

1 **WHEREAS**, the above illegal activity resulted in significant public expense including code
2 enforcement inspections, law enforcement undercover operations, and administrative and legal
3 review and enforcement actions. These illegal activities diverted resources from other pressing City
4 needs; and

5 **WHEREAS**, massage parlors that offer illicit sexual activity pose an immediate and
6 significant threat to the health, safety and welfare of the community. Among other things, these
7 impacts include the potential for: (1) injury and abuse to patrons being solicited for unlawful
8 services, and (2) increased opportunities for prostitution activity and human trafficking of workers
9 by virtue of the secretive nature associated with offering unauthorized and undisclosed services;
10 and

11 **WHEREAS**, pursuant to Government Code Sections 36937 and 65858, the City Council
12 may adopt as an urgency measure an interim ordinance prohibiting any use that may be in conflict
13 with a contemplated general plan, specific plan, or zoning proposal that the legislative body,
14 planning commission or the planning department is considering or studying or intends to study
15 within a reasonable time; and

16 **WHEREAS**, the City Council finds that the development/establishment of new massage
17 parlors, or the expansion or intensification of existing massage parlors, may have adverse impacts
18 on the environment, traffic, aesthetics, and visual quality of surrounding properties and on the
19 economic vitality within the City, and such impacts constitute and pose a current and immediate
20 threat to the public health, safety, or welfare; and

21 **WHEREAS**, City staff requires time to further gather data about the adverse impacts of
22 massage parlors that provide illicit services, and to research, study, and consider ways to amend
23 the City's regulatory process and the Rialto Municipal and Zoning Codes to protect the public health
24 and safety and reduce illegal activities occurring at these businesses; and

25 **WHEREAS**, all legal prerequisites to the adoption of this urgency Ordinance have
26 occurred.

27 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO HEREBY**
28 **ORDAINS AS FOLLOWS:**

1 **SECTION 1. Recitals Incorporated.** The City Council finds the recitals contained in this
2 Ordinance to be true and correct, relies upon them in passing this Ordinance, and incorporates them
3 herein as though set forth in full herein.

4 **SECTION 2. CEQA.** The City Council finds that this Ordinance is not a project within the
5 meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”)
6 Guidelines, because it has no potential for resulting in physical change in the environment, directly
7 or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations,
8 section 15061(b)(3) that this interim urgency Ordinance is nonetheless exempt from the
9 requirements of CEQA. Where it can be seen with certainty that there is no possibility that the
10 activity in question may have a significant effect on the environment, the activity is not subject to
11 CEQA.

12 **SECTION 3. Urgency Findings.** This Ordinance is adopted under the provisions of
13 Government Code Sections 36937 and 65858. The City Council finds that massage parlors as
14 described herein pose significant and urgent threats to the health, safety and welfare of the
15 community as follows:

16 a. In recent years, the City has experienced issues related to illicit sexual activity and
17 suspected prostitution at businesses offering massage services.

18 b. In recent years, the Rialto Police Department received calls for service and anonymous
19 tips from community members informing of suspected prostitution activity at massage parlors.
20 Open source intelligence has also revealed criminal activity at massage parlors in the City. Law
21 enforcement investigations have uncovered evidence of crimes including, but not limited to,
22 robbery, pimping, prostitution, and unlawful firearms possession. In addition, the Rialto Police
23 Department has also received information of criminal activity related to several massage parlors
24 operating in the immediate vicinity outside of the jurisdictional boundaries of the City sharing the
25 same criminal trends as those in the City and, in combination with the impacts of the illicit activities
26 occurring at massage parlors within the City, would cause impacts within the City such that this
27 moratorium is necessary to protect the community’s health, safety and welfare.

28 c. The above illegal activity resulted in significant public expense including code

1 enforcement inspections, law enforcement undercover operations, and administrative and legal
2 review and enforcement actions. These illegal activities diverted resources from other pressing City
3 needs.

4 d. Further, massage parlors that offer illicit sexual activity pose an immediate and
5 significant threat to the health, safety and welfare of the community. Among other things, these
6 impacts include the potential for: (1) injury and abuse to patrons being solicited for unlawful
7 services, and (2) increased opportunities for prostitution activity and human trafficking of workers
8 by virtue of the secretive nature associated with offering unauthorized and undisclosed services.

9 **SECTION 4. Moratorium on the Establishment, Expansion or Intensification of**
10 **Massage Parlor Uses.**

11 A. The City Council hereby adopts a moratorium, pursuant to California Government
12 Code Section 65858, on the establishment, expansion, intensification, development
13 or construction of massage parlor uses within the City of Rialto.

14 B. Except as specified in subsection (D), this moratorium shall apply to the issuance of
15 any permit or approval (including, but not limited to, grading, infrastructure,
16 building, temporary certificate of occupancy, certificate of occupancy, conditional
17 use permit, conditional development permit, variance, change to the zoning or
18 General Plan designation) for a new, expanded or intensified massage parlor use or
19 development that has not obtained approval for a conditional development permit
20 pursuant to Chapter 18.66 of the Rialto Municipal Code prior to the effective date
21 of this Ordinance.

22 C. For the purposes of this moratorium, “massage parlor” means any massage parlor
23 as that term is defined in Rialto Municipal Code sections 5.24.010 and/or
24 18.66.030(U).

25 D. Notwithstanding any other provision of this Ordinance, massage parlors that have
26 already received a conditional development permit pursuant to Rialto Municipal
27 Code Chapter 18.66 prior to the effective date of this Ordinance shall be permitted
28 to obtain: (1) permits (including building permits) and licenses for a massage parlor

1 use in conformance with the approved conditional development permit and (2) for
2 existing massage parlors, subsequent renewal permits and licenses, provided that
3 any such renewal permit or license does not involve the amendment of a conditional
4 development permit to expand or intensify the existing massage parlor use.

5 E. During the moratorium or any extension thereof, the City will continue to accept
6 and process applications for uses prohibited by this moratorium if so legally
7 required. However, any application received and processed during the moratorium
8 shall be processed at the applicant's sole cost and risk, with the understanding that
9 no permit, approval or other entitlement for a use covered by this Section may issue
10 while this moratorium or any extension thereof is in effect.

11 **SECTION 5. Effective Date & Duration.** This moratorium is enacted pursuant to the
12 authority conferred upon the City Council by Government Code Section 65858, and therefore shall
13 be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City
14 Council. This moratorium shall continue in effect for forty-five (45) days from the date of its
15 adoption and shall thereafter be of no further force and effect, unless, after notice pursuant to
16 Government Code Section 65090 and a public hearing, the City Council extends the moratorium
17 for an additional period of time pursuant to Government Code Section 65858.

18 **SECTION 6. Report.** During the period of this moratorium, and any extension thereof, the
19 City Manager or designee(s) shall: (1) review and consider options for the regulation of massage
20 parlors and (2) shall prepare a written report describing the measures which the City has taken to
21 address the conditions which led to the adoption of this Ordinance and submit such report to the
22 City Council, for the purposes provided in Government Code Section 65858(d), no later than ten
23 (10) days prior the expiration of this moratorium, or any extension thereof, and such report shall be
24 made available to the public.

25 **SECTION 7. Enforcement.** The City may enforce any provision of this Ordinance by
26 mandamus, injunction, or any other appropriate civil remedy in any court of competent jurisdiction.

27 **SECTION 8. Severability.** Every section, provision, or part of this Ordinance is declared
28 severable from every other section, provision, or part of this Ordinance. If any section, provision,

1 or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, such
2 judgment shall not invalidate any other section, provision, or part of this Ordinance.

3 **SECTION 9. Publication.** The City Clerk is directed to certify to the adoption of this
4 Ordinance and post or publish this Ordinance as required by law.

5 **SECTION 10. Custodian of Records.** The custodian of records for this Ordinance is the
6 City Clerk and the records comprising the administrative record are located at Rialto City Hall, 290
7 W. Rialto Avenue, Rialto, California 92376.

8 **PASSED, APPROVED AND ADOPTED** this 24th day of March, 2026.

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JOE BACA, MAYOR

12 **ATTEST:**

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BARBARA MCGEE, CITY CLERK

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APPROVED AS TO FORM:

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ERIC S. VAIL, CITY ATTORNEY

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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Urgency Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the 24th day of March, 2026.

Upon motion of Councilmember _____, seconded by Councilmember _____, the foregoing Urgency Ordinance No. _____ was duly passed and adopted.

Vote on the Motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto, this _____ day of _____, 2026.

Barbara A. McGee, City Clerk