BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 9-105 OF THE FRESNO MUNICIPAL CODE RELATED TO HOTEL REGISTRATION

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9-105 of the Fresno Municipal Code is amended to read:

SECTION 9-105. HOTEL REGISTRATION.

(a) ~~Every person within the city who keeps, maintains or controls a hotel or lodging house shall provide, keep and maintain a public register, and shall require every person who rents or occupies a room in such hotel or lodging house to write in said register his name and place of residence. Such registration shall be made upon a page of such register properly dated with reference to the day of the year, month and week, and at the time the person rents or arranges to occupy a room.~~ [Definition. For purposes of this article, hotel means any public or private space or structure, including but not limited to, any inn, hostelry, tourist home, motel, lodging house, or motel rooming house offering space for sleeping or overnight accommodations in exchange for rent and for a period of less than thirty days. Hotel includes the parking lot and other common areas of the hotel. Hotel does not include living accommodations provided at any governmental or nonprofit institution in

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

connection with the functions of that institution, or short-term rentals regulated by Section 7-1249 of this Code.

(b) The operator of any hotel, where such establishment is located within the city, shall at all times keep and maintain therein a book or register in which shall be inscribed, either electronically or in ink, in legible English language, written documentation of information about a guest, which includes at a minimum the following information:

(1) As provided by the guest in response to an inquiry or by other means:

(i) The name, date of birth, and address of each guest, or person who exercises occupancy or is entitled to occupancy in a hotel by reason of concession, permit, right of access, license, or other agreement;

(ii) The total number of guests;

(iii) The make, type, and license number of the guest's vehicle if the vehicle will be parked on hotel premises that are under the control of the operator or hotel management;

(iv) Identification information as required by subsection (d)(1) of this section, as provided on a document containing the name, date of birth, description and picture of a person, issued by the federal government, the State of California, another state, a county or municipal

government, including but not limited to: a motor vehicle's operator's license, an identification card, an identification card issued to a member of the Armed Forces, or a passport issued by a foreign government to any of its citizens and nationals which has been approved by the city as valid identification.

(2) The day, month, year, and time of arrival of each guest;

(3) The number, symbol, or location of the room rented or assigned to each guest;

(4) The date each guest is scheduled to depart;

(5) The rate charged and amount collected for rental of the room assigned to each guest;

(6) The method of payment for the room; and

(7) The full name of the person (hotel employee) checking in the guest.

(i) For a guest checking in via electronic registration kiosk at the hotel, instead of the information as provided in subsection (b)(1)-(6), the hotel shall record the name, reservation information, and credit card information provided by the guest, as well as the identifying symbol of the kiosk where the guest checked in and the room number assigned to the guest.

(c) Maintenance of Hotel Record. Every person who owns or operates any hotel as defined in this section is subject to this section and shall keep a register of persons who board or lodge in such establishment. Such register shall be kept for a minimum of one year after the date of its most recent entry. Every operator of a hotel as defined in this section shall comply with the following requirements for maintaining the hotel record. The record is a written documentation of information about a guest that may be maintained electronically, in a book, or on cards.

(1) The records shall be kept on the premises in the guest reception or guest check-in area or in an office adjacent to that area.

(2) No person shall alter, deface, or erase a record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct or interfere with any inspection of the record under this section.

(3) Any record maintained in the form of a book shall be permanently bound, each page shall be sequentially numbered and the book shall be the minimum size of eight inches by ten inches. No page shall be removed from the book. Any record maintained in the form of cards shall be on cards that are a minimum size of two and one-half inches by four inches and numbered consecutively and used in sequence. Any card

numbered within the sequence of utilized cards shall be preserved as part of the record even if it not used for a room rental. The numbers shall be printed or otherwise indelibly affixed to the cards. If maintained electronically, the record shall be printable.

(4) Nothing in this section prevents the operator from maintaining the record for longer than one year in order to comply with any other provision of law, including the obligation to maintain and produce records for the purpose of paying a transient occupancy tax.

(5) Information obtained from a guest pursuant to this section shall be used only for the purposes mentioned in this section. Reasonable technical and organizational confidential and security measures shall be implemented to protect against accidental or unlawful alteration or loss, or from unauthorized use, disclosure or access of information provided by a guest and maintained as a hotel record pursuant to this section. At the end of the retention period required by this section, records required by this section and containing personal information shall be subject to disposal in such a manner that the record cannot be used or accessed and cannot be read or deciphered by any means.

(d) Renting of Hotel Rooms. The operator of a hotel shall not rent a room except in compliance with the following conditions:

(1) The operator shall require the guest who is registering to verify his or her identification through production of a driver's license, passport, government issued identification card or other acceptable proof of identification as described in subsection (b)(1)(iv). The hotel registrar shall record that identification was verified in accordance with this requirement and note the type of documentation which was provided by the guest to verify the guest's identification. Allowing a guest to register without verifying the guest's identification as required by this subsection is unlawful and a violation of this section.

(2) The number and expiration date of the identification document obtained under subsection (d)(1) shall be recorded and maintained by the operator in the record for at least one year. Nothing in this section prevents the operator from maintaining the record for longer than one year in order to comply with any other provision of law, including the obligation to maintain and produce records for the purpose of paying a transient occupancy tax.

(e) Training of employees. The owner or proprietor of a hotel business shall take all reasonable steps, including but not limited to, providing training regarding this section to ensure the person who checks a person into the hotel complies with the provisions of this section. A person who has not been trained shall not be assigned to check persons into the hotel.

~~(b)~~ [(f) Register Subject to Inspection.] Such hotel ~~or lodging house~~ register ~~so kept shall be open to the public at any and all reasonable hours, and the pages thereof~~ shall, upon demand, be open for inspection or investigation by any member of the Police Department or other peace officer of the city, immediately upon demand having been made by such peace officer. [Should the owner, manager, or other person having management or control not agree to voluntarily produce the hotel registry upon receipt of such request, he or she shall do so upon presentation of a duly executed search warrant authorizing the Police Department's review, inspection, reproduction, and/or impoundment of the hotel registry. An owner, manager or other person in management or control shall not be in violation of this chapter for failure to voluntarily produce the guest registry but shall be in violation for failure to do so immediately upon presentation of a duly executed search warrant requiring the production. An owner, manager, or other person in management or control may be required to secure the register in the presence of the Police Department and in a manner specified by the Police Department to ensure the register is not tampered with until such time a warrant has been issued or denied.]

[(g) Fictitious Names. It shall be unlawful for any person to register at any hotel in the city under the name of any other person or a fictitious person, or to give or sign or cause to be signed, upon the register of any hotel any assumed, false, or fictitious name, or any name other

than the true and correct name of the person so registering or so giving or signing or causing his name to be signed.

(h) Hourly Room Rentals Prohibited. No person conducting or owning any hotel and no person in charge, management, or control of such an establishment shall let or cause to be let any room or area of the establishment for a period of fewer than twelve hours, nor shall any such person let or cause to be rented any room or area of the establishment more than twice in any 24-hour period commencing at 12:01 a.m.

(i) Use for Immoral or Unlawful Purposes Prohibited. It shall be unlawful for any person, whether owner, manager, agent, or resident, to knowingly rent, lease, sublet, hire, or agree to rent, lease, sublet, or hire, any room in a hotel to any person who offers to engage in immoral or unlawful activity, including but not limited to human trafficking; offering, engaging, or agreeing to engage in sexual conduct for a fee; soliciting another in a public place to engage with any person in sexual conduct for hire; receiving money pursuant to an agreement to participate in the proceeds of prostitution; solicitation of another to engage in sexual conduct with another person for compensation; or any person who owns, invests in, finances, controls, supervises, or manages a prostitution enterprise that uses two or more prostitutes.

(j) Penalty for Violation. Any person violating or failing to comply with any of the provisions of this article shall be guilty of a

misdemeanor. Every person who violates any provision of this article may also be subject to administrative citations as provided in this code.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, CMC MMC
City Clerk

BY:_____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY:_____
Katie Doerr Date
Chief Assistant City Attorney

KBD:ns [80182ns/kbd]