

## ORDINANCE NO. 1367

### AN INTERIM ORDINANCE PROHIBITING ACCEPTANCE OR CONSIDERATION OF ZONING APPLICATIONS RELATED TO MASSAGE THERAPY BUSINESSES TO ALLOW FOR THE STUDY, ADOPTION, OR AMENDMENT OF OFFICIAL CONTROLS

THE CITY COUNCIL OF THE CITY OF FRIDLEY ORDAINS AS FOLLOWS:

**Section One. Purpose and Intent.** The purpose and intent of this Interim Ordinance is to regulate, restrict, and prohibit any new massage therapy business use in the City of Fridley as provided by the City of Fridley's Code of Ordinances to allow for the study, adoption, or amendment of official controls related to the City's comprehensive plan and zoning regulations.

#### **Section Two. Preliminary Findings.**

1. Minnesota Statutes Section 462.355, subdivision 4, authorizes municipalities to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

2. The City of Fridley currently licenses massage therapy businesses and regulates them through zoning controls. For purposes of this Ordinance, massage therapy business shall have that definition provided in City of Fridley Code of Ordinances Section 125.02.8.

3. There are concerns that the City's current licensing and zoning provisions do not adequately address issues relating to massage therapy businesses, such as appropriate locations, conditions under which the establishment may be allowed, compatibility with existing uses, and potential limitations on the total number of stores allowed.

4. In 2018, a police investigation found proposed criminal activity at two massage therapy businesses within the City, and the City Council is concerned about how to reduce criminal activity at massage therapy businesses within the City.

5. The City Council is concerned about the zoning of massage therapy businesses as it relates to present and future development of the City.

6. To protect the health, safety, and general welfare of the citizens, the City Council desires to conduct studies for the purpose of consideration of possible amendments to the City's massage therapy business licensing provisions and official controls to address issues concerning massage therapy business and to determine if the best interests of the citizens are being met.

#### **Section Three. Prohibition.**

1. In accordance with the preliminary findings in Section 2, a zoning and licensing moratorium is established on massage therapy businesses within the City.

2. No applications related to massage therapy businesses, including applications for building permits, conditional use permits, site plan reviews, interim uses, variances, rezoning, or business licenses shall be accepted for six months from the effective date of this ordinance or until ordinances regulating such locations become effective, whichever occurs first. This Section may be extended as provided in Minnesota Statutes Section 462.355, subdivision 4.

3. This Section does not affect the City’s processing and issuance of pending massage therapy business licenses or massage therapy business license renewals.

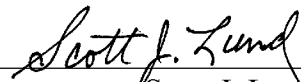
4. This Section does not affect the City’s acceptance, processing, and issuance of individual massage therapist licenses, as defined in City of Fridley Code of Ordinances Section 125.02.9.

**Section Four. Study.** During the effective period of this Interim Ordinance, staff is directed to conduct a study to gather information and make a recommendation to determine if zoning ordinances need to be amended to better protect the citizens of Fridley.

**Section Five. Severability.** Every section, provision, or part of this Interim Ordinance is declared severable from every other section, provision, or part. If any section, provision, or part of this Interim Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part.

**Section Six. Duration.** This ordinance shall be in full force and effect from and after its passage and publication according to law and shall remain in effect until the date of the adoption of any new licensing provisions and official controls pertaining to massage therapy businesses or six months from the effective date of this ordinance, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 25<sup>TH</sup> DAY OF MARCH 2019.**



\_\_\_\_\_  
Scott J. Lund, Mayor

ATTEST:



\_\_\_\_\_  
Debra A. Skogen, City Clerk

First Reading: March 11, 2019  
Second Reading: March 25, 2019  
Published: April 5, 2019