

City of  
**FRESNO**  **REPORT TO THE CITY COUNCIL**

AGENDA ITEM NO. 14  
COUNCIL MEETING 12/5/13

November 21, 2013

Presented to City Council  
Date NOV 21, 2013  
Disposition  
Bill No: B-36 intro  
Land Use

APPROVED BY  


**FROM:**

**Clinton J. Olivier**  
Council Member, Seventh District

**SUBJECT:** AMENDING CHAPTER 9, ARTICLE 16 OF THE FRESNO MUNICIPAL CODE RELATING TO MASSAGE BUSINESS.

**RECOMMENDATION**

Amend ordinance to bring City of Fresno Ordinance into compliance with the State of California.

**EXECUTIVE SUMMARY**

The Fresno Police Department currently conducts background checks for business owners. This will not change. FPD also currently conducts checks and licenses individual therapists. With the adoption of the new ordinance, the City will cease this practice and will instead only accept state licenses from massage therapists. The new ordinance will establish new hours of operation for massage parlors which will be 7am-9pm. Violating the ordinance will result in a citation and fees that will range from \$1,000 to \$2,000.

**BACKGROUND**

Many massage parlors operate as a front for the sex trade.

Five years ago, officials with the Fresno Police Department estimated there were an estimated 30 massage parlors operating legally in the City of Fresno. That number has exploded to over 200 today.

The Fresno Police Department estimates that less than 10% of legal, compliant massage parlors are fronts for the sex industry. However, there could be dozens of massage parlors operating illegally in the city where sexual services are provided.

The Fresno Police Department estimates there are more than a thousand massage therapists operating legally in Fresno. However, there are believed to be hundreds who are operating illegally.

A detective with the FPD currently devotes 100% of her time to the administrative function of conducting background checks for massage therapists. The new ordinance will free up this detective's time to serve this position's original purpose -- conducting inspections/operations targeting illegal massage parlors and therapists.

**FISCAL IMPACT**

Negligible impact to general fund.

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BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, REPEALING ARTICLE 16 OF  
CHAPTER 9 OF, AND ADDING ARTICLE 16 OF CHAPTER 9  
TO, THE FRESNO MUNICIPAL CODE RELATING TO  
MESSAGE BUSINESSES

WHEREAS, there has been a steady increase in message business establishments or message “parlors” within the City of Fresno over the last several years; and

WHEREAS, other cities in California and other states have found some of the message parlors operating in their cities are fronts for illicit sex, commercial sexual exploitation, and human sex trafficking; and

WHEREAS, women who are victims of illegal operations have been found to live on site, are rotated among several illegal message parlors on a regular basis, are coerced to stay indoors 24 hours a day, are paid little to no money for long hours and are constantly told if they try to escape or seek help from authorities they will be arrested for illegal activity, jailed and even deported, thus keeping them tied to the owners and operators of the illegal businesses; and

WHEREAS, the Mann Act of 1910 makes it a felony to knowingly transport a person in interstate or foreign commerce for prostitution or any sexual activity for which a person can be charged with a criminal offense; and

WHEREAS, the California Legislature added Business and Professions Code Section 4600 et seq., to create a voluntary certification program for the message therapy profession in order to enable consumers to easily identify credible certified message therapists who have received background checks, been trained by approved schools, passed an examination and received certification from the California Message Therapy Council (CAMTC); and

Date Adopted:  
Date Approved  
Effective Date:  
City Attorney Approval: \_\_\_\_\_

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Ordinance No.

WHEREAS, the goal of the CAMTC is to elevate the standing of massage practitioners and therapists in the community by enacting high standards for state certification thus distinguishing them from those businesses that serve as a front for prostitution and other illegal activities; and

WHEREAS, Business and Professions Code Section 4600 et seq., provides that a city is limited in the manner in which it can regulate CAMTC certified massage therapists and practitioners, and conversely, that it has greater latitude to regulate those persons who are not certified by CAMTC; and

WHEREAS, the proposed amended ordinance will enable the city to better control illicit operations and protect and promote the public health, safety, and welfare by requiring CAMTC certification of massage practitioners and local registration of massage businesses.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 16 of Chapter 9 of the Fresno Municipal Code is repealed.

SECTION 2. Article 16 is added to Chapter 9 of the Fresno Municipal Code to read:

#### ARTICLE 16

#### MESSAGE BUSINESS

|                 |   |
|-----------------|---|
| Section 9-1601. | Title.  |
| 9-1602.         | Definitions.  |
| 9-1603.         | CAMTC Certification and Local Registration Required.        |
| 9-1604.         | Massage Business Registration.                              |
| 9-1605.         | Operating Requirements.                                     |
| 9-1606.         | Inspection by Officials.                                    |
| 9-1607.         | Notifications.  |
| 9-1608.         | Exemptions.   |
| 9-1609.         | Suspension and Revocation of City Registration Certificate. |
| 9-1610.         | Violation and Penalty.                                      |
| 9-1611.         | Administrative Citation and Penalty.                        |
| 9-1612.         | Appeals.  |

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- 9-1613. Public Nuisance.
- 9-1614. Severability.
- 9-1615. Application to Existing Businesses.

SECTION 9-1601. TITLE. This Article shall be known as the City of Fresno Massage Business Ordinance.

SECTION 9-1602. DEFINITIONS. For purposes of this chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning and application of words and phrases used in this chapter:

(a) “CAMTC” means the California Massage Therapy Council, the organization formed pursuant to California Business and Professions Code Section 4600.5.

(b) “Certified Massage Practitioner” means any individual certified by the CAMTC as a massage therapist or massage practitioner pursuant to California Business and Professions Code Section 4600 et seq.

(c) “City Registration Certificate” means a registration certificate issued by the city upon submission of satisfactory evidence that a Massage Business employs or uses only Certified Massage Practitioners.

(d) “Chief of Police” means the Chief of Police or his or her designee.

(e) “Client” means a customer or patron who pays for or receives Massage Services.

(f) “Employee” means any person who may render any service to a Massage Business, and who receives any form of compensation from the business.

(g) “Massage” or “Massage Services” shall mean any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating, the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to, Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

(h) “Massage Business” means any business that offers Massage in exchange for compensation, whether at a fixed place of business or at a location designated by the Client through Outcall Massage services. Any business that offers any combination of Massage and bath facilities, including but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a Massage Business under this chapter. The term “Massage Business” includes a Certified Massage Practitioner who is the sole Owner, Operator and Employee of a Massage Business operating as a sole proprietorship.

(i) “Operator” means a person, whether an Owner or non-Owner, who manages or operates a Massage Business.

(j) “Outcall Massage” means the engaging in or carrying on of Massage for compensation at a location other than the business operations address set forth in the Massage Business’s City Registration Certificate.

(k) “Owner” means any of the following persons:

(1) Any person who is a general partner of a general or limited partnership that owns a Massage Business.

(2) Any person who has a five percent or greater ownership interest in a corporation that owns a Massage Business.

(3) Any person who is a member of a limited liability company that owns a Massage Business.

(4) Any person who has a five percent or greater ownership interest in any other type of business association that owns a Massage Business.

(l) "Registration" means the registration required by this chapter to operate a Massage Business.

SECTION 9-1603. CAMTC CERTIFICATION AND LOCAL REGISTRATION REQUIRED.

(a) Individuals. It is unlawful for any individual to practice Massage for compensation as a sole proprietorship or Employee of a Massage Business or in any other capacity within the city unless that individual is a Certified Massage Practitioner.

(b) Business. It is unlawful for any Massage Business to operate within the city unless all individuals employed to perform Massage, whether as an Employee, independent contractor, or sole proprietorship, are Certified Massage Practitioners and the business has obtained a valid City Registration Certificate as provided in this chapter.

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SECTION 9-1604. MESSAGE BUSINESS REGISTRATION.

(a) Application. The application for a City Registration Certificate shall be submitted to the Chief of Police and shall include all of the following:

- (1) Legal name of the Massage Business.
- (2) Address and telephone number of the Massage Business.
- (3) Legal names of all Owners of the Massage Business.
- (4) A list of all the Massage Business's Employees and independent contractors who are performing Massage and their CAMTC certifications.
- (5) Residence address and telephone number of all Owners of the Massage Business.
- (6) Business address and telephone number of all Owners of the Massage Business.
- (7) The form of business under which the Massage Business will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form).
- (8) Each Owner and Operator of the Massage Business who is not a Certified Massage Practitioner shall submit an application for a background check, including but not limited to, a criminal background check, including requiring submission of fingerprints for a state and federal criminal background check, the applicant's business, occupation and employment history for the ten years preceding the date of application, the inclusive dates of same, and the name and address of any Massage Business or other like establishment owned or operated by any

person who is subject to the background check requirement of this section. If a noncertified Owner's or Operator's background check results in a finding that the city determines is relevant to owning or operating a Massage Business, then the city may regulate the establishment in any manner it deems proper that is in accordance with the law.

(9) For all Owners, a valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.

(10) For all Owners, a signed statement that all of the information contained in the application is true and correct; that all Owners shall be responsible for the conduct of the Massage Business's Employees or independent contractors providing Massage Services; and acknowledging that failure to comply with the California Business and Professions Code Section 4600 et seq., any other applicable local, state, or federal laws, or the provisions of this chapter may result in revocation of the City Registration Certificate.

(b) Issuance. Upon provision by the Massage Business of the foregoing documentation, and approval by the Chief of Police or designee, the city shall issue the Massage Business a City Registration Certificate, which shall be valid for two years from the date of issuance. If the application is complete and accurate and all of a Massage Business's Owners, Operators, and Employees are Certified Massage Practitioners, approval shall be ministerial. If an application is denied, the Chief of Police shall specify in writing the reason for the

denial and the applicant shall have the right to appeal the denial to the Administrative Hearing Officer in accordance with Article 4, Chapter 1 of the Fresno Municipal Code.

(c) Amendment. A Massage Business shall apply to the city to amend its City Registration Certificate within thirty days after any change in the Registration information, including, but not limited to, the hiring or termination of Certified Massage Practitioners, or change of address.

(d) Renewal. A Massage Business shall apply to the city to renew its City Registration Certificate at least thirty days prior to expiration. If an application for renewal of a City Registration Certificate and all required information are not timely received and the certificate expires, no right or privilege to provide Massage shall exist.

(e) Fees. There shall be no fee for the Registration application or City Registration Certificate, or any amendment or renewal thereof. The provisions of this chapter shall not prevent the city from establishing fees for health and safety inspections as may be conducted from time to time, and for the background checks, fingerprinting, and subsequent arrest notification for Owners who are not CAMTC certified and who are subject to such background checks pursuant to this chapter.

(f) Transfer. A City Registration Certificate shall not be transferred except with the prior written approval of the Chief of Police. A written request for transfer shall contain the same information for the new ownership as is required for applications for a City Registration Certificate pursuant to this section. In the event of denial, notification of the denial and reasons therefor shall

be provided in writing and shall be provided to the applicant by personal delivery or by registered certified mail.

SECTION 9-1605 OPERATING REQUIREMENTS. As of the effective date of this chapter, no person shall engage in, conduct, carry on, or permit any Massage within the city unless all of the requirements set forth below are met:

(a) A Certified Massage Practitioner shall have his or her CAMTC certification in his or her possession at all times while providing Massage Services.

(b) A list of the services available and the cost of such services shall be posted in the reception area within the Massage Business, and shall be described in readily understandable language. Outcall Massage providers shall provide a service list to Clients in advance of performing any service. No Owner, Operator, or responsible managing Employee shall permit, and no Certified Massage Practitioner shall offer to perform, any services other than those posted or listed as required herein, nor shall an Owner, Operator, or Certified Massage Practitioner request or charge a fee for service other than that on the list of services.

(c) A copy of the CAMTC certificate of each Certified Massage Practitioner employed by the Massage Business shall be displayed in the reception area or similar open public space on the premises.

(d) For each Massage Service provided, every Massage Business shall keep a complete and legible written record of the following information: the date and hour that the service was provided; the service received; the name or initials of the Employee entering the information; and the name of the Certified Massage

Practitioner administering the service. Such records shall be open to inspection and copying by city officials and staff charged with enforcement of this chapter. These records may not be used by any Certified Massage Practitioner, Owner or Operator for any purpose other than as records of service provided and may not be provided to other parties by the Certified Massage Practitioner, Owner, or Operator unless otherwise required by law. Such records shall be retained on the premises of the Massage Business for a period of at least two years.

(e) Massage Businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one Client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one Client. Soiled linens and paper towels shall be deposited in separate receptacles.

(f) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, or whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the Massage Business is open, with disinfectant. Bathtubs shall be thoroughly cleaned after each use with disinfectant. All walls, ceilings, floors, and other physical facilities for the Massage Business must be in good repair, and maintained in a clean and sanitary condition.

(g) Instruments utilized in performing Massage shall not be used on more than one Client unless they have been sterilized using approved sterilization methods.

(h) All Massage Business Operators and their Employees, including Certified Massage Practitioners, shall wear clean, nontransparent outer garments. Garments shall not expose their genitals, pubic areas, buttocks, or chest.

(i) No person shall enter, be or remain in any part of a Massage Business while in possession of an open container of alcohol, or consuming or using any alcoholic beverages or controlled drugs except pursuant to a prescription for such drugs. The Owner, Operator, or responsible managing Employee, shall not permit any such person, or any person who is clearly intoxicated, to enter or remain upon the premises.

(j) No Massage Business shall operate a school of Massage, or use the same facilities as that of a school of Massage.

(k) No Massage Business shall place, publish or distribute, or cause to be placed, published or distributed, any advertising material that depicts any portion of the human body that would reasonably suggest to prospective Clients that any service is available other than those services listed as an available service, nor shall any Massage Business employ language in the text of advertising that would reasonably suggest to a prospective Client that any service is available other than those services as described in compliance with the provisions of this chapter.

(l) No Massage shall be given unless the Client's genitals are, at all times, fully covered. A practitioner shall not, in the course of administering any Massage, make physical contact with the genitals of any other person, nor shall a practitioner expose to a Client or allow physical contact with his or her genitals.

(m) Where the Massage Business has staff available to assure security for Clients and staff behind closed doors, the entry to the reception area of the Massage Business shall remain unlocked during business hours, when open for business, or when Clients are present.

(n) No Massage Business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

(o) All signs shall be in conformance with the current ordinances of the city.

(p) Minimum lighting consisting of at least one artificial light of not less than forty watts shall be provided and shall be operating in each room or enclosure where Massage Services are being performed on Clients, and in all areas where Clients are present.

(q) Ventilation shall be provided in accordance with applicable building codes and regulations.

(r) Adequate dressing, locker and toilet facilities shall be provided for Clients.

(s) Hot and cold running water shall be provided at all times.

(t) A minimum of one wash basin for Employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of Massage Services. Sanitary towels shall also be provided at each basin.

(u) Pads used on Massage tables shall be covered with fabric or paper, and shall be changed after each Client.

(v) All Massage Businesses shall comply with all state and federal laws and regulations for disabled access.

(w) A Certified Massage Practitioner shall operate only under the name specified in his or her CAMTC certificate.

(x) A Massage Business shall operate only under the name specified in its City Registration Certificate.

(y) Clients of a Massage Business shall be limited to adults 18 years of age and older and minors when accompanied by a parent or legal guardian.

SECTION 9-1606. INSPECTION BY OFFICIALS. The investigating and enforcing officials of the city, including but not limited to, the Chief of Police and code enforcement officers, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter.

#### SECTION 9-1607. NOTIFICATIONS

(a) A Massage Business shall immediately notify the Chief of Police of any changes in Registration status.

(b) A registrant shall immediately report to the Police Department any of the following:

(1) Arrests of any Employees, Owners, or Operators of the registrant's Massage Business;

(2) Resignations, terminations, or transfers of Certified Massage Practitioners employed by the registrant's Massage Business;

(3) The occurrence of any event involving the registrant's Massage Business or the Certified Massage Practitioners employed therein that constitutes a violation of this chapter or state or federal law.

SECTION 9-1608. EXEMPTIONS. The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

(a) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the state of California and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering Massage Services subject to review or oversight by the licensed person.

(b) Barbers and beauticians who are duly licensed under the laws of the state of California while engaging in practice within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of the Clients.

(c) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the state of California, and employees of these licensed institutions, while acting within the scope of their employment.

(d) Accredited high schools, junior colleges, or colleges or universities whose coaches and trainers are acting within the scope of their employment.

(e) Trainers of amateur, semi-professional, or professional athletes or athletic teams while engaging in their training responsibilities for and with the athletes; and trainers working in conjunction with a specific athletic event.

(f) Individuals administering Massages or health treatment involving Massages to persons participating in single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events provided that all of the following conditions are satisfied:

(1) The Massage Services are made equally available to all participants in the event;

(2) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating organizations;

(3) The Massage Services are provided at the site of the event and either during, immediately preceding or immediately following the event;

(4) The sponsors of the event have been advised of and have approved the provision of Massage Services;

(5) The persons providing the Massage Services are not the primary sponsors of the event.

#### SECTION 9-1609. SUSPENSION AND REVOCATION OF CITY REGISTRATION CERTIFICATE.

(a) Reasons. The City Registration Certificate may be suspended or revoked upon any of the following grounds:

(1) A practitioner is no longer in possession of a current and valid CAMTC certification. This subsection shall apply to a sole proprietor or a person employed or used by a Massage Business to provide Massage.

(2) An Owner or sole proprietor: is required to register under the provisions of the California Penal Code section 290 (sex offender registration); is convicted of California Penal Code Section 266i (pandering), 315 (keeping or residing in a house of ill fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), or 653.23 (supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to California Penal Code Sections 11225 through 11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subsection.

(3) The city determines that a material misrepresentation was included on the application for a City Registration Certificate or renewal.

(4) Violations of any of the following occurred on the premises of a Massage Business or were committed by a practitioner: California

Business and Professions Code Section 4600 et seq.; any local, state, or federal law; or the provisions of this chapter.

(b) Procedures. Written notice of the suspension or revocation shall be served on the sole proprietor or Owner(s) by certified mail with the legal violation and supporting facts. The notice shall contain an advisement of the right to request an appeal hearing before the Administrative Hearing Officer.

(c) Time Period of Suspension of Permit. The Chief of Police, code enforcement officer, finance director or city manager may suspend a Registration for a period between five days and the remainder of the certification term, at his or her discretion.

(d) Effective Date of Suspension or Revocation. Suspension or revocation will be effective ten days from the date appearing on the notice, unless a timely appeal is filed in accordance with Article 4, Chapter 1 of the Fresno Municipal Code.

(e) Reapplication. No reapplication will be accepted within one year after a City Registration Certificate is revoked.

SECTION 9-1610. VIOLATION AND PENALTY. Any violation of this Article is a misdemeanor, punishable upon conviction by imprisonment in the county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000) or by both fine and imprisonment.

SECTION 9-1611. ADMINISTRATIVE CITATION AND PENALTY.

(a) Administrative Citation. In the alternative, the city may, at its discretion, issue an administrative citation for any violation of this Article.

(b) Penalty. The administrative penalty to be assessed for each violation of this Article shall be as follows:

(i) First violation, one thousand dollars (\$1000.00);

(ii) Second occurrence of the same violation within a year of the first violation, twelve hundred fifty dollars (\$1250.00);

(iii) Third or subsequent occurrence of the same violation within a year of the first violation, two thousand dollars (\$2000.00).

(c) Injunctive Relief. In addition, at the request of the Chief of Police, the City Attorney may institute a civil action to ensure compliance with this Article, including an action for injunctive relief and or to recover damages incurred as a result of any violation.

SECTION 9-1612. APPEALS. Any Person receiving an administrative citation for violation of this Article shall have the right to appeal pursuant to Article 4, Chapter 1 of the Fresno Municipal Code.

SECTION 9-1613. PUBLIC NUISANCE. Any violation of this Article shall be considered a public nuisance as provided under Fresno Municipal Code Section 10-605.

SECTION 9-1614. SEVERABILITY. If any portion of this Article is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article. The Council hereby declares it would have passed each remaining portion irrespective of the fact that any one or more portions are declared invalid.

SECTION 9-1615. APPLICATION TO EXISTING BUSINESSES.

(a) Any individual holding a valid permit or license issued by the city to perform or engage in Massage for compensation within the city may continue to provide Massage Services under that permit or license until that permit or license expires, but shall otherwise comply with the requirements of this chapter upon this chapter's effective date. Upon expiration of the permit or license issued by the city, any person who desires to continue to provide Massage Services for compensation within the city shall first obtain a CAMTC certificate.

(b) Any Massage Business legally in business prior to the effective date of this chapter may continue to operate as a Massage Business until its permit or license expires, provided that all of the Massage Business's Employees, agents, independent contractors, or other persons providing Massage Services, possess either a valid city-issued permit or license to practice Massage or a valid CAMTC certificate. Upon expiration of the Massage Business's permit or license, any Massage Business that desires to continue to operate shall comply with the requirements of this chapter.

(c) All Massage Businesses, including its Owners, Operators, and Employees, and all persons engaged in the practice of Massage for compensation within the city, shall comply with all health and safety requirements set forth in this chapter once this chapter becomes effective.

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SECTION 3. This Ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA            )  
COUNTY OF FRESNO            ) ss.  
CITY OF FRESNO                )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

AYES            :  
NOES            :  
ABSENT         :  
ABSTAIN        :

Mayor Approval: \_\_\_\_\_, 2013  
Mayor Approval/No Return: \_\_\_\_\_, 2013  
Mayor Veto: \_\_\_\_\_, 2013  
Council Override Vote: \_\_\_\_\_, 2013

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Katherine B. Doerr,  
Supervising Deputy City Attorney