

ORDINANCE NO. 3041

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
MUNICIPAL CODE 15.20 AND ESTABLISHING MUNICIPAL
CODE 5.39 REQUIRING HOTELS AND MOTELS TO HAVE A
PERMIT TO OPERATE

WHEREAS the City of Chula Vista is committed to the health, safety and welfare of its residents; and

WHEREAS it is also a high priority of the City Council to provide for the health, safety and welfare of visitors to the City; and

WHEREAS hotels/motels can have disproportionately high rates of police and emergency calls for service, violence, prostitution and drug activity which can have a negative impact on health, safety and welfare of the community; and

WHEREAS there is no common set of operating standards within the hospitality industry that defines and shapes the obligation of hotel and motel businesses to their guests and the surrounding community; and

WHEREAS it is the intent of the City Council to proactively establish local health, safety and welfare standards for hotels/motels in the City of the Chula Vista that will help create a vibrant and robust environment for the enjoyment of its tourists, visitors, residents and businesses.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista finds and determines that it is important for the health and safety of visitors to the City of Chula Vista that hotels/motels in the City meet the minimum operational standards of the City and to require hotel/motel operators to obtain an annual Permit to Operate to ensure that these standards are being adhered to and does hereby ordain:

SECTION I. That Chapter 15.20 of the Chula Vista Municipal Code is hereby amended to read as follows:

Chapter 15.20
HOUSING CODE*

Sections:

15.20.001 Severability

15.20.002 Definitions

15.20.010 California Housing Code 1998 Edition and Uniform Housing Code
1997 Edition adopted by reference.

15.20.020 Section 201.1 amended to designate assistant director of building and
housing as building official.

15.20.030 Section 203.1 amended to designate board of appeals and advisors as
housing advisory and appeals board.

15.20.040 Section 304 added to require annual housing permit.

15.20.050 Section 305 added to require housing permit fees to be set by city's master fee schedule.

15.20.060 Section 306 added to require suspension or revocation of annual housing permit where operation is nonconforming.

15.20.070 Hotel/motel - Permit to Operate

15.20.080 Hotel/motel – Guestroom – Minimum requirements.

* For statutory authority for cities to adopt codes by reference, see Gov. Code § 50022.1, et seq.; for statutory adoption of building codes and other codes to apply as housing construction regulations throughout the state, see Health and Safety Code § 17922.

Prior legislation: Prior code §§ 16A.1, 16A.3, 16A.5, 16A.6 and 16A.7; Ords. 1357, 1594, 1606, 1735 and 1817.

15.20.001 Severability.

It is declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Prior code § 1.5).

15.20.002 Definitions.

For the purpose of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. **“Guestroom”** means a sleeping room in a hotel/motel designed and intended to be used as lodging for transient visitors to the city as documented by the city building official or his designee.

B. **“Hotel/motel”** means any building or group of buildings or facility, containing six or more guestrooms, which is occupied or intended or designed for occupancy by transients for lodging or sleeping purposes for thirty days or less and is held out as such to the public. “Hotel/motel” does not mean any hospital, convalescent home or sanitarium;

C. **“Residential rental unit”** means an apartment house, lodging house, or dwelling that is not owner occupied;

D. **“Toilet Room”** means a room that can be made private by locking a door that contains a toilet and shall comply in all ways with the California Building Codes in effect upon its construction. Toilet rooms may also contain lavatories, bathtubs or showers.

E. **“Transient”** as defined in CVMC Section 3.40.020

15.20.010 California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition adopted by reference.

There is hereby adopted by reference that certain document known and designated as the California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition as copyrighted by the International Conference of Building Officials. Said document is hereby adopted as the housing code of the city of Chula Vista, California, providing for the issuance of housing permits and providing the minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings in the city of Chula Vista, and the regulations, provisions, penalties, conditions and terms of said California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition are hereby referred to, adopted, and made a part hereof, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; Ord. 2046 § 1, 1983).

15.20.020 Section 201.1 amended to designate assistant director of building and housing as building official.

Section 201.1 of the Uniform Housing Code, as it applies in Chula Vista, shall read as follows:

Section 201.1 Authority. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purpose, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code. The building official shall be the assistant director of planning and building.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2506 § 1, 1992; Ord. 2439 § 6, 19912; Ord. 2344 § 1, 1989; Ord. 2046 § 1, 1983).

15.20.030 Section 203.1 amended to designate board of appeals and advisors as housing advisory and appeals board.

Section 203.1 of the Uniform Housing Code, and the title precedent thereto, as it applies in Chula Vista, is hereby amended to read as follows:

Board of Appeals and Advisors.

Section 203.1 General. In order to provide for reasonable interpretation of the provisions of this code, to mitigate specific provisions of the code which create practical difficulties in their enforcement and to hear appeals provided for hereunder, there is hereby established a board of appeals and advisors consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction, use and occupancy of residential structures. The assistant director of planning and building shall be an ex-officio member who shall not be entitled to vote and who shall act as secretary to the board. The board of appeals and advisors shall be appointed by the mayor and confirmed by the city council. The board shall render all decisions and findings in writing to the assistant director of planning and building with a duplicate copy to the appellant. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of this code or in accordance with such procedures as may be prescribed by the city attorney of the city of Chula Vista. The decision of the board is final. The board of appeals and advisors shall recommend to the city council such new legislation deemed necessary to govern construction, use and occupancy of residential structures, in the city of Chula Vista.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989).

15.20.040 Section 304 added to require annual housing permit.

Section 304, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Annual Housing Permit.

Section 304.1 It shall be unlawful for any person, firm, partnership, or corporation, either for himself or itself, or for any other person, firm, partnership, or corporation to own or operate an apartment house, lodging house or hotel/motel without first obtaining a housing permit therefor.

Section 304.2 The annual housing permit provided for in this code shall be due and payable to the city of Chula Vista on the first day of January of each year in advance. The housing permit fee shall be paid concurrently with the business license fee.

Section 304.3 If any person, firm, partnership or corporation commences the operation of an apartment house or hotel/motel during the calendar year, the housing permit shall be prorated on a quarterly pro rata basis for the calendar year.

Section 304.4 A permit to operate and maintain an apartment house or hotel/motel is not transferable.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2506 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; 2046 § 1, 1983).

15.20.050 Section 305 added to require housing permit fees to be set by city's master fee schedule.

Section 305, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Housing Permit Fees – Residential rental units, Apartment Houses, Lodging Houses, Hotels and Motels.

Section 305.1 The fee for a housing permit required by Section 304 of this code shall be as presently designated, or as it may hereafter be amended, as set forth in the master fee schedule of the city of Chula Vista.

For the purpose of this section, a “unit” shall mean each rental dwelling in an apartment house, each sleeping room in a hotel, motel, and lodging house, and each apartment and each hotel/motel sleeping room in a building containing both apartments and hotel/motel sleeping rooms.

Separate residential rental units and separate hotel/motel buildings, or combination thereof, located upon a single parcel of land or contiguous parcels of land, under the same ownership, shall be treated as one apartment house, or hotel, for the purpose of computing the fee prescribed by this section.

Section 305.2 Penalty for Delinquent Payment. If the housing permit is not paid on or before the thirtieth day of the month following the date when it became due, then a penalty in an amount equal to twenty-five percent of the permit fee due and payable shall be added thereto, and no such permit shall be issued until such penalty has been paid.

Section 305.3 The assistant director of planning and building shall cause to be made such inspections, at such intervals, as shall be deemed necessary to insure compliance with the provisions of this code.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; 2046 § 1, 1983).

15.20.060 Section 306 added to require suspension or revocation of annual housing permit where operation is nonconforming.

Section 306, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Suspension and Revocation of Housing Permit.

Section 306 Whenever it is found that any apartment house, lodging house, hotel or motel is not being conducted in conformity with this code, the annual housing permit to operate shall be subject to revocation or suspension by the building official.

(Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992).

15.20.070 Hotel/motel – Permit to Operate.

In addition to the requirements of CVMC 15.20.060, hotel/motels must have a Permit to Operate as required by CVMC Chapter 5.39.

15.20.80 Hotel/motel – Guestroom – Minimum requirements.

No person or hotel/motel may offer for rent, use, or occupancy any guestroom that does not meet or exceed the following minimum equipment and amenities:

- A. An American standard double size mattress or larger made with 100% new material resting on a box spring and supported on a frame or pedestal and maintained in a sanitary, nondefective condition;
- B. Clothes closet with clothes rod;
- C. Luggage rack or luggage support counter;
- D. Toilet room;
- E. Lavatory;
- F. Bathtub or shower;
- G. Heating and air conditioning under guest control;
- H. Mirror securely attached to a wall and with minimum dimensions of 12" x 12";
- I. Security deadbolt on the entry door incorporating no special knowledge panic release hardware and in compliance with California Code of Civil Procedures Section 1941.3;
- J. Solid core entry door securely mounted within its frame;
- K. Doorguard constructed of solid brass or stainless steel;
- L. Door viewer with 160° view in all directions installed in the guestroom entry door;

▪ Exception:

1. Sidelight or window in close proximity to the door is also acceptable.

M. Twenty-four (24) hour free emergency telephone access to the front desk and to 911 services;

N. A rate schedule for services posted in each guestroom in a conspicuous place in compliance with California Code of Civil Procedures Section 1863;

O. Insect screens on all operable windows;

P. Functional locking mechanisms on all operable windows and sliding glass doors in compliance with California Code of Civil Procedures Section 1941.3;

Q. Window coverings on each transparently glazed window that provide for complete privacy when closed and that are free of holes, tears, and frayed areas, defined as in excess of a 1 inch square combined total area, and that meet the California Title 19 requirements for fire safety;

SECTION II. That Chapter 5.39 of the Chula Vista Municipal Code is hereby established to read as follows:

5.39.020 Severability.

It is declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

5.39.030 Definitions.

For the purpose of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. **“Calls for Service”** includes but is not limited to any and all calls to emergency services, (police, fire, medical) that result in a representative being dispatched or directed to the hotel/motel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be traced to the hotel/motel staff and or registered guest(s) and/or visitor(s). Calls for service includes any self initiated activity and/or investigation based on the observation(s) of an emergency services representative.

B. **“Drug-related arrests”** include, but are not limited to, those that involve the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving away, or providing a place to use or fortification of a place involving, any controlled drug, narcotic or drug paraphernalia.

C. **“Guest”** shall mean any person that occupies a guestroom.

D. **“Guestroom”** shall mean a sleeping room in a hotel/motel designed and intended to be used as lodging as documented by the city building official or his designee.

E. **“Guestroom minimum requirements”** shall mean those requirements as set forth in CVMC 15.20.

F. **“Hotel/motel”** means any building or group of buildings or facility, containing six or more guestrooms, which is occupied or intended or designed for occupancy by guests for lodging or sleeping purposes and is held out as such to the public. “Hotel/motel” does not mean any hospital, convalescent home or sanitarium.

G. **“Hotel/motel operation”** means the occupancy of any guestroom or use of any hotel/motel facility regardless of compensation or remuneration.

H. **“Kitchen”** shall mean a discrete area completely separate from the bathroom and toilet room, containing a sink, refrigerator, and cooking appliance.

I. **“Manager”** means any person who, in connection with the activities of a hotel/motel, manages the business’s operations, including but not limited to the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, and handling guest affairs and overseeing security. The term shall also include Resident Manager and Assistant Manager.

J. **“Operator”** means any person, who is the proprietor of any hotel/motel, whether in the capacity of owner, lessee, receiver, sublessee, franchisee, mortgagee in possession, manager or agent of any of the aforementioned, who offers and accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling unit.

K. **“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 Diego 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.

L. **“Person”** shall mean any natural person, firm, partnership, corporation, receiver, trustee, estate trust, business trust, organization, or association.

M. **“Prostitution-related arrests”** include, but are not limited to, those that involve prostitution or prostitution-related crimes such as, pimping or pandering, in violation of Section 647(b), 315, 316, 653.22, and 653.23 of the California Penal Code.

N. **“Toilet room”** means a room that can be made private by locking a door that contains a toilet and shall comply in all ways with the California Building Codes in effect upon its construction. Toilet rooms may also contain lavatories, bathtubs or showers.

5.39.040 Permit to Operate – Application deadline and fee.

The annual permit to operate shall be applied for to the City Manager, or his designee, on a yearly basis by the operator of each hotel/motel. The deadline for submitting the application shall be November 1, or, if this date falls on a Saturday or Sunday, on the next business day of the City of Chula Vista. The application shall be submitted with a processing fee, as identified in the City's master fee schedule. The permit shall be issued or denied within 60 days. The first operating permit will be required as of January 1, 2008, and on a yearly basis thereafter.

In the event that a new hotel/motel operator applies for a permit during the year prior to November 1, the permit will be issued or denied within 60 days. Any subsequent permit may be applied for on November 1 of the following year and issued or denied within 60 days.

5.39.050 Permit to Operate – Application required – Contents.

All persons applying to the City Manager, or his designee, for a permit to operate a hotel/motel shall file with the city Chief of Police, or his designee, a sworn application with processing fee therefore on forms provided by the city and containing information as follows:

- A. Business license in accordance with Chapter 5.13 "Rental Businesses."
- B. The name of the applicant and trade name, if any, of the business; the name of the corporation and the name and address of its agent for service;
- C. The business name, address, and phone number of the hotel/motel, and the emergency contact phone information for the hotel/motel.
- D. The number of toilets in the hotel/motel.
- E. The number of kitchens in the hotel/motel.
- F. Proof of liability insurance, if applicable, including the carrier, policy number, agent's name, address and phone number or a statement of self-insurance.
- G. Annual inspection report, on the form(s) provided by the City, by an Environmental Health Specialist registered with the California Department of Health Services, certifying that the facility is in compliance with California public health requirements.
- H. Transient occupancy tax bond if required by the city finance director. See Chapter 3.40.

Any material misrepresentation in the application for the Permit to Operate a hotel/motel or a failure to provide the required information shall be grounds for denial.

5.39.060 Permit to Operate – Grounds for Denial.

The permit to operate may be denied for any of the following reasons:

- A. The applicant is unable to establish a degree of financial responsibility required by CVMC Chapter 3.40 "Transient Occupancy Tax" or has an outstanding debt to the city incurred under Section 3.40.090.
- B. The hotel/motel property has an unabated Notice of Violation, in excess of thirty (30) days, of the City Municipal Code that cites violations of the State of California Housing Law.
- C. Such other relevant facts as the chief of police, or his designee, may discover or deem advisable or necessary in the course of the review of the application, such as:
 - a. Drug-related arrests
 - b. Prostitution-related arrests
 - c. Calls for service
- D. Non-compliance with federal, state, and City Municipal Codes.

5.39.070 Permit to Operate – Denial – Appeal Hearing.

Whenever the City denies a Permit to Operate for a hotel/motel, as provided in this chapter, the owner or operator of said hotel/motel shall have a right to a hearing to appeal the denial in accordance with CVMC Chapter 1.40.

5.39.080 Permit to Operate – Display.

The operator shall display the Permit to Operate in an open and conspicuous place on the premises.

5.39.090 Permit to Operate – Non-transferability.

Each Permit to Operate issued pursuant to CVMC 5.39.030 through 5.39.170 shall be separate and distinct from all others and shall not be transferable from the person, firm or corporation to whom issued to any other person, firm or corporation. (Ord. 886 § 1, 1964; prior code § 31.54).

When a change of operator occurs at an existing hotel/motel, the new operator shall apply for a Permit to Operate within 10 business days of opening of escrow. If the prior operator's Permit to Operate for the hotel/motel was denied or revoked, a provisional Permit to Operate may be issued with special conditions designated by the Chief of Police or his designee.

5.39.100 Permit to Operate – Report of changes to the application.

Whenever an owner sells or transfers title to, or assigns the lease of or subleases, a hotel/motel, then the owner shall notify the city manager in writing within five (5) business days of such transfer.

Every operator of a hotel/motel shall report any change in the information required by CVMC 5.39.030 through 5.39.170, including but not limited to any change in the manager(s) and/operator(s) and/or owner(s) as defined in Section 5.39.030 (I), (J), (K) to the chief of police in writing within five business days after the change has occurred. A change in the information on the application is subject to review by the chief of police and may be grounds for suspension or revocation of the Permit to Operate.

5.39.110 Permit to Operate - Revocation

The annual permit to operate shall be subject to revocation by the City Manager, or his designee, and/or Chief of Police, or his designee, upon good cause shown that the operation of the hotel/motel is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the residents or businesses of the neighboring community by any of the following:

- A. Non-compliance with Federal, State, and City Municipal Codes
- B. Drug-related arrests
- C. Prostitution-related arrests
- D. Calls for service
- E. Any other conditions, problems, issues, concerns or facts that are deemed relevant.

In processing a revocation the Chief of Police, or his designee, shall prepare an investigation report that details the circumstances that have lead to the revocation. It may include any or all of the following that are applicable:

1. Frequency or occurrence of violation(s), arrest(s), call(s) for service;
2. Seriousness of the violation(s), arrest(s), call(s) for service; in relation to its threat or impact upon public health, safety or welfare;
3. History of the violation(s), arrest(s), call(s) for service;
4. Good faith efforts taken by the responsible party to correct, reduce and or alleviate violation(s), arrest(s), call(s) for service;
5. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem;
6. The impact of the violation(s), arrest(s), call(s) for service; on the surrounding property and community;
7. The financial impact to the City.

5.39.120 Notice of Hearing

Upon good cause shown in the Revocation Investigation Report issued by the Chief of Police, or his designee, the City Manager, or his designee, shall issue a Notice of Hearing for Revocation of Permit to Operate in accordance with CVMC 1.40.030 and shall schedule a hearing before the hearing examiner in accordance with CVMC 1.40.020 (B).

5.39.130 Notice of Revocation of Permit to Operate

Upon confirmation and final decision issued by the hearing examiner, the Chief of Police, or his designee shall, in addition to the requirements of CVMC 1.40.020 (H), post a copy or copies of the Notice of Revocation of Permit to Operate at the hotel/motel.

5.39.140 Notice of Revocation of Permit to Operate – Removal or Tampering with Posted Notice

A posted Notice of Revocation of Permit to Operate may only be removed by an authorized City official. Any removal, covering, defacing, altering or tampering by unauthorized person(s) may be prosecuted as a misdemeanor.

5.39.150 Permit to Operate – Surrender following revocation.

Whenever a Permit to Operate has been revoked by the City, the operator of the hotel/motel for which such permit was issued shall surrender such permit to the city forthwith. The hotel/motel operation shall cease within 72 hours of the posting of the Notice of Revocation of Permit to Operate in accordance with CVMC 5.39.140.

5.39.160 Permit to Operate – Reissue after revocation.

A Conditional/Permit to Operate that is revoked shall not be reissued for a period of three (3) years from the date of such revocation.

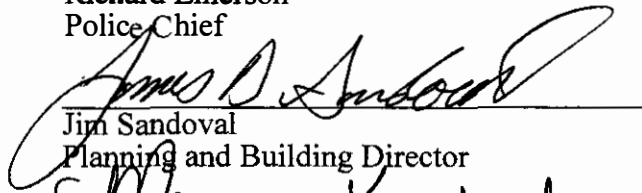
5.39.170 Violation – Penalty.

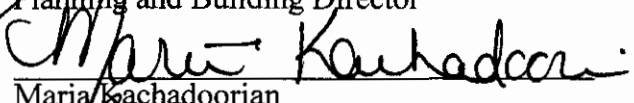
It is unlawful to operate a hotel/motel without a valid Permit to Operate or to fail to comply with any of the requirements established by this chapter. Violations of this section shall be subject to enforcement by any and all remedies listed in Title 1 of the Chula Vista Municipal Code, including a fine of up to \$1,000 and/or six months in the county jail.

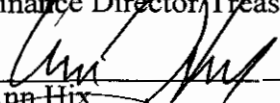
SECTION III. This Ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.


Presented by


Richard Emerson
Police Chief

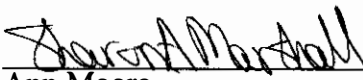

Jim Sandoval
Planning and Building Director


Maria Kachadoorian
Finance Director/Treasurer


Ann Hix
Acting Community Development Director


Doug Perry
Fire Chief

Approved as to form by



Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 22nd day of August 2006, by the following vote:

AYES: Councilmembers: Castaneda, Chavez, McCann, Rindone and Padilla

NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Stephen C. Padilla, Mayor

ATTEST:



Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3041 had its first reading at a regular meeting held on the 8th day of August, 2006 and its second reading and adoption at a regular meeting of said City Council held on the 22nd day of August 2006.

Executed this 22nd day of August 2006.



Susan Bigelow, MMC, City Clerk