

INTERIM URGENCY ORDINANCE NO. 1145

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON ESTABLISHING A TEMPORARY MORATORIUM UNDER GOVERNMENT CODE SECTIONS 36937 AND 65858 ON THE ESTABLISHMENT OF NEW MEDICAL SERVICES UNDER STANTON MUNICIPAL CODE SECTION 20.400.200; AND DETERMINING THE ACTION TO BE EXEMPT FROM CEQA

WHEREAS, under Cal. Const. Art. XI, Sec. 7 and the City of Stanton's ("City") general police powers, the City is empowered and charged with responsibility for the health, safety, and welfare of its citizens; and

WHEREAS, the City protects the health, safety, and welfare of the community through numerous avenues, including by establishing and enforcing zoning, licensing and health, and safety regulations on specified commercial activities; and

WHEREAS, the City has observed ongoing negative impacts on vulnerable populations from activity originating from an existing medical service facility under Municipal Code section 20.400.200, which has resulted in a disproportionate amount of service calls from the City's Code Enforcement and other public-safety resources to assist the disabled and others; and

WHEREAS, medical services under section 20.400.200 can, if not properly regulated, result in substantial and immediate threats to the health, safety, and welfare of the vulnerable populations that need the services. These detrimental effects include, among other things: narcotic use activities, disturbances, assaults and battery, and interference with peaceful use and enjoyment of property; and

WHEREAS, section 20.400.200 contains some regulations to address the negative impacts that sometimes occur with these medical-service uses, but these provisions need to be comprehensively revised and updated to address the serious conditions and potential harms before allowing the expansion or establishment of any new such use; and

WHEREAS, under Government Code section 36937, the City Council may adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, under Government Code section 65858, the City Council may adopt an interim urgency ordinance to protect the public safety, health, and welfare to prohibit uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City is considering or studying or intends to study within a reasonable time; and

WHEREAS, City staff and the City Attorney's office are conducting research to understand the impacts of medical-service uses under section 20.400.200 on the vulnerable populations that they serve, as well as on community health, safety, and welfare; and they are exploring options for potential amendments to the City's regulatory process and zoning codes to protect the health, safety, and welfare of the disabled of the public generally, including ways to appropriately mitigate potential negative impacts that can occur at and around these uses; and

WHEREAS, as a result, the City Council desires to institute a 45-day moratorium to allow staff and the City Council the opportunity to research and select the best course of action for all of the City's residents and visitors, including the disabled persons who need these kinds of medical services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct and are incorporated herein by reference. They contain the facts that constitute the urgent need for this Ordinance.

SECTION 2: The City Council finds that adoption of this ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds that, under Title 14 of the California Code of Regulations, section 15061(b)(3), this Interim urgency ordinance is nonetheless exempt from the requirements of CEQA. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The moratorium imposed by this ordinance is inherently temporary, and it merely preserves the status quo. It does not authorize any new development or other activity that could have an impact on the environment.

SECTION 3: In consideration of the staff report, public comment, and the findings in this ordinance, the City Council hereby enacts this interim urgency ordinance under Government Code sections 36937 and 65858, which allow the City Council to adopt interim urgency ordinances by not less than a four-fifths vote. Section 65858 allows the City Council to protect the public safety, health, and welfare by temporarily prohibiting any use that may be in conflict with a zoning proposal that the City Council, Planning Commission, or department of the City is considering or studying or that they intend to study within a reasonable time. The purpose of this urgency ordinance is to maintain the status quo while the City evaluates whether and how to appropriately regulate the subject uses.

SECTION 4: The City Council hereby directs and orders as follows:

1. During the time that this Interim Urgency Ordinance is in effect, no new medical-service use or activity under section 20.400.200 may be established in the City;
2. No existing medical-service use or activity under section 20.400.200 may be authorized or allowed to expand, enlarge, or alter its physical footprint or increase its intensity of use by providing any additional or new service while this Interim Urgency Ordinance is in effect;
3. During the period that this Interim Urgency Ordinance is in effect, the City may not issue any approval of any kind for the establishment, expansion, enlargement, or alteration of any medical-service use or activity under section 20.400.200 within the City. Notwithstanding the forgoing, the City may issue building permits to allow for ordinary maintenance and repairs to existing legal buildings and structures.

SECTION 5: The City will continue to accept and process applications for uses prohibited by this moratorium to the extent required by state law. Any application received and processed during the moratorium will be processed at the applicant's sole cost and risk, with the understanding that no approval for a use covered by Section 4 above may be issued while this moratorium or any extension of it is in effect, and any approval for which an applicant might apply during the moratorium might be affected by new regulations that the City might adopt as a result of its study and deliberations during the moratorium.

SECTION 6: This ordinance is adopted under the authority of Government Code sections 36937 and 65858 and takes effect immediately upon its passage by a four-fifths vote of the City Council. The City Council finds that the lack of appropriate regulation and protections for medical services under section 20.400.200 too often results in harmful and unlawful activities that pose a significant, urgent, and immediate threat to the health, safety and welfare of the vulnerable populations that need those services, as well as to the community. Consequently, the City Council finds that this Interim Urgency Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of disabled persons and others in the community. This interim Urgency Ordinance remains in effect for 45 days from its adoption, unless earlier repealed, terminated, or extended.

SECTION 7: Not less than 10 days prior to the scheduled expiration of this Interim Urgency Ordinance, staff must issue a report to the City Council on the progress of its study and on determinations for how the City should proceed, insofar as conclusions have been drawn.

SECTION 8: If any provision of this Interim Urgency Ordinance or the application thereof to any person or circumstance is held by a court of competent jurisdiction to be

invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or applications of this Interim Urgency Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Interim Urgency Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

PASSED, APPROVED, AND ADOPTED this 9th day of July, 2024.

/s/ David J. Shawver

DAVID J. SHAWVER, MAYOR

ATTEST:

/s/ Patricia A. Vazquez

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

/s/ HongDao Nguyen

HONGDAO NGUYEN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Urgency Ordinance No. 1145 was duly introduced and adopted at a regular meeting of the City Council held on the 9th day of July, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: Shawver, Taylor, Torres, Van, Warren

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBERS: None

/s/ Patricia A. Vazquez

PATRICIA A. VAZQUEZ, CITY CLERK