

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO: (1) REPEAL SECTION 16.051.060 TITLED "HOTELS/MOTELS"; (2) REPLACE SECTION 16.051.060 WITH A NEW CHAPTER 16.101 TITLED "HOTELS/MOTELS"; AND (3) AMEND EXISTING AND ADD NEW SECTIONS TO CHAPTER 16.900 (DEFINITIONS) PERTAINING TO HOTELS AND MOTELS

WHEREAS, in 2004, the City Council for the City of Claremont ("City Council") adopted an ordinance regulating hotels and motels (Ord. 04-04), and that ordinance is currently codified in Section 16.051.060 of the Claremont Municipal Code (the "Hotel/Motel Ordinance"); and

WHEREAS, for at least a decade, the City has experienced severe and pervasive criminal activity in and around motels that are located near interstate highways, and the intensity of that criminal activity has become much worse in recent years, including prostitution, human trafficking, narcotic sales, gang activity, and violent crimes against persons; and

WHEREAS, the location and site configuration of motels near interstate freeways are especially susceptible to criminal and nuisance activity because guests can come and go from their rooms with minimal observation or supervision from the motel's employees or other guests and the proximity to the highway makes it easier to evade law enforcement; and

WHEREAS, at the City Council's Priorities Setting Workshop that was held February 5, 2022, many residents expressed concern regarding frequent criminal activity occurring in and around motels located near the I-10 freeway, including prostitution and human trafficking; in response to these concerns, one of the objectives that the City Council approved is to evaluate nuisance activity occurring in and around local motels and use a collaborative approach to abate the activity, including consideration of amendments to the City's existing Hotel/Motel Ordinance; and

WHEREAS, the City's Police Commission formed an ad hoc committee to study potential amendments to the City's existing Hotel/Motel Ordinance; and

WHEREAS, on April 7, 2022, the ad hoc committee presented its recommendations to the Police Commission, and the Police Commission adopted a Statement of Decision, that among other things, included conceptual provisions for a new or amended Hotel/Motel Ordinance; and

WHEREAS, in summer and fall of 2022, staff conducted outreach to management representatives from each of the five hotels/motels in Claremont as well as counsel for the California Hotel & Lodging Association and California Association of Boutique & Breakfast Inns (collectively, the "Hotel Associations") for input on potential amendments to the City's existing Hotel/Motel Ordinance; and

WHEREAS, in accordance with Chapter 16.315 of the Claremont Municipal Code, the City initiated the preparation of the proposed amendments to the City's Hotel/Motel Ordinance and corresponding definitions ("Code Amendment"); and

WHEREAS, on October 4, 2022, the Planning Commission held a duly noticed public hearing regarding the proposed Code Amendment, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Division of the City of Claremont; and

WHEREAS, after considering the proposed Code Amendment, the staff report, written public comments, and all information, evidence, and testimony received at its October 4, 2022 meeting, the Planning Commission directed staff to schedule a joint meeting of the Planning Commission and Police Commission to further discuss the contents of the proposed Code Amendment; and

WHEREAS, on January 28, 2023, the Planning Commission and Police Commission held a joint meeting, and after considering the proposed Code Amendment, the staff report, written public comments, and all information, evidence, and testimony received at this joint meeting, the Planning and Police Commissions provided direction to staff on the contents of the proposed Code Amendment; and

WHEREAS, on February 21, 2023, the Planning Commission held a duly noticed public hearing regarding the proposed Code Amendment, as revised to incorporate the direction of the Police and Planning Commissions, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Division of the City of Claremont and after considering the proposed Code Amendment, the staff report, written public comments, and all information, evidence, and testimony received at its October 4, 2022 meeting, its January 28, 2023 joint meeting, and its February 21, 2023 meeting, the Planning Commission voted 6-0 (with Commissioner Alvarez absent) to recommend the City Council approve the proposed Code Amendment with certain changes specified by the Planning Commission; and

WHEREAS, on March 14, 2023, the City Council held a duly noticed public hearing regarding the proposed Code Amendment, as revised to incorporate the recommendations of the Planning Commission, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Division of the City of Claremont; and

WHEREAS, the City Council has considered the proposed Code Amendment, the staff report, written public comments, and all information, evidence, and testimony received at the Planning Commission's October 4, 2022 meeting, the Planning and Police Commission's January 28, 2023 joint meeting, and the Planning Commission's February 21, 2023 meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council hereby finds that all the facts set forth in the recitals are true and correct and are incorporated as substantive findings of this ordinance.

SECTION 2. CEQA. It can be seen with certainty that the Code Amendment has no possibility of having a significant effect on the environment. In the absence of any pending application for any hotel or motel that might implicate the proposed ordinance, any specific

environmental effects would be speculative. Therefore, the adoption of the proposed Hotel/Motel Ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Findings and Determinations. Based upon substantial evidence presented to the Planning and Police Commissions during the joint meeting (on January 28, 2023), two public hearings before the Planning Commission (on October 4, 2022 and February 21, 2023), and the public hearing before the City Council (on March 14, 2023), including written staff reports, the staff presentation, written public comments, and verbal testimony, the City Council hereby finds and determines:

1. It is appropriate to amend the Hotel/Motel Ordinance City-wide.
2. The proposed Code Amendment is consistent with the objectives, policies, general land uses and programs of the General Plan. For example, the Land Use Element of the General Plan encourages hotel uses in the Freeway Commercial land use designation for certain properties adjacent to the I-10 freeway that are highly visible from the freeway and benefit from this regional exposure and the Indian Hill/Foothill mixed use designation. (Land Use Element, pp. 2-13, 2-15.) The Code Amendment is also consistent with the Land Use Element's neighborhood vision for South Claremont that "all commercial properties should continue to be upgraded over time, as this presents a gateway impression of Claremont to freeway travelers." (Land Use Element, p. 2-46.)
3. The proposed Code Amendment would not be detrimental to the public interest, health, safety, convenience or welfare. The proposed amendment is being carried out in response to public outcry about long-standing and recent substantially increased criminal and nuisance activities at certain motels.

SECTION 4. Code Amendment. Based upon substantial evidence presented to the Planning and Police Commissions during the joint meeting (on January 28, 2023), two public hearings before the Planning Commission (on October 4, 2022 and February 21, 2023), and the public hearing before the City Council (on March 14, 2023), including written staff reports, the staff presentation, written public comments, and verbal testimony, the City Council hereby adopts and approves the proposed Code Amendment as set forth below:

Section 16.900.434 of the Claremont Municipal Code is hereby added to Chapter 16.900 as set forth below:

16.900.434 HOTEL

Hotel shall mean a commercial land use in a building or portion of a building containing guest rooms which are designed, occupied, used, or intended to be used, rented or hired out as temporary overnight accommodations. A hotel shall not include residential and health care facilities that provide care of persons in need of medical or nursing care, personal care, developmental and supportive services, supervision, or assistance essential for sustaining the activities of daily living. Hotel is distinguished from motel by having the entry to more than fifty (50) percent of the guestrooms through a lobby and/or through a common interior corridor.

Section 16.900.435 of the Claremont Municipal Code is hereby amended as set forth below:

16.900.435 HOTEL/MOTEL

Hotel/motel shall mean either a hotel (including a long-term stay hotel) or a motel as defined herein. These definitions do not include private residences made available for short term rentals, such as residences or rooms rented through Airbnb and Vacation Rental by Owner (VRBO).

Section 16.900.585 of the Claremont Municipal Code is hereby amended as set forth below:

16.900.585 MOTEL

Motel shall have the same meaning as “hotel”; however, motel is distinguished from hotel by having at least fifty (50) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby or interior of the building.

Section 16.900.845 of the Claremont Municipal Code is hereby amended as set forth below:

16.900.845 TRANSIENT

Transient shall mean a person who is receiving sleeping or overnight accommodations for a period of thirty (30) consecutive calendar days or less, at a location within the City, for a price, with or without meals.

Section 16.051.060 of the Claremont Municipal Code is hereby repealed in its entirety and replaced with a new Chapter 16.101 as set forth below:

16.101 HOTELS/MOTELS

16.101.000 Intent.

The general purpose of these regulations is to address nuisance activity that often occurs in and around hotels/motels and use a collaborative approach to both proactively prevent and, when necessary, reactively abate the activity. The intent is to promote the health, safety, comfort, convenience, prosperity, and general welfare by requiring that businesses that offer shelter to visitors, transient guests, and other residents provide a minimum level of cleanliness, quality, and security.

16.101.010 Definitions.

For the purpose of this chapter, unless the context clearly requires otherwise, the words and phrases defined in this section shall have the following meanings:

Director shall mean the City's Director of Community Development or his, her, or their designee.

Guest shall mean any person who is authorized to enter a hotel/motel room and who the hotel/motel operator has provided with a hotel/motel room key.

Identification documents shall mean, exclusively, any one of the following documents issued by a government agency: (1) a current passport or passport card; (2) a current driver's license; (3) a current non-driver identification card; (4) current military identification. To be accepted by the operator of a hotel/motel, an identification document must include a photograph of the guest presenting it that the operator recognizes as a photograph of the guest. For avoidance of doubt, any document that is represented by a guest to be one of the above documents, but which does not include a photograph, or does not include a photograph that the operator of the hotel/motel recognizes as the photograph of the guest, is not an acceptable identification document.

Long-term stay hotel shall mean a hotel that allows guests to rent rooms for terms that exceed the maximum length of stay limitations in this chapter. These establishments as defined are sometimes referred to as "extended-stay hotels", such as Residence Inn by Marriott Hotels or Extended Stay America.

Operator shall include owners and managers of a hotel/motel and their agents and employees.

16.101.020 Maximum Length of Stay.

A. A hotel/motel shall be used only for transient occupancy. No person shall utilize a hotel/motel as his or her primary residence, except a resident manager of the hotel/motel. A hotel/motel may include one dwelling unit for use as a resident manager's unit.

B. All guest rooms shall be used only for short-term, overnight accommodations for guests. Unless a hotel/motel has obtained a conditional use permit in accordance with Chapter 16.303 authorizing longer-term stays, the length of time any guest occupies any hotel/motel room shall not exceed the following limits:

1. Maximum Consecutive Length of Stay: Thirty (30) consecutive calendar days; and
2. Maximum Cumulative Length of Stay: Sixty (60) cumulative in any one hundred and eighty (180) consecutive calendar day period.

If a guest room(s) is (are) rented, let, or otherwise provided to any guest for the maximum time periods allowed by this section, then the hotel/motel shall not rent, let, or otherwise provide any other guest room to the guest in a manner that results in the guest's stay at the hotel/motel exceeding these limits. A hotel/motel shall not allow a guest to change rooms in an attempt to evade these limits on maximum length of stay.

C. One of the purposes of these maximum length of stay limits is to ensure that hotels/motels regularly clean and maintain their guest rooms and do not allow guests' belongings to accumulate in an unsafe or unsanitary manner. Hotels/motels shall not permit guests to store their belongings in their guest rooms after checking out. Before a new rental term begins, hotels/motels shall ensure that all of the prior guests' belongings have been removed and the guest room is clean and in a good state of repair.

D. The limitations on maximum length of stay in subsection (B) of this section shall not apply to a hotel that the City has specifically approved as a long-term stay hotel through the issuance of a conditional use permit in accordance with Chapter 16.303.

16.101.030 Minimum Length of Stay.

A. **Hotels:** Unless a hotel has obtained a conditional use permit in accordance with Chapter 16.303 authorizing shorter-term stays, the minimum rental term for a guest room in a hotel must be sufficient for at least one overnight stay.

B. **Motels:** Unless a motel has obtained a conditional use permit in accordance with Chapter 16.303 authorizing shorter-term stays, the minimum rental term for a guest room in a motel must be sufficient for at least one overnight stay that is at least eighteen hours (18) long.

C. **Re-Renting Rooms:** Unless a hotel/motel has obtained a conditional use permit in accordance with Chapter 16.303 authorizing the hotel/motel to re-rent vacant rooms, a hotel/motel shall not re-rent a guest room to a new or different guest before the minimum length of stay has elapsed.

16.101.040 Requirements for All Hotel/Motels.

The requirements listed in this section shall apply to every hotel/motel in the City. The general purpose of these requirements is to proactively prevent and reactively address certain criminal activity, including prostitution and human trafficking.

A. **Room Rental Rates:** Unless a hotel/motel has obtained a conditional use permit in accordance with Chapter 16.303 authorizing shorter-term rental rates, no operator of a hotel/motel shall accept an hourly rate or any increment less than the rate for at least one overnight room rental (hereafter "day use rates"). In addition to the findings and requirements set forth in Chapter 16.303, the decision-making body shall not approve a conditional use permit for day use rates unless it makes all of the following findings:

1. The hotel/motel is in full compliance with this chapter.

2. The hotel/motel does not have a history of criminal or nuisance activities on site that could be exacerbated by day use rates, such as prostitution and/or human trafficking.

3. The use of day use rates at this location is unlikely to result in criminal or nuisance activities or otherwise be detrimental to the health, safety, or welfare of the community.

B. Guest Register & Check In Procedures:

1. Contents of Guest Register: The hotel/motel operator shall keep a register that includes all of the following:

- a. The full name of each guest;
- b. Each guest's date of birth;
- c. The permanent address of each guest, if any;
- d. The identification number from the identification document the guest used to check in (e.g., the driver's license number) and the issuing jurisdiction (e.g., state or country) for the identification document;
- e. The dates of occupancy (including the day, month, year, and hour of the guest's check in and check out times);
- f. The room number or letter (or other identifying symbol if guest rooms are not numbered or lettered);
- g. The room rate;
- h. The make, model, and license plate number of any vehicle that the guest will park in the hotel/motel's parking area(s); and
- i. A signature of the representative of the operator who examined the identification document(s) presented and attestation that he, she, or they examined the identification document(s) and confirmed that the photograph is that of the guest.

2. Scanned Identification Documents: No hotel/motel operator shall allow a guest to occupy a guest room for any period of time without first scanning or otherwise making a digital copy of the guest's identification document(s).

3. Credit or Debit Card: No hotel/motel operator shall allow a guest to occupy a guest room for any period of time without first obtaining a valid credit or debit card in the guest's name (as opposed to a prepaid card) from the guest who is paying for the room and confirming that the name on the card matches the name on the guest's identification document(s). If the guest is not using the credit or debit card to pay for the room (e.g., the guest is paying with cash), the hotel/motel operator must confirm the validity of the credit or debit card with the card issuer. Notwithstanding

the foregoing, this requirement shall not prevent hotels/motels from renting a guest room to a guest who is paying for the room with voucher from a governmental agency or a bona fide nonprofit entity.

4. Exception for Digital Check Ins: With advance approval of a conditional use permit in accordance with Chapter 16.303, an operator of a hotel/motel may obtain a waiver of one or more requirements in Paragraphs (1)(i), (2), and/or (3) of this Section 16.101.040(B) to allow the hotel/motel to offer a digital check in option, such as an electronic check in kiosk or a “digital key” that allows guests to check-in to the motel and access their guest room key on their mobile device. In addition to the findings and requirements set forth in Chapter 16.303, the decision-making body shall not approve a conditional use permit for digital check ins unless it makes all of the following findings:

- a. The hotel/motel is in full compliance with this chapter.
- b. The hotel/motel does not have a history of criminal or nuisance activities on site that could be exacerbated by digital check ins, such as prostitution and/or human trafficking.
- c. The use of digital check ins at this location is unlikely to result in criminal or nuisance activities or otherwise be detrimental to the health, safety, or welfare of the community.

5. Bookings by a Responsible Agent: This Section 16.101.040(B) shall not prevent hotels/motels from allowing a responsible agent to reserve guest rooms on behalf of an organized group (e.g., sport teams, companies, associations, etc.), provided each of the group’s guests who are staying in the hotel/motel’s guest rooms comply with this section.

6. Retention of Guest Records: Every motel operator shall keep and preserve the register and any and all other records required by this section for a period of not less than four (4) years. During the retention period required by this subsection, no person shall alter, deface, or erase the register and any and all other records required by this section so as to make the information recorded therein illegible or unintelligible.

7. Inspection of Guest Records: The guest register must be made available to City Personnel in accordance with Section 16.101.040(L) below.

C. **Transient Occupancy Tax**: Transient occupancy tax (TOT) shall be paid for each occupied guest room in a hotel/motel pursuant to Municipal Code Chapter 3.28.

D. **Parking by Permit Only:**

1. Parking Permits Required: Except as otherwise provided in this section, it shall be unlawful for any person to stand or park any vehicle in a hotel/motel’s parking area unless a parking permit issued by the motel is displayed on the vehicle.

A hotel/motel shall not issue a parking permit to any person who is not a guest of the hotel/motel, or an employee of the hotel/motel, or a contractor of the hotel/motel when the contractor is on site for official business. For guest vehicles, a hotel/motel shall not issue a parking permit unless the guest has provided all of the information and documents required by Section 16.101.040(B) above.

2. Implementation of Permit Parking System: The Director is authorized to establish rules and procedures to produce signs, forms and other materials necessary or appropriate to implement the provisions of this section.

3. Enforcement of Parking Permit Requirements: The hotel/motel shall be responsible for monitoring its parking areas and enforcing the requirements of this section. Failure to enforce the requirements of this section is a violation of this chapter.

4. Exceptions:

a. This requirements of this section shall not apply to any authorized emergency vehicle, City vehicle, or vehicle owned by a public utility when such vehicle is being used for official business, or to any vehicle used for collection or delivery of United States mail.

b. This requirements of this section shall not apply to any hotel/motel that provides secured parking for guests behind a fence, gate, or similar structure in accordance with plans approved by the Director.

c. The requirements of this section may be modified or waived through approval of a conditional use permit in accordance with Chapter 16.303.

E. **Video Surveillance**:

1. Video Surveillance Requirement: Every operator of a hotel/motel shall install and maintain in good working order closed-circuit television (CCTV) recording cameras sufficient to maintain continuous visual coverage of all entry points, common areas, and all parking areas.

2. CUP Exception for Parking Areas Only: The requirement to install and maintain CCTV recording cameras in parking areas may be modified or waived through approval of a conditional use permit in accordance with Chapter 16.303.

3. Surveillance Footage Retention & Inspection: The video footage from CCTV recording cameras must be maintained by the motel for a minimum of ninety (90) days before it is erased or overwritten. Surveillance footage must be made available to City personnel in accordance with Section 16.101.040(L) below.

F. **Security of Guest Rooms**:

1. **Guest Room Locks**. Hotels/motels shall install and maintain an operable dead bolt lock on each main swinging entry door of a guest room. The dead

bolt lock shall be installed in accordance with the manufacturer's specifications and shall comply with applicable state and local codes including, but not limited to, those provisions relating to fire and life safety and accessibility for people with disabilities. This section shall not apply to horizontal sliding doors.

2. Viewports. Each exterior door to a guest room shall have a viewport or window convenient to the door. Properties with fire resistive construction rated ("fire rated") doors, at the time of the adoption of the ordinance codified in this Chapter, are exempt from this provision to the extent that installing a viewport would negatively affect the fire rating.

3. Connecting Doors. Each door connecting two guest rooms that share a common wall shall be equipped with a functional deadbolt lock.

4. Window Locks. All windows designed to be opened shall have an operable window security or locking device. Louvered windows, casement windows, and all windows more than twelve (12) feet vertically from the ground are excluded from this subdivision, except where the window is within eight (8) feet horizontally of a roof or any other platform area.

G. Cleanliness:

1. Mattress Condition/Cleanliness. Mattresses shall be free of stains, holes, rips, and/or odors in excess of normal wear and tear, and maintained in a sanitary, non-defective condition (e.g., without broken springs, indentations, sags, etc.).

2. Linen Condition/Cleanliness. Where provided by the operator, linens shall be free of stains, holes, rips, and/or odors in excess of normal wear and tear and shall be cleaned at change of occupancy or at least once every three (3) days during a guest's stay and if requested by the guest.

3. Bathroom Condition/Cleanliness. Bathroom fixtures (e.g., toilet, bathtub, sink, mirror) shall be maintained without significant cracks, chips, and/or stains. Floors shall be washed and sanitized at change of occupancy and/or before a new rental term begins. The operator shall maintain daily cleaning schedules of all occupied rooms, including daily trash service (required) and replacement of dirty towels at least once every three (3) days and if requested by the guest.

4. Carpet Condition/Cleanliness. Carpeting shall be free of stains, holes, rips, and/or odors in excess of normal wear and tear, and maintained in a sanitary, non-defective condition.

5. Floor Condition/Cleanliness. With the exception of carpeting as noted above, floor surfaces shall be made of nonabsorbent material. All surfaces and tile grouting shall be maintained without cracks, rips, and/or missing elements.

6. **Wall Condition/Cleanliness.** Wall surfaces shall be maintained without spots, stains, flakes, chips, holes, and the like and maintained in a clean and sanitary condition.

7. **Mold/Mildew.** All surfaces, including fixtures and carpeting and flooring shall be free from mold, mildew, and/or bubbling conditions.

8. **Water Leakage/Water Stains.** All fixtures shall be maintained without leaks or drips. Water damage shall be repaired within thirty (30) days of detection. A guest room with water damage shall not be rented until the water damage is repaired.

9. **Furniture Condition.** All furniture items provided by the hotel/motel shall be maintained in proper working order.

10. **Condition of Shades/Draperies/Blinds.** Shades, draperies, blinds, and other window coverings shall be free of stains, holes, rips, and/or odors in excess of normal wear and tear, and maintained in a sanitary, non-defective condition.

11. **Vector Control.** The premises shall be kept clean in every part and free from accumulation of garbage, rubbish, rodents, vermin, and other unsanitary matter.

H. Room Furnishings:

1. **Privacy.** Privacy coverings such as shades, draperies, or blinds shall be appropriately hung to cover all windows.

2. **Room Light.** An active, fully functional light switch shall be located at the entry to the guest room.

3. **Bathroom Fixtures.** Private bathrooms shall have a functioning toilet and sink, and a functioning shower and/or bathtub. This section should not be construed to prevent a sink from being placed in a guest room that does not have full bathroom facilities.

4. **Shared Bathroom Facilities.** Guests in facilities with shared bathrooms shall have access to a functioning toilet and sink, and a functioning shower and/or bathtub. Shared showering or bathing areas shall be able to be securely locked from the inside. Separate facilities shall be provided for men and women or the facilities shall be able to be locked for individual use. Signs shall be posted indicating that "Children under 12 years of age who use this shared bathroom must be accompanied by a parent or guardian at all times."

5. **Hot/Cold Water.** Hot and cold running water shall be provided for all plumbing facilities.

6. **Telephone Rates.** Telephone rates shall be posted in every room that has a private phone and be adhered to by management.

7. Clothes Storage. Storage space shall be provided in good working order for hanging clothes and/or storing personal belongings.

I. Exterior of Property:

1. Windows. Exterior window glass shall be without cracks, chips, and/or holes. Aftermarket tint material applications on windows are prohibited.

2. Exterior screens, if present, shall be shall fit the window opening completely and shall be in good repair without rips, holes, or tears.

3. Exterior Lighting. Please reference Claremont Municipal Code Chapter 16.136 – Parking, Loading, and Transportation Demand Measures.

4. Painting. Please reference Claremont Municipal Code Chapter 8.16 – Public Nuisances.

5. Electrical. Please reference Claremont Municipal Code Chapter 15.08 – Electrical Code.

6. Landscaping. All areas on the property designated for landscaping, such as, lawns, planter beds, and other unsurfaced locations, shall be maintained with properly trimmed living plant materials in accordance with an approved landscaping plan and without collecting litter or debris. Please reference Claremont Municipal Code Chapter 8.22 – Maintenance of Commercial Landscaping and Chapter 16.131 – Water Efficient Landscape Requirements.

7. Directional Signs. Directional signs shall be posted as appropriate to ensure that emergency personnel can find guest rooms in a timely manner. Please reference Claremont Municipal Code Title 18 – Signs.

8. Exterior Trash/Garbage Storage. All containers used for the storage of trash, garbage, or recycled materials and placed on the exterior of the building(s) shall be maintained in a locked and screened enclosure. Please reference Claremont Municipal Code Chapter 8.08 – Garbage and Solid Waste.

J. Common Areas:

1. Elevators. Guest service elevators shall be fully functional and pass appropriate agency inspections. The name and telephone number of the inspection agency shall be posted in all elevators. Elevators shall be operational on a twenty-four (24) hour-a-day basis.

2. Hallway Lighting. Any hallway or lobby area or other common public space shall be maintained in a sanitary condition, free of garbage or debris, and shall be illuminated with proper lighting that is in compliance with the California Building Code.

3. Upon request, the hotel/motel must make any common areas and/or parking areas of the hotel/motel available to any member of the Claremont Police Department or the City of Claremont Building and Safety Division for the purpose of determining that the provisions of this chapter are met. Refusal to allow such inspection immediately is a violation of this chapter.

K. **Lost or Abandoned Property:** Any property left in a guest room by a person or party that has checked out shall be removed by the operator of the hotel/motel and stored or otherwise disposed of in accordance with applicable laws.

L. **Inspections:** To ensure ongoing compliance with this chapter and any other federal, state, or local laws and regulations, the City of Claremont's Building and Safety Division, Planning Division (including Community Improvement), Police Department, and/or City Attorney (collectively, "City Personnel") may require periodic inspections of a hotel/motel's premises, records (including any required guest register), and/or surveillance footage. Nothing in this section shall prevent City Personnel and a hotel/motel operator from working together to schedule an inspection at a mutually agreeable date and time to minimize disruption to the hotel/motel's business and operations.

1. Except as otherwise provided in this section, City Personnel shall serve a written inspection notice on the operator by either first class mail or personal service at least thirty (30) calendar days prior to the inspection date. If notice is served by first class mail, it is deemed served three days after it is deposited in the mail. If notice is hand delivered, it is deemed served immediately upon receipt.

2. The inspection notice shall contain the following information: (1) the name, business address, and business telephone number of the City Personnel who will be conducting the inspection; (2) the purpose of the inspection; (3) the date and approximate time of the inspection; and (4) notice of the right to seek pre-compliance administrative review of the inspection notice.

3. The operator may object to the inspection notice by seeking pre-compliance administrative review by the City Manager or his/her/their designee. Pre-compliance administrative review shall be sought at least ten calendar days before the inspection date provided on the inspection notice.

4. Notwithstanding the above, an inspection notice is not necessary if:

a. The operator of the hotel/motel consents to the inspection of the hotel/motel's premises, records, and/or surveillance footage and/or the guest consents to the inspection of his, her, or their individual guest room;

b. The inspection is being conducted pursuant to an administrative or court-issued subpoena or warrant, such as an inspection warrant under California Code of Civil Procedure Sections 1822.50 through 1822.57;

c. The inspection is being conducted in response to exigent circumstances, such as a reasonable belief that area being inspected is so hazardous, unsafe or

dangerous as to require immediate inspection to safeguard the public health or safety; and/or

d. The inspection is limited to parts of the hotel/motel's premises that are open to the public for conditions that City Personnel can observe in plain view, such as the hotel/motel's parking lot and lobby.

16.101.060 Additional Requirements for Long-Term Stay Hotels

No long-term stay hotel may be established or operated except as specifically permitted by a conditional use permit approved pursuant to Chapter 16.303.

The following requirements shall apply to every long-term stay hotel in the City:

A. A long-term stay hotel shall be specifically designed and operated to primarily accommodate long-term guests whose length of stays vary from several days to a month or more.

B. The hotel shall be of an architectural and visual quality and character, which harmonizes and enhances the surrounding area.

C. Fireproof safety deposit boxes must be available to all of the occupants.

D. All guest rooms shall provide wireless computer connections.

E. The hotel shall provide a business/conference center with private or semi-private work spaces, wireless service, telephones, and access to a fax machine and photocopier.

16.101.060 Amortization of Legal Nonconforming Conditions

Notwithstanding Chapter 16.400, conditions that existed as of the effective date of Ordinance No. 2023-01 ("Effective Date") and that were legal and fully conforming to all state and local laws, codes, and regulations immediately prior to Effective Date, but which do not conform to this chapter, must be brought into compliance with this chapter by the following deadlines:

A. For changes in hotel/motel operations – within ninety (90) days of the Effective Date; and

B. For changes that require physical improvements to the property and/or structures – one (1) year of the Effective Date.

A hotel/motel may file a written request for an extension of these amortization periods. The Director may grant a request for an extension if he/she/they find: (1) the extension will not pose a risk to the public health, safety, or welfare; and (2) the hotel/motel has exercised diligence in making progress towards bringing the nonconforming condition into compliance with this chapter. A hotel/motel may request more than one extension, but the maximum cumulative length of any single extension

or combination of extensions is one (1) year. The Director's decision on a request for an extension is appealable in accordance with Chapter 16.321.

16.101.070 Enforcement

A. Criminal Fines and Penalties

Any person responsible for violating any provision of this chapter is guilty of an infraction or a misdemeanor at the discretion of the City Attorney and/or district attorney. Upon conviction, the person shall be punished as prescribed in Chapter 1.12.

B. Administrative Fines and Penalties

Whenever an officer charged with the enforcement of any provision of this Municipal Code determines that a violation of this chapter has occurred, the officer shall have the authority to issue an administrative citation to any person responsible for the violation in accordance with Chapter 1.14.

C. Separate Offenses for Each Day.

Any person responsible for violating this chapter shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, permitted, or caused by such person and shall be punished accordingly.

D. Public Nuisance and Lien on Property

Any use or condition caused, or permitted to exist, in violation of any provision of this chapter and/or state or federal law shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731 or any other remedy available at law. In accordance with Chapter 1.15, the City may also collect any fee, cost, or charge incurred in the abatement of such nuisance by making the amount of any unpaid fee, cost or charge a lien against the property that is the subject of the enforcement activity.

E. Red Light Abatement Action

If there is reason to believe that a hotel/motel is used for the purpose of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, then the City Attorney may bring an action pursuant to California's Red Light Abatement Law, California Health and Safety Code Section 11125, et seq. to abate and prevent the nuisance and to perpetually enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting it.

F. Civil Action

In addition to any other enforcement permitted by the City's Zoning and/or Municipal Codes, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

G. Permit and/or License Revocation

Any violation of this chapter may result in revocation of the hotel/motel's use permit and or business license.

Use of any one or more of these remedies shall be at the sole discretion of the City and nothing in this section shall prevent the City from initiating civil, criminal or other legal or equitable proceedings as an alternative to any of the proceedings set forth above.

H. Liability for Expenses

In addition to the punishment provided by law, a person responsible for violating this chapter is liable for such costs, expenses, and disbursements paid or incurred by the City or any of its contractors in correction, abatement, and prosecution of the violation.

16.101.080 Oversight & Reporting

A. The City Manager or his/her/their designee shall establish a City Interdepartmental Team (CIT) comprised of City staff from multiple departments, including but not limited to the Building and Safety Division, the Planning Division (including Community Improvement), the Police Department, and the City Attorney's Office to proactively identify and address criminal and nuisance activity at hotels/motels. The CIT shall also include at least one member of the community who is impacted by hotels/motels, such as a member of the community who resides or works near a hotel/motel.

B. The CIT shall conduct ongoing outreach to members of the community who may be impacted by hotels/motels. The City's website shall include a process for reporting feedback on hotels/motels.

C. The CIT shall prepare reports of any findings it makes regarding nuisance and criminal activity at hotels/motels. The CIT shall post its reports on the City's website quarterly and shall provide a report to the City Council annually.

SECTION 5. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 6. Severability.

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

SECTION 7. Posting of Ordinance.

The mayor shall sign this ordinance and the city clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish a summary in the Claremont Courier, a weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 28th day of March, 2023.




Mayor, City of Claremont

ATTEST:



City Clerk, City of Claremont

APPROVED AS TO FORM:

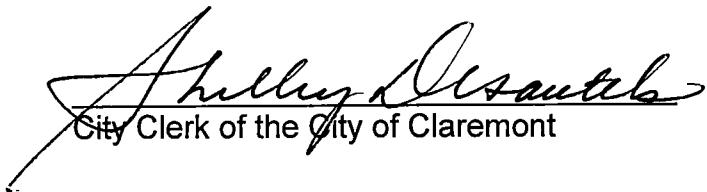


City Attorney, City of Claremont

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF CLAREMONT)

I, Shelley Desautels, City Clerk of the City of Claremont, County of Los Angeles, State of California, hereby certify that the foregoing Ordinance No. 2023-01 was introduced at a regular meeting of said council held on the 14th day of March, 2023, that it was regularly passed and adopted by said City Council, signed by the Mayor and attested by the City Clerk of said City, all at a regular meeting of said council held on the 28th day of March, 2023, and that the same was passed and adopted by the following vote:

AYES:	COUNCILMEMBERS:	CALAYCAY, LEANO, MEDINA, REECE, STARK
NOES:	COUNCILMEMBERS:	NONE
ABSTENTIONS:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE


City Clerk of the City of Claremont