

ORDINANCE NO. 2862

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTIONS 8.70.030 AND 8.70.040 CHAPTER 8.70 OF TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO GUEST REGISTERS AT PUBLIC LODGING FACILITIES

**City Attorney Summary**

***This Ordinance would amend Sections 8.70.030 and 8.70.040 of Chapter 8.70 of the Garden Grove Municipal Code to update the City's regulations pertaining to the register of guests required to be kept by public lodging facilities in the City and to add new regulations regarding verification of guests' identity and acceptance of payment by credit or debit card in order to prevent fraud. This Ordinance would amend Section 8.70.030 to permit such registers to be maintained in electronic form and would amend Section 8.70.040 to delete existing provisions requiring that such registers be at all times open for inspection by the City pursuant to the recent United States Supreme Court decision in City of Los Angeles v. Patel. This Ordinance would also amend Section 8.70.030 to require verification of each guest's name, address and proof of financial responsibility upon check-in and to prohibit the manual entry of credit or debit card payment information in order to prevent fraud.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

**SECTION 1:** Section 8.70.030 of Chapter 8.70 of Title 8 of the Garden Grove Municipal Code is hereby amended as follows (additions shown in ***bold/italics***; deletions shown in ~~strikeout~~):

**SECTION 8.70.030: Registration Required**

"Every person conducting or owning a public lodging facility in the city shall at all times keep and maintain therein a written register or other permanent document in which shall be inscribed with ***entered legibly, either in electronic, ink, or typewritten form,*** the name and home street and town address of each and every ***adult*** guest and person renting and/or occupying a room or area therein, ~~Such register or document shall be signed by the person actually renting the room or area, and the agent of the public lodging facility shall thereupon write opposite such name or names so registered the number of each room or area assigned to or occupied by each such guest, together with~~ ***and the time when such room or area is rented. An agent of the public lodging facility shall verify each guest's name, address, and proof of financial responsibility for the method of payment used by observing or obtaining a copy of a valid driver's license, passport, or other form of picture identification issued by the***

***federal government, the State of California, or another state or U.S. territory and shall enter the number and expiration date of the identification presented in the written register or document. In addition, in order to prevent fraud, where payment is made by credit or debit card, such credit or debit card shall be used in a valid point-of-sale machine collecting all appropriate information, and at no time shall credit or debit card information be manually entered.*** Until all of such entries shall have been made in such register or document, no such agent ***of a public lodging facility*** shall allow or permit such guest to occupy privately any room or area in such facility."

SECTION 2: Section 8.70.040 of Chapter 8.70 of Title 8 of the Garden Grove Municipal Code is hereby amended as follows (additions shown in ***bold/italics***; deletions shown in ~~strikeout~~):

~~"A. Erasures or alterations on the register or document required by this Chapter shall not be permitted or made for any purpose, and it shall be unlawful to erase a name or names and address or addresses or permit or allow such an erasure. Such register or documents shall be kept ***onsite and in an accessible area for a period of not less than one (1) year.*** in a conspicuous place and shall be at all times open to the inspection of any Peace Officer.~~  
~~B. On each page of the register there shall be printed a notice stating that the register is open to inspection by a Peace Officer at all times.~~  
~~C. All register entries shall be in indelible ink or other nonerasable writing substance. Corrections in the register shall be lined out, not erased or covered."~~

SECTION 3: The City Council finds that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 5: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     ) SS:  
CITY OF GARDEN GROVE)

I, TERESA POMEROY, Deputy City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on October 27, 2015, with a vote as follows:

AYES:     COUNCIL MEMBERS:   (5) BEARD, BUI, JONES, PHAN, NGUYEN  
NOES:     COUNCIL MEMBERS:   (0) NONE  
ABSENT:   COUNCIL MEMBERS:   (0) NONE