



City of San Leandro

Meeting Date: May 16, 2016

Ordinance

File Number: 16-219

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.F.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Rich Pio Roda
City Attorney

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Amending Sections 4-28-105, 4-28-115, and 4-28-120 of Title 4, Chapter 28 of the San Leandro Municipal Code Relating to Lodging Registration Requirements to Require a Search Warrant to Review Lodging Registries Without Consent and to Clarify Acceptable Forms of Identification for Guests

WHEREAS, the City of San Leandro requires all hotels, motels, lodging houses, rooming houses and other places or similar establishments to keep a register containing specific information regarding guests, including the names, residence address, automobile information and room occupied; and

WHEREAS, such information can assist the City of San Leandro prevent criminal activity; and

WHEREAS, the City of San Leandro currently requires all hotels, motels, lodging houses, rooming houses and other places or similar establishments to make the guest registry available to the Chief of Police upon demand; and

WHEREAS, the United States Supreme Court recently held in *City of Los Angeles v. Patel* that municipalities cannot constitutionally require lodging operators to provide guest registries without an opportunity for pre-compliance review; and

WHEREAS, the City of San Leandro desires to amend the Municipal Code to allow the City to review guest registries with operator consent or with a valid search warrant.

NOW, THEREFORE, the City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. CEQA. Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 3. AMENDMENTS. Title 4, Chapter 28, Section 4-28-105, Section 4-28-115 and Section 4-28-120 shall be amended to read as follows:

4-28-105 REQUIRED IDENTIFICATION.

The person providing the accommodations as specified in Section 4-28-100 shall require identification, in the form of a driver's license, passport, government-issued identification card or other acceptable proof of identification, to be presented upon registration sufficient to confirm the identities of the person to be accommodated, and shall set forth in the register the type of identification so presented.

4-28-115 REGISTER-INSPECTION.

Such registries maintained pursuant to this Chapter shall be available for immediate review and inspection upon request by any member of the San Leandro Police Department. Should the owner, manager or other person having management or control not agree to voluntarily produce the guest registry upon receipt of such a request, he or she shall do so upon presentation of a duly executed search warrant authorizing the San Leandro Police Department's review, inspection, reproduction and/or impoundment of the guest 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 production.

4-28-120 FALSE INFORMATION.

It shall be unlawful for any guest, roomer, or lodger in any place specified in Section 4-28-100 to use or allow the use of any name other than his or her true name in so registering.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after adoption. The title thereof shall be published once and a complete

copy thereof shall be posted on the City Council Chamber bulletin board for five (5) days prior to adoption.