners to act as its responsible managing officer. Such person must complete and sign all application forms required of any individual applicant under this Article.
13. The full legal names and other names used, the present addresses and telephone numbers, driver's license numbers, and social security numbers, and state certificates from the CAMTC or transitional licenses for all Massage Technicians who will be working as employees or independent contractors at each Massage Establishment location. The applicant must provide the Director with any changes in the Massage Technicians that work at the Massage Establishment during the permit period within 10 working days of each change.
14. The Director may require the applicant to furnish fingerprints when needed for the purpose of verifying identification.

15. Such other identification and information as may be required by the Director in order to verify the information to be included in the application.
- C. The City is allowed a reasonable time, not to exceed 60 days, in which to investigate the information on the application. During the investigation of the background information, a City representative including, without limitation, a member of the Police Department, Fire Department, Building and Safety Division, Planning Division, or any authorized representative thereof, may inspect, with or without notice during regular business hours, the proposed place of business to determine whether it conforms to the requirements of this Article. Upon completion of the inspection, the City representative must inform the Director in writing of the findings of the inspection.
- D. Background clearance will be issued, within 60 days of receipt of the application, to any applicant who has furnished all of the information required by this section in the application for such license, provided:
1. The applicant has not made a material false statement in the application and that all Massage Technicians who will be working as employees or independent contractors at each Massage Establishment permit location possesses certification from the CAMTC as a Certified Massage Practitioner or Certified Massage Therapist.
 2. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders or five percent or more of the corporation's stock, has not, within five years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Penal Code §§ 243.4, 261, 266a through 266j, 267, 314 to 316, 318, or 647(a, b, d); any offense requiring registration under Penal Code § 290 or Health and Safety Code § 11590; or any felony offense involving the possession, possession for sale, sale, transportation, furnishing, or giving away of a controlled substance specified in Health and Safety Code §§ 11054 to 11058, as amended; or any offense in another state which, if committed in California, would have been punishable as one or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; or any offense involving theft, embezzlement or moral turpitude;
 3. The applicant is at least 18 years of age; and
 4. The applicant has not had a Massage Technician, Massage Establishment, escort service, nude entertainment, nude photo studio or similar type of license or permit suspended within one year or revoked within three years immediately preceding the date of the filing of the application, unless the applicant can show a material change in circumstances or that mitigating circumstances exist since the revocation or suspension.

Sec. 30-362. - Additional Requirements.

Before operating a Massage Establishment in the City, Massage Establishment owners must comply with all applicable codes adopted by the City, including, without limitation, the building, electrical, and plumbing codes.

Sec. 30-363. - Display of Permit.

Any owner of a Massage Establishment or off-premise massage service must display the CAMTC certificates for all Massage Technicians prominently in a conspicuous place, capable of being viewed by customers or City representatives, at every location where massage is performed or conducted. For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and display it to customers upon request.

Sec. 30-364. - Prohibited Conduct.

It is unlawful for owners of Massage Establishments or off-premise massage services, or Massage Technicians, to conduct or allow any of the following activities:

- A. It is unlawful for any Massage Technician or any other employee working in a Massage Establishment or for an off-premise massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the Massage Establishment or the off-premise massage location.
- B. It is unlawful for any Massage Technician or other employee of a Massage Establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.
- C. In the course of administering the massage, it is unlawful for any Massage Technician or other Massage Establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.

Sec. 30-365. - Facilities and Operations.

It is unlawful for any Massage Establishment to operate unless the Massage Establishment premises and operation comply with the following minimum requirements:

- A. Signs. A readable sign must be posted at the main entrance identifying the establishment as a Massage Establishment, provided, however, that all such signs must otherwise comply with the sign requirements of the zoning ordinance or any adopted specific plan area regulations. Any posted signs which are in a language other than English shall also be posted in English.
- B. Each service offered, the price thereof, and the duration of each service shall be posted in English and such other languages as may be convenient to communicate such service, in a conspicuous location in each Massage Establishment. No services shall be performed and no sums shall be charged for such services other than those posted. Nothing herein prohibits patrons from paying gratuities.

- C. Lighting. Minimum lighting must be provided in accordance with the California Building Code, as adopted by this code, and, in addition, at least one unobstructed artificial light of not less than nine hundred (900) lumens must be provided in each enclosed room or booth where massage services are being performed on a patron.
- D. Ventilation. Minimum ventilation must be provided in accordance with the California Building Code, as adopted by the City Code.
- E. Disinfection of Instruments. Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation.
- F. Water. Hot and cold running water must be provided at all times.
- G. Linen Storage. Closed cabinets must be utilized for the storage of clean towels and linen. After use, towels and linen must be removed and stored in a separate container until laundered.
- H. Dressing and Toilet Facilities. Separate dressing and separate toilet facilities must be provided for male and female patrons. This condition does not apply to Massage Establishments that offer foot massage services and provide no other form of massage services or other type of activity regulated by this Article.
- I. Sanitary Conditions. All walls, ceilings, floors, steam and vapor rooms, and all other physical facilities for the Massage Establishment must be kept in good repair and be maintained in a clean and sanitary condition.
- J. Clean Linen. Clean and sanitary towels and linens must be provided for patrons receiving massage services. No common use of towels or linens is permitted.
- K. Compliance with Laws. The premises to be used must at all times comply with all applicable State and local laws and regulations.
- L. The premises licensed as a Massage Establishment shall not be used for any other business or purpose. Any room in which a Massage Establishment provides massage services may not be used for residential sleeping purposes.
- M. A register of all individuals employed as Massage Technicians, and copies of their current CAMTC certifications and Massage Technician business licenses, must be maintained and available for inspection at all times during regular business hours.
- N. Each person present in any area of the Massage Establishment, other than the waiting area or other areas open to any member of the public, shall be a Certified Massage Practitioner or Certified Massage Therapist or the Massage Establishment owner.
- O. The permits and certifications required by this Article must be displayed in an open and conspicuous public place on the premises.

- P. Massage Establishments shall be open for business only between the hours of 7:00 a.m. and 10:30 p.m. A massage started at any time before 10:30 p.m. shall nevertheless terminate at 10:30pm. The hours of operation shall be displayed in a conspicuous public place in the lobby within the Massage Establishment and in any front window clearly visible from the outside of the Massage Establishment. Patrons and visitors shall only be in the Massage Establishment during business hours.
- Q. No food or beverage shall be sold, given away, or served on the premises of a Massage Establishment, nor shall there be conducted on any such premises any non-massage business.

Sec. 30-366. - Exceptions.

This Article does not apply to the following classes of individuals, and no CAMTC certification is required of such persons, while engaged in the performance of the duties of their respective professions:

- A. Acupuncturists who are duly certified to practice their profession in the state of California.
- B. Barbers, beauticians, and cosmetologists with respect to scalp massage, who are duly permitted pursuant to Business and Professions Code §§ 7301, *et seq.*, in accordance with the limitations of their permits.
- C. Nurses who are registered as such under the laws of the state of California.
- D. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly permitted to practice their respective professions in the state of California, or provide professional services in lawful compliance with Corporations Code § 13401 (a).

Sec. 30-367. - Public Nuisance Abatement.

Any Massage Establishment operated, conducted or maintained contrary to the provisions of this Article is unlawful and a public nuisance. The City Attorney is authorized, in addition to or in lieu of any other legal or criminal proceedings, to commence an action or proceeding for abatement, removal or enjoinder of such Massage Establishment in the manner provided by law. The City Attorney may seek a court order to grant such relief to abate or remove such Massage Establishments and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this Article.

Sec. 30-368. - Revocation.

- A. Grounds for Revocation. In addition to the grounds for business license revocation set forth in Chapter 50, Article VIII, Division 2 of the City Code, the Director or City Attorney may revoke business licenses issued to Massage Technicians or Massage Establishments for one or more of the following grounds:

1. Fraud or Deceit. That the applicant practiced fraud or deceit in obtaining an approval under this Article;
2. Inspections. That the applicant has refused, delayed, or interfered with, inspections or compliance verification by representatives of the City, County, or State.
3. Violation of Chapter. That the Massage Establishment owner, operator, Massage Technician, or its employee violated a provision or provisions of this Article;
4. Criminal Conviction. That the Massage Establishment owner, operator, Massage Technician, or its employee has been convicted in a court of competent jurisdiction of any offense described in this Article;
5. Improperly Maintained Facilities. That the facilities and operations of the Massage Establishment are not kept in compliance with this Article, and that the owner or operator has failed to promptly remedy any deficiency of which they have been notified. For purposes of this subsection, "notice" means notice given personally or by leaving notice at the Massage Establishment premises, or by first class mail, postage prepaid, to the address designated by the Massage Technician or establishment in accordance with this Article;
6. Employment of Uncertified Technicians. That the Massage Establishment has employed, allowed or permitted an uncertified person to perform massage in the Massage Establishment;
7. Error. That the approval was issued in error;
8. Civil Penalties. Assessment of three or more civil penalties as provided by this Article during any six month period; or
9. Prohibited Conduct. A Massage Establishment owner, operator, Massage Technician, or its employee or agent has been found to have engaged in prohibited conduct in violation of this Article.

B. Notice and Hearing of Revocation. Notice and hearing for the revocation of a Massage Technician's or Massage Establishment's business license shall be pursuant to Chapter 50, Article VIII, Division 2 of the City Code (Section 50-381, *et seq.*).

Sec. 30-369. - Civil Penalties.

- A. Any person violating any provision of this Article is liable in a civil action brought by the City Attorney for an amount up to \$500 per violation. Such person is also liable for reasonable attorneys' fees and costs incurred by the City Attorney in any civil proceeding filed to enforce this Article.

- B. Enforcing this Article through civil action may be filed as an alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or willful. A civil action cannot be filed if the person is being criminally prosecuted.
- C. Each violation of this Article is a separate offense subject to the civil penalty.
- D. The City Attorney may settle any civil enforcement before or after to the filing of a civil action by imposing a civil penalty in an amount not exceeding the potential civil liability, including attorneys' fees, set forth in this section. If such civil penalty is paid in full, the City Attorney can agree not to file civil or criminal actions or, if action has already been filed, may dismiss such action. Imposition of all civil penalties is public record.
- E. All civil fines must be deposited into the General Fund.

Secs. 30-370—30-385. - Reserved.

SECTION 2. The definition of “Hospital” at Section .062 (Specific definitions.) of Part I of the Pomona Zoning Ordinance shall be amended as follows:

Sec. .062. Specific definitions.

Hospital. Any building or portion thereof used for the accommodation and medical care of sick, injured, infirmed persons and including sanitariums, rest homes, homes for the aged, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients, or other licensed medical or state health facility. A hospital may include as an accessory use ~~massage and/or~~ baths, sauna and the like. (Ord. No. 2565, § 1.)

SECTION 3. Subsection D.11 of Section .371 (Uses Permitted.) of Part II of the Pomona Zoning Ordinance shall be amended as follows:

Sec. .371. Uses permitted.

D. Subject to conditional use permit (see Section .580).

11. ~~Massage and/or~~ Baths, sauna and the like when they are an accessory use to an athletic club or association which is facility offering a full range of physical fitness programs including, but not limited to, swimming, basketball, handball and similar court games and weight lifting. (Ord. No. 1674, § 4; Ord. No. 2533, § 2; Ord. No. 2565, § 3.)

SECTION 4. Section .55122. (Nonconforming massage parlors.) of Part II of the Pomona Zoning Ordinance shall be repealed in its entirety.

SECTION 5. Subsection J of Section .580. (Conditional Use Permits.) of Part II of the Pomona Zoning Ordinance shall be amended as follows:

J. The following uses shall be permitted in the zones indicated, provided that a conditional use permit shall first be obtained pursuant to the provisions of this Article:

Subject to conditional use permit:

USE	ZONES IN WHICH ALLOWED
* Massage and/or b Baths, sauna and the like when they are an accessory use to an athletic club or association which is a facility offering a full range of physical fitness programs including, but not limited to, swimming, basketball, handball, and similar court games and weight lifting.	C-4

SECTION 6. Section .5809-8 (Health clubs.) of Part II of the Pomona Zoning Ordinance shall be amended as follows:

Health clubs shall be allowed by conditional use permit only in the C-3 and C-4, General and Highway Commercial Districts, subject to all the restrictions of the related zoning district, and in compliance with the following standards and criteria:

- (a) Definitions. A Health Club shall mean any place, location, or premises used primarily for physical activities involving bodily exertion for the purpose of physical fitness, sport, or game, or for the pursuit of recreational amusement. Health clubs shall include, but not necessarily be limited to, -gymnasiums, racquet clubs, weight training facilities, and similar athletic establishments. Spa, sauna, and similar accessory uses, ~~with the exception of massage services,~~ may be permitted, but only as an ancillary addition to the primary use as a health club.

SECTION 7. Section .341 (“C-1” Neighborhood stores and services commercial district intent and purpose.) of the Pomona Zoning Ordinance shall be amended as follows:

No existing residential structure in this district may be converted to any more intensive residential use or to any other use than that existing on the effective date of this ordinance and no such existing building shall be used for both residential and nonresidential purposes at the same time.

All sales or storage shall be conducted within a totally enclosed building constructed in conformity with the building regulations of the City.

Plans and elevations of all buildings shall be based on conformity of buildings to neighborhood environment.

No building or structure or land shall be used, and no building or structure shall be designed, erected, structurally altered or enlarged except for the following purposes:

- A. Retail stores.
 - 1. Drugstore
 - 2. Grocery, fruit and vegetable store
 - 3. Meat market or delicatessen store
 - 4. Confectionery store, including fountain
 - 5. Retail tobacco stores as defined by, and subject to, the requirements of Section .5809-21 (Ord. No. 4025, § 3.)

B. Offices.

1. Offices, business and professional

C. Services.

1. Barber and beauty shops
2. Clothes cleaning pickup agencies with incidental pressing
3. Self-service laundries
4. Dress making or millinery shop
5. Automobile service stations. (Subject to the obtaining of a conditional use permit in compliance with development standards, conditions and restrictions set forth in Section .5804 of this ordinance.) (Ord. No. 2236, § 1; Ord. No. 2497, § 1.)
6. Shoe repair store
7. Tailor shop
8. Alcoholic off-sale establishments, in conjunction with bona fide grocery stores, subject to a conditional use permit (See Section .5809-4). No on-sale alcoholic establishment shall be permitted. (Ord. No. 2120, § 1; Ord. No. 3155, § 2 (part); Ord. No. 3335 § 2, 1986.)
9. Group care facilities subject to the provisions of Section .5809-14 (Ord. No. 3971, § 11.)
10. Massage establishments.

SECTION 8. *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9. *Enforceability.* Repeal of any provision of the City Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 10. *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the City Code or other City ordinance by this Ordinance will be rendered void and cause such previous City Code provision or other the City ordinance to remain in full force and effect for all purposes.

SECTION 11. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Pomona's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13. This Ordinance will take effect on the 31st day following its final passage and adoption.

APPROVED AND ADOPTED THIS 4TH DAY OF AUGUST 2014.

ATTEST:

CITY OF POMONA:

Eva M. Buice, MMC, City Clerk

Elliott Rothman, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

I, EVA M. BUICE, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at the Regular Meeting of the City Council of the City of Pomona held on the 21st day of July 2014, and adopted at a Regular Meeting on the 4th day of August 2014 by the following vote:

AYES: Nolte, Robledo, Lantz, Escobar, Martin, Mayor Rothman

NOES: None

ABSENT: Carrizosa

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this _____ day of _____ 2014.

Eva M. Buice, MMC, City Clerk