

Legislation Details (With Text)

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|----------------------|---|----------------------|---|-------------------------------|--|
| File #: | 15-10019 | Version: | 1 | Name: | |
| Type: | Policy Item | Status: | | Approved | |
| File created: | 1/3/2019 | In control: | | City Council Business Meeting | |
| On agenda: | 1/14/2019 | Final action: | | 1/14/2019 | |
| Title: | Amend Portion of Lodging Establishments Ordinance | | | | |
| Attachments: | 1. Amended_Lodging Establishments_Chapter 15_OFFENSES AND MISCELLANEOUS PROVISIONS_Final_010319 | | | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------------------|---------|--------|
| 1/14/2019 | 1 | City Council Business Meeting | Approve | Pass |

Amend Portion of Lodging Establishments Ordinance

Action:

Approve the Community Safety Committee's recommendation to amend the Lodging Establishments Ordinance.

Committee Chair:

Justin Harlow, Community Safety

Staff Resource(s):

Hope Root, City Attorney's Office
Kerr Putney, Police
Mark Newbold, Police

Current Ordinance

- City Council adopted the most recent version of Article XIII Offenses and Miscellaneous Provisions of the Lodging Establishments Ordinance in 2008, which allowed the Charlotte-Mecklenburg Police Department to ask hotels and motels for guest registration and reservation information about potential suspects involved in criminal activity.
- On June 22, 2015, the United States Supreme Court in *City of Los Angeles, Ca. v. Patel, 135 S. Ct. 2443* held that an ordinance that required hotel operators to record and keep specific information about their guests, and to turn that information over to the police upon demand, was unconstitutional. The U.S. Supreme Court found the ordinance unconstitutional because:
 - The ordinance failed to provide hotel owners opportunity to challenge the government's decision to take the records prior to compliance,
 - Hotels were not a closely regulated business, and
 - The government must obtain either a search warrant or consent from the owner before obtaining the records.
- The City has a similar ordinance which provides in part that "it is a crime to fail to allow a law enforcement officer to conduct an on-site inspection of registration or reservation information about a registered guest, who is a suspect in a particular crime."
- The proposed amendment removes language that conflicts with the U. S. Supreme Court's holding in *California v. Patel*.

Proposed Changes

- Section 15-302. Prohibited Acts: Delete Section (6)
- Section 15-302. Prohibited Acts: Delete Section (7)

Committee Discussion

- The Community Safety Committee (Committee) received a presentation and memo on November 15, 2018, and December 11, 2018, concerning the proposed amendments to the Lodging Establishments Ordinance.
- The Committee voted unanimously to recommend the amendments to full City Council (Winston, Bokhari, Mitchell; Eiselt and Harlow were absent).

Attachment(s)

Lodging Establishments Ordinance