

ORDINANCE NUMBER O- 20762 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 16 2016

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2, DIVISION 91 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 52.9103 RELATING TO REGISTERS AT HOTELS, APARTMENT HOUSES, AND ROOMING HOUSES.

WHEREAS, the City of San Diego has regulated hotels, motels, inns, auto courts, trailer parks, and transient lodging places since 1987 (Ordinance O-16814); and

WHEREAS, to protect public health and safety, the City's ordinance authorized San Diego police officers to inspect hotel guest registers upon demand; and

WHEREAS, the City of Los Angeles had a similar ordinance giving Los Angeles police officers the authority to inspect hotel guest registers upon demand; and

WHEREAS, in 2015 the U.S. Supreme Court struck down Los Angeles' ordinance as unconstitutional (*City of Los Angeles v. Patel*, 576 U.S. \_\_\_, 135 S.Ct. 2443 (2015)); and

WHEREAS, section 52.9103 is being amended to avoid a Constitutional challenge to the City's ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 2, Division 91 of the San Diego Municipal Code is amended to read as follows:

**Article 2: Police — Police Regulations — Offenses Against Government**

**Division 91: Hotels, Motels, Inns, Auto Courts,**

**Trailer Parks, Transient Lodging Places**

**§52.9103 Registers at Hotels, Apartment Houses, Rooming Houses**

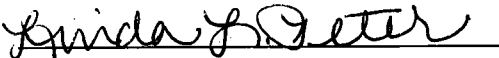
Every manager or person in control of any hotel, motel, inn, boarding, lodging,

transient apartment house, or auto court or trailer park in the City of San Diego shall keep a register for the registration of transient guests. Such register shall be preserved for at least three years and shall be subject to inspection by any law enforcement officer of the City of San Diego with consent of the manager or person in control, pursuant to a warrant, or when there are exigent circumstances.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Linda L. Peter  
Deputy City Attorney

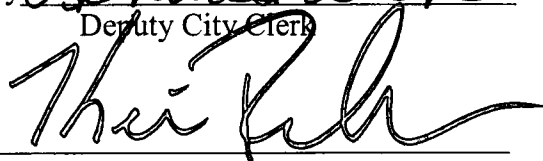
LLP:jvg  
October 6, 2016  
Or.Dept:Police  
Doc. No.: 1335584\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/14/16  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

(NOTE: The date of final passage is December 16, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

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DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2,  
DIVISION 91 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 52.9103 RELATING TO REGISTERS  
AT HOTELS, APARTMENT HOUSES, AND ROOMING  
HOUSES.

**Article 2: Police — Police Regulations — Offenses Against Government**

**Division 91: Hotels, Motels, Inns, Auto Courts,**

**Trailer Parks, Transient Lodging Places**

**§52.9103 Registers at Hotels, Apartment Houses, Rooming Houses**

Every manager or person in control of any hotel, motel, inn, boarding, lodging, transient apartment house, or auto court or trailer park in the City of San Diego shall keep a register for the registration of transient guests. Such register shall be preserved for at least three (3) years and shall at all times be subject to inspection by any law enforcement officer of the City of San Diego. with consent of the manager or person in control, pursuant to a warrant, or when there are exigent circumstances.

LLP:jvg  
October 6, 2016  
Or.Dept:Police  
Doc. No.: 1335579\_2

Passed by the Council of The City of San Diego on DEC 06 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 3 - (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 16 2016

AUTHENTICATED BY: KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By Henda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on NOV 15 2016, and on DEC 16 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By Henda Irwin, Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20762