

ASSEMBLY BILL

No. 192

Introduced by Assembly Member Hagman

January 28, 2013

An act to add Section 65863.15 to the Government Code, relating to zoning violations.

LEGISLATIVE COUNSEL'S DIGEST

AB 192, as introduced, Hagman. Zoning violation: hotel operation.

Existing law authorizes the legislative body of any county or city to adopt ordinances that regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes.

This bill would make it a misdemeanor, punishable by fine or imprisonment, or both, for any person who violates such an ordinance by operating a hotel, as defined, in an area zoned for residences.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65863.15 is added to the Government
2 Code, to read:

3 65863.15. (a) Notwithstanding any other provision of law,
4 any person who violates the zoning ordinance of a city, county, or
5 city and county by operating a hotel in an area zoned for residences
6 is guilty of a misdemeanor, and upon conviction shall be punished
7 by a fine of not less than five hundred dollars (\$500), and not more
8 than five thousand dollars (\$5,000), or by imprisonment of not
9 less than 30 days nor exceeding six months, or by both that fine
10 and imprisonment.

11 (b) For the purposes of this section, “hotel” means a building
12 containing 6 or more guest rooms offering transient lodging
13 accommodations to the general public.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.