

- I. Xcel “Partners In Energy” Program**
Representatives from Xcel Energy will be present to discuss the “Partners in Energy” Program.
- II. Hotel/Motel Discussion**
City Attorney Dan Brotzman will be present to discuss hotel/motels.
- III. Citizen of the Year Selection Process**
Council will discuss the Citizen of the Year selection process.
- IV. Council Member’s Choice**
- V. City Manager’s Choice**
- VI. City Attorney’s Choice**



PARTNERS IN ENERGY
AN XCEL ENERGY COMMUNITY PARTNERSHIP

Partners in Energy Overview

Englewood City Council
October 12, 2015

Agenda



PARTNERS IN ENERGY
AN XCEL ENERGY COMMUNITY PARTNERSHIP

1. Introductions
2. Partners in Energy Overview
3. How does it Work
4. Why Participate
5. Next Steps

Program Objective



PARTNERS IN ENERGY
AN XCEL ENERGY COMMUNITY PARTNERSHIP

Engage with the communities we serve by providing them with tools and resources to develop and carry out their energy action plan.

Partners in Energy Deliverables



PARTNERS IN ENERGY
AN XCEL ENERGY COMMUNITY PARTNERSHIP



Benefits to Englewood

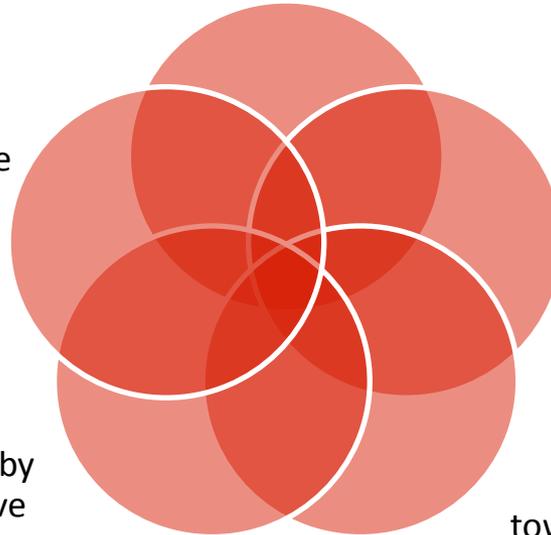
Energy action plan development at no cost to the community.
(est. value \$30,000-\$50,000)

Community energy data to see baseline performance and assist in tracking implementation success.

Supports economic development by leveraging utility programs to drive improvements and energy savings.

Tools and resources to develop and execute an energy action plan

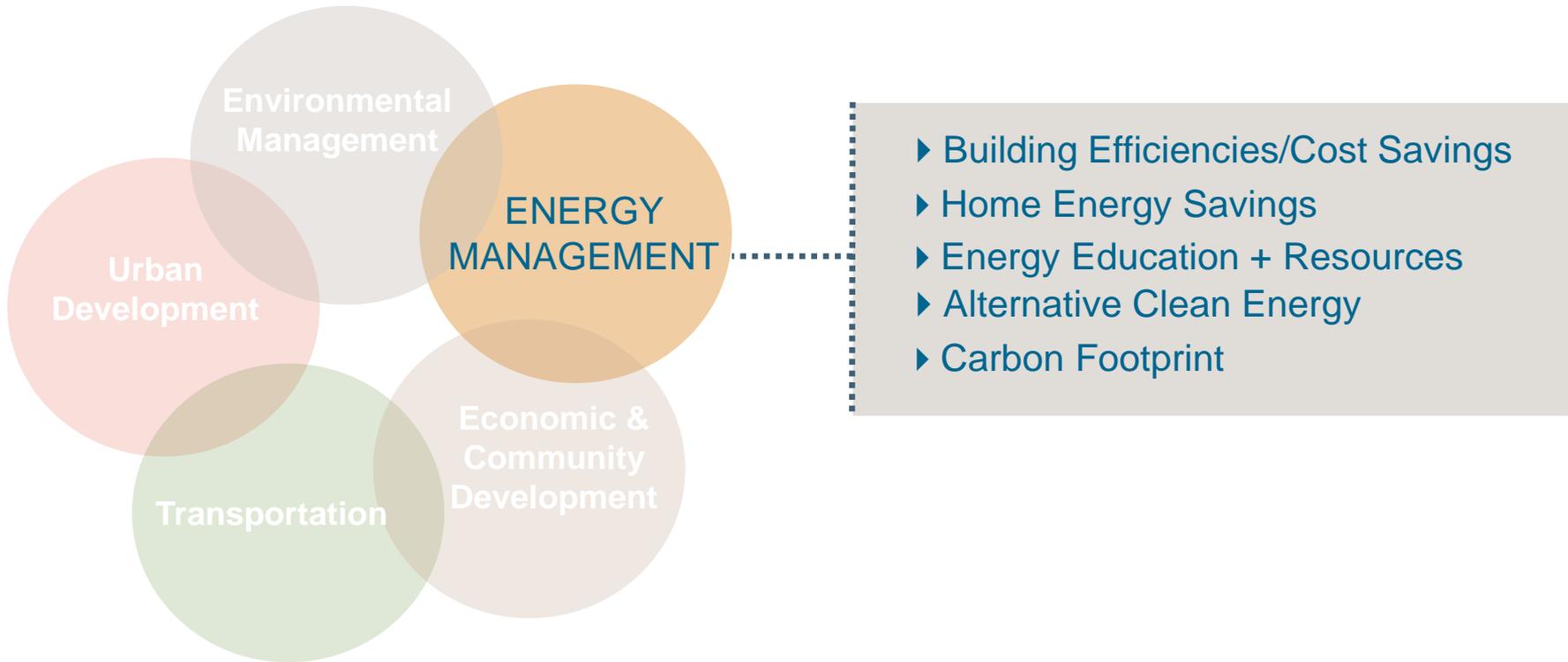
Engages residents and/or businesses toward a community-driven common goal



Complements Your Sustainability Program

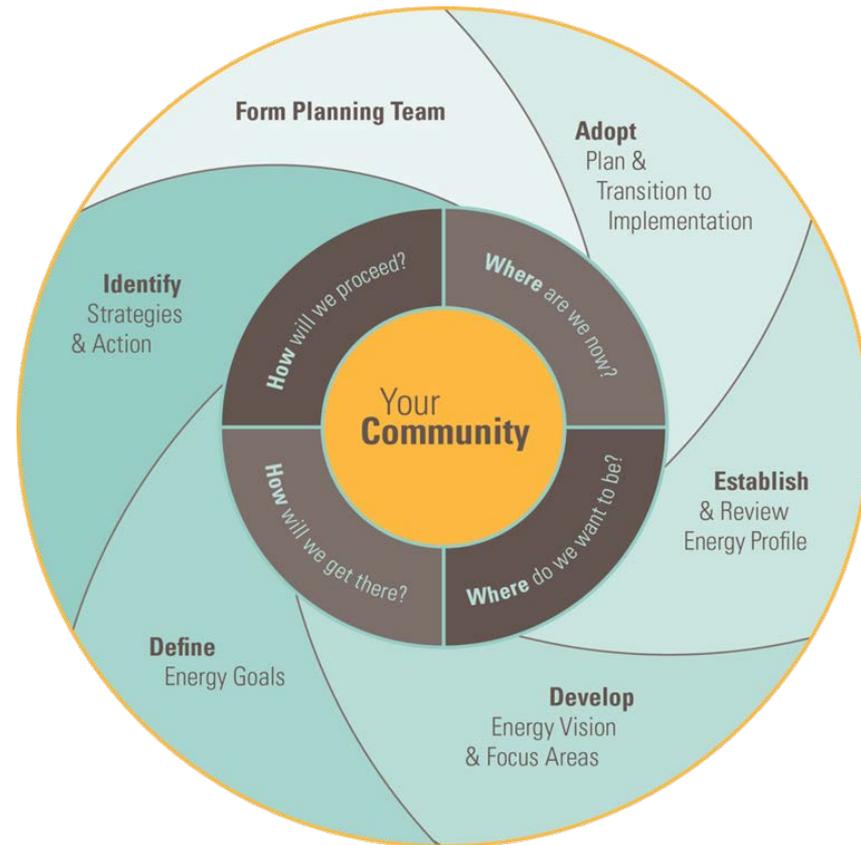


PARTNERS IN ENERGY
AN XCEL ENERGY COMMUNITY PARTNERSHIP



Plan Development

- Vision
- Areas of Focus
- Measurable Goals
- Strategies & Tactics
 - Implementation Plan



Implementation Support



Why is Xcel Energy doing this?

Develop a better understand the energy needs of communities we serve

Better align the services and programs we offer with customer needs

Support the Xcel Energy philosophy of community engagement

Next Steps



PARTNERS IN ENERGY
AN XCEL ENERGY COMMUNITY PARTNERSHIP

READY: Complete the Partners in Energy application to start planning workshops January 2016

- *Provides background information to start to develop community profile*

SET: City of Englewood Approves the Planning Phase Memorandum of Understanding

- *Outlines commitment for the planning phase from the City and Xcel Energy*

GO: Provide shapefile of Englewood and identify members of the energy action planning team

- *Guidance available on potential members from the Englewood community*

Contacts



PARTNERS IN ENERGY
AN XCEL ENERGY COMMUNITY PARTNERSHIP

For questions, or more information contact:

Tami Gunderzik	Program Manager
E-mail	<input type="text"/>
<input type="text"/>	<input type="text"/>
Tom Henley	Area Manager, Community & Local Govt.
E-mail	<input type="text"/>
<input type="text"/>	<input type="text"/>



PARTNERS IN ENERGY

AN XCEL ENERGY COMMUNITY PARTNERSHIP

PARTNERS IN ENERGY

FREQUENTLY ASKED QUESTIONS

Q. What is Partners in Energy?

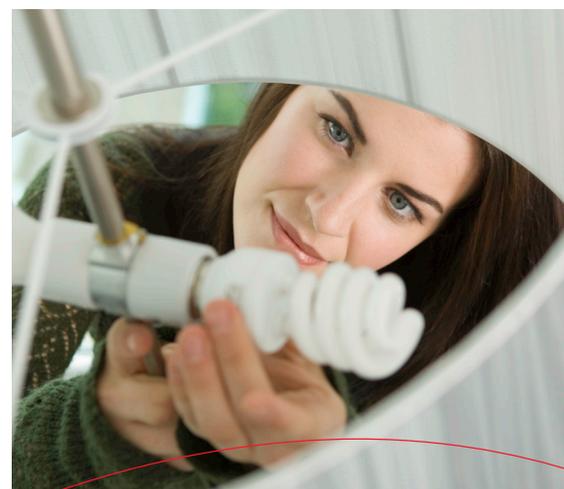
A. Xcel Energy's Partners in Energy is a two-year community partnership commitment designed to support communities as they develop and implement an energy action plan unique to their energy needs. If you apply and are accepted into Partners in Energy with Xcel Energy, you receive a dedicated team with expertise in energy planning and implementation. We will provide guidance, education and resources for your municipal staff, businesses and residents to achieve your measurable energy goals by your target date.

Q. How is this program going to benefit our community?

A. For some communities, Partners in Energy will augment their current sustainability program and for others, it will address energy management for the first time. Regardless of the maturity of your community's planning or sustainability efforts, energy may be one aspect that could be more robust with help from our experts. This program has the flexibility to customize planning to support where your community is in the energy planning process and move you forward. For established community goals around energy, we will focus on development and delivery of that plan. Our program will match your community's unique goals during implementation. It may be an education plan on energy conservation, identifying how to finance renewables for municipal buildings, or promoting green technologies to businesses or residents. At the very least, Partners in Energy is a great way to launch a smart, energy management program.

Q. What resources are expected from us?

A. For the energy action planning, you will need to assign one or more energy ambassadors to work with the Xcel Energy team. Over the first six months, as we work together to develop your action plan, it may require up to 100 hours of the energy ambassador's time. The time commitment after that will depend on each community's unique goals, strategies and resources. You will identify a group of planning participants to be involved in the development of the plan. The community will host the planning meetings that will identify its vision, goals, strategies and focus areas. As you enter the program, we will be looking at how your community uses energy and what resources you have available to incorporate into implementation of a successful plan. It could be that you will be using existing communications channels such as the community website, newsletter or cable channel to provide visibility of the program to community members. We will make it as simple as possible by providing marketing and communications templates that you can customize and roll out. Ideally, you will want to leverage any and all gatherings to include a way to promote and motivate your community member participation.



Q. Is there a cost associated with Partners in Energy?

A. There is no cost to participate in Partners in Energy planning, but depending on how your community implements their plan, there may be expenses. The tactics in your energy action plan may be within your current budget, or you may identify needs for short- or long-term investments to implement a more robust energy management program.

Q. Who is involved?

A. In addition to your energy ambassador and your planning team, Xcel Energy will be at the table to provide resources, data and support during the planning and implementation.

In addition, you will have access to energy planning experts and the ability to brainstorm with other community representatives going through this program at the same time. Depending on the goals and strategies in your energy action plan, the plan you develop will drive who gets involved in your energy projects or disseminating your communications to your community.

Q. How do we apply for Partners in Energy?

A. Your Xcel Energy point of contact will guide you through the application process. We will be receiving applications and accepting communities based on a set of criteria. Before you apply, you can request a presentation about the program for you or a larger group representing your community. This can be delivered either in person or electronically via a webinar. To find out more about when additional communities can join the program or download an application, visit our website at xcelenergy.com/PartnersInEnergy.

Q. Once accepted, what are the first steps to participate?

A. Once you've been accepted into the Partners in Energy program, Xcel Energy will organize preliminary meetings to build the framework to launch your energy action planning sessions. Depending on the complexity of your plan, we anticipate six to eight weeks for preparation, and 14 to 16 weeks for development of the plan. We'll support your implementation activity for up to 18 months, after planning is complete. Specifics of that support will depend on the actions outlined in your goals and strategies for the program. Measurable goals will be monitored and reported to show your successful progress along the way.

Q. What types of things will our energy action plan include?

A. Your energy action plan will identify strategies to meet your measurable energy goals. To help remove barriers and reach your goals, your Xcel Energy team can help you select from our diverse portfolio of energy efficiency and renewable programs to find the most effective program mix for success. For example, you may want to reduce your community's business electric usage. The recommended programs may include a combination of lighting, heating or cooling efficiencies, and actions may be equipment upgrades or maintenance measures. Other focus areas may include educating your businesses and residents on energy, working with local contractors to make energy efficiency part of their services, establishing a local fund for energy efficiency or renewables, or developing a green construction program. There's no limit to where your community's vision can take our team.

PARTNERS IN ENERGY

YOUR LEADERSHIP. OUR ENERGY KNOW HOW. A COLLABORATIVE TEAM.

Today, energy is becoming an expanding focus in community sustainability strategies. Regardless of your starting point, Xcel Energy would like to partner with you to move your energy plan forward. Our Partners in Energy program is designed to help communities like yours develop an energy plan—or identify strategies and resources to successfully augment an existing plan.

If you would like to leverage our expertise in plan development and navigating the complexities of energy use, conservation, renewables and environmental issues, we invite you to participate in Xcel Energy's Partners in Energy.

Our energy partnership program will empower your community leaders to take your energy management program to the next level. Partners in Energy may be just the vehicle you've been looking for to launch your energy management program and provide your leaders with the framework to develop a custom, strategic energy plan by:

- Developing and documenting your community's long-term energy vision
- Identifying the appropriate goals and strategies to help achieve that vision
- Engaging and motivating your community to take action
- Monitoring and tracking your results
- Celebrating your achievements and promoting your success
- Carrying forward your energy momentum for the long term

Make an Energy Connection With Your Community

With energy being a topic of interest for your community, Partners in Energy gives you an opportunity to collaborate on goals that benefit everyone. Envision how your engagement could go. You begin by adding a Partners in Energy Web page on your community's website that provides resources, tips, goal status updates and links to money-saving rebates. You could decide to send out an announcement letter to build excitement about your collaboration. Then, on a regular basis, send newsletters to keep your program top of mind. You could also send emails with content we provide about money-saving efficiencies. We'll partner with you to keep awareness high through media buzz, articles in your local paper, ongoing promotions or a calendar of business and resident events. These are just a few examples of how your roll-out could go.



It Begins With an Energy Action Plan

The partnership begins with identifying a team to lead the development of your community's custom energy action plan. We'll be a part of your planning to help you develop a cohesive plan that identifies a baseline for your community and establishes measurable energy goals with strategies to help you achieve them within 24 months.

Partners in Energy Motivates Change

Your planning team will be able to leverage a large portfolio of Xcel Energy programs, services and rebate opportunities—from energy efficiency, to renewable choices, to energy education. There are endless formulas for success. The tactics will be unique to your community, and you will have access to communications and promotional templates that will educate your constituents on energy, ways to save, rebates, tips, energy tracking and other outreach approaches. As an incentive to achieve your goals, your community may have the potential to receive a financial bonus to help fund local projects that reward collaboration.

Platform for Long-Term Sustainability

After you have developed your plan, implemented all the tactics, and celebrated reaching your energy achievements, what then? Xcel Energy will continue to be your energy service provider ... now you and your community will have developed relationships and, more specifically:

- Your residents and businesses will have set up an online account to view their energy usage and trends at a glance, and be empowered to set up their own energy strategies for success.
- With an energy efficiency mindset, your community will know where to find help through the resources we provide every day to save them money and energy.
- With Xcel Energy's resources and guidance, you'll have what is needed to implement solar, wind and other alternatives.

Our partnership doesn't stop there. Your Xcel Energy community account manager will continue to be your resource. You can opt to participate in another two-year Partners in Energy program with a new set of goals as well.



Ready to Launch?

Want to learn more about how to apply for our Partners in Energy? You and your community stakeholders can learn more by visiting xcelenergy.com/PartnersInEnergy for more information.



Partners in Energy

Partners in Energy offers tools and expertise to support communities as they develop and implement energy actions plans. These Energy Action Plans belong to the communities and become roadmaps for successfully achieving their energy goals, including outlining responsibility, ownership and the metrics to define success. As with other planning documents in a community, the Energy Action Plans and associated work products will be public and can be shared with community members and other communities who may be participating in or considering Partners in Energy.

Partners in Energy is offered at no cost to participating communities with the expectation that both Xcel Energy and the community will invest in the process. This investment will include staff and financial resources from Xcel Energy during both the planning and implementation phase, as well as the community providing staff time during both the planning and implementation phases and financial support as necessary for the implementation of the plan.

Xcel Energy wants to work with motivated, engaged, and action-oriented communities and champions who are willing to commit to the process and the outcomes. This application will help us better determine good community alignment for our limited but valuable resources. While completing the application does not guarantee acceptance as a participant, your application will be evaluated against other applicants using criteria that include, but may not be limited to, community size and structure, planning experience, stakeholder capacity, available resources (staff and otherwise), and willingness to share results publicly

If you have questions about the application or the opportunity, please visit xcelenergy.com/PartnersInEnergy, email us at PartnersinEnergy@xcelenergy.com or call 1-800-369-4362.

SUBMIT COMPLETED APPLICATION VIA EMAIL TO: PartnersinEnergy@xcelenergy.com. Return this application by 5:00 p.m. CST on , Sept. 18, 2015

Qualifying Customers

Communities in Colorado and Minnesota with retail energy services from Xcel Energy qualify to participate in Partners in Energy.

COMMUNITY CUSTOMER INFORMATION

Community name _____

Community jurisdiction (e.g. city, association, partnerships, county): _____

Contact name _____

Title _____ Phone _____

Address _____

City _____ Email _____

COMMUNITY PROFILE

Approximate business count _____ Approximate household count _____

Approximate population _____

Approximate area in square miles _____

Would you be able to provide a GIS a shapefile of your community that would define the geographic boundaries of the area?

Yes No

Current Community Energy-Related Utility Providers (e.g., gas service providers)

1) Name of Company _____

Fuel type _____ Area Served: _____

2) Name of Company _____

Fuel type _____ Area Served: _____

3) Name of Company _____

Fuel type _____ Area Served: _____

INTEREST IN PARTNERS IN ENERGY

Describe your interest in the Partners in Energy.

What is/are the most pressing energy-related issue(s) facing your community today?

If you're accepted as a participant in Partners in Energy, what additional approvals within your community would need to be obtained prior to starting the planning process? (examples: City Council, Sustainability Commission, etc.)

PLANNING AND ENERGY MANAGEMENT EXPERIENCE

Does your community currently have any sustainability or energy plans, policies, codes, regulations or initiatives? If yes, please identify them and indicate the date(s) they were last revised. (include links to documents if possible.)

Describe any energy programs or energy management activities your community has participated in over the past two years. Please include goals and results if applicable. This can include initiatives to track energy use in any part of your community (e.g. public buildings), a neighborhood energy challenge, etc.

COMMUNITY RESOURCES AND COMMITMENT

Does your community currently have paid staff who are, or will be, involved in the management and/or implementation of energy or sustainability initiatives as all or a component of their job duties? If so, please describe their title and role. (If available, please include an organization chart or staff list to indicate the role of key personnel that would participate in this program.)

Please indicate who in your community would be the point person to manage your Partners in Energy participation and describe his/her applicable experience and background relative to planning, energy and /or sustainability as well as availability to support this two-year process.

a. During the planning phase (approximately 15 hours per month)

b. During the implementation phase (time commitment will be driven by the implementation strategies identified through the planning process)

While Partners in Energy is offered to communities at no cost, the community will be responsible to supporting expenses associated with implementing the plan. Does your community have staff, volunteer, budget or other funding resources to implement the energy initiatives that will be identified in development of an Energy Action Plan?

Yes No If yes, please describe.

Is there an interest in applying for grants or identifying third-party financing mechanisms to fund energy-related activities for the community to successfully implement an Energy Action Plan (if necessary)?

Yes No If no, please provide a reason.

COMMUNITY INVOLVEMENT

One of the keys to Partners in Energy is to engage representatives from your community to participate in developing the plan and ultimately in the implementation activities. These representatives should be varied and willing to commit their time to the process. They may include city or town staff members, business association representatives, large local business, local nonprofits, schools, county government officials, etc. Please describe who from the community you would anticipate trying to engage in developing your Energy Action Plan. (e.g., 6-8 possible representatives).

Would you be willing to share your progress during plan development and implementation with community members and other potential Partners in Energy participants and make your Energy Action Plan a public document?

Yes No If no, please explain.

Is there anything else you would like us to consider when evaluating your application?

CUSTOMER DECLARATION

I certify that the information in this application is accurate and complete and I am authorized to make the application on behalf of my community. Your signature confirms your community is interested in participating in Partners in Energy and is willing to enter into a Memorandum of Understanding with Xcel Energy that will define responsibilities and expectations of both parties

Community Name _____

Contact Name _____

Title _____

By checking the box and indicating my name below, I am signing this application in declaration of its accuracy.

Name _____ Date _____



RESPONSIBLE BY NATURE®

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Memorandum of Understanding Phase 1 – Plan Development

XXX
XXX
XXX

Congratulations on being selected to participate in Xcel Energy's Partners in Energy program. This program is designed to provide your community with the tools and resources necessary to develop and implement an energy action plan that reflects the vision your community has for shaping energy use and supply in its future. Program participation is intended to span 24 months with the initial 4-6 months dedicated to developing of a strategic energy action plan and the remaining time focused on the implementing that plan.

The intent of this Memorandum of Understanding is to confirm the XXX's intent to participate in the initial plan development phase of the Partners in Energy program and outline the commitment that your community and Xcel Energy are making to this collaborative initiative. The primary objective of this phase of the program is to develop your energy action plan.

In order to achieve this Xcel Energy will provide:

- Consulting support to assist in identifying potential community stakeholders, and constructing or delivering an invitation or informational announcement regarding the planning process.
- Data analysis of community energy use and Xcel Energy program participation to the extent that it is legally and technically prudent and feasible. The results can be used to identify potential opportunities to implement plan strategies. Xcel Energy will attempt to integrate data provided by the XXX into the analysis if feasible.

- Professional facilitation of 3-5 plan development work sessions with the community stakeholder group to develop the energy action plan's vision, focus areas, goals and implementation strategies.
- Assistance as needed in synthesizing the community and program data collected with the vision of the community to identify attainable goals that align with suitable strategies and tactics.
- Development of the documented energy action plan that will incorporate inputs from the stakeholder planning team and will be accessible to the community.
- Commitment to delivering an actionable and complete energy action plan within six months of XXX and Xcel Energy signing this MOU.

Although participation in the Plan Development phase of Partners in Energy program requires no monetary contribution, the community, XXX, does agree to provide:

- A single contact point to work with recruiting stakeholders, coordinating planning meeting logistics, and coordinate distribution of deliverables and lead participation of the community.
- Meeting facilities to host the stakeholder group during development of the plan.
- Identification of existing community energy plans or programs that could be leveraged in successful development and delivery of this plan.
- Good-faith evaluation of the recommendations and analysis provided and fair consideration of the potential strategies and tactics identified that align with the community's goals.
- Commitment to delivering an actionable and complete energy plan within six months of the XXX and Xcel Energy signing this MOU.
- Public distribution of the work products developed with the support of the Xcel Energy's Partners in Energy program.

**Resource Commitment Summary
Plan Development Phase**

XXX	Xcel Energy
<ul style="list-style-type: none">• Single point of contact• Meeting facilities• Access to existing energy-related plans and programs• Involvement in developing implementation strategies• Commitment to completing the plan development• Agreement that the energy plan resulting from this work will be available to the public	<ul style="list-style-type: none">• Assistance identifying and recruiting stakeholders• Analysis of community energy use and program participation• Facilitation of planning sessions• Training and guidance developing goals and strategies• Documentation and delivery of the energy action plan• Commitment to completing the plan development

The Memorandum of Understanding for the Implementation Phase of the Partners in Energy program will be developed upon completion of your energy action plan and will outline your goals and the resource commitment from Xcel Energy and the XXX.

All communications pertaining to this agreement shall be directed to XXX, on behalf of the XXX and Tami Gunderzik on behalf of Xcel Energy.

Thank you again for your continued interest in Xcel Energy’s Partner in Energy program. We look forward to assisting the XXX in the development of an action energy plan.

For the XXX:

For Xcel Energy:

Date: _____

Date: _____

Public Utilities Commission

1560 Broadway, Suite 250

Denver, CO 80202

RE: Xcel Energy's Solar*Connect Proposal

Dear Commissioners:

Colorado's Front Range cities have a well-earned reputation for being smart, sustainable and for cultivating a high quality of life for its residents. Our approach to urban living meets the needs of today without sacrificing the ability to meet the needs of future generations.

As the state's largest energy provider, Xcel Energy has played a key role in our ability to put green power to work for our diverse and growing communities. The utility's proposed Solar*Connect program offers yet another opportunity to expand cleaner and greener power choices to our residents.

The proposed program solidifies the region's reputation for environmental leadership and could help cities move their renewable energy plans forward. Participation would allow cities to earn certified renewable energy credit toward their own sustainability goals. This creates a new advantage that existing solar power offerings do not currently provide, allowing local businesses to be recognized for their greenhouse-gas reduction efforts and environmental commitment.

For cities that are experiencing rapid growth—and in particular, densely populated urban centers with many multi-family housing offerings—Solar*Connect offers customers an appealing and flexible option. The program offers an alternative to personally financing and owning a solar system, and gives both renters and homeowners the opportunity to purchase solar power.

We support Xcel Energy's initiative to bring about a brighter energy future for Colorado and its efforts to create Solar*Connect as a new option for customers. As we continually seek more ways to be sustainable, this new program complements our community's long-term energy vision and the state's renewable energy goals.

Sincerely,

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO.
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE

WHEREAS,
; and

WHEREAS,
; and

WHEREAS,
; and

WHEREAS,
;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1.

5-30: HOTEL AND MOTEL SERVICES

5-30-1: Definitions.

For the purpose of this chapter the following definitions apply:

Hotel/Motel: An establishment, making rooms available to the public, where the period of lodging for which such rental fee, price or other consideration is paid or received shall be less than (30) days.

Pest Control Certification: Shall mean an annual certification, issued within thirty (30) days of submission of the Application, from a fully licensed pest control company that the proposed premises is free of insect and/or pest infestation.

5-30-2: License Required.

It shall be unlawful for any person or entity to offer or provide hotel or motel services in the City of Englewood without having first obtained a license.

5-30-3: Application for License.

Hotel and Motel licenses shall be issued in accordance with Chapter 1 of this Title.

5-30-4: Special Conditions and Restrictions of the License.

In addition to the requirements of Chapter 1 of this Title, the following special conditions and restrictions apply:

A. Hotel or Motel licenses may not be transferred to another person or location other than that listed in the license application.

B. Any change of owner, officer, director, or holder of more than ten percent of the shares of stock of a corporate license holder or partner of a partnership, requires a written amendment to the original application for the issuance of a hotel or motel license. The amendment shall be submitted to the Licensing Officer within thirty (30) days of the change of ownership.

A change of ownership amendment is not required if the licensed hotel or motel is owned directly or beneficially by a person that as an issuer has a class of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934 (the "Act") or is an issuer of securities which is required to file reports with the Securities and Exchange Commission pursuant to Section 15(d) of the Act, provided that such person files with the Commissioner such information, documents and reports as are required by the provisions of the Act to be filed by such issuer with the Securities and Exchange Commission. The issuer shall file with the Licensing Officer information on officers and directors of such issuer of any licensed or intermediate subsidiary as is otherwise required of officers and directors of corporate hotel or motel.

C. Pest Control. Pest Control Certification must be submitted with the license application and annually thereafter.

D. The Fire Marshal shall inspect the hotel/motel prior to issuance or renewal of a license. Further, a license or renewal shall not be issued until the hotel/motel is in compliance with all provisions of the Englewood Code and associated codes adopted by the City.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Memorandum

To: Mayor Randy Penn and City Council
Through: Gary Sears, City Manager
From: Frank Gryglewicz, Director of Finance and Administrative Services
Date: April 5, 2012
Re: Council Request 12-064, Hotel/Motel Tax Information

The City of Englewood levies a tax for providing lodging for less than 30 days. Per 3-4-4-2-B-2 of Englewood Municipal Code, the City levies "Two percent (2%) of the cost of the rental fee, price, or other consideration paid or received for the lodging on each full dollar of said rental fee."

If Council decided to raise the Hotel/Motel tax rate it would require an affirmative vote of the electorate prior to imposing the tax increase. Given the amount the City collected in 2011 (\$9,820), the tax increase would need to be substantial to cover the cost of a TABOR election.

If you need further information or clarification, please call me at 303-762-2401 or e-mail me at

DRAFT

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2009

COUNCIL BILL NO.
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE

WHEREAS,
; and

WHEREAS,
; and

WHEREAS,
; and

WHEREAS,
;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1.

5-29: HOTEL AND MOTEL SERVICES

5-29-1: Definitions.

For the purpose of this chapter the following definitions apply:

Hotel/Motel: A specific type of visitor accommodation use. A building containing guest rooms in which lodging is provided with or without meals for compensation, which is open primarily to transient guests, but may include a limited number of permanent guests, and where no provision is made for cooking in any guest room. See definition of "Visitor Accommodation".

Pest Control Certification: Shall mean an annual certification, issued within thirty (30) days of submission of the Application, from a fully licensed pest control company that the proposed premises is free of insect and/or pest infestation.

Visitor Accommodation: A use category characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of

stay of less than thirty (30) days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.

5-29-2: License Required.

It shall be unlawful for any person or entity to offer or provide hotel and motel services in the City of Englewood without having first obtained a license.

5-13-3: Application for License.

Hotel and Motel licenses shall be issued in accordance with Chapter 1 of this title.

5-29-4: Special Conditions and Restrictions of the License.

In addition to the requirements of Chapter 1 of this title, the following special conditions and restrictions apply:

- A. Hotel or Motel licenses may not be transferred to another person or location other than that listed in the license application.
- B. Any change of owner, officer, director, or holder of more than ten percent of the shares of stock of a corporate license holder or partner of a partnership, requires a written amendment to the original application for the issuance of a Hotel or Motel Service License. The amendment shall be submitted to the Licensing Officer within thirty (30) days of the change of ownership.

A change of ownership amendment is not required if the licensed Hotel or Motel service is owned directly or beneficially by a person that as an issuer has a class of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934 (the "Act") or is an issuer of securities which is required to file reports with the Securities and Exchange Commission pursuant to Section 15(d) of the Act, provided that such person files with the Commissioner such information, documents and reports as are required by the provisions of the Act to be filed by such issuer with the Securities and Exchange Commission. The issuer shall file with the Licensing Officer information on officers and directors of such issuer of any licensed or intermediate subsidiary as is otherwise required of officers and directors of corporate Hotel or Motel services.

- C. Pest Control. Pest Control Certification must be submitted with the license application and annually thereafter.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of

competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the ____ day of _____ 2009.

Published as a Bill for an Ordinance in the City's official newspaper on the ____ day of _____, 2009.

Published as a Bill for an Ordinance on the City's official website beginning on the ____ day of _____, 2009 for thirty (30) days.

James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the ____ day of _____, 2009.

Loucrishia A. Ellis

DRAFT

DRAFT

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2007

COUNCIL BILL NO.
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 5, OF THE ENGLEWOOD MUNICIPAL CODE 2000 WITH THE ADDITION OF A NEW CHAPTER 29, PERTAINING TO LICENSING OF HOTELS/MOTELS IN THE CITY OF ENGLEWOOD, COLORADO.

Whereas, the regulation of hotels and motels is necessary for the purpose of protecting the public health and safety; and

Whereas, _____; and

Whereas, a separate license will address hotels and motels as a separate type of licensed activity;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby amends Title 5, of the Englewood Municipal Code 2000, by the addition of a new Chapter 29, pertaining to Hotel/Motel, to read as follows:

Chapter 29 HOTEL/MOTEL.

5-29-1: Definitions. For the purpose of this Chapter the following definitions apply:

5-29-2: License Required.

5-29-3: Application for License.

A. The application for a Hotel/Motel License shall be made in accordance with the provisions of Title 5, Chapter 1.

B. In addition the applicant shall be required to provide the following:

1. Insurance Required: License holders are required to maintain the following levels of insurance: \$ _____

a. Failure to maintain such insurance for the duration of the license or to show such evidence on request shall be cause for immediate revocation of the license.

D. Criminal Background:

1. The owner shall be required to submit to a police background investigation as part of the application process.

5-29-4: Special Conditions and Restrictions of the License.

In addition to the requirements in Chapter 1 of this Title, the following additional licensee requirements shall apply:

- A. No owner or manager with a felony record or who has been convicted of a charge regarding moral turpitude shall be allowed to obtain a Hotel/Motel License or be a manager thereof.
- B. Every Hotel/Motel licensee shall display a valid license in a conspicuous place within the hotel/motel so it may be readily seen by persons entering the premises.
- C. Sanitary Requirements: It shall be unlawful for any Hotel/Motel or employee to fail to maintain the hotel/motel or premises in a clean and sanitary manner.
- D. Motels with _____ to _____ police contacts in the previous year must have:
 - a staff member on the property twenty-four (24) hours a day.
 - a surveillance camera in the lobby at all times and
 - participate in a crime prevention assessment.

Motels with _____ or more police contacts in the previous year must implement the requirement of 5-29-4(c), as well as:

- submit each and every employee name to the police department for background checks.
- train employees in proper management practices.
- install cameras in parking lots.
- implement crime-prevention-through-environmental-design recommendations.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the ____ day of _____
_____ 2007.

Published as a Bill for an Ordinance on the ____ day of _____, 2007.

Olga Wolosyn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the ____ day of _____, 2007.

Loucrishia A. Ellis

Information from Mayor Pro Tem Woodward

Center for Problem-Oriented Policing (COPS)

http://www.popcenter.org/Problems/problem-budget_motels.htm

Disorder at Budget Motels

Guide No.30 (2005)

by
Karin Schmerler

The Problem of Disorder at Budget Motels

This guide begins by describing the problem of disorder at budget motels, and reviewing factors that contribute to it.[†] It then identifies a series of questions to help you analyze your local problem. Finally, it reviews responses to the problem, and what is known about them from evaluative research and police practice.

[†] Temporary overnight lodging falls into two general categories: motels and hotels. At motels, guests (registered room occupants) and visitors (people who enter the grounds but are not registered guests) can directly access rooms without having to enter the motel lobby or main building. At hotels, guests and visitors must pass through the front lobby or enter the building through an outside door and an interior corridor to get to the rooms.

A wide variety of problems occur at budget motels, including

☛ disturbances,[†]

[†] An analysis of motel calls for service in Chula Vista, California, found that the most typical citizen call was about a disturbance of some sort. A significant portion involved guests who wouldn't leave or pay (Morris 2003).

☛ domestic violence,

☛ theft,

☛ auto theft and theft from autos,[†]

[†] For further information, see *Thefts of and From Cars in Parking Facilities* [ Full text], Guide No. 10 in this series.

☛ public drinking,

☛ vandalism,

☛ prostitution,

☛ drug dealing and use,

☛ fights,

☛ clandestine drug-lab operations,[†]

[†] For further information, see *Clandestine Drug Labs* [ Full text], Guide No. 16 in this series.

☛ sexual assault, and

☛ robbery.

Many of these problems can be reduced through better motel management, design, and regulation.

In a number of communities, certain motels generate significant numbers of service calls and consume inordinate levels of police resources. Problem motels are frequently hot spots for both nuisance activity and more serious incidents, such as robbery and sexual assault. In addition, problem motels inhibit nearby economic redevelopment² and reduce the number of safe, clean lodging units available for tourists and travelers.

Factors Contributing to Disorder at Budget Motels

Understanding the factors that contribute to your problem will help you frame your own local analysis questions, determine good effectiveness measures, recognize key intervention points, and select appropriate responses.

The very nature of overnight lodging makes it conducive to crime and disorder. Motels and hotels house people only temporarily, often in commercial areas with high crime rates. Because budget motels offer low rates, accept cash, and often have a relatively unrestricted environment, local residents with illicit or antisocial intentions find them particularly attractive. Drug sales, prostitution, loud parties, and other activities can often be undertaken at motels with less risk than at private residences. Motel guests have little motivation to report drug dealing and prostitution because they have no long-term stake in the motel. In addition, motel managers often have a limited opportunity to get to know the backgrounds of the people on their premises. Finally, in municipalities that lack the resources to provide motel oversight, motel managers have little incentive to accept responsibility for problems.

Motels attract crime, in that people inclined to commit it[†] are drawn to them because their conditions and reputations are favorable for doing so.² Poorly managed motels also enable crime by attracting offenders to a location with weak oversight.³

† In Chula Vista, an estimated 21 percent of guests and visitors at several problem motels were on probation or parole, compared with less than 2 percent of California's overall adult population (Thelsen 2002a).

Motel Economics

In 2002, the lodging industry posted revenues of more than \$102 billion.⁴

In general, lodging establishments that charge nightly rates of less than \$60 fall under the budget category. However, both the price and the amenities at budget motels can vary greatly. † Room rates—even for the same motel chain—differ significantly by location, season, and day of week. The upscale budget motels (which account for 25 percent of all U.S. lodging units) are typically chain motels, some of which cater to business travelers and tourists and offer fitness centers, complimentary breakfasts, and premium movie channels. Low-end budget motels (13 percent of all U.S. lodging)⁵ are typically independent properties that charge \$20 to \$45 per night, and may not offer any amenities except for cable movies.

† Some motels in the rural Southwest have nightly rates of less than \$20; in these markets, motels with nightly rates of \$35 are high-end. In contrast, low-end budget motels in major metropolitan areas generally charge between \$30 and \$45 a night, and high-end budget motels may charge up to \$80 a night. The rates quoted in this guide do not apply to all motels, but are included to give you a general idea of the cost of budget lodging.

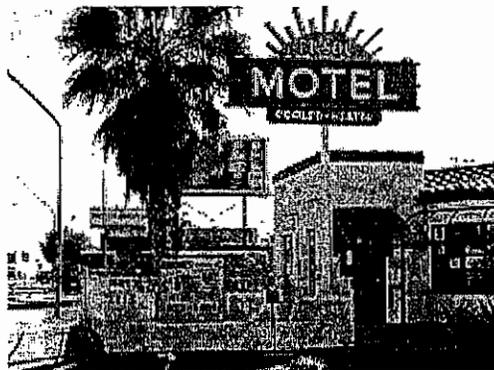
While some low-end motels offer safe, clean lodging (and some high-end motels do not), low-end motels are more likely to experience crime and disorder problems. A study of Chula Vista motels by California State University, San Bernardino (CSUSB), found that low room rates were strongly correlated with higher call-for-service rates.⁶ Compared with motels that charged from \$41 to \$60 a night, those that charged \$40 or less per night had twice the number of service calls per room, and more than two-and-a-half times the number of arrests per room.⁷

Cheap motels did not always pose crime and disorder problems. In the 1930s and 1940s, individually owned and operated motels offered travelers an eclectic, economical array of relatively safe lodging options. In the 1950s, corporations such as Holiday Inn and Howard Johnson sought to capitalize on the growing national travel market by offering consumers brand-name, standardized lodging. The interstate highways built in the 1950s and 1960s favored the chains by essentially rerouting motorists away from the older, independent establishments, many of which were located along aging roads that ran parallel to—but were difficult to access from—the new interstates.⁸ In some cases, major motel chains built their properties right at the interstate exits; motorists seeking independent motels had to bypass the chains and venture farther from the interstate to find them.

The smaller, non-chain motels had difficulty competing with the large national chains under these circumstances. To survive economically, they began catering to the lower end of the market; some turned into adult motels,[†] while others served as housing for low-income people. Unable to afford upkeep, many of the formerly quaint motels deteriorated and became havens for crime and disorder.^{††} Unsightly and crime-prone motels can inhibit economic growth in the surrounding areas.

† The definition of "adult motels" varies from one jurisdiction to the next, but they often rent rooms by the hour and advertise the availability of in-room pornographic movies.

†† There is evidence that drug dealers sometimes operate out of financially strained motels and apartment complexes because the property managers are unlikely to have the will or resources to stop them (Eck 1995b [Abstract only]).



In an effort to attract customers, older motels such as this urban Arizona establishment offer rock-bottom prices for longer term guests, essentially creating low-income housing.
CREDIT: Steve Morris.

Establishing and Enforcing Regulations and Penalties

27. **Limiting occupancy to no more than 28 days in a 90-day period, and evicting problem tenants.** A number of jurisdictions have prohibited motels from housing people on a long term basis—typically for more than a month at a time—citing health and safety reasons.^{††} If motels cannot be prohibited from housing long-term

residents, they should implement more rigorous screening procedures and operate their businesses as landlords, rather than managers.^{††} Established motel tenants involved in illegal activity should be evicted under existing landlord-tenant laws.^{†††} The arrest and subsequent eviction of managers and several long-term problem residents of a Fresno motel resulted in a 70 percent decrease in the average number of service calls per month.⁴⁷

† In justifying its 30-day stay limit at motels, Buena Park, California, indicated that the lack of ongoing maintenance and maid service at long-stay motels rapidly creates substandard conditions in most, if not all, of the rooms.

†† For further information about effective rental-property management, see Campbell (2000) [ Full text].

††† An evaluation of effective drug abatement efforts found that problem-tenant eviction enabled a large majority of properties to essentially eliminate drug problems and avoid abatement (Davis and Lurigio 1998)

28.

29. **Conducting regulatory inspections and audits.** Regulatory inspections and audits can help ensure that properties comply with relevant fire, building, zoning, property maintenance, and health and safety codes, as well as tax laws. Oakland, California's Specialized Multiagency Response Team routinely inspects nuisance properties, including motels, to ensure compliance with housing, fire, and safety codes. Properties not in compliance may be sued using civil laws. An evaluation found that this approach was more effective at reducing drug problems in and around targeted properties than traditional enforcement efforts.⁴⁸ Involving tax authorities can prove particularly effective in encouraging motels to change their business practices.[†] Fresno police requested that the city revoke a problem motel's rooming tax permit on the grounds the motel was violating a municipal code that prohibited allowing unlawful activity on the property; ultimately, the threat of this action forced the owners to sell the motel.⁴⁹

30. † In California, the Franchise Tax Board can eliminate tax deductions if a property does not comply with housing codes.

31. **Implementing licensing requirements for lodging establishments, including minimum security, sanitation, and management standards.** In Stockton, California, motels must meet minimum standards to obtain a permit to operate. Among other things, permit applicants must demonstrate that the property fully complies with all applicable building, fire, and health codes; that service calls to the property have not been "excessive," as determined by the police chief; that the premise is governed by a management plan that addresses cleaning schedules and property maintenance; and that the property manager has not been involved in criminal activity for at least five years[†]; and has completed a motel-management training course co-taught by the police, fire, code enforcement, and environmental health departments, and the local hotel/motel association.⁵⁰ †† During 2002, the program's first year of operation, 12 of the city's 59 motels were shut down because they failed to comply with the new requirements. Oakland, California, requires that all motel rooms be secured with deadbolt locks and meet minimum standards regarding conditions and furnishings, as well as linen and mattress cleanliness.⁵¹ Motel practices and standards can also be regulated through conditional-use permits, particularly when motel ownership changes hands.

† The CSUSB study of Chula Vista motels found that only 19 percent of motels that were not family-owned conducted criminal records checks on motel employees.

†† For a copy of the Stockton ordinance, see http://www.stocktongov.com/SMC/Chapter07/Ch07_PartIV_Div02.cfm.

1. **Requiring a performance bond[†] or other changes at a property in exchange for continued business operation.** Oakland police and city officials required a prominent national budget chain to take out a \$250,000 performance bond in return for continued operation of a problem motel. The motel had well-documented problems of prostitution and drug sales, and a service-call level substantially above that of neighboring chain motels. Rather than forfeit the \$250,000 bond to the city, the motel improved its management practices, hired 24-hour security guards to control access to the property, prohibited visitors between 10 p.m. and 6 a.m., and instituted a series of other management changes. These changes reduced service calls to the property by 59 percent^{††}; seven months after the agreement was reached, and pushed the motel's service-call levels down to those of neighboring chain motels, a key stipulation of the agreement. National City officers required a series of changes in return for the continued operation of a motel whose owners had been cited for violating the California state penal code sections that prohibit room rental to known prostitutes.^{†††} Requiring a performance bond or other changes at



Because many independent motels were built more than 50 years ago and owners tend to limit investment in the properties, a number will exhibit moderate to severe code violations.
CREDIT: Adele Sidock

a property provides a certain degree of leverage with the property owner. In the case of the Oakland airport motel, the adverse publicity of a drug abatement lawsuit provided the necessary leverage for the company to take out the performance bond. In National City, misdemeanor charges that put the owners on probation for one year gave officers the means for requiring management changes.

† A performance bond guarantees that the terms of an agreement will be met or the injured party will be financially compensated.

†† This call reduction was achieved with virtually no police enforcement action. Just one search warrant was served, and several arrests made.

††† To prove that the motel was violating the penal code, National City officers paid an hourly rate for rooms and then brought known street prostitutes to the motel, making it clear that they were doing so to have sex in exchange for money. Violation of the penal code provisions enabled officers to obtain a search warrant for the property, which revealed separate bookkeeping practices and tax violations (National City Police Department 2002 [ Full text]).

2. **Seeking cost recovery for excessive city time spent at problem motels.** If police can establish that they have, out of necessity, spent an inordinate amount of time at problem motels, they can request reimbursement for that time. Oakland police recovered more than \$35,000 for time spent surveilling the budget motel that took out the \$250,000 performance bond.⁵²

3. **Closing the property.** Problem motels can be closed using a variety of approaches, including nuisance or drug abatement,[†] failure to meet legally mandated operation standards, amortization,^{††} eminent domain,^{†††} and imminent hazard.^{††††} Although it can be a lengthy process and is not without costs, property closure (or the threat of property closure) may be the only way to effectively address problems at the worst motels. In the case of abatement, civil penalties that accrue to the local government may help offset property-closure costs. Abatement laws vary by state, and the process can be complicated; legal assistance and full consideration of the benefits and potential pitfalls of the process are a must.^{†††††} (You can find a full discussion of closure options, their costs and benefits, and their appropriate use, given local crime conditions and the level of effort motel managers make to improve the property, at <http://www.chulavistapd.org/motels>.) Once a property is closed, the government can demolish it, sell it, or convert it to permanent housing or some other lawful use.⁵³

† In 1999, the University of California, Berkeley, estimated it would cost the city of Oakland approximately \$18,000 in legal and administrative costs to close a motel under the state drug nuisance-abatement statute, but only an estimated \$1,300 to close the motel if it constituted a public nuisance under the same statute (Amato et al. 1999).

†† Amortization is a means of terminating a nonconforming use by allowing investors to recoup their investment over a reasonable period, which may range from a few months to several years.

††† Eminent domain is the government's ability to take possession of private property for the public good, usually by providing fair compensation to the owner.

†††† An imminent hazard is a structure that is at risk of causing immediate or impending harm to the occupants or their property.

††††† In weak real-estate markets, for example, a property that is closed or acquired through abatement may have significant tear-down or conversion costs that could inhibit future property development.

4. **Using asset forfeiture or seizure.** Although not widely used because the target property's value is often low,⁵⁴ asset forfeiture of motel property has been attempted on several occasions. The Maricopa County, Arizona, Attorney's Office sought to reduce problems at a motel using state statutes that provide for property seizure if a criminal nuisance is not abated.⁵⁵ In 1998, the U.S. Attorney in Houston sought to use federal drug asset-forfeiture laws to seize a motel that was the site of drug sales, prostitution, and other serious crimes, despite the fact that the owners did not actively participate in the crimes. Ultimately, the U.S. Attorney did not pursue the forfeiture case because the motel owners agreed to make a number of changes in motel operations.

General Principles for an Effective Strategy

#	Response	How it Works	Works Best If...	Considerations
1	Enlisting community support to address the problem	Establishes joint ownership of the problem and a solid foundation for change	...there is sufficient public interest in and political support for addressing the problem	A local business association, such as the Chamber of Commerce, may be best positioned to take the lead in enlisting and maintaining community support
2	Obtaining cooperation from motel owners and managers	Limits the need to regulate changes in business practices	...the needs and opinions of motel managers and owners are sought early in the problem-solving process	Not all motels are interested in changing the way they do business; these establishments will require a different approach
3	Establishing and enforcing minimum motel functionality and security standards	Restricts the operation of motels to those that can provide accommodations that meet basic standards	...pertinent city and county agencies, such as code enforcement, the attorney's office, and the health department can provide assistance	May require years to implement, as well as significant political support and ongoing resources for implementation
4	Establishing crime- and disorder performance standards and goals	Shifts the responsibility for safety to those most able to improve conditions—motel operators	...a number of motels already maintain annual CFS/room ratios of less than 1.0	May require years to implement, as well as significant political support
6	Requiring that guests and visitors be at least 21 years old, unless accompanied by a parent or legal guardian	Denies minors access to a place to drink alcohol; helps prevent minors from being sexually assaulted in a motel room	... front desk clerks consistently refuse to allow unaccompanied minors on the premises and a large number of problem guests are under 21	Can be difficult to implement without perimeter control
8	Limiting visitors and contact between strangers	Inhibits parties; reduces the opportunity for illicit transactions between strangers	...motels can control both pedestrian and vehicle access to the property	Controlling the perimeter may be costly
10	Guaranteeing payment from high-risk guests	Gives motel staff leverage over guests who won't leave or pay; helps screen guests who can't afford a room	...guests' credit cards are legitimate	Not all motel customers will have credit cards; in these cases, motels can require multi-night deposits well in advance of departure dates
11	Refusing to rent to known or suspected	Denies motel access to extremely high-risk guests	...clerks can identify high-risk guests; management	Clerks cannot discriminate against people who would like to

	members, or drug dealers, or to anyone clearly intoxicated or under the influence of illicit substances		access, and the motel can either replace them with low-risk guests or absorb the resulting short-term loss of revenue	religion, gender, or other protected characteristics
12	Implementing clear check-in policies, and training clerks in their use	Standardizing and formalizing check-in procedures aids clerks in consistently screening out problem guests	...clerk turnover is relatively low, or key information is provided to new clerks, in written form	Managers may need to periodically check on adherence to check-in procedures and standards
13	Reinforcing formal and informal social controls over problem guests	People who have influence over problem guests limit their ability to frequent the premises, or they require improvements in behavior	...problem motels are patronized by significant numbers of people who can be influenced (parolees/probationers, military personnel, college students, or seasonal laborers)	Parolees/probationers may have difficulty finding other housing that meets their needs

Managing Problem Guests and Visitors

	Response	How It Works	Works Best If	Considerations
14	Assigning potential problem guests to rooms near the front office or with high natural surveillance	Increases the guests' risk of getting caught engaging in problem behaviors	...such rooms are not booked when suspicious guests arrive	This response should be used in only a few borderline cases at any one time; if a clerk or manager does not feel comfortable renting to a person, they should not proceed with check-in
15	Employing well-trained, uniformed, on-site security guards, with clear expectations regarding duties	Provides significant oversight of the property	guards go beyond patrolling and proactively use all the tools at their disposal to keep order on the property	Involves a substantial cost to the motel
16	Prohibiting "back-in" parking	Reduces motels' appeal to criminals; gives guards an opportunity to engage violators	...motel is located in or near states that do not require a front license plate	Signs prohibiting this practice must be posted; guests may not understand the restriction
18	Limiting access to the property	Problem guests and visitors can be screened out at the front desk	...direct room access or use of the property by people not associated with the motel is a source of the problem	Involves a cost to the motel; police and other emergency personnel must have access to the property
19	Installing and monitoring CCTV	Increases the risk offenders will get caught engaging in illicit or undesirable behavior	...the motel has only a few identifiable problem areas	Involves a cost to the motel
20	Installing adequate lighting, and improving the visibility at blind corners with mirrors	Increases the risk offenders will be detected	...problems occur at night and in the motel's public areas	Involves a cost to the motel
21	Landscaping and maintaining the property in a way that minimizes crime opportunities and maximizes the perception of ownership	Sends the message that the location is unsuitable for criminal activity	...It is done in conjunction with access control, and strict guest and visitor screening	Involves a cost to the motel

22	Establishing redesign and property improvement incentives	Provides motel owners with resources or benefits for upgrading properties or improving their security features	...motel are interested in serving a legitimate clientele, but lack the resources to attract legitimate customers	May involve a cost to the jurisdiction and/or the motel
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Changing the Physical Environment

	Response	How It Works	Works Better	Considerations
23	Informing owners and managers about problems on site	Removes excuses on the part of owners and managers	...the problem motels are concerned about their reputation or the threat of abatement	Requires ongoing staff support to forward crime and disorder statistics to motels and conduct follow-up meetings

24	Requiring that a manager be on the property at all times	Ensures that the property will have 24-hour oversight	...a manager can live in the motel	Involves a cost to the motel
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25	Encouraging owners to sign "good neighbor" agreements	Creates a formal record of specific management practices agreed to by a problem motel	...the agreed-upon practices can be easily monitored	The consequences of violating the agreement should be spelled out
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26	Offering employee training programs	Provides employees with information that can help them run safe motels; ensures employees are aware of pertinent regulations	...training sessions are required and offer information that will help prevent fraud, establishment of drug labs, theft, vandalism, robbery, and other crimes that adversely affect motel finances and employees	Requires ongoing staff support to develop, coordinate, and conduct the training
----	--	--	--	---

28	Conducting regulatory inspections and audits	Ensures that buildings meet codes designed to protect guests and visitors	...city/county agencies coordinate efforts	Requires ongoing staff support to coordinate and conduct inspections/audits
----	---	---	--	---

30	Enacting special regulations for adult motels	Targets those motels most likely to generate a high number of service calls by limiting their operations in various ways	...problems at the motels stem from prostitution, and compliance with regulations can be easily monitored	Exemptions may need to be made for legitimate hourly rentals such as those for corporate hospitality suites
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32	Seeking cost recovery for excessive city time spent at problem motels	Jurisdictions calculate the value of officer or other staff time required to address problems at a motel	...one or two motels are extreme outliers with respect to calls-for-service ratios	May require legal action
----	--	--	--	--------------------------

longer operate

allowed crime to occur on the property

consuming; must have the support of city or county legal staff; all legal property owners must be accurately identified, which can be a challenge

34

Using asset forfeiture or seizure

Jurisdictions assume ownership of property used for illicit purposes

...the property can be relatively easily sold or converted to other uses

Faces legal challenges

Changing the Physical Environment

#	Response	How It Works	Works Best If	Considerations
35	Continually arresting offenders at problem properties	Intended to remove problem guests from motels and deter them from returning	arrests are used to build a case against owners regarding poor guest screening	Except for case-building, this is not shown to be an effective use of officer time
36	Conducting field interviews of people at problem motels, and traffic stops of vehicles leaving them; scheduling extra police patrols of problem motels	Intended to deter problem guests from frequenting motels	...the measures are used to better understand what attracts problem guests to the motels	Except for data-gathering, this is not shown to be an effective use of officer time
37	Implementing Crime-Free Hotel/Motel programs	Intended to promote voluntary compliance with good management practices		Focuses on process rather than outcomes

Hotel Motel Ordinance

Montgomery, Neil

Sent: Thursday, February 02, 2012 7:28 AM
To: Jim Woodward
Cc: Dodson, Councilwoman Lori
Attachments: Hotel Motel Ordinance No ~1.pdf (22 KB)

Mayor Pro Tem Woodward,

Lori Dodson forwarded your email re: hotels / motels to me. Attached is a copy of an ordinance our Council passed some years ago – while it was adopted to set standards for new construction I think some of the provisions could perhaps be utilized to address the problems you mentioned. For example, Section (E) contains requirements for security that might be applied to existing establishments as well. You may wish to consult with your City Attorney for an opinion on what provisions you could apply.

In our dealing with similar establishments we have also used concentrated enforcement from Police, Code Compliance, Fire and Building Inspection departments to ensure that all applicable codes are being met.

In the worst situations, our Police Department did undercover work which resulted in them declaring the property the site of criminal activity which then allowed us to pull the Certificate of Occupancy and turn off utilities. There may be applicable statutes under City or Colorado law that would allow you to pursue a similar program.

Please don't hesitate to contact me if I can be of any further assistance.

Neil Montgomery

ORDINANCE NO. 5213

AN ORDINANCE AMENDING CHAPTER 34, "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS AND ORDINANCE NO. 4647, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Sec. 34.43 of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"Sec. 34.43. Site Design.

(A) *Building Design.* The following requirements apply to both full-service hotel/motels and to limited-service hotel/motels:

- (1) *Accessibility.* A guest room shall be accessible only from an internal hallway and the internal hallway shall be accessible only from a central lobby area contained within the hotel/motel.
- (2) *Exterior walls.* No more than two basic materials (in addition to glass) shall be used on an exterior wall on any single building of a hotel/motel. One of the two materials shall be masonry. The percent of masonry as required below shall be measured for each expanse of exterior wall between corners of 15 degrees or more. Exterior walls shall be composed of:
 - (a) at least 50% primary masonry product such as brick, stone, hand-laid tile (laid unit-by-unit), or veneer simulations of such materials having the appearance of hand-laid units;

- (b) not more than 50% secondary masonry products, that is, exterior insulation and finish systems composed of natural aggregates and synthetic binders having a minimum applied thickness of 3/4 inches, exposed aggregate, glass block or decorative concrete masonry units other than flat-gray block; and
- (c) not more than 20% non-masonry materials, excluding doors, windows and window units.

The Director of Planning may approve a masonry alternative if the alternate material has a true unit-masonry appearance, the material has been rated by a national standards rating association or has been accepted by the industry as safe and suited for the intended use, and the material has been demonstrated to be as durable as exterior unit masonry.

(B) *Site Facilities.*

- (1) *Number of Rooms.* A full-service hotel/motel shall have at least 100 guest rooms. A limited service hotel/motel shall have at least 65 guest rooms.
- (2) *Meeting Rooms.* A full-service hotel/motel shall have at least one meeting room of at least 4000 square feet in area. A limited-service hotel/motel shall have at least one meeting room of at least 700 square feet in area. The meeting room shall be equipped with a sink and a coffee bar.
- (3) *Swimming Pools.* A full-service hotel/motel and a limited- service hotel/motel shall have a swimming pool of at least 800 square feet of surface area.
- (4) *Restaurants and Food Service.* A full-service hotel/motel shall have, on-site, a restaurant with table service provided primarily by waitpersons, seating for at least thirty customers, and full menu service offering multiple entrees with on-site food preparation.

(C) *Parking and Circulation.* The following requirements apply to both full-service hotel/motels and to limited-service hotel/motels:

- (1) Parking shall be provided at the ratio of 1.25 parking spaces per guest room in addition to required parking for any additional component of the hotel/motel such as meeting rooms and restaurants. Parking spaces shall be separated by at least one foot.
- (2) An attached, covered, drive-through area adjacent to the hotel/motel lobby or main desk shall be provided for the temporary parking of vehicles during guest registration or check-out.
- (3) All parking areas shall be illuminated by lighting standards having a minimum illumination intensity of 2.0 foot-candles measured at ground level.

(D) *Screening.* In addition to any other screening and landscaping requirements imposed by the Code of Ordinances or the Comprehensive Zoning Ordinance, both full-service hotel/motels and limited-service hotel/motels shall provide screening of ground-mounted satellite, HVAC (other than HVAC equipment serving an individual unit) and auxiliary power equipment by means of a masonry screening wall or a wrought-iron (tubular steel) fence with a living screen either of which shall be of sufficient height to block visibility of the equipment from view at the property line.

(E) *Security.* The following requirements apply to both full-service hotel/motels and to limited-service hotel/motels:



- (1) When a guest arrives for registration, the guest shall provide at least two forms of identification, one of which shall include a photographic likeness of the guest and be issued by a governmental agency. The guest shall also provide the license plate number of the vehicle, if any, to be used by the guest during the guest's stay. The hotel/motel shall issue a parking sticker or other identifying placard to be placed on the windshield of each vehicle to be used by the guest during the guest's stay.

- (2) A hotel/motel shall install and maintain, in proper operating order, security cameras *in* each interior hallway and lobby, in the parking lots, and at each exterior door. The cameras shall be placed so as to provide visibility to the front and rear exteriors of the building and to the swimming pool area. Monitors shall be provided for security and other hotel/motel personnel so that on-site activities may be viewed at all times. Videotapes from security cameras shall be operating 24 hours a day and shall be kept a minimum of 30 days.
- (3) Guest room access shall be provided only through the use of magnetic access keys.
- (4) Exterior doors (other than lobby doors) shall be locked after 10:00 p.m. and shall be equipped with an alarm or other device that will alert hotel/motel security and other personnel when the door has been opened.
- (5) Doors to guest rooms shall be solid core.
- (6) Graffiti and markings or insignia that do or may indicate the presence or association of a street gang shall be removed within 24 hours."

Section 2

That Sec. 34.44 of the Code of Ordinances is hereby amended to read as follows:

"Sec. 34.44. Bed and Breakfast Accommodations.

A bed and breakfast accommodation may provide no more than ten bedrooms for guests (exclusive of the living quarters of the owner or operator). Guests at a bed and breakfast accommodation may stay up to fourteen consecutive days provided that the bed and breakfast accommodation may only offer a daily rate and shall not offer weekly or bi-weekly rates. A bed and breakfast accommodation may include kitchen and dining facilities to furnish meals for guests only. Food preparation within a guest bedroom is prohibited. A bed and breakfast accommodation may not include a restaurant, banquet facilities or similar services. A bed and breakfast accommodation shall provide parking at the ratio of one parking space for each room. Parking spaces shall be separated by at least one foot."

Section 3

That Section 10-200 of Ordinance No.4647, as amended, the Comprehensive Zoning Ordinance, shall be amended by amending the land use chart to provide as follows:

- (1) A full-service hotel/motel shall be allowed as a permitted use in the FW (Freeway) District, the I-I (Industrial) District, the O-2 (Office) District, and the CA-I (Central Area-I) District, and in a Planned Development District when so allowed by the granting ordinance. A full service hotel/motel may be allowed only by specific use permit in the CA-2 (Central Area-2) District.
- (2) A limited-service hotel/motel may be allowed only by specific use permit in the FW (Freeway) District, the I-I (Industrial) District, and the O-2 (Office) District, and in a Planned Development District when so allowed by the granting ordinance.
- (3) A bed and breakfast accommodation shall be allowed as a permitted use in the CA-I (Central Area-I) District, and in a Planned Development District when so allowed by the granting ordinance. A bed and breakfast accommodation may be allowed only by specific use permit in the AG (Agricultural) District and the CA-2 (Central Area-2).

Section 4

That Section 38, Definition 117 of Ordinance No. 4647, as amended, the Comprehensive Zoning Ordinance, is hereby amended to read as follows:

"117. Hotel/Motel

A building for the overnight or temporary lodging of travelers for compensation. A hotel/motel may be either a full-service hotel/motel, a limited service hotel/motel, or a bed and breakfast accommodation, each as more particularly described in Article IV of Chapter 34, "Zoning", of the Code of Ordinances."

Section 5

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 6

That Chapter 34, "Zoning", of the Code of Ordinances of the City of Garland, Texas, as amended, and Ordinance 4647, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 7

That the terms and conditions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 8

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 6th day of October, 1998.

CITY OF GARLAND, TEXAS

James M. Spence

Mayor

ATTEST:

Ranette Larsen

City Secretary

Re: First Tier Suburbs - Motels

David Sander

Sent: Saturday, January 21, 2012 4:36 PM

To: Jim Woodward

Cc:

Jim:

This is a tough challenge. We've had a couple to deal with, and mostly been successful.

Our approach is multifaceted - using code enforcement to look for any violations, building inspectors to be sure that the facility is completely up to the building code, parole agents to do regular checks on parolees who may be calling this "home", and by placing the property on our "Focus on Fifty" list.

Focus on Fifty is a multi-department effort to eliminate the problems from the 50 worst properties in town, with an updated list of targets every year. Basically, it's a no holds barred approach for properties that rank highest in calls for service based on the data available to us (code enforcement, police, truancy, ambulance, fire, etc.). We commonly approach the lender on the property as well and let them know that their loan is in jeopardy due the mismanagement of the property. We let fines pile up, lein the property to cloud the title, etc. The goal of the program is to get that property off the Focus on Fifty list for subsequent years.

I'm sure our Code Enforcement manager would be happy to talk to you or your folks.

Let me know.

David

On Jan 19, 2012, at 2:01 PM, Jim Woodward wrote:

Hi FTS Council,

Hope all is well and Happy New Year.

I have a request for any experience any of you have had with the 1950's/60's vintage

motels which in our City of Englewood, CO have turned into a cash cow for the owner and a nuisance for the community. That is, the two or three story walk-up motel that is occupied as temporary high priced housing for underemployed or unemployed, homeless including families, meth labs, prostitution, and other criminal activity, etc. Unfortunately for us, these are the only motels in the city and no one I know would recommend them to visiting relatives or friends.

My questions have to do with any ordinances put in place with regard to health issues, nuisances, safety, habitability and maintenance (inside and out). All this with trying to avoid any resemblance of a taking. We have this coming-up in February for a study session discussion and I would appreciate any links you could forward me of your ordinances dealing with this problem if you have experienced it. I would like to be well prepared to get something done. We have dealt with this problem in the past and resolved nothing on a permanent basis. Any help you can provide me would be greatly appreciated.

See you in Washington.

Jim Woodward,
Mayor Pro Tem
Englewood, CO

RE: First Tier Suburbs - Motels

Scott Cannon (Council member)

Sent: Friday, January 20, 2012 4:19 AM

To: Jim Woodward

Jim:

I completely understand your situation. We had an older motel that provided the same "services and accommodations". We passed an ordinance that did not allow "extended stays" and it has somewhat moderated their business. The only challenge with the new ordinance is enforcement.

SCOTT CANNON, III
Duncanville, TX Councilman - District 2
972.743.2587

From: Jim Woodward
Sent: Thursday, January 19, 2012 4:01 PM
To:

Subject: First Tier Suburbs - Motels

Hi FTS Council,

Hope all is well and Happy New Year.

I have a request for any experience any of you have had with the 1950's/60's vintage motels which in our City of Englewood, CO have turned into a cash cow for the owner and a nuisance for the community. That is, the two or three story walk-up motel that is occupied as temporary high priced housing for underemployed or unemployed, homeless including families, meth labs, prostitution, and other criminal activity, etc. Unfortunately for us, these are the only motels in the city and no one I know would recommend them to visiting relatives or friends.

My questions have to do with any ordinances put in place with regard to health issues, nuisances, safety, habitability and maintenance (inside and out). All this with trying to avoid any resemblance of a taking. We have this coming-up in February for a study session discussion and I would appreciate any links you could forward me of your ordinances dealing with this problem if you have experienced it. I would like to be well prepared to get something done. We have dealt with this problem in the past and resolved nothing on a permanent basis. Any help you can provide me would be greatly appreciated.

See you in Washington.

Jim Woodward,
Mayor Pro Tem
Englewood, CO

Stockton Municipal Code
Chapter 7
HEALTH AND SANITATION CODE

Part IV
CAMP CARS (TRAILERS) AND CAMP GROUNDS; HOTELS — LODGING —
ROOMING AND APARTMENT HOUSES

Division II
HOTELS — MOTELS — LODGING AND ROOMING HOUSES

SEC. 7-111. SHORT TITLE:

This Division shall be known as the "Hotel, Motel, and Residential Hotel/Motel Permit Ordinance."

SEC. 7-111.1. PURPOSE:

Based on the research conducted by, and the recommendations provided by, the Community Improvement Task Force, the City Council hereby finds that it is of the utmost importance to improve the conditions of the City's Hotel and Motel stock, which, in addition to serving the transient guests, often serves as temporary housing for the City's low-income residents. There is a tremendous concern to ensure that this housing stock meets all applicable housing and building standards that will provide its residents with safe and decent places to live. The City Council also recognizes that some Hotels and Motels within the City limits may at times also serve as long-term housing for some residents, and, for this reason, the City Council adopts a separate category of "Residential Hotel/Motel" with additional regulations that will ensure that the buildings meet long-term housing requirements.

The purpose of this Division is to require the issuance of a Permit to Operate to conduct, own, or operate Hotel, Motel, and Residential Hotel/Motel establishments within the City of Stockton; to require Manager permits for the Hotel, Motel, and Residential Hotel/Motel Managers employed therein; to establish standards for the issuance of said permits; to establish rules and regulations under which such permits shall remain in force, be suspended or revoked; and providing penalties for violations thereof.

SEC. 7-111.2. DEFINITIONS:

For the purpose of this Division, unless the context clearly requires a different meaning, the words, terms, and phrases hereinafter set forth shall have the meanings given them in this Section:

- (a) "Bathroom" shall mean a room with a minimum of thirty (30) square feet containing a toilet, sink, and shower or tub.
- (b) "Bed" shall mean mattress and box springs, which shall be off of the floor.
- (c) "Common Indoor Space" shall mean a common gathering space within a Residential Hotel/Motel establishment for use by the residents, which has no less than 200 square feet, unless, under certain specified conditions, a variance is granted, and which has air conditioning and heating facilities capable of maintaining a minimum temperature of seventy (70) degrees Fahrenheit three (3) feet above the floor.
- (d) "Excessive calls for service": The calls for service included in a case by case analysis are those defined as calls for service generated by guests or as a result of actions by guests, their visitors, or the operator. The calls for service analyzed would not normally include calls such as Emergency Medical Service calls, public information service requests, auto accidents, or police initiated contact not involving criminal activity.
- (e) "Furnishings" shall include a minimum of a bed, mirror, minimum lighting, and adequate place for clothes storage
- (f) "Hotel" shall mean a facility (in one or more buildings on the same legal parcel) providing transient lodging accommodations at a daily rate and where access is provided through a common entrance, lobby or hallway and over 50 percent (50%) of the revenue derived from the rental of lodging accommodations in the previous calendar year was subject to the transient occupancy tax.
- (g) "Kitchen" shall mean a complete kitchen containing a sink, refrigerator and stove, range top and/or oven, and/or those amenities required of an efficiency dwelling unit as such is defined in the Uniform Codes.

(h) "Management Plan" shall mean a plan that addresses the establishment's management, including staffing, equal access to housing, internal security, and other items that include, but are not limited to, the following components:

- (1) Rental rates;
- (2) Housekeeping schedules and cleaning provisions to ensure that the premises are in a clean, healthy, and presentable condition, free of litter, pests, and vermin at all times;
- (3) Grounds and landscape maintenance;
- (4) Acknowledgment of adherence to prompt collection and payment of transient occupancy taxes;
- (5) Schedules of linen changes if a Hotel or Motel;
- (6) Identification of the role of each staff member, especially in emergency situations, such as fires and police responses;
- (7) A staff training program;
- (8) Any condition that is imposed as a result of the Permit Application for an individual Hotel, Motel, or Residential Hotel/Motel; and
- (9) Any additional requirement for a Residential Hotel/Motel.

(i) "Manager" shall mean any person who is the proprietor of any Hotel, Motel, or Residential Hotel/Motel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, operator or agent of any of the foregoing. The person who, in connection with the activities of a Hotel, Motel, or Residential Hotel/Motel, manages the business operations, including the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, or handles guest affairs and oversees security. The term shall also include Resident Manager and Assistant Manager.

(j) "Manager's Quarters" shall mean any dwelling unit contained in any Hotel, Motel, or Residential Hotel/Motel meant for year-round habitation by the Manager, Resident Manager, or owner of the premises.

(k) "Motel" shall mean a facility (in one or more buildings on the same legal parcel) providing transient lodging accommodations at a daily rate and where access is individually available from outside the building. The term shall also include "motor lodge" and "motor hotel." In addition, over 50 percent (50%) of the revenue derived from the rental of lodging accommodations in the previous calendar year was subject to the transient occupancy tax.

(l) "Operator" shall mean those persons or person responsible for the daily operation and management of the premises and all functions related thereto.

(m) "Owner" shall mean any person, firm, association, partnership, or corporation, which is the record owner of real property as listed on the last equalized assessment roll as maintained by the San Joaquin County Assessor. It shall also mean any part owner, joint owner, or lessor of the whole or part of the land or buildings situated thereon.

(n) "Person" shall mean any natural person, firm, partnership, corporation, receiver, trustee, estate trust, business trust, organization, or association.

* (o) "Pest Control Certification" shall mean an annual certification, issued within thirty (30) days of submission of the Application, from a fully licensed pest control company that the proposed premises is free of insect and/or pest infestation.

* (p) "Residential Hotel/Motel" shall mean a single building or group of detached or semi-detached buildings providing transient accommodations at a daily rate and where 50 percent (50%) or more of the revenue derived from the rental of lodging accommodations in the previous calendar year was not subject to the transient occupancy tax.

(q) "Room charges" shall include, but are not limited to, the amounts charged by the premises for providing such services as laundry, cleaning, appliance rental, linen services, phone, additional person cost or meal service:

SEC. 7-111.3. PERMIT REQUIRED:

* No person shall operate a Hotel, Motel, or Residential Hotel/Motel without first having obtained a written permit from the City of Stockton. There shall be only one (1) permit for each Hotel, Motel, or Residential Hotel/Motel establishment. It is unlawful and a misdemeanor to operate a Hotel, Motel, or Residential Hotel/Motel without a valid Permit to Operate. A fee will be required to obtain a Permit.

SEC. 7-111.4. APPLICATION:

* An Application for a Hotel, Motel, or Residential Hotel/Motel Permit shall be filed with the City Manager or designee, be in writing on forms provided by the City, and be accompanied by payment of an annual fee in an amount as established, from time to time, by Resolution of the City Council. Any such Application

shall be under oath, in duplicate, and shall contain such information pertinent to the applicant and the business as the City may require.

SEC. 7-111.5. DOCUMENTS ACCOMPANYING APPLICATION:

The Permit to Operate Application shall also include as attachments to the Application for a Permit to Operate, the following documents:

- (a) Two identity prints of a recent passport-size photograph of the applicant(s);
- (b) Written evidence that the applicant(s) is eighteen (18) years of age or older;
- (c) Proposed Management Plan, including provision of twenty-four (24)-hour manager and/or designee;
- (d) Name of Manager(s) of the establishment, along with proof of required management certificate(s) for every Manager;
- (e) Pest Control Certification issued within 30 days of Application submission;
- (f) Existence of required Common Indoor Space or request for variance;
- (g) Provision of twenty-four (24)-hour Manager and/or designee; and
- (h) Receipt from San Joaquin County Environmental Health showing full compliance with their requirements for operation of the premises.

SEC. 7-111.6. ADDITIONAL INFORMATION REQUIRED FOR RESIDENTIAL HOTEL/MOTEL:

In addition to the information required for Hotels and Motels, the following information must also be included as an attachment to an Application to Operate a Residential Hotel/Motel:

- (a) Compliance with all applicable zoning requirements;
- (b) Adequate parking for long-term residency;
- (c) Adequate bathroom and kitchen facilities required of individual dwelling units, equivalent to those features required of an efficiency dwelling unit as such is defined under the Uniform Codes; and
- (d) Signed statement that the Residential Hotel/Motel shall not operate without an on-site Manager or designee in charge of the premises at all times.

SEC. 7-111.7. INVESTIGATION:

The City Manager or designee shall conduct an investigation beginning January 1, 2002, and shall refer all Applications for a Permit to the Police Chief, Fire Chief, City of Stockton Health Officer, and San Joaquin County Environmental Health for their investigation and recommendations.

(a) The Police Chief shall investigate and ascertain the following:

- (1) Whether the applicant has, within three (3) years immediately preceding the date of filing of the Application, had any Hotel, Motel, or Residential Hotel/Motel Permit, which has been issued within the state of California, suspended or revoked; or
- (2) Whether the applicant has knowingly made a material misrepresentation in the Application for the Permit to Operate; or
- (3) Whether the applicant has had excessive turnover in management without training.

The Police Chief shall also review the records pertaining to the premises on which the Hotel, Motel, or Residential Hotel/Motel is located, including a review of the number of calls for service involving crimes, disturbances, and public nuisance activities occurring on the premises, and take this information into consideration when issuing recommendations.

The Police Chief shall make a report of the findings to the City Manager or designee, together with recommendations for conditions of approval of the Permit to Operate, if any.

(b) The Fire Chief and City Manager or designee, within the jurisdictions and duties of their particular departments, shall ascertain whether or not the premises to be used are suitable, proper, and adequate, and comply with all applicable laws, ordinances, and regulations. The Fire Chief and City Manager or designee shall make a report of their findings, together with their recommendations for conditions of approval for the Permit to Operate, if any.

SEC. 7-111.8. REQUIRED CONDITIONS OF THE PREMISES; REQUIRED MANAGEMENT PLAN:

A. As part of the investigation conducted by the City Manager or designee in conjunction with an Application for a Hotel, Motel, or Residential Hotel/Motel Permit to Operate, the premises shall be inspected to verify the existence of all of the following items:

- 1) Full compliance with all applicable Housing Code requirements, including electrical and plumbing requirements;

- 2) Full compliance with all applicable Fire Code requirements, including life safety measures, emergency exiting, and panic hardware requirements;
- 3) Required heating facilities for each individual dwelling unit;
- 4) Required bathroom facilities;
- 5) A bed in good and clean condition and maintained in such a condition as to not be a detriment to the health of guests, as determined by County Environmental Health and/or City of Stockton Health Officer;
- 6) Required minimum furnishings;
- 7) Required common indoor space, and/or approved variance as defined above;
- 8) For hotel/motels, a schedule of linen changes that, at a minimum, provide for weekly changes and/or change of linen whenever a guest departs and before another guest arrives;
- 9) Immediate access for police, fire, and emergency personnel for those premises that have secured entries; and
- 10) Screens on all exterior windows.

B. There shall not be an infestation of insects, vermin, or rodents, as determined by the City of Stockton Health Officer and/or Public Health Department.

C. In addition, the Application for a Permit to Operate must also be accompanied by a Management Plan as defined above, which shall include items such as housekeeping schedules, facility maintenance, grounds and landscape maintenance, emergency provisions, and contacts.

SEC. 7-111.9. LIST OF ROOM CHARGES:

In addition to the listing and posting of room rates, a list of all other room charges shall be made available to residents and the public and shall be posted in a conspicuous location on the premises.

SEC. 7-111.10. QUARTERLY INSPECTIONS; EXEMPTIONS:

Upon the filing of an Application for a Permit to Operate, investigations by the requisite departments shall commence. Said investigation shall include an inspection of the premises by designated City staff for the purposes of determining whether the premises meet all applicable Codes, including the Uniform Code requirements, such as the Housing and Building Codes, and all applicable requirements of the Stockton Municipal Code, including the Zoning and Health and Safety Codes. No Permit to Operate shall issued until all of the required Codes are met. A fee, as from time to time may be set by resolution of the City Council, will be required for each inspection.

In addition to the initial inspection, quarterly inspections shall be conducted of the premises as a condition of retention of the Permit to Operate. In the event that the initial inspection reveals full compliance with all applicable provisions of the Stockton Municipal Code and adopted Uniform Codes, as well as full endorsement without conditions by the Fire, Police, City of Stockton Health Officer, and Public Health Departments, no quarterly inspections will be required as a condition for retention of the Permit to Operate for the remainder of the year, or, for the next three quarters, absent the existence of a subsequent violation.

SEC. 7-111.11. BUSINESS LICENSE:

Nothing herein shall constitute a waiver of the requirements of Chapter 6 of the Stockton Municipal Code requiring issuance and possession of valid business license.

SEC. 7-111.12. TIME WITHIN WHICH TO GRANT OR DENY PERMIT TO OPERATE:

Within forty-five (45) days after the filing of an Application for a Permit to Operate, the City Manager or designee shall review the Application, together with reports and recommendations of the Police Chief, Fire Chief, City of Stockton Health Officer, and County Environmental Health, and shall grant said Permit to Operate or notify the applicant of the intent to deny the Permit to Operate, together with the grounds for denial as set forth in Section 7-111.13 of this Division, or grant a conditional Permit to Operate, as set forth in Section 7-111.4. Said notice shall be in writing and sent by mail to the applicant's mailing address set forth in the Application.

SEC. 7-111.13. GROUNDS FOR DENIAL OF A PERMIT TO OPERATE:

The following grounds may constitute grounds for denial of a Permit to Operate:

- (a) The establishment as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations;
- (b) any of the following exist:

1. The applicant is or has been a registered sex offender; or
 2. Five (5) years has not expired from either the date the applicant was convicted of, or completed parole or probation for any offense which relates directly to the operation of a Hotel, Motel, or Residential Hotel/Motel establishment, whether as an owner, operator, or manager, or from any offense constituting a misdemeanor or felony involving weapons, narcotics, assault, or crimes of moral turpitude.
- (c) The applicant has, within three (3) years immediately preceding the date of filing of the Application, had a Hotel, Motel, or Residential Hotel/Motel Permit to Operate, or Manager's Permit, or related permit, which was issued within the state of California, suspended or revoked;
- (d) The applicant has knowingly made a material misstatement in the Application for a Permit to Operate;
- (e) There have been excessive calls for service to the Police Department within the twelve (12) months preceding the Application with inadequate response by management or the owners or operators, involving the commission of crimes, disturbances, public nuisances, or applicable Stockton Municipal Code violation investigations, which are located, committed, or generated on the premises of the establishment.
- (f) There have been an excessive number of false fire alarms at the property with inadequate response by management or the owners or operators.
- (g) Failure to get clearance from San Joaquin County Environmental Health.

SEC 7-111.14. ALTERNATE PROCEDURE; ISSUANCE OF PERMIT WITH CONDITIONS IMPOSED:

As an alternative to a denial of a Permit to Operate for failure to meet the requisite Housing, Building, Health, and Fire Codes, or failing to pass an investigation conducted by the Police, Fire, City of Stockton Health Officer, or San Joaquin County Environmental Health, the City Manager or designee may issue a Conditional Permit to Operate. Said Conditional Permit to Operate shall be issued with conditions imposed on the operation of the premises. All conditions shall be complied with in order to maintain the Conditional Permit to Operate in a valid status. Failure to comply with the imposed conditions will subject the Conditional Permit to Operate to suspension and/or revocation procedures or any other remedy authorized by law. A conditional Permit shall mandate four quarterly inspections, the cost of which is to be borne by the Permittee.

SEC. 7-111.15. INSPECTION:

Any person operating a Hotel, Motel, or Residential Hotel/Motel establishment shall, during business hours, be responsible for and provide that any premises used for the purposes of a Hotel, Motel, or Residential Hotel/Motel establishment shall be readily accessible and open for inspection by law enforcement officers or other employees of the City of Stockton and San Joaquin County Environmental Health, who are charged with enforcement of health and safety or penal laws of the City of Stockton or state of California.

SEC. 7-111.16. BUSINESS NAME:

No person shall operate a Hotel, Motel, or Residential Hotel/Motel establishment under any name or conduct business under any designation not specified in the Permit to Operate. Any proposed changes shall be submitted in writing to the City Manager or designee at least two (2) weeks prior to the date the change is to take place, unless a shorter amount of time is permitted under the circumstances.

SEC. 7-111.17. BUSINESS LOCATION CHANGE:

Upon a request to change the location of a Hotel, Motel, or Residential Hotel/Motel establishment, an Application to the City Manager or designee shall be made, and such Application shall be granted, provided all applicable provisions of this Code have been complied with and the change of location fee, in an amount established by Resolution of the City Council, has been paid to the City.

SEC. 7-111.18. SALE OR TRANSFER OF HOTEL, MOTEL, AND RESIDENTIAL HOTEL/MOTEL ESTABLISHMENT INTEREST:

The sale or transfer of any majority interest in any Hotel, Motel, or Residential Hotel/Motel establishment shall be reported to the City Manager or designee at least two (2) weeks prior to such sale or transfer. A new Application, pursuant to Section 7 111.4, shall be filed and an investigation conducted pursuant to Section 7-111.7 as to the person obtaining such interest. If such person satisfies the requirements related to Permit to Operate applicants, the existing Permit to Operate shall be endorsed to include such person.

A fee in the amount established by Resolution of the City Council shall be paid to the City for the investigation necessitated by such sale or transfer.

SEC. 7-111.19. DISPLAY OF PERMITS:

The Operator shall display the Permit to Operate, together with the permit of each Hotel, Motel, and Residential Hotel/Motel Manager employed in the establishment, in an open and conspicuous place on the premises. Passport-size photographs of the Operator and permittees shall be affixed to the respective Permit to Operate and permits on display pursuant to this Section. Residence addresses of Operators or permittees need not be displayed.

SEC. 7-111.20. RECORDS:

The owner and/or Operator of a Hotel, Motel, or Residential Hotel/Motel establishment shall maintain a current file of all persons employed therein. This file shall contain true names and aliases used by such employees; the age; birth date; height; weight; color of hair and eyes; home address; phone numbers; Social Security number; the date of employment and termination; the name and addresses of the recognized school of hotel/hotel management attended; the date attended; and the written proof that the Hotel, Motel, or Residential Hotel/Motel Manager has completed a residence course of study in motel/hotel management. Such person shall make all records immediately available upon demand of any law enforcement officer or designated enforcement staff.

SEC. 7-111.21. PRE-EXISTING OPERATORS AND MANAGERS:

All operators of existing hotel/motel Permits to Operate, and all persons engaged in the operation of a Hotel, Motel, or Residential Hotel/Motel establishment, including Managers, in the City of Stockton, upon the effective date of this Division, shall file an Application and comply with all requirements of this Division within 180 days of the effective date of this Division.

SEC 7-111.22. SUMMARY SUSPENSION OF A PERMIT TO OPERATE:

Any Permit to Operate issued hereunder may be summarily and temporarily suspended by the City Manager or designee in the event it is determined that the holder of such Permit has committed any act, which would constitute grounds for denial of a Permit to Operate pursuant to Section 7-111.13 of this Division. Any such suspension shall be accomplished by written notification of the suspension and the reasons therefore, sent by certified mail, return receipt requested, to the Operator's business address as approved in the Permit to Operate.

Within twenty-four (24) hours thereafter, a copy of such notice, together with the reasons for the suspension, shall be transmitted to the Administrative Hearing Officer for setting of a hearing, in accordance with the procedures outlined in Chapter One of the Stockton Municipal Code. All hearings shall be held within fifteen (15) business days of the date of mailing of the written notification, unless continued by the mutual consent of the parties.

The findings and decisions of the Administrative Hearing Officer, upon an appeal, shall be final and conclusive, but nothing in this Code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

SEC 7-111.23. SUSPENSION OR REVOCATION BY CITY MANAGER:

As distinguished from the provisions of Section 7-111.22 of the Stockton Municipal Code, the City Manager or designee may initiate suspension or revocation procedures by sending written notice setting forth the grounds for such suspension or revocation. Said notice shall be sent by certified mail, return receipt requested, to the Operator's business address as approved in the Permit to Operate.

SEC. 7-111.24. GROUNDS FOR REVOCATION OR SUSPENSION OF PERMIT TO OPERATE:

Any Permit to Operate may be suspended and/or revoked by the City Manager or designee after a review, where it is determined that:

- (a) The Operator has violated the provisions of this Division; or
- (b) The Operator has committed any act or engaged in action, which would constitute grounds for denial of the Permit to Operate pursuant to Section 7-111.13 of this Part; or
- (c) The Operator has engaged in fraud, misrepresentation, or false statements in conducting the Hotel, Motel, and Residential Hotel/Motel establishment; or
- (d) The Operator has failed to correct a violation within the time period ordered by the City; or

(e) The Operator has operated or continued to operate the Hotel, Motel, or Residential Hotel/Motel establishment without a Permit to Operate or after a Permit to Operate has been suspended; or
(f) The Operator has allowed a person to work as a Hotel, Motel, and Residential Hotel/Motel Manager who:

- (1) Does not have a proper, valid permit in his/her possession; or
- (2) Has committed any offense described in Section 7-111.13 of this Division where the Operator has actual or constructive knowledge of such act.

SEC. 7-111.25. RIGHTS OF APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION OF PERMIT TO OPERATE/HEARING PROCEDURE:

The Notice of Denial, Suspension, or Revocation of a Permit to Operate may be appealed by filing the proper appeal in accordance with Chapter One of the Stockton Municipal Code. An appeal must be made in writing, on the proper form, to the City of Stockton, Neighborhood Services Division, 22 East Weber Avenue, Stockton, California 95202. There is a \$50 non-refundable Administrative Hearing Fee, which must accompany the appeal form.

The hearing before the Administrative Hearing Officer shall be held within fifteen (15) business days following the filing of an appeal. The applicant shall be given notice of said hearing at least ten (10) business days prior to the hearing date. Said notice may be by personal service or by certified mail, return receipt requested.

At the time and place fixed in said Notice, or at any time to which the matter may be continued by the mutual consent of the parties, the Administrative Hearing Officer shall hear the applicant and all witnesses, together with any proper documentary evidence offered in support of or against the granting or continuation of a Permit to Operate. The Administrative Hearing Officer shall, at the conclusion of the hearing, make findings of fact based upon the evidence submitted and determine whether grounds exist for denial of a Permit to Operate, as set forth in Section 7-111.13 of this Division, or for the suspension and/or revocation of the Permit to Operate, as set forth in Section 7-111.24 of this Part. If, from the evidence, the Administrative Hearing Officer finds grounds exist for the denial, suspension, or revocation of the Permit to Operate, the Hearing Officer shall deny the Permit to Operate or order the suspension and/or revocation thereof. If, following the hearing, the Administrative Hearing Officer determines that no proper grounds exist for the denial, suspension, or revocation of the Permit to Operate, then the Administrative Hearing Officer shall grant the appeal and cause a Permit to Operate to be issued or terminate any prior suspension or revocation.

SEC. 7-111.26 ACTION OF ADMINISTRATIVE HEARING OFFICER AS TO PERMIT TO OPERATE - FINAL AND CONCLUSIVE:

Action taken by the Administrative Hearing Officer with respect to the granting, denial, suspension, or revocation of a Permit to Operate a Hotel, Motel, and/or a Residential Hotel/Motel establishment shall be final and conclusive, but nothing in this Code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

SEC. 7-111.27. RETURN OF PERMIT TO OPERATE — CLOSURE OF PREMISES:

If revocation or suspension shall occur, the Permit to Operate shall be returned to the City Manager or designee for cancellation or holding pending the period of suspension. The City Manager may direct or cause the premises to be closed and locked against use by the public when deemed reasonably necessary by the City Manager in order to ensure compliance with an order of suspension or revocation. Said closure of premises to the public shall not exceed ninety (90) days and may be terminated prior to the expiration of such period upon request of the owner of the premises accompanied by a statement under oath that the premises will not be used as a Hotel, Motel, and Residential Hotel/Motel establishment during the remainder of the suspension period. In the event the premises are occupied, relocation benefits may be due and payable as determined by the City Manager or designee, pursuant to applicable provisions contained in this Code.

SEC. 7-111.28. HOTEL, MOTEL, AND RESIDENTIAL HOTEL/MOTEL MANAGER'S WORK PERMIT REQUIRED:

It shall be unlawful for any person to act as a Hotel, Motel, or Residential Hotel/Motel Manager, as

defined herein, or night clerk without first having acquired a valid work permit from the City Manager or designee and complying with all of the regulations contained in this Division.

SEC. 7-111.29. MANAGER'S PERMIT ELIGIBILITY:

Any person to be eligible for a Hotel, Motel, or Residential Hotel/Motel Manager's Permit must have completed, within 60 days of the Application for said Permit, a review of an instructive video tape; and, within 180 days, a residence course of study in hotel/motel management. The residence course of study shall include eight hours of training annually, consisting of (1) a total of six hours of training to be provided by the City of Stockton Fire, Police, and Code Enforcement Departments; the San Joaquin County Environmental Health Department; and (2) an additional two hours of hotel/motel management training to be provided by the Stockton Hotel/Motel Association or other recognized group. A certificate of successful completion of this course (or written proof that the applicant has begun a course of study within 180 days of the date of the applicant's first request for a Permit) is to be included with the initial and/or annual application as required by Section 7-111.31.

SEC. 7-111.30. APPLICATION FOR A MANAGER'S PERMIT:

An Application for a Manager's Permit shall be filed with the City Manager or designee and shall be in writing on forms provided by the City and shall be accompanied by payment of a fee in an amount as established, from time to time, by Resolution of the City Council. Any such Application shall be under oath, in duplicate, and shall contain such information pertinent to the applicant as the City may require.

SEC. 7-111.31. THE FOLLOWING ITEMS SHALL ACCOMPANY THE APPLICATION FOR A HOTEL, MOTEL, AND/OR RESIDENTIAL HOTEL/MOTEL MANAGER'S PERMIT:

- (1) Two prints of a recent passport-size photograph of the applicant;
- (2) Written evidence that the applicant is at least eighteen (18) years of age;
- (3) Written proof that the applicant has completed/or begun the residence course of study in Hotel, Motel, or Residential Hotel/Motel management as required by Section 7-111.29 of this Part.

SEC. 7-111.32. INVESTIGATION OF MANAGER PERMIT APPLICATIONS:

In addition to the investigation undertaken by the City Manager or designee, all Applications for work permits for Hotel, Motel, and Residential Hotel/Motel Managers shall also be referred to the Chief of Police for investigation and recommendation. The Chief of Police shall investigate and ascertain:

- (1) Whether the applicant has, within three (3) years immediately preceding the date of filing of the Application, had any Hotel, Motel, or Residential Hotel/Motel establishment Operator's or Manager's Permit suspended or revoked;
- (2) Whether the applicant has knowingly made a material misstatement in the Application for a permit; The Police Chief shall make a report of the findings to the City Manager or designee, together with any recommendations.

SEC. 7-111.33. TIME WITHIN WHICH TO GRANT OR DENY A MANAGER'S PERMIT:

Within twenty (20) days after the filing of an Application for a permit, the City Manager or designee shall review the Application, together with the report and recommendation of the Chief of Police and shall grant said permit or shall notify the applicant of the denial of the permit and the grounds for such denial. Said notice shall be in writing and sent by certified mail to the applicant's mailing address as set forth in the Application.

SEC. 7-111.34. GROUNDS FOR DENIAL OF A MANAGER'S PERMIT:

The following may constitute grounds for denial of a Manager's Permit:

- (1) If either of the following exist:
 - a. The applicant is or has been a registered sex offender; or
 - b. Five (5) years has not expired from either the date the applicant was convicted of, or completed parole or probation for any offense which relates directly to the operation of a Hotel, Motel, or Residential Hotel/Motel establishment, whether as an owner, operator, or manager, or from any offense constituting a misdemeanor or felony involving weapons, narcotics, assault, or crimes of moral turpitude.
- (2) The applicant has, within three (3) years immediately preceding the date of filing of the Application, had any similar Manager's Permit, which was issued within the state of California suspended or revoked;
- (3) The applicant has knowingly made a material misstatement on the Application for a Permit;

 (4) The applicant has permitted or allowed violations of applicable Municipal Code violations on the premises of other Hotels, Motels, or Residential Hotel/Motel establishments where the applicant served as Manager and has failed to respond, address, and/or correct the violations within a reasonable time when notified by the City.

SEC. 7-111.35. SUMMARY SUSPENSION OF PERMIT:

Any Manager's Permit issued hereunder may be summarily and temporarily suspended by the Chief of Police or the City Manager or designee in the event that it is determined that the holder of said Permit has committed an act or engaged in action, which would constitute grounds for denial of a Permit pursuant to Section 7-111.34 of this Division.

SEC. 7-111.36. NOTICE OF SUMMARY SUSPENSION:

Summary suspensions shall be accomplished by written notice of the suspension and the reasons therefore sent by certified mail, return receipt requested, to the Permittee's residence address as set forth in the Application for Manager's Permit.

Within twenty-four (24) hours thereafter, a copy of such notice, together with the reasons for the suspension, shall be transmitted to the Administrative Hearing Officer for setting of a hearing, in accordance with the procedures outlined in Chapter One of the Stockton Municipal Code. All hearings shall be held within fifteen (15) business days of the date of mailing of the written notification. The findings and decisions of the Administrative Hearing Officer, upon an appeal, shall be final and conclusive, but nothing in this Code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

SEC. 7-111.37. SUSPENSION AND REVOCATION BY CITY MANAGER:

As distinguished from the provisions of Sections 7-111.35 and 7-111.36, the City Manager or designee may initiate suspension or revocation procedures by sending written notice setting forth the grounds for such suspension or revocation. Said notice shall be sent by certified mail, return receipt requested, to the Permittee's residence address, as set forth in the Application for Manager's Permit.

SEC. 7-111.38. GROUNDS FOR REVOCATION OR SUSPENSION OF MANAGER'S PERMIT:

Any Manager's permit may be suspended and/or revoked by the City Manager or designee after a review where it is determined that:

- (a) The Permittee has violated any provisions of this Division; or
- (b) The Permittee has committed an act or engaged in action that would constitute grounds for denial of the Permit, pursuant to Section 7-111.34 of this Division; or
- (c) The Permittee has continued to function as a Hotel, Motel, or Residential Hotel/Motel Manager after the permit has been suspended; or
- (d) The Permittee has failed to complete the course of study as set forth in Section 7 111.29 of this Division.

SEC. 7-111.39. RETURN OF PERMIT:

Upon revocation or suspension, the Manager's Permit shall be returned to the City Manager or designee for cancellation or holding during the period of suspension.

SEC. 7-111.40. RIGHTS OF APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION OF A MANAGER'S PERMIT//HEARING PROCEDURE:

The Notice of Denial, Suspension, or Revocation of a Manager's Permit may be appealed by filing the proper appeal in accordance with Chapter One of the Stockton Municipal Code. An appeal must be made in writing, on the proper form, to the City of Stockton, Neighborhood Services Division, 22 East Weber Avenue, Stockton, California 95202. There is a \$50 non-refundable Administrative Hearing Fee, which must accompany the appeal form.

The hearing before the Administrative Hearing Officer shall be held within fifteen (15) business days following the filing of an appeal. The applicant shall be given notice of said hearing at least ten (10) business days prior to the hearing date. Said notice may be by personal service or by certified mail, return receipt requested.

At the time and place fixed in said notice, or at any time to which the matter may be continued by the

mutual consent of the parties, the Administrative Hearing Officer shall hear the applicant and all witnesses, together with any proper documentary evidence offered in support of or against the granting or continuation of a Manager's Permit. The Administrative Hearing Officer shall, at the conclusion of the hearing, make findings of fact based upon the evidence submitted and determine whether grounds exist for denial of a Manager's Permit, as set forth in Section 7-111.34 of this Division, or for the suspension and/or revocation of the Manager's Permit, as set forth in Section 7-111.38 of this Division. If, from the evidence, the Administrative Hearing Officer finds grounds exist for the denial, suspension, or revocation of the Manager's Permit, the Administrative Hearing Officer shall deny the Manager's Permit or order the suspension and/or revocation thereof. If, following the hearing, the Administrative Hearing Officer determines that no proper grounds exist for the denial, suspension, or revocation of the Manager's Permit, then the Administrative Hearing Officer shall grant the appeal and cause a Manager's Permit to be issued or terminate any prior suspension.

SEC. 7-111.41. ACTION OF ADMINISTRATIVE HEARING OFFICER AS TO MANAGER PERMITS FINAL AND CONCLUSIVE:

Action taken by the Administrative Hearing Officer with respect to the granting, denial, suspension, or revocation of work permits of Hotel, Motel, and Residential Hotel/Motel Managers shall be final and conclusive, but nothing in this Code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

SEC. 7-111.42. RENEWAL OF MANAGER'S PERMIT:

Any person who holds a valid Manager's Permit may obtain a new permit for the succeeding year by applying for said new Permit during the thirty (30) days preceding the expiration date of the current Permit.

SEC. 7-111.43. ADMINISTRATIVE PROCEDURE AND AUTHORITY OF ADMINISTRATIVE HEARING OFFICER:

In the event of a violation of any of the provisions set forth herein, or upon evidence that there has been a failure to comply with any required conditions of any Permit pursuant to these provisions, in addition to any other remedies available by law, a hearing shall be scheduled before the Administrative Hearing Officer, in accordance with Chapter One of the Stockton Municipal Code. Notification of the hearing shall be in accordance with the provisions contained in Chapter One of the Stockton Municipal Code. The purpose of this hearing is to receive testimony and evidence on whether violations of any of the conditions of the Permit, pursuant to these provisions, have occurred. After the taking of evidence, the Administrative Hearing Officer may modify conditions of the Permit as part of the decision, based upon the evidence presented; or alternatively, may suspend or revoke the Permit, pursuant to these provisions.

SEC. 7-111.44. VIOLATIONS AND PENALTIES:

 In the absence of an imminent health and safety hazard for which immediate corrective action shall be taken, a violation notice shall be sent to the operator and manager detailing the corrective action required and the time frame within which the corrective action shall be taken.

In addition to any other remedy available by law, any person who violates, or causes or permits another person to violate any of these provisions, including any condition of a Permit, is guilty of a misdemeanor. Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, maintained, or caused. Failure to fully comply with the violation notice shall trigger the following penalty schedule:

A. Penalty for First Violation: The penalty for the first violation within a twelve (12) month period shall be a fine of \$200.

B. Penalty for Second Violation: The penalty for the second violation in a twelve (12) month period shall be a fine of \$500.

C. Penalty for Third and subsequent Violations: The penalty for third and subsequent violations within a twelve (12)-month period shall be suspension and/or revocation of the Permit, pursuant to these provisions.

Every day any portion of the premises are not in compliance with the requirement of this Code, shall be considered a separate violation for the purposes of the preceding penalty schedule.

SEC. 7-111.45. APPEAL OF ADMINISTRATIVE CITATION ISSUED HEREUNDER:

Any Administrative Citation issued pursuant to these provisions is appealable under the same procedures set forth in Stockton Municipal Code sections 1-076 through 1 088.

SEC. 7-111.46. PERMITS ISSUED FOR ONE (1) YEAR:

All Permits issued pursuant to this Division shall expire one year from the date of issuance and must be renewed annually, and are not transferable. Applications for renewal shall be filed thirty (30) days from the expiration of the current Permit in the same manner as applications for initial permits and subject to the same procedures, rules, and regulations provided for in this Division. For initial permits beginning January 1, 2002, applications shall be filed prior to December 1, 2001. Each Hotel, Motel, or Residential Hotel/Motel establishment shall be issued a temporary Permit until an inspection is made of that premises.

SEC. 7-111.47. OTHER LICENSES, PERMITS REQUIRED:

The Permit required by the provisions of this Division shall be in addition to any other licenses or permits that may be required by other provisions of the Stockton Municipal Code or rules, laws or regulations of the State or Federal Government.

MEMORANDUM



TO: John Collins, Chief of Police
Laura Herblan, Fire Marshal
Lance Smith, Chief Building Official
Bobbie Garrett, EPD
Jennifer Nolan, FAS
Lorna Elliott, FAS
Mike Flaherty, Deputy City Manager/Acting Director CD
Chris Neubecker, CD
Dugan Comer, Deputy City Attorney

FROM: Dan Brotzman, City Attorney

DATE: July 6, 2015

REGARDING: Regulation of Hotels and Motels.

Current Enforcement

Currently fire and building issues for motels on Broadway are being regulated under municipal nuisance provisions in 15-2-1 (A) and (B) EMC, as well as the fire code, property maintenance code, building code, etc. Revisions to the outside codes are being discussed with Council at the July 13, 2015 Study Session. Changes to those codes should not significantly impact enforcement.

Licensing of Motels

Attached are licensing regulations previously submitted to Council.

There is a new Supreme Court ruling city of Los Angeles v. Ratel, on hotel registration that also needs to be addressed.

Greenwood Village 30 day limit Airbnb regulations

This issue is being coordinated through the Airbnb discussion with the Planning and Zoning Commission which is addressed in a separate memorandum.

CC: Eric Keck
City Council

DB/nf



Memorandum

To: Mayor Penn and Members of City Council
Through: Gary Sears, City Manager
Through: Michael Pattarozzi, Fire Chief
From: Lance Smith, Chief Building Official
Date: February 14, 2013
Subject: Motel Licensing and Inspection Program Options

At the upcoming Tuesday, February 19th, Study Session, City Council will again discuss options for implementing a motel licensing and inspection program. Staff has discussed problems inherent to aging motels like those in Englewood and is proposing alternative approaches to address those concerns.

The motels in Englewood are remnants of the pre-interstate highway system construction in the 1950s and '60s. At that time, the City's motels primarily served vacation and business travelers. However, with the passage of time and the change in travel patterns, the clientele has changed from business and pleasure travelers to transients and as housing of last resort or transitional housing for many individuals and families. Although daily rates are available in most such motels, the majority of motel clients rent on a weekly basis. Because the clientele is transient and/or economically distressed, some problems come with that demographic.

Previously, members of City Council have expressed concern with illegal activities that have taken place at City motels. Through efforts of the Police Department, particularly the Impact Team, communications with motel owners and managers has improved significantly. Transient nature of the motel clientele presents unique challenges but improved communications have helped reduce illegal activities.

However, City Council members continue to express concern with health and safety conditions that may be present, at least to some degree, at some or all Englewood motels. On two occasions, City Council has been presented information by the City of Westminster Housing Inspector, Holly Clayton. Ms. Clayton described how the Westminster Property Management Code (Rental Code) is used to establish minimum health and safety regulations for rental housing, including but not limited to, lodging houses in Westminster. Westminster currently has 1,117 licensed rental units, although the total increases as units are built or unlicensed units are discovered. Westminster budgets \$170,000 annually to cover the cost of two full time inspectors and a part time secretary, along with related non-personnel costs. Rental units less than twenty years old are inspected every four years, and those older than 20 years are inspected every two years.

If City Council chooses to implement a license and inspection program for motels only, several changes would be required to current provisions of the City Code, as follows:

- The International Property Maintenance Code (IPMC), which the City has adopted, may need to be amended to address specific motel characteristics.
- A Lodging (Hotel/Motel) License requirement and fee schedule for licenses, inspections and re-inspections would have to be implemented.
- An inspection process and procedure, e.g., number and frequency of inspections, uniform checklist for inspections, penalties, remedies, etc., would have to be established.
- A determination by City Council of whether to limit the licensing and inspection program to motels (and any future hotels) only, or to at this time or in the future extend the licensing and inspection regulations to cover other rental housing as in Westminster. While the health and safety issues of the existing motels has been called into question, is limiting licensing and inspection to slightly more than 100 motel units unfairly singling out motels and not addressing health and safety issues in the many hundred other rental units in the City.

In addition, a decision on how to best staff the licensing and inspection program is needed. City staff offers the following options:

- Use existing building department staff to inspect. This would require suspension of construction inspections for up to two days for each motel, and additional time for any required re-inspections. While this is possible, with the current level of construction occurring in the City at this time, it could slow the process for both large and small construction projects. – Lost time due to motel inspections could require hiring an additional building inspector.
- Contract with a third party to conduct inspections. However, to date, the Building Division staff has been unable to locate private inspection firms or individuals willing to provide this service. Cost is undetermined at this time.
- Hire a new Housing Code Enforcement Officer to conduct motel inspections. The cost of an additional staff member would be approximately \$57,000, plus non-personnel costs such as vehicle and equipment costs, total likely to exceed \$70,000 annually.

Note also that based on the Westminster average annual cost of \$150/unit for licensing and inspection services, the cost for implementing a similar program in Englewood, based on a total fee of \$150/unit, would impact the City's motels in the following amounts:

Wright Motel-18 units	\$2700
4U Motel – 21 units	\$3150
Holiday Motel – 34 units	\$5100
Lucky U Motel – 40 units	\$6000
Total	<u>\$16.950</u>

Depending on the staffing method used, the City may or may not recover its costs at \$150/unit/year.

In addition to the staffing options above, staff offers the following alternative:

- Conduct a one-time voluntary inspection program of motels in the City, in lieu of implementing a full blown program of licensing and inspection. If done on a one-time basis, this would be accomplished by diverting existing staff for a period of 4-6 days to conduct inspections, which on a one-time only basis is manageable. After completion, staff will report the findings to City Council and Council may then consider the efficacy of implementing a formal regulatory program for licensing and inspecting hotel/motel units. And in the meantime, staff will continue to respond to any complaints received as is the current practice.

Depending on direction provided by City Council, staff will initiate steps towards implementation of the selected alternative(s).

MEMORANDUM



TO: Mayor Penn
Englewood City Council Members

FROM: Dan Brotzman, City Attorney

DATE: March 27, 2012

REGARDING: Council Short Term No. 12-058 Reply.

The current Englewood Municipal Code including those Codes adopted by reference, specifically the International Property Maintenance Code which the City has adopted, should contain all the provisions necessary for enforcement. Should the contract inspection service need additional items covered, those can be addressed once the inspectors are brought on line.

Mayor Pro Tem Woodward has resubmitted a variety of ordinances on this topic to the City Manager's Office.

CC: Gary Sears
Mike Flaherty
John Collins
Frank Gryglewicz
Mike Pattarozzi
Lance Smith
Tamara Wolfe
Alan White

DB/nf

**Stockton Municipal Code
Chapter 7
HEALTH AND SANITATION CODE**

**Part IV
CAMP CARS (TRAILERS) AND CAMP GROUNDS; HOTELS — LODGING —
ROOMING AND APARTMENT HOUSES**

**Division II
HOTELS — MOTELS — LODGING AND ROOMING HOUSES**

SEC. 7-111. SHORT TITLE:

This Division shall be known as the "Hotel, Motel, and Residential Hotel/Motel Permit Ordinance."

SEC. 7-111.1. PURPOSE:

Based on the research conducted by, and the recommendations provided by, the Community Improvement Task Force, the City Council hereby finds that it is of the utmost importance to improve the conditions of the City's Hotel and Motel stock, which, in addition to serving the transient guests, often serves as temporary housing for the City's low-income residents. There is a tremendous concern to ensure that this housing stock meets all applicable housing and building standards that will provide its residents with safe and decent places to live. The City Council also recognizes that some Hotels and Motels within the City limits may at times also serve as long-term housing for some residents, and, for this reason, the City Council adopts a separate category of "Residential Hotel/Motel" with additional regulations that will ensure that the buildings meet long-term housing requirements.

The purpose of this Division is to require the issuance of a Permit to Operate to conduct, own, or operate Hotel, Motel, and Residential Hotel/Motel establishments within the City of Stockton; to require Manager permits for the Hotel, Motel, and Residential Hotel/Motel Managers employed therein; to establish standards for the issuance of said permits; to establish rules and regulations under which such permits shall remain in force, be suspended or revoked; and providing penalties for violations thereof.

SEC. 7-111.2. DEFINITIONS:

For the purpose of this Division, unless the context clearly requires a different meaning, the words, terms, and phrases hereinafter set forth shall have the meanings given them in this Section:

- (a) "Bathroom" shall mean a room with a minimum of thirty (30) square feet containing a toilet, sink, and shower or tub.
- (b) "Bed" shall mean mattress and box springs, which shall be off of the floor.
- (c) "Common Indoor Space" shall mean a common gathering space within a Residential Hotel/Motel establishment for use by the residents, which has no less than 200 square feet, unless, under certain specified conditions, a variance is granted, and which has air conditioning and heating facilities capable of maintaining a minimum temperature of seventy (70) degrees Fahrenheit three (3) feet above the floor.
- (d) "Excessive calls for service": The calls for service included in a case by case analysis are those defined as calls for service generated by guests or as a result of actions by guests, their visitors, or the operator. The calls for service analyzed would not normally include calls such as Emergency Medical Service calls, public information service requests, auto accidents, or police initiated contact not involving criminal activity.
- (e) "Furnishings" shall include a minimum of a bed, mirror, minimum lighting, and adequate place for clothes storage
- (f) "Hotel" shall mean a facility (in one or more buildings on the same legal parcel) providing transient lodging accommodations at a daily rate and where access is provided through a common entrance, lobby or hallway and over 50 percent (50%) of the revenue derived from the rental of lodging accommodations in the previous calendar year was subject to the transient occupancy tax.
- (g) "Kitchen" shall mean a complete kitchen containing a sink, refrigerator and stove, range top and/or oven, and/or those amenities required of an efficiency dwelling unit as such is defined in the Uniform Codes.

(h) "Management Plan" shall mean a plan that addresses the establishment's management, including staffing, equal access to housing, internal security, and other items that include, but are not limited to, the following components:

- (1) Rental rates;
- (2) Housekeeping schedules and cleaning provisions to ensure that the premises are in a clean, healthy, and presentable condition, free of litter, pests, and vermin at all times;
- (3) Grounds and landscape maintenance;
- (4) Acknowledgment of adherence to prompt collection and payment of transient occupancy taxes;
- (5) Schedules of linen changes if a Hotel or Motel;
- (6) Identification of the role of each staff member, especially in emergency situations, such as fires and police responses;
- (7) A staff training program;
- (8) Any condition that is imposed as a result of the Permit Application for an individual Hotel, Motel, or Residential Hotel/Motel; and
- (9) Any additional requirement for a Residential Hotel/Motel.

(i) "Manager" shall mean any person who is the proprietor of any Hotel, Motel, or Residential Hotel/Motel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, operator or agent of any of the foregoing. The person who, in connection with the activities of a Hotel, Motel, or Residential Hotel/Motel, manages the business operations, including the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, or handles guest affairs and oversees security. The term shall also include Resident Manager and Assistant Manager.

(j) "Manager's Quarters" shall mean any dwelling unit contained in any Hotel, Motel, or Residential Hotel/Motel meant for year-round habitation by the Manager, Resident Manager, or owner of the premises.

(k) "Motel" shall mean a facility (in one or more buildings on the same legal parcel) providing transient lodging accommodations at a daily rate and where access is individually available from outside the building. The term shall also include "motor lodge" and "motor hotel." In addition, over 50 percent (50%) of the revenue derived from the rental of lodging accommodations in the previous calendar year was subject to the transient occupancy tax.

(l) "Operator" shall mean those persons or person responsible for the daily operation and management of the premises and all functions related thereto.

(m) "Owner" shall mean any person, firm, association, partnership, or corporation, which is the record owner of real property as listed on the last equalized assessment roll as maintained by the San Joaquin County Assessor. It shall also mean any part owner, joint owner, or lessor of the whole or part of the land or buildings situated thereon.

(n) "Person" shall mean any natural person, firm, partnership, corporation, receiver, trustee, estate trust, business trust, organization, or association.

(o) "Pest Control Certification" shall mean an annual certification, issued within thirty (30) days of submission of the Application, from a fully licensed pest control company that the proposed premises is free of insect and/or pest infestation.

(p) "Residential Hotel/Motel" shall mean a single building or group of detached or semi-detached buildings providing transient accommodations at a daily rate and where 50 percent (50%) or more of the revenue derived from the rental of lodging accommodations in the previous calendar year was not subject to the transient occupancy tax.

(q) "Room charges" shall include, but are not limited to, the amounts charged by the premises for providing such services as laundry, cleaning, appliance rental, linen services, phone, additional person cost or meal service.

SEC. 7-111.3. PERMIT REQUIRED:

No person shall operate a Hotel, Motel, or Residential Hotel/Motel without first having obtained a written permit from the City of Stockton. There shall be only one (1) permit for each Hotel, Motel, or Residential Hotel/Motel establishment. It is unlawful and a misdemeanor to operate a Hotel, Motel, or Residential Hotel/Motel without a valid Permit to Operate. A fee will be required to obtain a Permit.

SEC. 7-111.4. APPLICATION:

An Application for a Hotel, Motel, or Residential Hotel/Motel Permit shall be filed with the City Manager or designee, be in writing on forms provided by the City, and be accompanied by payment of an annual fee in an amount as established, from time to time, by Resolution of the City Council. Any such Application

shall be under oath, in duplicate, and shall contain such information pertinent to the applicant and the business as the City may require.

SEC. 7-111.5. DOCUMENTS ACCOMPANYING APPLICATION:

The Permit to Operate Application shall also include as attachments to the Application for a Permit to Operate, the following documents:

- (a) Two identity prints of a recent passport-size photograph of the applicant(s);
- (b) Written evidence that the applicant(s) is eighteen (18) years of age or older;
- (c) Proposed Management Plan, including provision of twenty-four (24)-hour manager and/or designee;
- (d) Name of Manager(s) of the establishment, along with proof of required management certificate(s) for every Manager;
- (e) Pest Control Certification issued within 30 days of Application submission;
- (f) Existence of required Common Indoor Space or request for variance;
- (g) Provision of twenty-four (24)-hour Manager and/or designee; and
- (h) Receipt from San Joaquin County Environmental Health showing full compliance with their requirements for operation of the premises.

SEC. 7-111.6. ADDITIONAL INFORMATION REQUIRED FOR RESIDENTIAL HOTEL/MOTEL:

In addition to the information required for Hotels and Motels, the following information must also be included as an attachment to an Application to Operate a Residential Hotel/Motel:

- (a) Compliance with all applicable zoning requirements;
- (b) Adequate parking for long-term residency;
- (c) Adequate bathroom and kitchen facilities, required of individual dwelling units, equivalent to those features required of an efficiency dwelling unit as such is defined under the Uniform Codes; and
- (d) Signed statement that the Residential Hotel/Motel shall not operate without an on-site Manager or designee in charge of the premises at all times.

SEC. 7-111.7. INVESTIGATION:

The City Manager or designee shall conduct an investigation beginning January 1, 2002, and shall refer all Applications for a Permit to the Police Chief, Fire Chief, City of Stockton Health Officer, and San Joaquin County Environmental Health for their investigation and recommendations.

- (a) The Police Chief shall investigate and ascertain the following:
 - (1) Whether the applicant has, within three (3) years immediately preceding the date of filing of the Application, had any Hotel, Motel, or Residential Hotel/Motel Permit, which has been issued within the state of California, suspended or revoked; or
 - (2) Whether the applicant has knowingly made a material misrepresentation in the Application for the Permit to Operate; or
 - (3) Whether the applicant has had excessive turnover in management without training.

The Police Chief shall also review the records pertaining to the premises on which the Hotel, Motel, or Residential Hotel/Motel is located, including a review of the number of calls for service involving crimes, disturbances, and public nuisance activities occurring on the premises, and take this information into consideration when issuing recommendations.

The Police Chief shall make a report of the findings to the City Manager or designee, together with recommendations for conditions of approval of the Permit to Operate, if any.

- (b) The Fire Chief and City Manager or designee, within the jurisdictions and duties of their particular departments, shall ascertain whether or not the premises to be used are suitable, proper, and adequate, and comply with all applicable laws, ordinances, and regulations. The Fire Chief and City Manager or designee shall make a report of their findings, together with their recommendations for conditions of approval for the Permit to Operate, if any.

SEC. 7-111.8. REQUIRED CONDITIONS OF THE PREMISES; REQUIRED MANAGEMENT PLAN:

A. As part of the investigation conducted by the City Manager or designee in conjunction with an Application for a Hotel, Motel, or Residential Hotel/Motel Permit to Operate, the premises shall be inspected to verify the existence of all of the following items:

- 1) Full compliance with all applicable Housing Code requirements, including electrical and plumbing requirements;

- 2) Full compliance with all applicable Fire Code requirements, including life safety measures, emergency exiting, and panic hardware requirements;
- 3) Required heating facilities for each individual dwelling unit;
- 4) Required bathroom facilities;
- 5) A bed in good and clean condition and maintained in such a condition as to not be a detriment to the health of guests, as determined by County Environmental Health and/or City of Stockton Health Officer;
- 6) Required minimum furnishings;
- 7) Required common indoor space, and/or approved variance as defined above;
- 8) For hotel/motels, a schedule of linen changes that, at a minimum, provide for weekly changes and/or change of linen whenever a guest departs and before another guest arrives;
- 9) Immediate access for police, fire, and emergency personnel for those premises that have secured entries; and
- 10) Screens on all exterior windows.

B. There shall not be an infestation of insects, vermin, or rodents, as determined by the City of Stockton Health Officer and/or Public Health Department.

C. In addition, the Application for a Permit to Operate must also be accompanied by a Management Plan as defined above, which shall include items such as housekeeping schedules, facility maintenance, grounds and landscape maintenance, emergency provisions, and contacts.

SEC. 7-111.9. LIST OF ROOM CHARGES:

In addition to the listing and posting of room rates, a list of all other room charges shall be made available to residents and the public and shall be posted in a conspicuous location on the premises.

SEC. 7-111.10. QUARTERLY INSPECTIONS; EXEMPTIONS:

Upon the filing of an Application for a Permit to Operate, investigations by the requisite departments shall commence. Said investigation shall include an inspection of the premises by designated City staff for the purposes of determining whether the premises meet all applicable Codes, including the Uniform Code requirements, such as the Housing and Building Codes, and all applicable requirements of the Stockton Municipal Code, including the Zoning and Health and Safety Codes. No Permit to Operate shall issued until all of the required Codes are met. A fee, as from time to time may be set by resolution of the City Council, will be required for each inspection.

In addition to the initial inspection, quarterly inspections shall be conducted of the premises as a condition of retention of the Permit to Operate. In the event that the initial inspection reveals full compliance with all applicable provisions of the Stockton Municipal Code and adopted Uniform Codes, as well as full endorsement without conditions by the Fire, Police, City of Stockton Health Officer, and Public Health Departments, no quarterly inspections will be required as a condition for retention of the Permit to Operate for the remainder of the year, or, for the next three quarters, absent the existence of a subsequent violation.

SEC. 7-111.11. BUSINESS LICENSE:

Nothing herein shall constitute a waiver of the requirements of Chapter 6 of the Stockton Municipal Code requiring issuance and possession of valid business license.

SEC. 7-111.12. TIME WITHIN WHICH TO GRANT OR DENY PERMIT TO OPERATE:

Within forty-five (45) days after the filing of an Application for a Permit to Operate, the City Manager or designee shall review the Application, together with reports and recommendations of the Police Chief, Fire Chief, City of Stockton Health Officer, and County Environmental Health, and shall grant said Permit to Operate or notify the applicant of the intent to deny the Permit to Operate, together with the grounds for denial as set forth in Section 7-111.13 of this Division, or grant a conditional Permit to Operate, as set forth in Section 7-111.4. Said notice shall be in writing and sent by mail to the applicant's mailing address set forth in the Application.

SEC. 7-111.13. GROUNDS FOR DENIAL OF A PERMIT TO OPERATE:

The following grounds may constitute grounds for denial of a Permit to Operate:

- (a) The establishment as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations;
- (b) any of the following exist:

1. The applicant is or has been a registered sex offender; or
 2. Five (5) years has not expired from either the date the applicant was convicted of, or completed parole or probation for any offense which relates directly to the operation of a Hotel, Motel, or Residential Hotel/Motel establishment, whether as an owner, operator, or manager, or from any offense constituting a misdemeanor or felony involving weapons, narcotics, assault, or crimes of moral turpitude.
- (c) The applicant has, within three (3) years immediately preceding the date of filing of the Application, had a Hotel, Motel, or Residential Hotel/Motel Permit to Operate, or Manager's Permit, or related permit, which was issued within the state of California, suspended or revoked;
- (d) The applicant has knowingly made a material misstatement in the Application for a Permit to Operate;
- (e) There have been excessive calls for service to the Police Department within the twelve (12) months preceding the Application with inadequate response by management or the owners or operators, involving the commission of crimes, disturbances, public nuisances, or applicable Stockton Municipal Code violation investigations, which are located, committed, or generated on the premises of the establishment.
- (f) There have been an excessive number of false fire alarms at the property with inadequate response by management or the owners or operators.
- (g) Failure to get clearance from San Joaquin County Environmental Health.

SEC 7-111.14. ALTERNATE PROCEDURE; ISSUANCE OF PERMIT WITH CONDITIONS IMPOSED:

As an alternative to a denial of a Permit to Operate for failure to meet the requisite Housing, Building, Health, and Fire Codes, or failing to pass an investigation conducted by the Police, Fire, City of Stockton Health Officer, or San Joaquin County Environmental Health, the City Manager or designee may issue a Conditional Permit to Operate. Said Conditional Permit to Operate shall be issued with conditions imposed on the operation of the premises. All conditions shall be complied with in order to maintain the Conditional Permit to Operate in a valid status. Failure to comply with the imposed conditions will subject the Conditional Permit to Operate to suspension and/or revocation procedures or any other remedy authorized by law. A conditional Permit shall mandate four quarterly inspections, the cost of which is to be borne by the Permittee.

SEC. 7-111.15. INSPECTION:

Any person operating a Hotel, Motel, or Residential Hotel/Motel establishment shall, during business hours, be responsible for and provide that any premises used for the purposes of a Hotel, Motel, or Residential Hotel/Motel establishment shall be readily accessible and open for inspection by law enforcement officers or other employees of the City of Stockton and San Joaquin County Environmental Health, who are charged with enforcement of health and safety or penal laws of the City of Stockton or state of California.

SEC. 7-111.16. BUSINESS NAME:

No person shall operate a Hotel, Motel, or Residential Hotel/Motel establishment under any name or conduct business under any designation not specified in the Permit to Operate. Any proposed changes shall be submitted in writing to the City Manager or designee at least two (2) weeks prior to the date the change is to take place, unless a shorter amount of time is permitted under the circumstances.

SEC. 7-111.17. BUSINESS LOCATION CHANGE:

Upon a request to change the location of a Hotel, Motel, or Residential Hotel/Motel establishment, an Application to the City Manager or designee shall be made, and such Application shall be granted, provided all applicable provisions of this Code have been complied with and the change of location fee, in an amount established by Resolution of the City Council, has been paid to the City.

SEC. 7-111.18. SALE OR TRANSFER OF HOTEL, MOTEL, AND RESIDENTIAL HOTEL/MOTEL ESTABLISHMENT INTEREST:

The sale or transfer of any majority interest in any Hotel, Motel, or Residential Hotel/Motel establishment shall be reported to the City Manager or designee at least two (2) weeks prior to such sale or transfer. A new Application, pursuant to Section 7 111.4, shall be filed and an investigation conducted pursuant to Section 7-111.7 as to the person obtaining such interest. If such person satisfies the requirements related to Permit to Operate applicants, the existing Permit to Operate shall be endorsed to include such person.

A fee in the amount established by Resolution of the City Council shall be paid to the City for the investigation necessitated by such sale or transfer.

SEC. 7-111.19. DISPLAY OF PERMITS:

The Operator shall display the Permit to Operate, together with the permit of each Hotel, Motel, and Residential Hotel/Motel Manager employed in the establishment, in an open and conspicuous place on the premises. Passport-size photographs of the Operator and permittees shall be affixed to the respective Permit to Operate and permits on display pursuant to this Section. Residence addresses of Operators or permittees need not be displayed.

SEC. 7-111.20. RECORDS:

The owner and/or Operator of a Hotel, Motel, or Residential Hotel/Motel establishment shall maintain a current file of all persons employed therein. This file shall contain true names and aliases used by such employees; the age; birth date; height; weight; color of hair and eyes; home address; phone numbers; Social Security number; the date of employment and termination; the name and addresses of the recognized school of hotel/hotel management attended, the date attended, and the written proof that the Hotel, Motel, or Residential Hotel/Motel Manager has completed a residence course of study in motel/hotel management. Such person shall make all records immediately available upon demand of any law enforcement officer or designated enforcement staff.

SEC. 7-111.21. PRE-EXISTING OPERATORS AND MANAGERS:

All operators of existing hotel/motel Permits to Operate, and all persons engaged in the operation of a Hotel, Motel, or Residential Hotel/Motel establishment, including Managers, in the City of Stockton, upon the effective date of this Division, shall file an Application and comply with all requirements of this Division within 180 days of the effective date of this Division.

SEC 7-111.22. SUMMARY SUSPENSION OF A PERMIT TO OPERATE:

Any Permit to Operate issued hereunder may be summarily and temporarily suspended by the City Manager or designee in the event it is determined that the holder of such Permit has committed any act, which would constitute grounds for denial of a Permit to Operate pursuant to Section 7-111.13 of this Division. Any such suspension shall be accomplished by written notification of the suspension and the reasons therefore, sent by certified mail, return receipt requested, to the Operator's business address as approved in the Permit to Operate.

Within twenty-four (24) hours thereafter, a copy of such notice, together with the reasons for the suspension, shall be transmitted to the Administrative Hearing Officer for setting of a hearing, in accordance with the procedures outlined in Chapter One of the Stockton Municipal Code. All hearings shall be held within fifteen (15) business days of the date of mailing of the written notification, unless continued by the mutual consent of the parties.

The findings and decisions of the Administrative Hearing Officer, upon an appeal, shall be final and conclusive, but nothing in this Code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

SEC 7-111.23. SUSPENSION OR REVOCATION BY CITY MANAGER:

As distinguished from the provisions of Section 7-111.22 of the Stockton Municipal Code, the City Manager or designee may initiate suspension or revocation procedures by sending written notice setting forth the grounds for such suspension or revocation. Said notice shall be sent by certified mail, return receipt requested, to the Operator's business address as approved in the Permit to Operate.

SEC. 7-111.24. GROUNDS FOR REVOCATION OR SUSPENSION OF PERMIT TO OPERATE:

Any Permit to Operate may be suspended and/or revoked by the City Manager or designee after a review, where it is determined that:

- (a) The Operator has violated the provisions of this Division; or
- (b) The Operator has committed any act or engaged in action, which would constitute grounds for denial of the Permit to Operate pursuant to Section 7-111.13 of this Part; or
- (c) The Operator has engaged in fraud, misrepresentation, or false statements in conducting the Hotel, Motel, and Residential Hotel/Motel establishment; or
- (d) The Operator has failed to correct a violation within the time period ordered by the City; or

(e) The Operator has operated or continued to operate the Hotel, Motel, or Residential Hotel/Motel establishment without a Permit to Operate or after a Permit to Operate has been suspended; or
(f) The Operator has allowed a person to work as a Hotel, Motel, and Residential Hotel/Motel Manager who:

- (1) Does not have a proper, valid permit in his/her possession; or
- (2) Has committed any offense described in Section 7-111.13 of this Division where the Operator has actual or constructive knowledge of such act.

SEC. 7-111.25. RIGHTS OF APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION OF PERMIT TO OPERATE/HEARING PROCEDURE:

The Notice of Denial, Suspension, or Revocation of a Permit to Operate may be appealed by filing the proper appeal in accordance with Chapter One of the Stockton Municipal Code. An appeal must be made in writing, on the proper form, to the City of Stockton, Neighborhood Services Division, 22 East Weber Avenue, Stockton, California 95202. There is a \$50 non-refundable Administrative Hearing Fee, which must accompany the appeal form.

The hearing before the Administrative Hearing Officer shall be held within fifteen (15) business days following the filing of an appeal. The applicant shall be given notice of said hearing at least ten (10) business days prior to the hearing date. Said notice may be by personal service or by certified mail, return receipt requested.

At the time and place fixed in said Notice, or at any time to which the matter may be continued by the mutual consent of the parties, the Administrative Hearing Officer shall hear the applicant and all witnesses, together with any proper documentary evidence offered in support of or against the granting or continuation of a Permit to Operate. The Administrative Hearing Officer shall, at the conclusion of the hearing, make findings of fact based upon the evidence submitted and determine whether grounds exist for denial of a Permit to Operate, as set forth in Section 7-111.13 of this Division, or for the suspension and/or revocation of the Permit to Operate, as set forth in Section 7-111.24 of this Part. If, from the evidence, the Administrative Hearing Officer finds grounds exist for the denial, suspension, or revocation of the Permit to Operate, the Hearing Officer shall deny the Permit to Operate or order the suspension and/or revocation thereof. If, following the hearing, the Administrative Hearing Officer determines that no proper grounds exist for the denial, suspension, or revocation of the Permit to Operate, then the Administrative Hearing Officer shall grant the appeal and cause a Permit to Operate to be issued or terminate any prior suspension or revocation.

SEC. 7-111.26 ACTION OF ADMINISTRATIVE HEARING OFFICER AS TO PERMIT TO OPERATE - FINAL AND CONCLUSIVE:

Action taken by the Administrative Hearing Officer with respect to the granting, denial, suspension, or revocation of a Permit to Operate a Hotel, Motel, and/or a Residential Hotel/Motel establishment shall be final and conclusive, but nothing in this Code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

SEC. 7-111.27. RETURN OF PERMIT TO OPERATE — CLOSURE OF PREMISES:

If revocation or suspension shall occur, the Permit to Operate shall be returned to the City Manager or designee for cancellation or holding pending the period of suspension. The City Manager may direct or cause the premises to be closed and locked against use by the public when deemed reasonably necessary by the City Manager in order to ensure compliance with an order of suspension or revocation. Said closure of premises to the public shall not exceed ninety (90) days and may be terminated prior to the expiration of such period upon request of the owner of the premises accompanied by a statement under oath that the premises will not be used as a Hotel, Motel, and Residential Hotel/Motel establishment during the remainder of the suspension period. In the event the premises are occupied, relocation benefits may be due and payable as determined by the City Manager or designee, pursuant to applicable provisions contained in this Code.

SEC. 7-111.28. HOTEL, MOTEL, AND RESIDENTIAL HOTEL/MOTEL MANAGER'S WORK PERMIT REQUIRED:

It shall be unlawful for any person to act as a Hotel, Motel, or Residential Hotel/Motel Manager, as

defined herein, or night clerk without first having acquired a valid work permit from the City Manager or designee and complying with all of the regulations contained in this Division.

SEC. 7-111.29. MANAGER'S PERMIT ELIGIBILITY:

Any person to be eligible for a Hotel, Motel, or Residential Hotel/Motel Manager's Permit must have completed, within 60 days of the Application for said Permit, a review of an instructive video tape; and, within 180 days, a residence course of study in hotel/motel management. The residence course of study shall include eight hours of training annually, consisting of (1) a total of six hours of training to be provided by the City of Stockton Fire, Police, and Code Enforcement Departments; the San Joaquin County Environmental Health Department; and (2) an additional two hours of hotel/motel management training to be provided by the Stockton Hotel/Motel Association or other recognized group. A certificate of successful completion of this course (or written proof that the applicant has begun a course of study within 180 days of the date of the applicant's first request for a Permit) is to be included with the initial and/or annual application as required by Section 7-111.31.

SEC. 7-111.30. APPLICATION FOR A MANAGER'S PERMIT:

An Application for a Manager's Permit shall be filed with the City Manager or designee and shall be in writing on forms provided by the City and shall be accompanied by payment of a fee in an amount as established, from time to time, by Resolution of the City Council. Any such Application shall be under oath, in duplicate, and shall contain such information pertinent to the applicant as the City may require.

SEC. 7-111.31. THE FOLLOWING ITEMS SHALL ACCOMPANY THE APPLICATION FOR A HOTEL, MOTEL, AND/OR RESIDENTIAL HOTEL/MOTEL MANAGER'S PERMIT:

- (1) Two prints of a recent passport-size photograph of the applicant;
- (2) Written evidence that the applicant is at least eighteen (18) years of age;
- (3) Written proof that the applicant has completed/or begun the residence course of study in Hotel, Motel, or Residential Hotel/Motel management as required by Section 7 111.29 of this Part.

SEC. 7-111.32. INVESTIGATION OF MANAGER PERMIT APPLICATIONS:

In addition to the investigation undertaken by the City Manager or designee, all Applications for work permits for Hotel, Motel, and Residential Hotel/Motel Managers shall also be referred to the Chief of Police for investigation and recommendation. The Chief of Police shall investigate and ascertain:

- (1) Whether the applicant has, within three (3) years immediately preceding the date of filing of the Application, had any Hotel, Motel, or Residential Hotel/Motel establishment Operator's or Manager's Permit suspended or revoked;
- (2) Whether the applicant has knowingly made a material misstatement in the Application for a permit; The Police Chief shall make a report of the findings to the City Manager or designee, together with any recommendations.

SEC. 7-111.33. TIME WITHIN WHICH TO GRANT OR DENY A MANAGER'S PERMIT:

Within twenty (20) days after the filing of an Application for a permit, the City Manager or designee shall review the Application, together with the report and recommendation of the Chief of Police and shall grant said permit or shall notify the applicant of the denial of the permit and the grounds for such denial. Said notice shall be in writing and sent by certified mail to the applicant's mailing address as set forth in the Application.

SEC. 7-111.34. GROUNDS FOR DENIAL OF A MANAGER'S PERMIT:

The following may constitute grounds for denial of a Manager's Permit:

- (1) If either of the following exist:
 - a. The applicant is or has been a registered sex offender; or
 - b. Five (5) years has not expired from either the date the applicant was convicted of, or completed parole or probation for any offense which relates directly to the operation of a Hotel, Motel, or Residential Hotel/Motel establishment, whether as an owner, operator, or manager, or from any offense constituting a misdemeanor or felony involving weapons, narcotics, assault, or crimes of moral turpitude.
- (2) The applicant has, within three (3) years immediately preceding the date of filing of the Application, had any similar Manager's Permit, which was issued within the state of California suspended or revoked;
- (3) The applicant has knowingly made a material misstatement on the Application for a Permit;

(4) The applicant has permitted or allowed violations of applicable Municipal Code violations on the premises of other Hotels, Motels, or Residential Hotel/Motel establishments where the applicant served as Manager and has failed to respond, address, and/or correct the violations within a reasonable time when notified by the City.

SEC. 7-111.35. SUMMARY SUSPENSION OF PERMIT:

Any Manager's Permit issued hereunder may be summarily and temporarily suspended by the Chief of Police or the City Manager or designee in the event that it is determined that the holder of said Permit has committed an act or engaged in action, which would constitute grounds for denial of a Permit pursuant to Section 7-111.34 of this Division.

SEC. 7-111.36. NOTICE OF SUMMARY SUSPENSION:

Summary suspensions shall be accomplished by written notice of the suspension and the reasons therefore sent by certified mail, return receipt requested, to the Permittee's residence address as set forth in the Application for Manager's Permit.

Within twenty-four (24) hours thereafter, a copy of such notice, together with the reasons for the suspension, shall be transmitted to the Administrative Hearing Officer for setting of a hearing, in accordance with the procedures outlined in Chapter One of the Stockton Municipal Code. All hearings shall be held within fifteen (15) business days of the date of mailing of the written notification. The findings and decisions of the Administrative Hearing Officer, upon an appeal, shall be final and conclusive, but nothing in this Code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

SEC. 7-111.37. SUSPENSION AND REVOCATION BY CITY MANAGER:

As distinguished from the provisions of Sections 7-111.35 and 7-111.36, the City Manager or designee may initiate suspension or revocation procedures by sending written notice setting forth the grounds for such suspension or revocation. Said notice shall be sent by certified mail, return receipt requested, to the Permittee's residence address, as set forth in the Application for Manager's Permit.

SEC. 7-111.38. GROUNDS FOR REVOCATION OR SUSPENSION OF MANAGER'S PERMIT:

Any Manager's permit may be suspended and/or revoked by the City Manager or designee after a review where it is determined that:

- (a) The Permittee has violated any provisions of this Division; or
- (b) The Permittee has committed an act or engaged in action that would constitute grounds for denial of the Permit, pursuant to Section 7-111.34 of this Division; or
- (c) The Permittee has continued to function as a Hotel, Motel, or Residential Hotel/Motel Manager after the permit has been suspended; or
- (d) The Permittee has failed to complete the course of study as set forth in Section 7 111.29 of this Division.

SEC. 7-111.39. RETURN OF PERMIT:

Upon revocation or suspension, the Manager's Permit shall be returned to the City Manager or designee for cancellation or holding during the period of suspension.

SEC. 7-111.40. RIGHTS OF APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION OF A MANAGER'S PERMIT//HEARING PROCEDURE:

The Notice of Denial, Suspension, or Revocation of a Manager's Permit may be appealed by filing the proper appeal in accordance with Chapter One of the Stockton Municipal Code. An appeal must be made in writing, on the proper form, to the City of Stockton, Neighborhood Services Division, 22 East Weber Avenue, Stockton, California 95202. There is a \$50 non-refundable Administrative Hearing Fee, which must accompany the appeal form.

The hearing before the Administrative Hearing Officer shall be held within fifteen (15) business days following the filing of an appeal. The applicant shall be given notice of said hearing at least ten (10) business days prior to the hearing date. Said notice may be by personal service or by certified mail, return receipt requested.

At the time and place fixed in said notice, or at any time to which the matter may be continued by the

mutual consent of the parties, the Administrative Hearing Officer shall hear the applicant and all witnesses, together with any proper documentary evidence offered in support of or against the granting or continuation of a Manager's Permit. The Administrative Hearing Officer shall, at the conclusion of the hearing, make findings of fact based upon the evidence submitted and determine whether grounds exist for denial of a Manager's Permit, as set forth in Section 7-111.34 of this Division, or for the suspension and/or revocation of the Manager's Permit, as set forth in Section 7-111.38 of this Division. If, from the evidence, the Administrative Hearing Officer finds grounds exist for the denial, suspension, or revocation of the Manager's Permit, the Administrative Hearing Officer shall deny the Manager's Permit or order the suspension and/or revocation thereof. If, following the hearing, the Administrative Hearing Officer determines that no proper grounds exist for the denial, suspension, or revocation of the Manager's Permit, then the Administrative Hearing Officer shall grant the appeal and cause a Manager's Permit to be issued or terminate any prior suspension.

SEC. 7-111.41. ACTION OF ADMINISTRATIVE HEARING OFFICER AS TO MANAGER PERMITS FINAL AND CONCLUSIVE:

Action taken by the Administrative Hearing Officer with respect to the granting, denial, suspension, or revocation of work permits of Hotel, Motel, and Residential Hotel/Motel Managers shall be final and conclusive, but nothing in this Code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

SEC. 7-111.42. RENEWAL OF MANAGER'S PERMIT:

Any person who holds a valid Manager's Permit may obtain a new permit for the succeeding year by applying for said new Permit during the thirty (30) days preceding the expiration date of the current Permit.

SEC. 7-111.43. ADMINISTRATIVE PROCEDURE AND AUTHORITY OF ADMINISTRATIVE HEARING OFFICER:

In the event of a violation of any of the provisions set forth herein, or upon evidence that there has been a failure to comply with any required conditions of any Permit pursuant to these provisions, in addition to any other remedies available by law, a hearing shall be scheduled before the Administrative Hearing Officer, in accordance with Chapter One of the Stockton Municipal Code. Notification of the hearing shall be in accordance with the provisions contained in Chapter One of the Stockton Municipal Code.

The purpose of this hearing is to receive testimony and evidence on whether violations of any of the conditions of the Permit, pursuant to these provisions, have occurred. After the taking of evidence, the Administrative Hearing Officer may modify conditions of the Permit as part of the decision, based upon the evidence presented; or alternatively, may suspend or revoke the Permit, pursuant to these provisions.

SEC. 7-111.44. VIOLATIONS AND PENALTIES:

In the absence of an imminent health and safety hazard for which immediate corrective action shall be taken, a violation notice shall be sent to the operator and manager detailing the corrective action required and the time frame within which the corrective action shall be taken.

In addition to any other remedy available by law, any person who violates, or causes or permits another person to violate any of these provisions, including any condition of a Permit, is guilty of a misdemeanor. Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, maintained, or caused. Failure to fully comply with the violation notice shall trigger the following penalty schedule:

A. Penalty for First Violation: The penalty for the first violation within a twelve (12) month period shall be a fine of \$200.

B. Penalty for Second Violation: The penalty for the second violation in a twelve (12) month period shall be a fine of \$500.

C. Penalty for Third and subsequent Violations: The penalty for third and subsequent violations within a twelve (12)-month period shall be suspension and/or revocation of the Permit, pursuant to these provisions.

Every day any portion of the premises are not in compliance with the requirement of this Code, shall be considered a separate violation for the purposes of the preceding penalty schedule.

SEC. 7-111.45. APPEAL OF ADMINISTRATIVE CITATION ISSUED HEREUNDER:

Any Administrative Citation issued pursuant to these provisions is appealable under the same procedures set forth in Stockton Municipal Code sections 1-076 through 1 088.

SEC. 7-111.46. PERMITS ISSUED FOR ONE (1) YEAR:

All Permits issued pursuant to this Division shall expire one year from the date of issuance and must be renewed annually, and are not transferable. Applications for renewal shall be filed thirty (30) days from the expiration of the current Permit in the same manner as applications for initial permits and subject to the same procedures, rules, and regulations provided for in this Division. For initial permits beginning January 1, 2002, applications shall be filed prior to December 1, 2001. Each Hotel, Motel, or Residential Hotel/Motel establishment shall be issued a temporary Permit until an inspection is made of that premises.

SEC. 7-111.47. OTHER LICENSES, PERMITS REQUIRED:

The Permit required by the provisions of this Division shall be in addition to any other licenses or permits that may be required by other provisions of the Stockton Municipal Code or rules, laws or regulations of the State or Federal Government.

Chapter 8.03 HOTEL, MOTEL AND ROOMING HOUSE OPERATING STANDARDS

8.03.010 Title.

8.03.020 Purpose.

8.03.030 Scope.

8.03.040 Definitions.

8.03.050 Management Practices.

8.03.060 Inspection of records and facilities.

8.03.070 Property security.

8.03.080 Housekeeping conditions in excess of normal "wear and tear."

8.03.090 Room furnishings.

8.03.100 Exterior of property.

8.03.110 Common areas.

8.03.120 Criminal and nuisance activity.

8.03.130 Duplicated regulation.

8.03.140 Separate offenses.

8.03.150 Enforcement by alternative methods of code enforcement.

8.03.160 Abatement--Imminent danger.

8.03.170 Recovery of abatement costs.

8.03.010 Title.

These regulations shall be known as hotel, motel and rooming house operating standards.
(Ord. 12136 § 2 (part), 1999)

8.03.020 Purpose.

The general purpose of these regulations are 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. (Ord. 12136 § 2 (part), 1999)

8.03.030 Scope.

These provisions shall apply to businesses such as hotels, motels, and rooming houses which provide shelter, furniture, linens, and housekeeping services, etc. within the guest room(s) and throughout the property. These provisions shall not apply to permanent residential facilities wherein the owner is responsible for providing the shelter, but does not provide furniture, linens, or housekeeping services or with residential care facilities as defined in Oakland Planning Code (OPC) Section 17.10.210. (Ord. 12136 § 2 (part), 1999)

8.03.040 Definitions.

For the purposes of this chapter certain words and phrases are defined, and certain provisions shall be construed, as herein set out unless it shall be apparent from the context that they have a different meaning:

“Hotel” means any facility as defined in Oakland Municipal Code (OMC) Section 4.24.020.

“Rooming house” means any rooming house residential facility as defined in Section 17.10.690 that houses a permanent residential activity (OPC Section 17.10.110) or semi-transient residential activity (OPC Section 17.10.120) (Ord. 12136 § 2 (part), 1999)

8.03.050 Management Practices.

A. Room Rates. Room rates shall be posted in a prominent location in the guest rooms. Posting room rates in the reception area is strongly encouraged. Guests shall not be charged in excess of posted rates. A range of rates is acceptable.

B. Management Accessibility. A property management representative shall be accessible, in person or by telephone, on a twenty-four (24) hour basis. (Also see OMC Section 5.34.051.)

C. Guest Complaints. The telephone number and address for the city Building Official shall be posted in a prominent location in the guest rooms. Posting in the reception area is strongly encouraged. (Ord. 12136 § 2 (part), 1999)

8.03.060 Inspection of records and facilities.

A. Other Records and Hotel Facilities Subject to Inspection, Review and Audit. Upon a showing of probable cause therefor by the Director of Finance or his or her designee, or by any police officer, code compliance, fire or zoning inspector of the city, the City Attorney shall issue an administrative subpoena compelling the inspection of rooms and facilities, and/or the production of guest registers and other records necessary to determine compliance with all applicable regulations, including but not limited to building, fire, health, occupancy, and blight codes, and to verify collection and payment to the city of all taxes owed.

B. Independent Agency Inspections. The city shall conduct annual or bi-annual inspections of all businesses subject to the regulations specified in this chapter. The City Manager or designee is authorized to promulgate administrative regulations to allow the acceptance of satisfactory ratings conferred by recognized, independent agencies in lieu of a city inspection, provided that the independent inspection is based upon performance and facility standards equal to or in excess of the standards commemorated in this chapter. (Ord. 12136 § 2 (part), 1999)

8.03.070 Property security.

A. Guest Room Locks. On or after September 10, 1999, the following is required: Install and maintain an operable dead bolt lock on each main swinging entry door of a dwelling unit. 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 the disabled. When in the locked position, the bolt shall extend a minimum of 13/16 of an inch in length beyond the strike edge of the door and protrude into the doorjamb.

This section shall not apply to horizontal sliding doors. Existing dead bolts of at least one-half inch in length shall satisfy the requirements of this section.

Existing locks with a thumb-turn deadlock that have a strike plate attached to the doorjamb and a latch bolt that is held in a vertical position by a guard bolt, a plunger, or an auxiliary mechanism shall also satisfy the requirements of this section. These locks, however, shall be replaced with a dead bolt at least 13/16 of an inch in length the first time after July 1, 1999 that the lock requires repair or replacement.

B. Viewports. Each door 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.

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

D. 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.

E. Exit Doors. See Section 15.08.240 of the Oakland Municipal Code. (Ord. 12136 § 2 (part), 1999)

8.03.080 Housekeeping conditions in excess of normal "wear and tear."

(Also see Chapter 15.08 "Housing Code")

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

B. Linen Condition/Cleanliness. Where provided by management, linens shall be free of stains, holes, rips or odors in excess of normal wear and tear and shall be cleaned at change of occupancy or at least once a week when occupancy does not change. Linens shall be cleaned in hot water at least 43°C (110°F) for a minimum of twenty-five (25) minutes.

C. Bathroom Condition/Cleanliness. Bathroom fixtures (e.g., toilet, bathtub, sink, mirror) shall be maintained without significant cracks, chips, or stains. Floors shall be washed with hot water and a sanitizer at change of occupancy or at least once a week when occupancy does not change. Daily cleaning schedules shall be maintained in the manager's office.

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

B. Floor Condition/Cleanliness. Floor surfaces shall be made of nonabsorbent material. All surfaces and tile grouting shall be maintained without cracks, rips or missing elements.

F. Wall Condition/Cleanliness. Wall surfaces shall be maintained without spots, stains, flakes, chips, holes, etc. and maintained in a clean and sanitary condition.

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

H. Plumbing. See OMC Chapter 15.04.

I. Electrical Equipment. For the purposes of this section, electrical equipment shall include furniture items installed by management, including televisions, lamps, etc. See OMC Section 15.08.270.

J. Water Leakage/Water Stains. All fixtures shall be maintained without leaks or drips. Water damage shall be immediately repaired.

K. Furniture Condition. All furniture items provided by management shall be maintained in proper working order.

L. Condition of Shades/Draperies/Blinds. Shades, draperies, blinds, etc. shall be free of stains, holes, rips or odors in excess of normal wear and tear, and maintained in a sanitary, nondefective condition.

M. Vector Control. The premises shall be kept clean in every part and free from garbage, rubbish, rodents, vermin and other offensive matter. (Ord. 12136 § 2 (part), 1999)

8.03.090 Room furnishings.

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

B. Room Light. An active, fully functional light switch shall be located at the main entry to the guest unit.

C. Bathroom Fixtures. Private bathrooms shall have a functioning water closet (e.g., toilet), lavatory (e.g., sink), shower receptor and/or bathtub. This should not be construed to prevent a sink from being placed in a guest room that does not have full bathroom facilities.

D. Shared Bathroom Facilities. Guests in facilities with shared bathrooms shall have access to a functioning water closet (e.g., toilet), lavatory (e.g., sink), shower receptor and/or bathtub. 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 should be accompanied by an adult at all times."

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

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

G. Emergency Telephone Access. Guests shall have twenty-four (24) hour emergency access to a telephone (a payphone is adequate) on the property. However, such telephone shall not be made generally available to the public so as to become a public nuisance.

H. Clothes Storage. Space shall be provided in good working order for hanging clothes and/or storing personal belongings. (Ord. 12136 § 2 (part), 1999)

8.03.100 Exterior of property.

A. Windows. Exterior window glass shall be without cracks, chips or holes.

B. Exterior Lighting. The exterior of the property, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated during all hours of darkness during which the property is open for business in a manner so that persons standing in those areas at night are identifiable from the street. However, the required illumination shall be placed so as to minimize interference with the quiet enjoyment of nearby residents of their property.

C. Painting. See OMC Chapter 8.24 "Property Blight."

D. Landscaping. All areas on the property designated for landscaping, i.e., lawns, planter beds, and other unsurfaced locations, shall be maintained with properly trimmed living plant materials and without collecting litter or debris.

E. Directional Signs. Directional signs shall be posted as appropriate to ensure that emergency personnel can find guest rooms in a timely manner.

F. 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. Also See OMC Chapter 8.24 "Property Blight" and OMC Section 15.08.230. (Ord. 12136 § 2 (part), 1999)

8.03.110 Common areas.

A. Elevators. Guest service elevators need to be fully functional and pass appropriate agency inspections. The name and telephone of the inspection agency shall be posted in all of the elevators. Elevators shall be operational on a twenty-four (24) hour-a-day basis (as of January 1, 2000).

B. Hallway Lighting. Any lobby area or other public space shall be maintained in a sanitary condition, free of garbage or debris. (Ord. 12136 § 2 (part), 1999)

8.03.120 Criminal and nuisance activity.

A. Nuisance Activity. The operation of the property shall not result in repeated nuisance activities on the property or contribute to nuisance activities in close proximity to the property, including but not limited to disturbance of the peace, illegal drug activity, prostitution, public drunkenness, drinking in public other than at a licensed facility, harassment of passers by, gambling, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

B. Graffiti. All graffiti shall be removed on a continuous basis within forty-eight (48) hours of application.

C. Litter. Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking lots under control of the operator. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris. (Ord. 12136 § 2 (part), 1999)

8.03.130 Duplicated regulation.

Whenever any provisions of this chapter and any other provision of law, whether set forth in this code, or in any other law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contains restrictions covering any same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in these regulations. (Ord. 12136 § 2 (part), 1999)

8.03.140 Separate offenses.

Each violation of this chapter shall constitute a separate offense. (Ord. 12136 § 2 (part), 1999)

8.03.150 Enforcement by alternative methods of code enforcement.

Any violation of this article may be prosecuted as a misdemeanor, may be charged as a civil penalty or an infraction, or may be pursued as a violation of the Chapter 17.157 Deemed Approved Hotel Regulations. Additionally, the use of the property may be encumbered, as authorized by the Oakland Municipal Code, Chapter 1, Articles 6, 7 and 8. Enforcement action specifically authorized by this article may be utilized in conjunction with, or in addition to, any other statutory, code, administrative or regulatory procedure applicable to the regulation of buildings, structures, or property. In addition, nothing in this article shall be interpreted to preclude or limit the city from seeking injunctive or other judicial relief. (Ord. 12136 § 2 (part), 1999)

8.03.160 Abatement--Imminent danger.

A. Any condition which is reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants of the property or to the public, upon reasonable notice provided the owner or responsible person, may be immediately abated by the Fire Marshal and/or the Building Official or their designees.

B. Actions taken to abate imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the Fire Marshal or Building Official to be necessary. In the event use of occupancy is restricted, the owner or his or her agent shall discontinue the use within the time prescribed by the Fire Marshal or Building Official after receipt of such notice.

C. If entry onto property and access to rooms or units constituting an imminently dangerous condition in violation of this article is denied the Building Official and/or the Fire Marshal by the owner of the property or his or her agent, the Building Official and/or the Fire Marshal may seek a court order and/or inspection and abatement warrant from a court of competent jurisdiction to authorize the immediate abatement of the imminently dangerous conditions. (Ord. 12136 § 2 (part), 1999)

8.03.170 Recovery of abatement costs.

Costs for any abatement performed by, or on behalf of, the city, including the cost of extraordinary police services provided, shall be recoverable by the city.

Costs incurred in relocating occupants of the property shall be recovered by the city pursuant to the provisions of Chapter 15.08 Oakland Housing Code and the provisions of the city's relocation assistance program. (Ord. 12136 § 2 (part), 1999)

Disorder at Budget Motels

Guide No. 30 (2005)

by [Karin Schmerler](#)

This guide begins by describing the problem of disorder at budget motels, and reviewing factors that contribute to it.[†] It then identifies a series of questions you analyze your local problem. Finally, it reviews responses to the problem, and what is known about them from evaluative research and police practice.

[†] Temporary overnight lodging falls into two general categories: motels and hotels. At motels, guests (registered room occupants) and visitors (people who enter the building but are not registered guests) can directly access rooms without having to enter the motel lobby or main building. At hotels, guests and visitors must pass through the front entrance to enter the building through an outside door and an interior corridor to get to the rooms.

A wide variety of problems occur at budget motels, including

- disturbances,[†]

[†] An analysis of motel calls for service in Chula Vista, California, found that the most typical citizen call was about a disturbance of some sort. A significant portion of these calls were from guests who wouldn't leave or pay (Morris 2003).

- domestic violence,
- theft,
- auto theft and theft from autos,[†]

[†] For further information, see [Thefts of and From Cars in Parking Facilities](#), Guide No. 10 in this series.

- public drinking,
- vandalism,
- prostitution,
- drug dealing and use,
- fights,
- clandestine drug-lab operations,[†]

[†] For further information, see [Clandestine Drug Labs](#), Guide No. 16 in this series.

- sexual assault, and
- robbery.

Many of these problems can be reduced through better motel management, design, and regulation.

In a number of communities, certain motels generate significant numbers of service calls and consume inordinate levels of police resources. Problem motels are frequently hot spots for both nuisance activity and more serious incidents, such as robbery and sexual assault. In addition, problem motels inhibit neighborhood redevelopment¹ and reduce the number of safe, clean lodging units available for tourists and travelers.

Factors Contributing to Disorder at Budget Motels

Understanding the factors that contribute to your problem will help you frame your own local analysis questions, determine good effectiveness measures, identify key intervention points, and select appropriate responses.

The very nature of overnight lodging makes it conducive to crime and disorder. Motels and hotels house people only temporarily, often in commercial areas with high crime rates. Because budget motels offer low rates, accept cash, and often have a relatively unrestricted environment, local residents with illicit intentions find them particularly attractive. Drug sales, prostitution, loud parties, and other activities can often be undertaken at motels with less risk

residences. Motel guests have little motivation to report drug dealing and prostitution because they have no long-term stake in the motel. In addition, managers often have a limited opportunity to get to know the backgrounds of the people on their premises. Finally, in municipalities that lack the resources to provide motel oversight, motel managers have little incentive to accept responsibility for problems.

Motels attract crime, in that people inclined to commit it[†] are drawn to them because their conditions and reputations are favorable for doing so.² Motels also enable crime by attracting offenders to a location with weak oversight.³

[†] In Chula Vista, an estimated 21 percent of guests and visitors at several problem motels were on probation or parole, compared with less than 2 percent of California's adult population (Theisen 2002a).

Motel Economics

In 2002, the lodging industry posted revenues of more than \$102 billion.⁴

In general, lodging establishments that charge nightly rates of less than \$60 fall under the budget category. However, both the price and the amenities motels can vary greatly.[†] Room rates—even for the same motel chain—differ significantly by location, season, and day of week. The upscale budget motels (account for 25 percent of all U.S. lodging units) are typically chain motels, some of which cater to business travelers and tourists and offer fitness centers, complimentary breakfasts, and premium movie channels. Low-end budget motels (13 percent of all U.S. lodging)⁵ are typically independent properties that charge \$20 to \$45 per night, and may not offer any amenities except for cable movies.

[†] Some motels in the rural Southwest have nightly rates of less than \$20; in these markets, motels with nightly rates of \$35 are high-end. In contrast, low-end budget motels in major metropolitan areas generally charge between \$30 and \$45 a night, and high-end budget motels may charge up to \$80 a night. The rates quoted in this guide do not include all motels, but are included to give you a general idea of the cost of budget lodging.

While some low-end motels offer safe, clean lodging (and some high-end motels do not), low-end motels are more likely to experience crime and disorder problems. A study of Chula Vista motels by California State University, San Bernardino (CSUSB), found that low room rates were strongly correlated with higher call-for-service rates.⁶ Compared with motels that charged from \$41 to \$60 a night, those that charged \$40 or less per night had twice the number of calls per room, and more than two-and-a-half times the number of arrests per room.⁷

Cheap motels did not always pose crime and disorder problems. In the 1930s and 1940s, individually owned and operated motels offered travelers an economical array of relatively safe lodging options. In the 1950s, corporations such as Holiday Inn and Howard Johnson sought to capitalize on the national travel market by offering consumers brand-name, standardized lodging. The interstate highways built in the 1950s and 1960s favored the chains, essentially rerouting motorists away from the older, independent establishments, many of which were located along aging roads that ran parallel to and difficult to access from—the new interstates.⁸ In some cases, major motel chains built their properties right at the interstate exits; motorists seeking budget motels had to bypass the chains and venture farther from the interstate to find them.

The smaller, non-chain motels had difficulty competing with the large national chains under these circumstances. To survive economically, they began catering to the lower end of the market; some turned into adult motels,[†] while others served as housing for low-income people. Unable to afford upkeep, many of the formerly quaint motels deteriorated and became havens for crime and disorder.^{††} Unsightly and crime-prone motels can inhibit economic growth in the surrounding areas.

[†] The definition of "adult motels" varies from one jurisdiction to the next, but they often rent rooms by the hour and advertise the availability of in-room pornographic movies.

^{††} There is evidence that drug dealers sometimes operate out of financially strained motels and apartment complexes because the property managers are unlikely to have the will or resources to stop them (Eck 1995b [[Abstract only](#)]).



In an effort to attract customers, older motels such as this urban Arizona one offer rock-bottom prices for longer term guests, essentially creating low-income housing.
Steve Morris.

Motel Layout and Features

Originally built to accommodate the adventurous traveler of the 1930s and 1940s, motels were marketed as driver-friendly—motorists could drive into rooms.⁹ † Ironically, what was originally a selling point is now one of the most detrimental aspects of motels, from a crime prevention standpoint. †† This allows problem guests and visitors to come and go without being seen by motel personnel. Regardless of size, †† motels with unimpeded pedestrian access to rooms can be difficult to manage, and may have a relatively high number of service calls if they serve a risky clientele.

† The word “motel” is derived from the words “motorist” and “hotel”.

†† More than half of the 41,000 lodging establishments in the United States have between 15 and 75 rooms. The majority of these properties are likely motels, although larger motels may have up to 200 rooms, American Hotel & Lodging Association 2003, <http://www.ahla.com>

Motel Personnel

Unlike hotels, many motels have a small staff. In some cases, the same individual who owns the motel also manages it and works the front desk. A midsize budget motel generally has an owner, a manager, one or more front desk clerks, several housekeepers, and, sometimes, a security guard, typically on contract. Upper-end and larger budget motels usually have additional staff that fill these roles.

Although there are notable exceptions, family-operated motels tend to have higher calls-for-service-per-room (CFS/room) ratios than chain motels. The CSUSB study found that family-operated motels' CFS/room ratios were 60 percent higher than those at non-family-operated motels.¹⁰ As of 2000, approximately 60 percent of hotels and motels were chain lodgings, and 40 percent were independently owned and operated.¹¹



Drive-up motel rooms allow unrestricted and anonymous access to guest quarters day or night. Credit: Karin Schmarler

Motel Clientele

At a typical lodging establishment, 80 percent of the guests are tourists, business travelers, or meeting or convention attendees. The remaining 20 percent are for other reasons for staying, including personal reasons and special events.¹² By contrast, at budget motels with crime and disorder problems, it is not that 80 percent or more of the guests are local residents staying for personal reasons, and just 20 percent of the guests are tourists or business travelers. This provides some indication that motels experience a “tipping point” with respect to clientele. If a motel rents out rooms to enough problem guests, then more problem and fewer legitimate guests—will be attracted to that motel. In some cases, just one problem guest can discourage legitimate guests from renting rooms.

A number of motels cater predominantly to local clients with a wide variety of reasons for renting budget rooms. Low-income workers sometimes seek housing at motels rather than apartments, because motels do not require a first and last month's deposit and let guests “pay as they go.” People living on a tight budget may be able to pay \$38 a night for a motel room (with an average monthly total of more than \$1,100), but unable to pay \$500 all at once for an apartment. Motels also offer free furnishings, as well as cable television, electricity, and a telephone.¹⁴ People lacking steady jobs also rent motel rooms nightly, short-term, for the same reasons.†

† In Anaheim, California, where the typical apartment costs \$1,200 a month, an estimated 2,000 of the city's 310,000 residents lived in motels full time before the city term rental restrictions on the properties (Hill and Associated Press 2000)

Seasonal or short-term laborers, such as migrant and construction workers, also rent budget motel rooms, for anywhere from several weeks to several months. In some cases, government agencies that subsidize housing refer specific groups of people to motels. For example, the agencies sometimes provide assistance recipients and parolees with housing vouchers they can use at motels.

† Seasonal laborers staying at motels for long periods can create ready markets for prostitution and drugs; if the laborers are paid in cash and do not use banks, they are particularly vulnerable to robbery or room burglary.

A considerable number of budget-motel users seek rooms for criminal or nuisance purposes. Prostitutes and their customers rent rooms to secure places to conduct business; drug dealers use motels to contact buyers and make transactions; smugglers use motels as way stations for people brought into the country; and partiers rent rooms to get away from their usual environment, drink alcohol or use drugs, and generally behave in ways that are unacceptable at home.

The Calls-for-Service-per-Room Ratio: A Common Denominator

Using a calls-for-service-per-room (CFS/room) ratio allows for a standardized comparison of problem levels across motels of different sizes. The ratio is calculated by dividing a motel's total number of calls for service in a 1-year period by the number of rooms at the motel. For example:

87 CFS / 39 rooms = 2.2 CFS/room

52 CFS / 12 rooms = 4.3 CFS/room

You can use both citizen- and officer-initiated calls to calculate CFS/room ratios—either independently, for different perspectives on motel problems, or to calculate total CFS/room ratios. To download an Excel spreadsheet you can use to calculate CFS/room ratios, see www.chulavistapd.org/motels.

Regardless of their motivation for frequenting motels, guests and visitors who live within 30 miles of a motel tend to be higher-risk clients and cause more problems than tourists or business travelers. The probation rates of problem-motel guests and visitors who provided local addresses to Chula Vista officers were higher than those of California's general adult population. In contrast, no tourists questioned at the same motels indicated they were on probation or parole.¹⁵ In a CSUSB study found that the percentage of local guests staying at a motel was positively correlated with the motel's CFS/room ratio; in other words, the higher the number of local guests, the higher the number of CFS/room.¹⁶

Long-term[†] guests also pose risks for motels. The CSUSB study found that the average length of stay at a motel was strongly correlated with citizen-initiated CFS/room ratios: the longer the average stay, the higher the citizen-initiated CFS/room ratio.¹⁷ Because they are designed to accommodate short-term guests, motel rooms are not typically stocked with cleaning products such as disinfectants, rags, dusters, mops, and vacuum cleaners, and can quickly deteriorate without frequent housekeeping and maintenance—services that low-end motels do not generally provide.¹⁸ Problem long-term guests are also difficult to remove from motels. In many jurisdictions, motel guests are considered legal tenants after 28 days of renting, and managers must have them evicted if they want to remove them.

[†] A person who stays seven or more days at a motel can be considered a long-term guest. In some jurisdictions, making weekly payments for motel rooms can constitute a tenancy (Campbell DeLong Resources Inc. [\[Full text\]](#) and Portland Police Bureau 1999).

Prostitutes are among the riskiest clients motels serve. The CSUSB report found that motels that reported having problems with prostitution in the past year had very high average CFS/room ratios compared with motels that reported other serious problems, including drug sales.

Due to the number of people that pass through a motel on a given night, and the need to quickly make decisions on nightly rentals, managers cannot conduct the type of lengthy background checks on would-be guests that are typically done on prospective apartment renters. In addition, if business is down or a motel is having trouble attracting legitimate guests due to substandard facilities, staff might rent to suspicious guests to maintain cash flow. They also may have difficulty removing undesirable guests during slow seasons.

Related Problems

Disorder at budget motels is related to other problems not directly addressed in this guide. These problems require separate analyses and responses.

- drug dealing in apartment complexes,

[†]For further information, see *Drug Dealing in Privately Owned Apartment Complexes*, Guide No. 4 in this series. [\[Full text\]](#)

- street prostitution, and

[†]For further information, see *Street Prostitution*, Guide No. 2 in this series. [\[Full text\]](#)

- crime and disorder at assisted-living facilities and group homes.

Understanding Your Local Problem

The information provided above is only a generalized description of disorder at budget motels. You must combine the basic facts with a more specific understanding of your local problem. Analyzing the local problem carefully will help you design a more effective response strategy.

Asking the Right Questions

The following are some critical questions you should ask in analyzing your particular problem of disorder at budget motels, even if the answers are readily available. Your answers to these and other questions will help you choose the most appropriate set of responses later on.

Questions for Service and Crime Incidents

- How many citizen- and police-initiated service calls does your agency handle at budget motels each year? Has the volume of the two types of calls changed over time?
 - What is the nature of the service calls and crime incidents at budget motels? Do certain types of calls and crimes occur more frequently at some motels?
 - What is the annual CFS/room ratio† for each motel? Do the ratios vary significantly among similarly priced properties in the same neighborhood? Visit www.chulavistapd.org/motels for an example of how these ratios can vary considerably, even among motels in the same several-block area. Visit www.chulavistapd.org/motels to obtain a chart template you can use to show the difference in CFS/room ratios for motels in your own jurisdiction.
- † Annual budget-motel CFS/room ratios that include both citizen- and police-initiated calls generally range from 0.25 to 2.0, but some communities have reported especially high ratios for especially non-chain motels—with ratios of 11.0 or higher.
- For what types of crimes have police made arrests at motels? Are certain types of arrests—especially drug or prostitution arrests—more common at certain properties?
 - What crime and disorder problems have motels experienced but not reported?

Motel Management Practices

- What specific management practices are in place at low-priced motels with annual CFS/room ratios below 1.0? Above 1.0? (Good management practices are described in the "Responses" section below. To download a copy of a survey you can use to interview motel managers, see www.chulavistapd.org.)
- Have CFS/room ratios changed over time, particularly with a change in property management?
- Who owns the motel? Is it independently operated, part of a franchise, or corporately owned? Does the owner have other properties?†

† Obtaining information about a motel's owner(s) and managers, as well as any other parties who have an interest in the motel (such as mortgage holders, group owners, and insurers), is critical to reducing problems at the motel. Property profiles, commonly known as "lot books," list all parties with a financial interest in a property. Property profiles can often be obtained through city clerks who frequently contract with title search companies for this product. Professional skip-tracing search engines can also conduct lot-book research by providing owner contact information, as well as information about tax liens on the property and civil suits against the owner(s).

- Is the motel's business license up to date?
- How viable is the motel from a business perspective? How much money did the motel take in last year, and what was the average occupancy rate?
 - † Local government finance departments can estimate gross receipts through transient occupancy taxes paid. The national average occupancy rate for overnight stays was 64 percent in 2000, 60 percent in 2001, and 59 percent in 2002 and 2003 (American Hotel & Lodging Association 2004). A motel with 40 rooms, an occupancy rate of 60 percent, and an average nightly rate of \$50 would have yearly gross receipts of \$438,000 (40 rooms x 0.6 occupancy x \$50 rate x 365 days).
- How willing is the owner/manager to take responsibility for motel problems, and to work with police to address them?
- Are there any security measures the manager would like to implement, but cannot due to cost, company policy, or zoning, planning, or fire code restrictions?
- How many motels rent to guests for more than 30 consecutive days? How many and what percentage of current guests in each motel are long-term guests?

Property Condition and Layout

- What is the general condition of the motel's rooms? Do they meet minimum standards of cleanliness, safety, and functionality?
- What is the general condition of the motel's exterior? Is it well landscaped and maintained?
- How many entrances and exits are there to the motel grounds? Does all foot and vehicle traffic have to pass by the front office to access room areas, such as the pool? Are both vehicle and pedestrian access impeded by hedging or some other barrier? Is there a fence around the property or is access controlled via a gate or other means?
- How many entrances and exits are there to the motel building itself? Is access to the building limited by card keys or some other means? How often are card keys reprogrammed (e.g., immediately upon checkout, the day after checkout)?
- Are there any certain smaller areas/blind spots (nooks, hallways, parking lot sections, rooms at the back of the motel, etc.) that are particularly common problem behaviors?

Victims

- How concerned about problem motels are local business employees, residents, and other people who frequent the area? What problems have experienced? How concerned are motel employees and long-term tenants about problems at the properties?
- How many employees and long-term tenants have been victimized by problem guests, and in what ways?
- How much have problem motels lost due to theft of motel property from rooms, vandalism, and unpaid rentals?

Offenders

- What percentage of the guests at individual motels live within 30 miles of them? What reasons do local guests or visitors give for frequenting them?
- What are the probation/parole rates of guests at problem motels compared with those of guests at motels with low CFS/room ratios and those with high CFS/room ratios?
- What percentage of arrestees at individual motels live within 30 miles of them? What reasons do problem guests (e.g., those who have been arrested on probation or parole) give for frequenting the motels with high CFS/room ratios? What do they find appealing about those motels? (See www.chulavistapd.org/motels to download a copy of a motel-user survey you can use to estimate user probation and parole rates, as well as to determine into what attracts problem guests and visitors to specific motels.)

Current Responses

- How does the police department currently address motel problems? How effective have the responses been over the long term?
- How are other local government agencies—such as code enforcement, community development, health and sanitation, planning and zoning, public works, office, fire, and finance—addressing motel problems?
- What existing laws, ordinances, or regulations foster or constrain the ability of police and other city agencies to effectively address problems at motels?
- Are financial lending institutions that hold notes on the motels aware of the problems, and if so, what actions, if any, have they taken to improve the situation?

Measuring Your Effectiveness

Measurement allows you to determine to what degree your efforts have succeeded, and suggests how you might modify your responses if they are not achieving the intended results. You should take measures of your problem *before* you implement responses, to determine how serious the problem is, and *after* you implement them, to determine whether they have been effective. All measures should be taken in both the target area and the surrounding area. (For guidance on measuring effectiveness, see the companion guide to this series, [*Assessing Responses to Problems: An Introductory Guide for Police Problem Solvers*](#).)

The following are potentially useful measures of the effectiveness of responses to disorder at budget motels:

- fewer citizen-initiated calls for service per room, for each property;†
 - † Although citizen-initiated calls (primarily those from motel employees) may increase during the transitional period—when a motel is improving management practices and changing its reputation—they should ultimately decrease as the motel becomes more able to prevent and handle problems.
- fewer crime incidents at motels;
- less-serious crime incidents at motels;
- fewer citizen-initiated calls for service and crime incidents in areas adjacent to problem motels;
- reduced police time spent at motels;†
 - † Officer-initiated calls should decrease once the motels improve their management practices and/or control access to the property.
- reduced concern about problem motels among neighboring businesses, residents, and others with a stake in reducing the problems;
- reduced levels of visible disorder, such as loitering and graffiti, at problem motels;
- increased tourist occupancy and decreased local occupancy at motels; and
- increased number of motel rooms that meet minimum standards of cleanliness, safety, and functionality.

Responses to the Problem of Disorder at Budget Motels

Your analysis of your local problem should give you a better understanding of the factors contributing to it. Once you have analyzed your problem and established a baseline for measuring effectiveness, you should consider possible responses to address the problem.

The following response strategies provide a foundation of ideas for addressing your particular motel-disorder problem. These strategies are drawn from research studies and police reports. Several of these strategies may apply to your community's problem. It is critical that you tailor responses to local circumstances, and that you can justify each response based on reliable analysis. In most cases, an effective strategy will involve implementing several responses. Law enforcement responses alone are seldom effective in reducing or solving the problem. Do not limit yourself to considering what police can do. Consideration to who else in your community shares responsibility for the problem and can help police better respond to it.

General Principles for an Effective Strategy

1. **Enlisting community support to address the problem.** Changing the way motels do business requires the support of local elected officials; agencies that can regulate overnight lodging establishments; business associations, such as the Chamber of Commerce and convention and visitors bureaus; and, to some extent, the motels themselves. These various parties should be provided with detailed information about the nature and extent of the problem before recommending any changes.† Well-funded regional and national motel chains may try to influence local politicians before they have all the facts. Small-business owners—even ones who manage enterprises that border on the criminal—can be a powerful local constituency for elected officials. Neighboring businesses, residents, and users of the areas near problem motels can help make the case for change.

† Taking elected officials and local business leaders on tours of problem motels can be an effective way of alerting them to specific issues.

2. **Obtaining cooperation from motel owners and managers.** Voluntary compliance with good motel management practices is possible to obtain from a segment of motels, and there are several natural incentives for managers to reduce problems at their properties. Legitimate motel owners have a strong interest in reducing crime and disorder problems—especially those that involve a potential loss of revenue, such as guests who damage room property or refuse to pay.† Safe, well-run, attractive motels can charge higher rates and maintain or increase annual revenue. Some managers would genuinely like to reduce the number of problem guests and visitors at their motels, but lack the necessary financial resources or knowledge about effective crime prevention practices. (To download a copy of a management practices checklist you can provide to motel managers, see www.chulavistapd.org/motels.) Independent motels, in particular, may not have the resources to make significant environmental changes, but they can make a number of management changes at a low cost. National chains have more resources at their disposal and are highly capable of running safe motels, if they choose to do so. You can pressure independent motels with uncooperative managers or owners by CFS/room ratios, total number of citizen- and officer-initiated service calls, and community complaints. Uncooperative motels will have different leverage points. National budget chains may want to avoid negative publicity. Absentee motel owners can be persuaded to make changes that will reduce their exposure to liability or the likelihood of significant property damage.†† Motel owners or managers who are involved in criminal activity at their motel can be forced to sell their business or radically change their business practices if they have been charged with a crime. However, some motels may change the way they do business only under the threat of nuisance abatement or new local laws governing motel operations.

† At least 35 percent of Chula Vista motel managers indicated they had experienced the following problems in the prior month: theft, guest's refusal to leave, intoxicated guests, suspected drug dealing, and vandalism/graffiti (Bichler, Christie, and McCord 2003). Improved management practices can reduce the likelihood such problems will occur.

†† Motel managers in Sandy City, Utah, were convinced that it was in their interest to prevent drug dealers from setting up methamphetamine labs in their motels. They were informed that the cost of cleaning up and rebuilding a motel room after a drug lab explosion could be as high as \$25,000 (Thompson 1999).

Regulating Management Practices Through CFS/Room Ratios

The city of Tukwila, Washington, requires motels to implement specific responses based on their yearly CFS/room ratios. All motels fall in one of three tiers established by the city: (1) less than or equal to 0.25 CFS/room/year; (2) 0.26 CFS/room/year to 1.0 CFS/room/year; and (3) more than 1.0 CFS/room/year. Motels and hotels in the tier with the fewest service calls do not have to make any changes. Motels in the middle tier must have a staff member on duty 24 hours a day, maintain a surveillance camera in the lobby at all times, and participate in a crime prevention assessment. Motels in the highest service-call tier must implement the middle-tier requirements, as well as submit employee names to the police department for background checks, implement proper management practices, install cameras in parking lots, implement crime-prevention-through-environmental-design reconstructions, and make a number of other changes. Since being passed in the summer of 2000, police there report the initiative has reduced service calls by 60 percent at motels with annual CFS/room ratios of more than 1.0.

3. **Establishing and enforcing minimum motel functionality and security standards.** All motels should comply with appropriate housing and building codes and meet minimum security standards established through a combination of court decisions, legislation, and assessments by lodging managers.

† All agree that deadbolts, peepholes, door chains, solid doors and frames, and room telephones constitute basic security measures that all motels should have. As liability goes, the absence of these measures is considered evidence of unsafe lodging. Motels with established crime problems have also been expected to have adequate numbers of security guards, install closed-circuit television (CCTV) in problem areas, and secure sliding-glass doors with bars (Slepan 2002).

4. **Establishing crime-and-disorder performance standards and goals.** As noted earlier, CFS/room ratios vary significantly, even among motels in comparable neighborhoods. Motels with low CFS/room ratios set a natural baseline for what can be accomplished at similar properties. Motels able to maintain annual CFS/room ratios of less than 1.0[†]; action should be taken against those that do not keep calls at or below this level. In reaching performance goals, such as city-sponsored signage, community development funds, or other enticements, may be offered to motels with annual CFS/room ratios of 0.5 or less.^{††} Both research and successful crime-reduction projects at motels and other residential properties have shown that motel personnel—especially managers and owners—can effectively control crime and disorder on their properties through proper management. Managers and owners have the greatest ability to ensure that their properties do not attract problem guests and visitors. However, many motel owners are under the false impression that only police enforcement can reduce the problems at their motels, and rely primarily on local police order. Police agencies should avoid becoming de facto security services for motels for two reasons: traditional enforcement tactics are not particularly effective at reducing motel problems, and cities should not routinely subsidize the security operations of a for-profit industry. In general, it is in the best interest of police to let motel managers or owners decide what specific steps to take to meet local standards. If a police agency recommends specific changes and those changes do not bring about the desired results, the motel may have grounds to argue against abatement or other enforcement actions to reduce problems.²⁰

† In some communities, a ratio of 0.5 may be excessive, however, compared to other motels in the area.

†† Performance standards are not intended to discourage motel staff or others from calling the police in an emergency. Police should conduct a quick door-to-door survey if they suspect a manager is training tenants not to call them. Motel managers facing a performance standard may argue that it is their right to call the police; they should not be penalized for being proactive. However, if a motel chooses to cater to a high-risk clientele and has a high number of calls for service, the management should completely control access to the property. The management may also need to hire adequate security, both to handle repeat nuisance calls that should not require a police response, and to prevent more-serious incidents from occurring. If a motel cannot afford access-control measures and private security (if necessary), it should not cater to a high-risk clientele.

Specific Responses to Disorder at Budget Motels

Deterring/Screening Problem Guests and Visitors

5. **Requiring all adult guests and visitors[†] to present government-issued photo ID at the front desk immediately upon arrival.** An ID requirement reduces the perception of anonymity at motels, reinforces personal accountability for behavior, and provides police with important information on problem guests and visitors. An ID requirement also occurs—all reducing the motel's appeal to problem guests and visitors. At minimum, front desk clerks should collect the following information from guests and visitors:

† Like guests, visitors should be directed to the front desk by the security staff or the property design (e.g., fencing that prohibits unimpeded motel access, wall that leads directly to the front office).

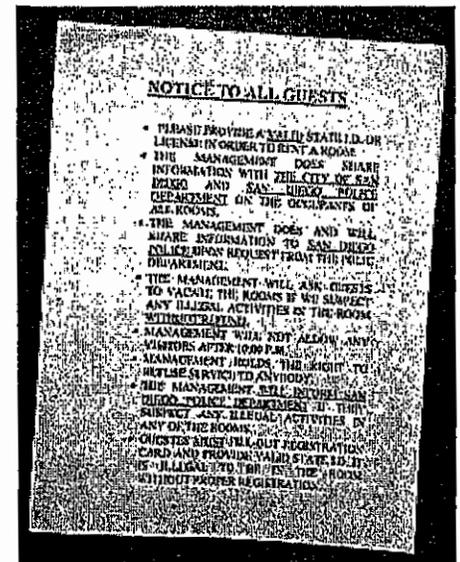
- full name,
- home address,
- home telephone number,
- date of birth,
- government ID number and ID type,
- state and country of ID issuance,
- time of arrival, and
- number of assigned or visited room.

Desk clerks at motels with high CFS/room ratios should also collect the following from registered guests:

- name, address, and phone number of their employer, and
- name and telephone number of an emergency contact.²¹

Clerks should complete the guests' registration cards according to information verbally provided by the guests, then ensure the photo IDs contain the same information. Clerks should also visually verify and record guests' and visitors' license plate numbers, and issue corresponding parking permits for motel stays.²² Staff should record all guest and visitor information on a government-approved registration form readily accessible to police and other personnel who need to review occupancy levels, such as finance department personnel.

6. **Requiring that guests and visitors be at least 21 years old to rent or visit a room, unless accompanied by a parent or legal guardian.** particular risk of sexual assault or statutory rape at motels; age limitations on guests and visitors can help prevent these crimes. Maintaining a older policy for both guests and visitors can also prevent underage drinking in motel rooms.
7. **Maintaining and enforcing “no rent” and “no trespass” lists.** Motel managers should retain the names and other registration information c have been arrested on the property, have caused a disturbance, have necessitated a call to police, are prohibited from renting at the motel as temporary restraining order or parole/probation conditions, or did not follow motel rules during rental. Motel management should ban such pec property for a set period, typically six months to a year. You should consult legal counsel about the particular legal requirements of enforcing s your jurisdiction.
8. **Limiting visitors and contact between strangers.** Motels should prohibit visitors between 10 p.m. and 6 a.m.; people on the property betwe should be guests or staff only. At particularly problematic motels, management may want to prohibit visitors entirely. In addition, motels should number of unrelated guests to one or two per room, thus discouraging parties and underage drinking.²³ Front desk clerks should refuse to cor rooms if the callers do not know the guests' full names.²⁴ Implementing and enforcing all of these policies can reduce a motel's appeal to pros dealers.
9. **Prominently posting notices and signs that clearly outline appropriate guest and visitor behavior, as well as the sanctions that will k against violators.**²⁵ Sample rules include the following:
 - No illegal activity (including drug use/sales, prostitution, and underage drinking) is allowed on the premises. If such activity is suspected, the management will notify the police and ask guests to leave the property, without a refund.



Posted signs, clearly stating the rules of the motel, can dissuade gues
Illegal activities. Credit: Karin Schmerler

- Room doors must be kept closed at all times.
 - No loitering is allowed on the premises.
 - No public drinking is allowed.
 - Playing loud music is not allowed.
 - Quiet hours are 10 p.m. to 6 a.m.
 - All visitors must check in at the front desk.
 - Guest rooms may not be used for private parties.
 - Parking passes must be displayed in all vehicles parked in the lot, or they will be towed at the owners' expense.
 - The management shares registration information with local police.
10. **Guaranteeing payment from high-risk guests.** Motels that have experienced problems with guests who won't pay or leave can require a tw deposit or a credit card imprint at check-in. This policy can help ensure that motels receive compensation for all rentals, as well as cover any l damages that may occur.
 11. **Refusing to rent to known or suspected prostitutes, gang members, or drug dealers†, or to anyone clearly intoxicated or under the i illicit substances.** Motel staff have the right to refuse service to anyone, as long as they do not discriminate against a protected class in maki decisions. (To download a list of criminal indicators that can be posted at the front desk for easy clerk reference, see www.chulavistapd.org/m Woodbury, Minnesota, officers provide motels with detailed telephone listings of local escort services so motel clerks can cross-reference outc incoming calls to rooms occupied by suspected prostitutes.²⁶ National City, California, police obtained temporary restraining orders that barre prostitutes from certain motels.²⁷ Motels may want to consider charging for outgoing local telephone calls, which can discourage motel use by plan to make a lot of local calls.²⁸

† Prostitutes are often well-known to motel clerks, gang members may have gang-related tattoos, and drug dealers may have previously raised suspicion by numerous brief phone calls from their rooms during prior motel stays. Based on a review of motel arrests, Sandy City officers developed a profile of people who buy drugs at the properties. The typical arrestee used methamphetamine, was between the ages of 18 and 35, provided a local address, and paid in cash at low-priced motels. The arrestees also generally checked into motels in pairs and without luggage, and made and received local phone calls (Thompson 1999).

12. **Implementing clear check-in policies, and training clerks in their use.** Clerks should provide guests and visitors with a copy of the house rules. If a motel is experiencing serious problems, clerks should require guests and visitors to read and sign a form. Clerks should also ask guests why they are in a room, how many visitors they expect, and how long they are staying. If guests indicate they will be staying seven days or more, motel managers should conduct more-extensive screenings, which may involve credit, employment, and prior landlord reference checks.²⁹ Night clerks, who are often less experienced, may need additional training in guest screening and motel security procedures.³⁰
13. **Reinforcing formal and informal social controls over problem guests.** Police can inform those who oversee problem guests, such as military staff and employers of seasonal laborers, about motels that experience relatively high levels of crime and disorder. The military can make properties "off limits" to personnel.³¹ Police should provide oversight officials with details on the types of problems experienced at the motels, and, if applicable, inform them that there are plans to conduct enforcement operations at the properties, as well as change how they are run, so they are more restrictive. Examples include photo ID requirements, visitor prohibitions, public drinking, and noise policies. Probation agencies can also set probation and/or parole conditions for offenders from frequenting specific motels with histories of drug problems and other criminal activity.³²

Managing Problem Guests and Visitors

14. **Assigning potential problem guests to rooms near the front office or with high natural surveillance.** Some motel managers routinely reassign guests to rooms near the front office, so they can better monitor their behavior. Rooms that face a busy street can also provide natural surveillance for guests and their visitors.
15. **Employing well-trained, uniformed, on-site security guards, with clear expectations regarding duties.** Security guards should regularly patrol motel grounds and contact people who are loitering or behaving suspiciously. On large properties, guards should patrol on bicycle; on smaller properties, guards should be on foot. On all properties, they should carry professional two-way radios.³³ They should pay attention to problem guests, no-trespass lists; photograph trespassers and provide pictures to police and other motel staff; check for vehicles without parking permits and other violations, and knock on the appropriate guests' doors to have them correct the violations; and generally enforce all house rules regarding noise, visitors, etc. Guards should not fraternize with guests or visitors.
16. **Prohibiting "back-in" parking.** Some motel guests who engage in illicit activity back into motel parking spaces to make it harder for others to identify license plate numbers,[†] and easier for them to leave quickly, if necessary. Prohibiting such parking will make the motel less attractive to those with illicit intentions.

† Approximately 20 states do not require vehicles to display a front license plate.

17. **Inspecting the rooms of guests who refuse maid service or behave suspiciously after check-in.** Guests who have no luggage but anticipate an extended stay, bring a lot of luggage into a room for a one-night stay, or make and receive many local phone calls may be involved in producing methamphetamine.³⁴ If motel managers suspect drugs are being produced or sold, or find drug paraphernalia, they should call the police, who can search the room for evidence of illicit activity. You should consult with legal counsel about the laws governing police searches of motel rooms in your jurisdiction.

Changing the Physical Environment

18. **Limiting access to the property.** A key feature of a safe motel is its ability to control who has direct access to guest rooms and other parts of the property.[†] Motels can limit access in a variety of ways, including the use of perimeter fencing, electronic gates, security guards,³⁵ and a property design that requires all foot and vehicle traffic to pass by the front office.³⁶ Some motels have converted exterior corridors to interior corridors to control access. At a notorious airport motel in Oakland, California, security guards function as a human barrier to those trying to access motel rooms. They send guests to the front desk to register, and ask potential visitors for the full name and room number of the person they want to visit. If visitors can provide this information as it appears on the room rosters the guards have, the guards send them to the front desk to register; if they cannot, the guards ask them to leave. Service calls have dropped by 59 percent since this practice, along with a series of other changes, was implemented.³⁷ A Charlotte, North Carolina, motel



This motel fenced an unnecessary entrance/exit to reduce "public access" to the property. (Schmerler)

erected a fence to eliminate non-motel foot traffic increased the motel residents' perception of safety, and along with the eviction of a problem improvements in the registration process, reduced service calls by more than 60 percent.³⁸

† The two most frequent problems experienced by Chula Vista motel managers were (1) too many people in a room (65 percent of managers reported experie problem in the previous month), and (2) unauthorized guests/visitors in rooms (57 percent of managers) (Bichler, Christie, and McCord 2003). Controlling direc rooms can substantially reduce both problems.

19. **Installing and monitoring CCTV.** Closed-circuit television (CCTV) cameras at the property entrance(s), in the lobby, in the parking lot, in the building entrances and exits, and at other problem locations can help motel staff better monitor the entire property. To address an increase in at Marriott's higher-end budget motels (Fairfield Inn, Residence Inn, and Courtyard) in the mid-1990s, Marriott installed a basic CCTV system more than 80 percent of them. Robbery rates at those motels fell 43 percent the first year after they installed CCTV, and an additional 33 per months of the next year. Color monitors were found to be most effective. In addition, motels that installed the monitors in locations visible from motel experienced a more dramatic decline in robberies than those that did not. Finally, contrary to Marriott's expectations, legitimate custome concerns about the monitors.³⁹ For it to be effective and not cause undue liability, CCTV must be monitored, which can be time-consuming ar
20. **Installing adequate lighting, and improving the visibility at blind corners with mirrors.** Uniform lighting of at least one foot-candle†; for tt recommended; walkways, room entrances, and stairs should be more brightly lit. Three to five foot-candles of lighting are recommended for bl entrances.⁴⁰ Motion-detector lighting can be an additional safeguard in problem areas.

† A foot-candle is a unit of measurement of light per square foot of surface space. Inexpensive light meters can be used to determine the lighting level at a spe

21. **Landscaping and maintaining the property in a way that minimizes crime opportunities and maximizes the perception of ownership.** and maintaining a low-growth flower garden can signal to problem guests that the property is well-cared-for and unlikely to be suitable for illeg Abandoned vehicles, furniture, and appliances, graffiti, and other signs of neglect should quickly be removed. Pay phones used by problem gl altered or removed. You should consult someone trained in the principles of crime prevention through environmental design (CPTED)†; for sp recommendations.

† For more information on CPTED principles, see the International CPTED Association's website, at www.cpted.net/default.html.

22. **Establishing redesign and property improvement incentives.** Areas slated for redevelopment can be rezoned to encourage property impr both reduce crime opportunities and improve aesthetics. For example, in Sarasota, Florida, owners of aging motels and other structures built t current building code was adopted had little incentive to significantly upgrade their properties, as doing so would require full code compliance. property improvements, the city exempted motel owners in a specially designated redevelopment zone from meeting the code requirements, a proposed upgrades met the overall goals for the zone: to create "...a safe and attractive environment..."⁴¹ Cities can also offer low-interest lo for major renovations that would allow motels to increase room rates or incorporate CPTED principles into the property design.

Fostering Responsibility Among Motel Owners†; and Managers for Maintaining Safe Lodging

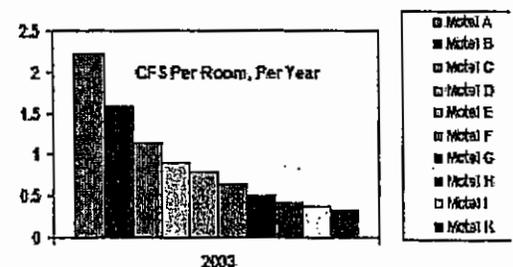
† It is important to inform and work with problem-motel owners as well as managers, because managers may not have the authority to make changes that could resu rental revenue (Clarke and Bichler-Robinson 1998).

23. **Informing owners and managers about problems on site.** Any time police make a drug or prostitution arrest on motel property, they should send a letter to the owner, manager, and any other parties with a financial interest in the property (such as mortgage holders), informing them of the arrest and the consequences to the motel—such as abatement—if the activity continues.†; The letter should request that the motel owner meet with police and/or city legal staff to explain how he or she plans to address the problem.††; Once a year,†††; police should forward each motel a listing of arrests, crime incidents, and service calls that occurred at the property during the prior year, along with an indication of how the motel's activity level compares with that of similar motels. The annual report should inform managers of their potential exposure

to civil liability if they fail to maintain safe properties.††††; Police may also want to consider conducting checks of all registered guests and visit motels for outstanding warrants, and notifying motel managers and owners of the results (arrests, drugs seized, etc.). Legal advice on conduc is recommended.

† In a number of states and municipalities, properties where drug dealing or other nuisance behavior, such as prostitution (laws vary), occurs can be closed or ordered to cease operation.

CFS Rate Variation Across Chain Motels in Chula Vista



†† An evaluation of a San Diego effort to reduce drug dealing by contacting property owners found that those who both received a letter from the police about the activity and participated in a follow-up meeting experienced a 60 percent reduction in reported crime (Eck 1998).

††† Problem motels may more frequently require information on arrests, crimes, and service calls. As part of an intensive effort to reduce problems at a Fresno property, an officer personally contacted the owner and manager each time police made an arrest or executed a search warrant at the property (Fresno Police Department 2002).

††† Some courts have held that the burden is on motel management to assess the need for security measures, based on the foreseeability of crime problems at the property. Aspects of foreseeability include the nature and volume of previous crimes at the property, the crime rate of the surrounding neighborhood, guests with criminal records, a property design that facilitates crime, the number of calls about suspicious people, and a high visitor-to-guest ratio (Slepian 2002).

24. **Requiring that a manager be on the property at all times.** Problems at motels occur at all hours; managers must be available at all times to address concerns that will inevitably arise during nonbusiness hours. Some motel managers live in their motels. As a general proposition, residential property managers are more likely to employ management practices that will reduce crime and maintain order if the property is also their home.⁴²
25. **Encouraging owners to sign "good neighbor agreements."** Good neighbor agreements may be required for particularly problematic motels. Detailed, signed agreements between motel owners and the police ensure that motels are implementing acceptable management practices at the property.⁴³
26. **Offering employee training programs.** Such programs should cover practices that will aid motel employees in reducing crime, improving business operations, and complying with local laws. Police can provide specific guidelines on conducting background checks on prospective employees, screening guests and visitors, recognizing suspicious activity (such as methamphetamine lab operations), reducing crime opportunities through environmental measures, knowing when to call the police, and handling disturbances or crimes such as robberies. Additional topics of interest to motel managers may include prevention measures that directly affect motel finances, such as recognizing counterfeit payment methods.⁴⁴ It is also important to educate managers about their potential legal liability if they do not operate safe establishments.⁴⁵ (Motel managers and owners interested in reducing problems at motels should see *Crime Prevention in Overnight Lodging*, a short manual developed specifically for motel managers.)

Establishing and Enforcing Regulations and Penalties

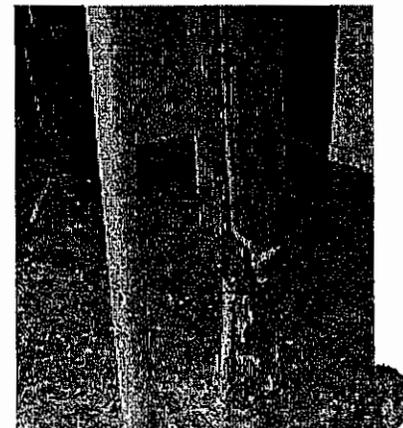
27. **Limiting occupancy to no more than 28 days in a 90-day period, and evicting problem tenants.** A number of jurisdictions have prohibited housing people on a long term basis—typically for more than a month at a time—citing health and safety reasons.† If motels cannot be converted to housing long-term residents, they should implement more rigorous screening procedures and operate their businesses as landlords, rather than as hotels. Established motel tenants involved in illegal activity should be evicted under existing landlord-tenant laws.††† The arrest and subsequent eviction of several long-term problem residents of a Fresno motel resulted in a 70 percent decrease in the average number of service calls.

† In justifying its 30-day stay limit at motels, Buena Park, California, indicated that the lack of ongoing maintenance and maid service at long-stay motels rapidly deteriorated substandard conditions in most, if not all, of the rooms.

†† For further information about effective rental-property management, see Campbell (2000) [Full text]

††† An evaluation of effective drug abatement efforts found that problem-tenant eviction enabled a large majority of properties to essentially eliminate drug problems and avoid abatement (Davis and Lurigio 1998)

28. **Conducting regulatory inspections and audits.** Regulatory inspections and audits can help ensure that properties comply with relevant fire, building, zoning, property maintenance, and health and safety codes, as well as tax laws. Oakland, California's Specialized Multiagency Response Team routinely inspects nuisance properties, including motels, to ensure compliance with housing, fire, and safety codes. Properties not in compliance may be sued using civil laws. An evaluation found that this approach was more effective at reducing drug problems in and around targeted properties than traditional enforcement efforts.⁴⁸ Involving tax authorities can prove particularly effective in encouraging motels to change their business practices.† Fresno police requested that the city revoke a problem motel's rooming tax permit on the grounds the motel was violating a municipal code that prohibited allowing unlawful activity on the property; ultimately, the threat of this action forced the owners to sell the motel.⁴⁹



Because many independent motels were built more than 50 years ago a limited investment in the properties, a number will exhibit moderate to severe

Credit: Adele Sidock

† In California, the Franchise Tax Board can eliminate tax deductions if a property does not comply with housing codes.

29. Implementing licensing requirements for lodging establishments, including minimum security, sanitation, and management standards

California, motels must meet minimum standards to obtain a permit to operate. Among other things, permit applicants must demonstrate that the property complies with all applicable building, fire, and health codes; that service calls to the property have not been "excessive," as determined by the local health department; that the premise is governed by a management plan that addresses cleaning schedules and property maintenance; and that the property manager has not been involved in criminal activity for at least five years[†]; and has completed a motel-management training course co-taught by the police, fire, code and environmental health departments, and the local hotel/motel association.⁵⁰ ^{††} During 2002, the program's first year of operation, 12 of the 15 motels were shut down because they failed to comply with the new requirements. Oakland, California, requires that all motel rooms be secure with deadbolts and locks and meet minimum standards regarding conditions and furnishings, as well as linen and mattress cleanliness.⁵¹ Motel practices and standards will be regulated through conditional-use permits, particularly when motel ownership changes hands.

† The CSUSB study of Chula Vista motels found that only 19 percent of motels that were not family-owned conducted criminal records checks on motel employees.

†† For a copy of the Stockton ordinance, see www.stocktongov.com/SMC/Chapter07/Ch07_PartIV_Div02.cfm.

30. Enacting special regulations for adult motels.[†] To make it more difficult for prostitutes to operate out of motels, a number of cities have passed ordinances prohibiting motels from renting rooms on an hourly or half-night basis. Other jurisdictions have established definitions of adult motels to limit where they are located and to regulate their operations.

† Sugarland, Texas, has defined adult motels as those that (1) offer public accommodations with CCTV, films, videos, slides, or photos characterized by an emphasis on specified sexual activities; (2) and post a sign visible from the street advertising such material; (3) or offer a sleeping room for rent for less than 10 hours; (4) or allow an occupant of a sleeping room to sub-rent the room for less than 10 hours.

31. Requiring a performance bond[†] or other changes at a property in exchange for continued business operation. Oakland police and city officials required a prominent national budget chain to take out a \$250,000 performance bond in return for continued operation of a problem motel. The motel had documented problems of prostitution and drug sales, and a service-call level substantially above that of neighboring chain motels. Rather than require a \$250,000 bond to the city, the motel improved its management practices, hired 24-hour security guards to control access to the property, prohibited access between 10 p.m. and 6 a.m., and instituted a series of other management changes. These changes reduced service calls to the property by 51 percent within seven months after the agreement was reached, and pushed the motel's service-call levels down to those of neighboring chain motels, a key goal of the agreement. National City officers required a series of changes in return for the continued operation of a motel whose owners had been cited for violating California state penal code sections that prohibit room rental to known prostitutes.^{†††} Requiring a performance bond or other changes at a property provides a certain degree of leverage with the property owner. In the case of the Oakland airport motel, the adverse publicity of a drug abatement lawsuit provided the necessary leverage for the company to take out the performance bond. In National City, misdemeanor charges that put the owners on probation gave officers the means for requiring management changes.

† A performance bond guarantees that the terms of an agreement will be met or the injured party will be financially compensated.

†† This call reduction was achieved with virtually no police enforcement action. Just one search warrant was served, and several arrests made.

††† To prove that the motel was violating the penal code, National City officers paid an hourly rate for rooms and then brought known street prostitutes to the motel. It was clear that they were doing so to have sex in exchange for money. Violation of the penal code provisions enabled officers to obtain a search warrant for the property, which revealed separate bookkeeping practices and tax violations (National City Police Department 2002 [Full text]).

32. Seeking cost recovery for excessive city time spent at problem motels. If police can establish that they have, out of necessity, spent an inordinate amount of time at problem motels, they can request reimbursement for that time. Oakland police recovered more than \$35,000 for time spent at a problem budget motel that took out the \$250,000 performance bond.⁵²

33. Closing the property. Problem motels can be closed using a variety of approaches, including nuisance or drug abatement,[†] failure to meet minimum operation standards, amortization,^{††} eminent domain,^{†††} and imminent hazard.^{††††} Although it can be a lengthy process and is not without cost, closure (or the threat of property closure) may be the only way to effectively address problems at the worst motels. In the case of abatement, costs that accrue to the local government may help offset property-closure costs. Abatement laws vary by state, and the process can be complicated. Assistance and full consideration of the benefits and potential pitfalls of the process are a must.^{†††††} (You can find a full discussion of closure costs and benefits, and their appropriate use, given local crime conditions and the level of effort motel managers make to improve the property at www.chulavistapd.org/motels.) Once a property is closed, the government can demolish it, sell it, or convert it to permanent housing or some other use.

† In 1999, the University of California, Berkeley, estimated it would cost the city of Oakland approximately \$18,000 in legal and administrative costs to close a motel under the state drug nuisance-abatement statute, but only an estimated \$1,300 to close the motel if it constituted a public nuisance under the same statute (Amato et al., 1999).

†† Amortization is a means of terminating a nonconforming use by allowing investors to recoup their investment over a reasonable period, which may range from months to several years.

††† Eminent domain is the government's ability to take possession of private property for the public good, usually by providing fair compensation to the owner.

†††† An imminent hazard is a structure that is at risk of causing immediate or impending harm to the occupants or their property.

††††† In weak real-estate markets, for example, a property that is closed or acquired through abatement may have significant tear-down or conversion costs that may inhibit future property development.

34. **Using asset forfeiture or seizure.** Although not widely used because the target property's value is often low,⁵⁴ asset forfeiture of motel property has been attempted on several occasions. The Maricopa County, Arizona, Attorney's Office sought to reduce problems at a motel using state statutes that allow for property seizure if a criminal nuisance is not abated.⁵⁵ In 1998, the U.S. Attorney in Houston sought to use federal drug asset-forfeiture laws at a motel that was the site of drug sales, prostitution, and other serious crimes, despite the fact that the owners did not actively participate in the crimes. The U.S. Attorney did not pursue the forfeiture case because the motel owners agreed to make a number of changes in motel operations.

Responses With Limited Effectiveness

35. **Continually arresting offenders at problem properties.** A number of police departments have made little impact on motel problems using arrest tactics.⁵⁶ Albuquerque, New Mexico, police arrested more than 20 people at a particularly problematic motel during the summer of 1997, but in 1998, they were again making a lot of arrests there, for drugs and prostitution. It was not until the property was abated as a nuisance in 1999 that motel problems there declined.⁵⁷ National City officers found that the impact of "john" stings (arrests of prostitution customers) were short-lived and the underlying cause of the problem: poor property management. They routinely conducted prostitution stings in the area of a problem motel before concluding that these efforts were not effective over the long term.⁵⁸ In addition, research on the impact of drug enforcement efforts at apartment complexes and drug houses has found little evidence that traditional tactics are effective in these settings.⁵⁹ At motels with poor guest and property management, police face a seemingly limitless supply of offenders not deterred by periodic enforcement efforts.
36. **Conducting field interviews of people at problem motels, and traffic stops of vehicles leaving them; scheduling extra police patrols at problem motels.** In Chula Vista, a 91 percent increase in officer-initiated activity in 2001—primarily field interviews, traffic stops, and knock-and-talks—corresponded with a 91 percent reduction in citizen-initiated calls for service that year. A 23 percent reduction in officer-initiated activity in 2002 corresponded with a 23 percent reduction in citizen-initiated calls that year. There appeared to be no relationship between the level of police-initiated activity and the level of citizen-initiated calls for service. Police did not inform motels about the increased enforcement activity. A subsequent analysis of 48 months of call data to the City of Chula Vista with the most service calls found that there was a very weak and statistically insignificant relationship between police enforcement activity and calls for service.⁶⁰
37. **Implementing Crime-Free Hotel/Motel programs.** A spin-off of the Crime-Free Multi-Housing program, this initiative involves certifying properties "crime-free" if the managers have completed the requisite training courses and the properties conform to general CPTED principles. Although a number of studies show that the Crime-Free Hotel/Motel (CFHM) program are effective strategies and recommended in this guide, the program itself has limitations. As currently structured, the CFHM program requires police or other city officials to spend a significant amount of time helping motels go through the three-step process to become certified crime-free properties. Motels that participate in the program often see a reduction in service calls, but participation is voluntary and many motels frequently opt out.⁶¹ Turnover at motels can also hamper the program, as new personnel have to be trained in CFHM principles.⁶¹

† In Mesa, Arizona, where the CFHM concept was developed and implemented in 1997, the majority of motels did not participate in the CFHM program as of July 2001.

Summary of Responses

The table below summarizes the responses to disorder at budget motels, the mechanism by which they are intended to work, the conditions under which they are thought to work best, and some factors you should consider before implementing a particular response. It is critical that you tailor responses to local conditions and that you can justify each response based on reliable analysis. In most cases, an effective strategy will involve implementing several different responses. Enforcement responses alone are seldom effective in reducing or solving the problem.

#	Response	How It Works	Works Best If...	Considerations
1	<u>Enlisting community support to address the problem</u>	Establishes joint ownership of the problem and a solid foundation for change	...there is sufficient public interest in and political support for addressing the problem	A local business association, Chamber of Commerce, may be positioned to take the lead in maintaining community support
2	<u>Obtaining cooperation from motel owners and managers</u>	Limits the need to regulate changes in business practices	...the needs and opinions of motel managers and owners are sought early in the problem-solving process	Not all motels are interested in the way they do business; these will require a different approach
3	<u>Establishing and enforcing minimum motel functionality and security standards</u>	Restricts the operation of motels to those that can provide accommodations that meet basic standards	...pertinent city and county agencies, such as code enforcement, the attorney's office, and the health department can provide assistance	May require years to implement; significant political support and resources for implementation
4	<u>Establishing crime-and-disorder performance standards and goals</u>	Shifts the responsibility for safety to those most able to improve conditions—motel operators	...a number of motels already maintain annual CFS/room ratios of less than 1.0	May require years to implement; significant political support

Specific Responses to Disorder at Budget Motels

Deterring/Screening Problem Guests and Visitors

#	Response	How It Works	Works Best If...	Considerations
5	<u>Requiring all adult guests and visitors to present government-issued photo ID at the front desk immediately upon arrival</u>	Creates a record of motel users for police purposes; can help screen out those who do not wish to be identified by motel personnel	...front desk clerks consistently adhere to information collection requirements and refuse to allow access to people without proper IDs	A guest/visitor log is most useful; information is legibly recorded on a standardized form, or, if possible, on a standardized computer data
6	<u>Requiring that guests and visitors be at least 21 years old, unless accompanied by a parent or legal guardian</u>	Denies minors access to a place to drink alcohol; helps prevent minors from being sexually assaulted in a motel room	... front desk clerks consistently refuse to allow unaccompanied minors on the premises and a large number of problem guests are under 21	Can be difficult to implement; perimeter control
7	<u>Maintaining and enforcing "no rent" and "no trespass" lists</u>	Prevents one-time problem motel users from becoming repeat motel users	...both visitors and guests are required to present photo ID to enter the property	Requires good record-keeping; perimeter control
8	<u>Limiting visitors and contact between strangers</u>	Inhibits parties; reduces the opportunity for illicit transactions between strangers	...motels can control both pedestrian and vehicle access to the property	Controlling the perimeter may be difficult
9	<u>Prominently posting notices and signs that clearly outline appropriate guest and visitor behavior, as well as the sanctions that will be levied against violators</u>	Sets rules for motel users' behavior; removes excuses regarding the consequences of violations	...guests and visitors read the notices, and management enforces the rules	Motels with lower CFS/room ratios may want or need explicit rules prohibiting prostitution and drug use
10	<u>Guaranteeing payment from high-risk guests</u>	Gives motel staff leverage over guests who won't leave or pay; helps screen guests who can't afford a room	...guests' credit cards are legitimate	Not all motel customers will have credit cards; in these cases, motels can require deposits well in advance of departure
11	<u>Refusing to rent to known or suspected prostitutes, gang members, or drug dealers, or to anyone clearly intoxicated or under the influence of illicit substances</u>	Denies motel access to extremely high-risk guests and visitors	...clerks can identify high-risk guests, management supports denying them access, and the motel can either replace them with low-risk guests or absorb the resulting short-term loss of revenue	Clerks cannot discriminate against guests based on religion, gender, or other protected characteristics
12	<u>Implementing clear check-in policies, and training clerks in their use</u>	Standardizing and formalizing check-in procedures aids clerks in consistently screening out problem guests	...clerk turnover is relatively low, or key information is provided to new clerks, in written form	Managers may need to periodically reinforce adherence to check-in procedures and standards

13	<u>Reinforcing formal and informal social controls over problem guests</u>	People who have influence over problem guests limit their ability to frequent the premises, or they require improvements in behavior	...problem motels are patronized by significant numbers of people who can be influenced (parolees/probationers, military personnel, college students, or seasonal laborers)	Parolees/probationers may be finding other housing that me
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Managing Problem Guests and Visitors

#	Response	How It Works	Works Best If...	Considerations
14	<u>Assigning potential problem guests to rooms near the front office or with high natural surveillance</u>	Increases the guests' risk of getting caught engaging in problem behaviors	...such rooms are not booked when suspicious guests arrive	This response should be used in borderline cases at any one time if a manager does not feel comfortable, they should not proceed
15	<u>Employing well-trained, uniformed, on-site security guards, with clear expectations regarding duties</u>	Provides significant oversight of the property	...guards go beyond patrolling and proactively use all the tools at their disposal to keep order on the property	Involves a substantial cost to the motel
16	<u>Prohibiting "back-in" parking</u>	Reduces motels' appeal to criminals; gives guards an opportunity to engage violators	...motels are located in or near states that do not require a front license plate	Signs prohibiting this practice may not be understood by guests
17	<u>Inspecting the rooms of guests who refuse maid service or behave suspiciously after check-in</u>	Limits the amount of time guests have total control over the use of rooms	...motels employ security guards or other staff who are trained in recognizing drug paraphernalia	Situations involving suspected drug labs or sales are dangerous. Involvement is recommended

Changing the Physical Environment

#	Response	How It Works	Works Best If...	Considerations
18	<u>Limiting access to the property</u>	Problem guests and visitors can be screened out at the front desk	...direct room access or use of the property by people not associated with the motel is a source of the problem	Involves a cost to the motel; emergency personnel must have access to the property
19	<u>Installing and monitoring CCTV</u>	Increases the risk offenders will get caught engaging in illicit or undesirable behavior	...the motel has only a few identifiable problem areas	Involves a cost to the motel
20	<u>Installing adequate lighting, and improving the visibility at blind corners with mirrors</u>	Increases the risk offenders will be detected	...problems occur at night and in the motel's public areas	Involves a cost to the motel
21	<u>Landscaping and maintaining the property in a way that minimizes crime opportunities and maximizes the perception of ownership</u>	Sends the message that the location is unsuitable for criminal activity	...it is done in conjunction with access control, and strict guest and visitor screening	Involves a cost to the motel
22	<u>Establishing redesign and property improvement incentives</u>	Provides motel owners with resources or benefits for upgrading properties or improving their security features	...motels are interested in serving a legitimate clientele, but lack the resources to attract legitimate customers	May involve a cost to the jurisdiction

Fostering Responsibility Among Motel Owners and Managers for Maintaining Safe Lodging

#	Response	How It Works	Works Best If...	Considerations
23	<u>Informing owners and managers about problems on site</u>	Removes excuses on the part of owners and managers	...the problem motels are concerned about their reputation or the threat of abatement	Requires ongoing staff support, crime-and-disorder statistics, and conduct follow-up meetings
24	<u>Requiring that a manager be on the property at all times</u>	Ensures that the property will have 24-hour oversight	...a manager can live in the motel	Involves a cost to the motel
25	<u>Encouraging owners to sign "good neighbor agreements"</u>	Creates a formal record of specific management practices agreed to by a problem motel	...the agreed-upon practices can be easily monitored	The consequences of violating the agreement should be spelled out

26	<u>Offering employee training programs</u>	Provides employees with information that can help them run safe motels; ensures employees are aware of pertinent regulations	...training sessions are required and offer information that will help prevent fraud, establishment of drug labs, theft, vandalism, robbery, and other crimes that adversely affect motel finances and employees	Requires ongoing staff support to coordinate, and conduct the t
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Abolishing and Enforcing Regulations and Penalties

#	Response	How It Works	Works Best If...	Considerations
27	<u>Limiting occupancy to no more than 28 days in a 90-day period, and evicting problem tenants</u>	Prevents occupants from becoming legal tenants at motels not designed for long-term stays; removes problem guests	...guests staying longer than seven days undergo more- thorough screening procedures, such as credit and reference checks	Guests who need long-term housing may not afford or obtain only motel locations and out of multiple motels over months
28	<u>Conducting regulatory inspections and audits</u>	Ensures that buildings meet codes designed to protect guests and visitors	...city/county agencies coordinate efforts	Requires ongoing staff support and conduct inspections/audits
29	<u>Implementing licensing requirements for lodging establishments, including minimum security, sanitation, and management standards</u>	Ensures that motels meet minimum standards of operation specifically developed for overnight lodging establishments	...a significant number of a jurisdiction's motels operate in a substandard way	Requires significant political support to be instituted, as well as ongoing management to manage the licensing program
30	<u>Enacting special regulations for adult motels</u>	Targets those motels most likely to generate a high number of service calls by limiting their operations in various ways	...problems at the motels stem from prostitution, and compliance with regulations can be easily monitored	Exemptions may need to be provided for legitimate hourly rentals such as corporate hospitality suites
31	<u>Requiring a performance bond or other changes at the property in exchange for continued business operation</u>	Gives police financial leverage over problem motels	...problem motels have sufficient resources and incentive to take out a bond	Requires legal support and clear identification of significant problems at a property
32	<u>Seeking cost recovery for excessive officer time spent at problem motels</u>	Jurisdictions calculate the value of officer or other staff time required to address problems at a motel	...one or two motels are extreme outliers with respect to calls-for-service ratios	May require legal action
33	<u>Closing the property</u>	Problem motels can no longer operate	...motel owners have actively allowed crime to occur on the property	Can be expensive and time-consuming; requires the support of city or county legal property owners must be identified, which can be a challenge
34	<u>Using asset forfeiture or seizure</u>	Jurisdictions assume ownership of property used for illicit purposes	...the property can be relatively easily sold or converted to other uses	Faces legal challenges

Responses With Limited Effectiveness

#	Response	How It Works	Works Best If...	Considerations
35	<u>Continually arresting offenders at problem properties</u>	Intended to remove problem guests from motels and deter them from returning	...arrests are used to build a case against owners regarding poor guest screening	Except for case-building, this is not an effective use of officer time
36	<u>Conducting field interviews of people at problem motels, and traffic stops of vehicles leaving them; scheduling extra police patrols of problem motels</u>	Intended to deter problem guests from frequenting motels	...the measures are used to better understand what attracts problem guests to the motels	Except for data-gathering, this is not an effective use of officer time
37	<u>Implementing Crime-Free Hotel/Motel programs</u>	Intended to promote voluntary compliance with good management practices		Focuses on process rather than outcomes

Notes

[1] Plaster and Carter (1993).

[2] Brantingham and Brantingham (1995).

[3] Brantingham and Brantingham (1995).

[4] American Hotel & Lodging Association (2004).

[5] American Hotel & Lodging Association (2004).

[6] Bichler, Christie, and McCord (2003).

[7] Eisenberg, Plouffe, and Schmerler (2002).

[8] Postcard History of Motels (2002).

[9] Postcard History of Motels (2002).

[10] Bichler, Christie, and McCord (2003).

[11] Working for America Institute (2003).

[12] American Hotel & Lodging Association (2004).

[13] Campbell DeLong Resources Inc. and Portland Police Bureau (1999). [\[Full text\]](#)

[14] Smallwood (2000).

[15] Theisen (2002).

[16] Bichler, Christie, and McCord (2003).

[17] Bichler, Christie, and McCord (2003).

[18] Palmer (2002).

[19] Eck (1998); Clarke and Bichler-Robinson (1998); National City Police Department (2002) [\[Full text\]](#) ; Charlotte-Mecklenburg Police Department [text](#)

[20] Gardiner and Crawford (2003).

[21] Campbell DeLong Resources Inc. and Portland Police Bureau (1999). [\[Full text\]](#)

[22] Campbell DeLong Resources Inc. and Portland Police Bureau (1999). [\[Full text\]](#)

[23] University of Minnesota (2000).

[24] Gardiner and Crawford (2003).

[25] Campbell DeLong Resources Inc. and Portland Police Bureau (1999). [\[Full text\]](#)

[26] Woodbury Police Department (2001). [\[Full text\]](#)

[27] National City Police Department (2002). [\[Full text\]](#)

[28] Schneider (2003).

[29] Campbell DeLong Resources Inc. and Portland Police Bureau (1999). [\[Full text\]](#)

[30] Beaudry and Brandt (1998).

[31] Theisen (2002b).

[32] Stevens (2002).

[33] Kohr (1991).

[34] Thompson (1999).

[35] Gardiner and Crawford (2003).

[36] Campbell DeLong Resources Inc. and Portland Police Bureau (1999). [\[Full text\]](#)

[37] Oakland Police Department (2003). [\[Full text\]](#)

[38] Charlotte-Mecklenburg Police Department (1998). [\[Full text\]](#)

[39] Anderson (1999).

[40] Kohr (1991).

[41] Plaster and Carter (1993).

[42] Felson (1998).

[43] Campbell DeLong Resources Inc. and Portland Police Bureau (1999). [\[Full text\]](#)

[44] Twin Falls Police Department (1999). [\[Full text\]](#)

[45] Slepian (2002).

[46] Campbell DeLong Resources Inc. and Portland Police Bureau (1999). [\[Full text\]](#)

[47] Fresno Police Department (2001). [\[Full text\]](#)

[48] Mazerolle, Roehl, and Kadleck (1998). [\[Full text\]](#)

[49] Fresno Police Department (1998). [\[Full text\]](#)

[50] City of Stockton (2001). [\[Full text\]](#)

[51] City of Oakland (1999).

[52] Gardiner and Crawford (2003).

[53] Amato et al. (1999).

[54] Davis and Lurigio (1998).

[55] Yuma Police Department (1998). [\[Full text\]](#)

[56] Yuma Police Department (1998) [\[Full text\]](#) ; Fresno Police Department (2001) [\[Full text\]](#) ; Fresno Police Department (1998). [\[Full text\]](#)

[57] Smallwood (2000).

[58] National City Police Department (2002). [\[Full text\]](#)

[59] Davis and Lurigio (1998).

[60] Brookover and Morris (2003).

[61] Thomason (2003); Gregor (2003).

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Related POP Projects



The quality and focus of these submissions vary considerably. With the exception of those submissions selected as winners or finalists, these documents are unedited and are reproduced in the condition in which they were submitted. They may nevertheless contain useful information or may report innovative

Big Star Motel Project , Fresno Police Department (CA, US), 1998

Creating Relationships and Safe Hotels , Woodbury Police Department (MN, US), 2001

Federal Highway Project , Hollywood Police Department (FL, US), 1998

Independence Lodge Project , Charlotte-Mecklenburg Police Department (NC, US), 1998

Motel Interdiction Program: A Nuisance Abatement Project , Reno Police Department (NV, US), 2006

Narcotic Detection/Criminal Apprehension Through Enforcement and Education , Twin Falls Police Department (ID, US), 1999

Oakland Airport Motel Program [GOLDSTEIN AWARD WINNER], Oakland Police Department (CA, US), 2003

Operation Safe Stay , Henrico County Division of Police (VA, US), 2008

Operation Spotlight [GOLDSTEIN AWARD FINALIST], Arlington Police Department (TX, US), 2008

Paradise Motel Community Improvement Project , National City Police Department (CA, US), 2002

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Reducing Crime and Disorder at Hotels and Motels in Chula Vista, California [GOLDSTEIN AWARD WINNER], Chula Vista Police Department (CA, U

The Fresno Inn , Fresno Police Department (CA, US), 2001

The Klondiker Hotel Project: Hotels, Crime, and Problem-Solving on the Beat [GOLDSTEIN AWARD FINALIST], Edmonton Police Service (AB, CA), 1

Tropicana Motel Project , Yuma Police Department (AZ, US), 1998



TO: City Council

FROM: Eric A. Keck

DATE: Oktober 8, 2015

SUBJECT: Citizen of the Year Selection Process

Included in the 10-12-2015 Study Session packet is the criteria and process used for selection of the Citizen of the Century and Englewood Parks & Recreation Facility Naming Policy to guide the Citizen of the Year selection process.

These are illustrative of what the Council may wish to utilize in the selection of Citizen of the Year. Staff looks forward to working with the City Council in adapting these criteria into a functional process.

Criteria and Process for Selection of the Citizen of the Century

Criteria

1. Significance of the nominee's contribution to the Englewood community:
 - Do/did he/she leave a "legacy" or make a difference in peoples' lives?
 - What is his/her "story"?
2. Impact of this nominee's service or contribution to the community:
 - Do/did the nominee's contribution(s) affect the development of the community?
 - Are (were) the nominee's contribution(s) widespread in the community, or beyond?
 - Do/Did the nominee's contribution(s) impact the City's infrastructure?
 - Is (was) there an on-going or continuing impact as a result of the nominee's service or contribution(s) to the community?
3. Duration of service or contributions:
 - Did the nominee contributed to the community over much of his/her life?
4. Was/is the nominee's service or contribution part of his/her job duties or was the service a volunteer effort?
 - Was the contribution/service made as a function of employment, while on the job, or was the contribution/service performed on his/her "own time."

Each criterion will be rated on a scale of 1-10, with 10 being a "perfect" score. The committee will determine whether each of the criteria will be weighted equally or whether the criteria will have greater or lesser weight compared to the others.

Process

Prior to the January meeting, staff will provide the committee with general background information on each of the nominees. The committee will review and finalize selection criteria and process and have a general discussion about the nominees. Committee members who have been nominated will be excused following the general business portion of the meeting and from the remaining meetings at which the selection is being considered.

All committee members involved in the selection process must attend all meetings during which the selection is discussed in order to have input in the final selection.

During the February and March meetings, the committee will discuss the nominees' attributes and qualifications in open forum. Staff will provide a comparative matrix of each nominee's attributes against the selection criteria. Following the completion of that discussion in the March meeting, the committee members will rank the nominees first through fifth (or more, if the committee so decides). During or following the March meeting, the ranking from all committee members will be tabulated by staff, based on 5 points for a #1 ranking, 4 points for a #2, etc.

At the April meeting, the committee will review the overall rankings and discuss the results. The committee will make a determination, hopefully by consensus, on the Citizen of the Century. The committee may, if they feel it appropriate, chose more than one person for the honor.



City of Englewood Department of Parks and Recreation Facility Naming Policy

It is the policy of Englewood Parks and Recreation Department that the naming of new and renaming of existing parks and recreational facilities be reserved for exceptional circumstances and that the naming process comply with the guidelines and procedures set forth in this policy. Approval of naming requests is a prestigious and cautious process that involves the Englewood Parks and Recreation Commission, City of Englewood Director of Parks and Recreation, and Englewood City Council. The Parks and Recreation Commission, Director of Parks and Recreation and Englewood City Council reserve the right to name any new or existing “Parks and Recreation Facilities”.

In regards to this document, “Parks and Recreational Facilities” will include the following:

Parks: All traditional designed parks, natural open spaces, historic sites, golf courses, specialized parks (e.g. skate park), trailheads and trails under the Department’s jurisdiction or management.

Buildings: Significant park and recreation structures that house parks and recreational programs (e.g. recreation centers, shelters, etc.).

Major Features: Major, permanent components of park and recreational facilities, e.g. ball fields, swimming pools, tennis courts, flower beds, playgrounds, fountains, artwork, or physical features (lakes). Rooms within buildings are considered to be major features.

Background and Principles

The policy of the Department is to reserve the naming or renaming of parks and recreational facilities to those circumstances which tradition and practice have shown to best serve the interests of the City and assure a worthy and enduring legacy of the City’s parks and recreation system. The Department supports consideration of naming requests in the following broad categories:

Exceptional Individuals: Sometimes recognition of an exceptional City leader or a dedicated supporter of the City parks and recreation system can result in a community supported renaming of an existing or naming of a new park or recreational facility.

Historic Events, Places, and Persons: The history of a major event or place or historic persons can play an important role in the naming or renaming of parks and recreational facilities. The public often expresses a strong desire to preserve and honor the history of the City, its founders, pioneers, and other historical figures, its Native American heritage, and its local landmarks and prominent geographical locations by giving certain parks and recreational facilities names of historic, social, and cultural significance.

Monetary Donations / Major Gifts: Benefactors seeking naming rights for major gifts will be required to follow the guidelines with respect to naming of parks and buildings after persons. An exception may be considered on its own merits. A major feature that has been donated or refurbished may be named for a living person(s) provided that said person(s) is of good reputation and character.

Criteria

Consideration of each nomination will require sufficient supporting documentation that connects the request to one or more of the criteria “a” through “h” listed below. A reasonable amount of background material/history (ie: list of accomplishments, list of awards, etc.) is required along

with letters of support from members of the community who are familiar with the nominee's contributions as they relate to these criteria.

- a. Will the name have historical, cultural, and social significance for generations to come?
- b. Will the name engender a strong and positive image?
- c. Will the name memorialize or commemorate people, places, or events that are of enduring importance to the community, state or the nation?
- d. Will the name engender significant ties of friendship and mutual recognition and support within the community or with those outside of the community?
- e. Will the name be identified with some major achievement or the advancement of the public good within the community, state or the nation?
- f. Will the name be particularly suitable for the park or recreational facility based on the location or history of the park, recreational facility, or the surrounding neighborhood?
- g. Will the name have symbolic value that transcends its ordinary meaning or use and enhance the character and identity of the park or recreational facility?
- h. Will the naming request that accompanies a corporate gift result in the undue commercialization of the park or recreational facility?

Procedure for community or citizen request to name or rename a park or building

The procedure for a request to name or rename a park or recreation facility is as follows:

- 1) A written request must be received by the Director of Parks and Recreation.
- 2) The Director of Parks and Recreation will coordinate with the applicant to make a presentation to the Parks and Recreation Commission.
- 3) The Parks and Recreation Commission will review the request and determine whether or not to recommend the proposed new name to the Englewood City Council for final approval. An affirmative vote of a majority of a quorum of the Commission is necessary to recommend approval of a new name.

To be considered:

1. Any naming request shall be submitted in writing to the Director of Parks and Recreation.
2. The request should document the reason for the request and show broad-based community support including letters of support from the community, community or sports associations, and/or local supporters and businesses.
3. The request should contain a description and/or map of the boundaries of the park or building to be named or renamed.
4. Requests from any person(s) or entity(ies) who donates property or provides significant monetary contribution towards acquisition or development of a facility or property shall receive special consideration.
5. If a name is submitted which commemorates a historical event, the event will be one of significance to a substantial portion of the community, and this fact will be documented.
6. Facilities shall not be named for service clubs, lodges, fraternal organizations, religious or educational institutions, or any other society.
7. Profane or offensive names are not eligible.
8. Parks and recreation facilities may be named for a person subject to the following conditions:
 - a. The person may be deceased or living.
 - b. The person must have made a significant positive contribution to parks, recreation, or culture in the community without which the park/facility may not

- exist, or in which the individual's contributions enhanced a program or facility in an extraordinary way.
- c. From the time the formal request is received by the Director of Parks and Recreation to when the process will begin, due diligence and process will not exceed twelve months.
9. The City will bear the cost of the plaque or monument indicating the name of the individual for whom the facility is named.

Procedures for the naming and renaming of parks, buildings, and major features associated with major gifts.

The request to name or rename a park, building and major feature associated with major gift will follow the same procedure as stated under Procedure to name or rename a park or recreation facility. The community will be notified of the proposed action at the Commission meeting.

Other Considerations

The limitation on naming a park should not prevent giving a different name for a trail, building, or major feature located in or near the park. However, care should be taken in giving a name to a trail, building, or major feature that is different from the name of the park so that confusion is not caused for the users of said differently named facilities.

Facilities that are held by the Department through a short-term lease or use agreement or improvements that have a limited life span or occupancy should not be named.

All signs on parks and recreational facilities must meet the Department's graphic and signage standards.

At the sole discretion of the City, the City reserves the right to remove or rename parks, buildings, and major features at any time for any reason.