

ORDINANCE NO. 24-960

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARTESIA, CALIFORNIA ADDING ARTICLE 46 TO THE ARTESIA MUNICIPAL CODE TO PROHIBIT SHORT-TERM RENTALS THROUGHOUT THE CITY AND FINDING THE ORDINANCE TO BE EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND 15060(c)(3)

WHEREAS, the City of Artesia, California ("City") is a municipal corporation duly organized under the California Constitution and laws of the State of California; and

WHEREAS, the proliferation of online vacation rental websites has encouraged and enabled City property owners, tenants, and occupants to rent their local properties on a short-term basis to travelers or transients; and

WHEREAS, these short-term rentals, generally numbering less than 30 days, are often associated with excessive noise, parking problems, trash, and degradation of a neighborhood's residential character; and

WHEREAS, the City has also received complaints from residents about the negative secondary effects of short-term rental uses in their neighborhoods; and

WHEREAS, cities have a legitimate governmental interest in preserving the residential character of their neighborhoods and protecting against public nuisance activities; and

WHEREAS, the Artesia Municipal Code ("AMC") does not expressly address short-term rentals. However, because short-term rentals are not expressly permitted in the City under the AMC, such uses are prohibited throughout the City; and

WHEREAS, in an effort to provide further clarity on this restriction, the City Council desires to add Article 9.46 to the AMC to expressly prohibit short-term rentals throughout the City to preserve the residential character of City neighborhoods and address the negative, secondary effects caused by those uses throughout the City; and

WHEREAS, on October 15, 2024, the Planning Commission conducted and concluded a duly noticed public hearing concerning the Ordinance contained herein as required by law and following receipt of all public testimony closed the hearing on that date, and adopted Resolution No. 2024-13P; and

WHEREAS, the City Council conducted a duly noticed public hearing on November 18, 2024, at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony; and

WHEREAS, all legal preconditions to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARTESIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds that the foregoing recitals are true and correct and incorporated herein as substantive findings of this Ordinance.

SECTION 2. CEQA. The City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") under Section 15060(c)(2) of the CEQA Guidelines because the activity has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment, and under Section 15060(c)(3) of the CEQA Guidelines because the activity is not a project as defined in Section 15378 of the CEQA Guidelines. Rather, the Ordinance merely serves to expressly codify the current prohibition on short-term rentals. City staff is directed to cause a Notice of Exemption to be filed as authorized by CEQA and State CEQA Guidelines.

SECTION 3. Findings. Government Code Sections 65860 and 65855 requires a city's zoning ordinance to be consistent with the general plan. Based on all evidence in the record for this Zoning Code Amendment and all other applicable information presented, the City Council finds that the proposed Amendment is appropriate for the following reasons:

1. **Consistency with City's General Plan:** The proposed Zoning Code Amendment is consistent with the following goals and principles of the City's General Plan 2030: Community Goal LU 2 of the Land Use Element aims to preserve stable, well-maintained residential neighborhoods within the City. Short-term rentals often bring transient occupants who may not have a vested interest in the community, leading to issues such as excessive noise. The Amendment enhances stability of the City's communities by preserving neighborhoods for long-term occupancy, particularly in light of the current housing crisis in California. Eliminating short-term rentals within residential zones also implements Policy LU 2.1 regarding the protection of residential areas from effects of potentially incompatible uses. Through the elimination of short-term rentals throughout the City, the Amendment prevents conflicts in uses between long-term residents and transient occupants, particularly in residential neighborhoods, in furtherance of this Policy.
2. **Adoption of Zoning Code Amendment Will Not Have Adverse Effect on Health, Safety, and Welfare:** The proposed Zoning Code Amendment will not be detrimental to the public health, safety, or welfare because it maintains the current zoning framework without introducing new uses or conditions that could pose risks. Indeed, the prohibition on short-term rentals preserves the established residential character and avoids the introduction of transient activities in residential neighborhoods that could disrupt the existing community standards.
3. **Adoption of Zoning Code Amendment Will Not Adversely Affect or be Detrimental to Properties Within Residential Zones:** The proposed Zoning Code Amendment will not adversely affect or be detrimental to properties because it retains the current residential zoning regulations and does not introduce new or incompatible uses that could negatively impact properties throughout the City. By prohibiting short-term rentals, the Amendment ensures that properties within applicable zones continue to experience consistent residential use without the disruptions that short-term occupancy might cause.

4. **Consistency with Zoning Code:** The Amendment is internally consistent with other provisions of the Zoning Code, as it reinforces existing regulations that prohibit incompatible uses in certain zones. By explicitly prohibiting short-term rentals, the amendment supports the Zoning Code's overall objective to maintain residential neighborhoods' character, stability, and quality.

SECTION 4. Zoning Code Amendment. Article 46 of the Artesia Municipal Code is hereby added to read in its entirety as follows:

"ARTICLE 46: SHORT-TERM RENTALS"

9-2.4601 Definitions.

9-2.4602 Prohibitions.

9-2.4603 Violations.

Section 9-2.4601: Definitions.

For purposes of this Article, the following definitions shall apply:

- (a) "Advertisement" means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website, platform, application, or any form of television, radio broadcast, or other form of communication, whose primary purpose is to propose a transaction.
- (b) "Responsible party" includes any owner, tenant, or other person or entity with a legal interest or possessory interest in the property who offers, causes, provides, allows, or facilitates, or aids another in offering, causing, providing, allowing, or facilitating, a violation of this Article. It does not include a newspaper, online platform, or other publisher who merely publishes an advertisement.
- (c) "Short-term or vacation rental" means the rental to a person or group of persons of a dwelling unit, or portion thereof, for compensation or consideration, whether monetary or otherwise, for lodging or sleeping purposes for a period of less than 30 consecutive calendar days.

Section 9-2.4602: Prohibitions.

- (a) It is unlawful for a responsible party within any zone in the City of Artesia to:
 - (1) Offer, cause, provide, allow, or facilitate, or to aid another in offering, causing, providing, allowing, or facilitating, for rent or to rent for compensation or consideration a short-term or vacation rental, whether through a rental agreement, lease, license, or any other means, whether oral or written, for compensation or consideration; or
 - (2) Offer, cause, provide, allow, or facilitate, or to aid another in offering, causing, providing, allowing, or facilitating, any advertisement, whether published, disseminated, or broadcast through an online platform, newspaper, or any other means, of a short-term or vacation rental located in the City of Artesia.

Section 9-2.4603: Violations.

- (a) Any violation of this Article constitutes a public nuisance which may be abated by the City in accordance with California Code of Civil Procedure § 731 through any means provided by law, including, but not limited to, Chapter 5-1 of this Code.
- (b) In addition to or in lieu of other actions, the City may, at its discretion, undertake any one or all of the following legal actions to correct or abate any nuisances or violations under this Article:
 - (1) Civil Penalties. Any responsible party who violates any provision of this Article is liable for a civil penalty established by resolution of the City Council.
 - (2) Administrative Citation. Any responsible party who violates any provision of this Article is subject to administrative fines established by resolution of the City Council in accordance with Chapter 1-7 of this Code.
 - (3) Criminal Penalty. Any violation of this Article constitutes a misdemeanor punishable under Chapter 1-2 of this Code.
- (c) Any violation of this Article is unlawful and constitutes a strict liability offense, regardless of intent.
- (d) The remedies provided in this Section are cumulative and not exclusive and nothing in this Section shall preclude the use or application of any other remedies, penalties, or procedures established by law.

SECTION 5. Effective Date. This Ordinance will become effective 30 days following its adoption.

SECTION 6. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination has no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council of the City of Artesia declares that it would have adopted all the provisions of this Ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 7. Adoption, Certification, and Publication. The City Clerk of the City of Artesia is directed to certify the passage and adoption of this Ordinance and cause the same, or a summary thereof, to be published and posted in the manner required by law.

SECTION 8. Record of Proceedings. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at 18747 Clarkdale Avenue, Artesia, California, 90701. The City Clerk is the custodian of the record of proceedings.

PASSED, APPROVED AND ADOPTED this ____th day of _____, 2024.

TONY LIMA, MAYOR

ATTEST:

JENNIFER ALDERETE, CITY CLERK

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY