

INTERIM URGENCY ORDINANCE NO. 1151

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF ANY NEW PUBLIC LODGING, LODGING FACILITY OR LODGING BUSINESSES OR USES, AND A TEMPORARY MORATORIUM ON ANY EXPANSION, ENLARGEMENT, AND/OR ALTERATION OF ANY EXISTING PUBLIC LODGING, LODGING FACILITY, OR LODGING BUSINESSES OR USES FOR SIX MONTHS PENDING STUDY AND THE PREPARATION OF AN UPDATE TO THE CITY'S MUNICIPAL CODE AND ZONING CODE PURSUANT TO GOVERNMENT CODE SECTIONS 65858 AND 36937 AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, pursuant to Cal. Const. Art. XI, Sec. 7 and under 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 criminal activity originating from public lodging facilities within the City, leading Orange County Sheriff's deputies to respond annually to hundreds of calls related to illicit sexual activities, suspected human trafficking, narcotics violations, stolen vehicles, weapon possession, probation and parole violations, burglary, robbery, gang activity, assaults, and assaults with deadly weapons. "Public lodging facilities" encompass hotels, motels, and other similar public lodging facilities; and

WHEREAS, City staff research revealed that, as of November 30, 2023, the Orange County Sheriff's Department ("OCSD") responded to at least 443 service calls in 2023 addressing criminal issues at motel establishments within the City. That cumulatively amounts to approximately 480 hours of dedicated law enforcement response; and

WHEREAS, on an annual basis, the City spends an estimated \$16.2 million on law enforcement and public safety; and

WHEREAS, public lodging facilities where unlawful activities are not curtailed pose substantial and immediate threats to the health, safety, and welfare of the community. These detrimental effects encompass, among other things: (1) potential harm to patrons arising from criminal acts committed at these locations; (2) injury risks to patrons and employees due to insufficient safety and security standards; and (3) heightened risk of prostitution and human trafficking activities; and

WHEREAS, the impact of criminal activities at public lodging facilities are not confined to the premises alone, but also extend into the broader community and further affect the operations of regional facilities, such as hospitals and correctional facilities; and

WHEREAS, portions of the Stanton Municipal Code (“SMC”) contain some regulations to address the negative impacts caused by public lodging facilities. That includes, regulations in Chapter 9.52, business license requirements and transient occupancy taxes pursuant to Chapters 5.04 and 5.12, respectively, of the SMC. However, these provisions need to be comprehensively revised and updated to address the serious conditions at public lodging facilities throughout the City; and

WHEREAS, per Government Code Sections 36937 and 65858, the City Council adopted Interim Urgency Ordinance No. 1136 on December 12, 2023 to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances. Ordinance No. 1136 was originally in place for 45 days and was set to expire on January 26, 2024; and

WHEREAS, per Government Code Sections 36937 and 65858, the City Council received a report from staff on their study and progress then held a public hearing before it adopted Interim Urgency Ordinance No. 1137 on January 9, 2024, extending the Moratorium to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances. Ordinance No. 1137 is in place for 10 months and 15 days from the original expiration and is now set to expire on December 11, 2024; and

WHEREAS, City staff, in collaboration with the Sheriff’s Department and the City Attorney’s office, requires additional time to conduct research to understand the impacts of public lodging facilities and uses on community welfare and explore potential amendments to the City’s regulatory process and zoning codes to protect public health, safety, and welfare and mitigate potential illegalities occurring at these businesses; and

WHEREAS, as a result, and in consideration of the staff report, written and verbal public testimony, and the full record before it, the City Council desires to extend its temporary moratorium on the establishment of public lodging and/or the expansion, enlargement, or alteration of existing public lodging businesses and uses within the City for an additional six months, set to expire on June 11, 2025 in accordance with Government Code section 65858.

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.

SECTION 2: The City Council finds that 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, under Title 14 of the California Code of Regulations, section 15061(b)(3) that 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.

SECTION 3: Based on the staff report and written and oral public testimony at the public hearing on this matter, the City Council extends the temporary moratorium established by Ordinance No. 1137 for six months as authorized by Government Code section 65858.

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

- A. During the time that this Interim Urgency Ordinance is in effect, no new Public Lodging, Lodging, or Lodging Facility business, use, or operation may be established in the City; and
- B. No existing Public Lodging, Lodging, or Lodging Facility business, use, or operation may be authorized or allowed to expand, enlarge, or alter its physical footprint while this Interim Urgency Ordinance is in effect; and
- C. During the period that this Interim Urgency Ordinance is in effect, the City shall not approve or issue any permit, license, variance, building permit, business license, or any other applicable entitlement, license, permit, or approval for the establishment, expansion, enlargement, or alteration of any Public Lodging, Lodging, or Lodging Facility business, use, or operation within the City as provided in subsection (B), above. Notwithstanding the foregoing, the City may approve permits, licenses, or similar approvals for ordinary repairs or maintenance.

SECTION 5: The City will continue to accept and process applications for uses prohibited by this moratorium if so required by State law. Any application received and processed during the moratorium shall be processed at the applicant's sole cost and risk with the understanding that no permit, license, approval or other entitlement for a use covered by Section 4, above, may be issued while this moratorium or any extension of it is in effect.

SECTION 6: This ordinance is adopted under the provisions of Government Code Sections 36937 and 65858, and shall take effect immediately upon its passage by a four-fifths vote of the City Council. The City Council finds that Public Lodging, Lodging and Lodging Facilities where the dangerous and unlawful activities described herein occur pose significant, urgent, and immediate threats to the health, safety and welfare of the community — including, but not limited to, bodily injury to patrons and employees

and increased opportunities for crime. Consequently, the City Council finds that this Interim Urgency Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the community. This interim Urgency Ordinance shall remain in effect for six months from its set expiration date of December 11, 2024, unless earlier repealed, terminated, or extended.

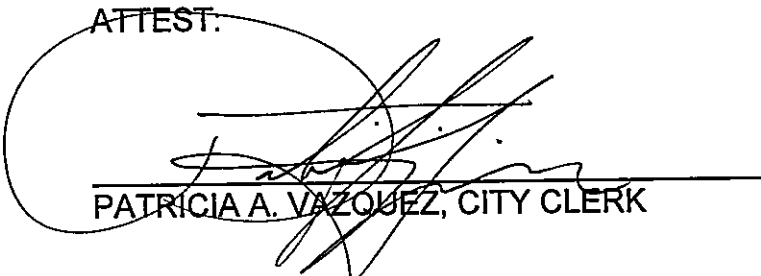
SECTION 7: If any provision of this Interim Urgency Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Interim Urgency Ordinance which can be given effect 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 22nd day of October, 2024.



CAROL WARREN, MAYOR PRO TEM

ATTEST:



PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:



HONGDAO NGUYEN, CITY ATTORNEY

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

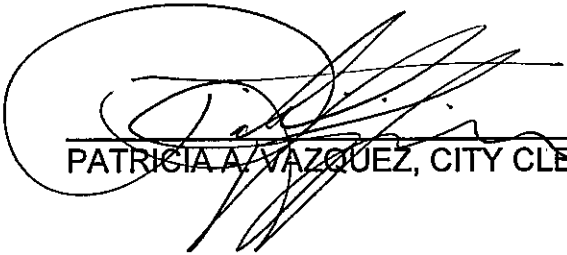
I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Urgency Ordinance No. 1151 was duly introduced and adopted at a regular meeting of the City Council held on the 22nd day of October, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: Taylor, Torres, Van, Warren

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Shawver

ABSTAIN: COUNCILMEMBERS: None



PATRICIA A. VAZQUEZ, CITY CLERK