



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

August 27, 2024

SUBJECT: Second Reading and Adoption of Ordinance No. 500 Amending Wheatland Municipal Code Section 18.36.040 Relating to Conditional Uses Within a C-3 Heavy Commercial District

PREPARED BY: Bill Zenoni, City Manager

Recommendation

Staff recommends that the Wheatland City Council waive the second reading of, and adopt Ordinance No. 500 amending Section 18.36.040 of the Wheatland Municipal Code relating to conditional uses within a C-3 heavy commercial district.

Background and Discussion

On May 28, 2024, the Wheatland City Council adopted Ordinance No. 496 which amended Wheatland Municipal Code Section 18.30.040 relating to conditional uses for massage establishments within a C-1 neighborhood commercial district and Section 18.33.040 relating to conditional uses for massage establishments within a C-2 neighborhood commercial district.

Requiring a conditional use permit for massage businesses ensures that they are subject to conditions intended to ensure that the massage businesses are run in a reputable manner. These conditions include: (1) the business must be owned by a California Massage Therapy Council certified massage practitioner; (2) the business will employ only persons who are certified by California Massage Therapy Council; (3) the business will not serve alcoholic beverages on the premises; and (4) the business will not be open before 8 AM or after 9 PM. Other conditions may also be added as deemed appropriate for the location and other specific facts related to an application to establish a massage parlor. The City wishes to encourage reputable massage businesses that may want to establish a location within the City of Wheatland without risking the establishment of criminal or disreputable businesses.

Ordinance No. 496 addressed massage establishments within C-1 and C-2 districts, but omitted C-3 heavy commercial districts. The proposed ordinance for consideration will add the same conditional use requirements for massage establishments within C-3 districts of the City and will eliminate the inconsistency which currently exists.

On July 24, 2024, the Wheatland City Council conducted a public hearing and then introduced and waived the first reading of an ordinance amending Wheatland Municipal Code Section 18.36.040 relating to conditional uses within a C-3 heavy commercial district.

Alternatives

The City Council may choose not to adopt the ordinance, or it may choose to direct staff to make revisions to the draft ordinance. In that case, the requirement for a proposed massage parlor within a C-3 heavy commercial district to obtain a conditional use permit would not occur, and City staff would not have the power to enforce this proposed regulation.

Fiscal Impact

Potential administrative costs for enforcement activity and potential nominal revenue generated from fines that may be imposed.

Attachment

1. Ordinance

ORDINANCE NO. 500

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WHEATLAND, CALIFORNIA,
AMENDING WHEATLAND MUNICIPAL CODE SECTION 18.36.040 RELATING TO
CONDITIONAL USES WITHIN A C-3 HEAVY COMMERCIAL DISTRICT**

The Wheatland City Council ordains as follows:

SECTION 1: Purpose and Authority.

The purpose of this ordinance is to revise and update provisions of the Wheatland Municipal Code related to conditional uses within the City limits. This ordinance is adopted pursuant to Article XI, section 7 of the California Constitution and other applicable law.

SECTION 2. Findings.

The Wheatland City Council finds and determines as follows:

- A. Under the Massage Therapy Act of 2014, AB 1147, local land use authorities such as the City have authority to impose reasonable regulations on massage establishments. The City wishes to ensure that any massage establishments are operated in a manner that they do not facilitate or contribute to illicit activities within the City, such as prostitution or sex trafficking, and that massage establishments are located in areas where they are compatible with the other land uses.
- B. The Wheatland City Council adopted Ordinance 495 on May 28, 2024, which designated massage establishments as conditional uses in C-1 Neighborhood Commercial Districts and C-2 Retail Commercial Districts. The Wheatland City Council now wishes to include the designation of massage establishments as conditional uses in C-3 Heavy Commercial Districts.
- C. The Wheatland City Council finds it necessary to pass and implement these proposed standards to ensure that all massage establishments operating within the City are consistent with zoning and compatible with surrounding land uses and character, and that doing so will promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents within the City.

SECTION 3. Ordinance.

A. Subsection P is added to Section 18.36.040 of the Wheatland Municipal Code, to read as follows:

- P. Massage establishments, provided they meet all of the following criteria:
 - 1. Owned by a California Massage Therapy Council certified massage practitioner;
 - 2. Employ only persons who are certified by California Massage Therapy Council;
 - 3. Will not serve alcoholic beverages on the premises; and
 - 4. Will not be open before 8 AM or after 9 PM.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Effective Date. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption.

SECTION 6. Posting. Within fifteen (15) days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the Wheatland City Council, held on the 23rd of July, 2024, and passed and adopted at a regular meeting thereof, held on the 27th of August, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rick West, Mayor
City of Wheatland

ATTEST:

Lisa Thomason, City Clerk
City of Wheatland