

1 Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by
2 Amending Chapter 16.1, Hotels and similar establishments, Section 16.1-3, Section 16.1-
3 8, Section 16.1-12, Section 16.1-14, Section 16.1-15, Section 16.1-16, to change the
4 previously required hotel permit to a hotel operating license, remove the requirement
5 that hotel records be made available for inspection by the police at any time, and make
6 other changes to conform to state and federal law Section 16.1-17, Section 16.1-18,
7 Section 16.1-19, Section 16.1-20, and Section 16.1-21; and, the repeal of Section 16.1-4,
8 Section 16.1-5, Section 16.1-11, and Section 16.1-13 to relocate the requirements of those
9 sections to become requirements of the hotel operating license.

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11 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 16.1 of the
12 City Code of the City of Hampton, Virginia be amended to read as follows:

13
14 **CHAPTER 16.1 – HOTELS AND SIMILAR ESTABLISHMENTS**

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17
18 **Sec. 16.1-3. - Enforcement.**

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20 *The city manager or his designee, a*Any law enforcement officer, *the* fire marshal or any of his
21 assistants and *the* fire inspector, shall have *the* authority to enforce all provisions of this chapter.

22
23 **Sec. 16.1-4 – 16.1-5. - *Reserved* Access to premises and records.**

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25 ~~Any law enforcement personnel shall have access at all reasonable times to all hotels and~~
26 ~~motels, except the private room of a guest, unless so authorized by other laws or ordinances,~~
27 ~~for the purpose of investigating any complaint or enforcing any law, ordinance or regulation.~~

28
29 **Sec. 16.1-5. - ~~Numbering of rooms or units.~~**

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31 ~~Each lodging unit in any hotel or motel shall be numbered in a plain, conspicuous manner. Such~~
32 ~~numbers shall be at least three (3) inches high and shall be placed at eye level on the outside of~~
33 ~~the outer door of each lodging unit, and no two (2) lodging units shall bear the same number.~~

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35 ...

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37 **Sec. 16.1-8. - Prolonged registration or occupancy of rooms by minors.**

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39 It shall be the duty of every person in charge of ~~or~~*f* operating or owning a hotel or motel within the
40 city to keep a list, either in the register or separately, of the names and ages of all minors,
41 together with the names and addresses of their parents or guardians, who shall register or rent
42 or occupy any room or series of rooms therein for more than ~~fifteen (15)~~ consecutive days. ~~If~~
43 ~~such list is kept separately from the register, it shall be subject to inspection at all reasonable~~

44 times pursuant to subsection 16.1-4 of this chapter. This section shall not apply to active duty
45 military members who are in the area on valid work order.

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49 **Sec. 16.1-11. – ~~Reserved~~ Letting same room more than once in one night.**

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51 It shall be unlawful for any person to let any room in any hotel or motel in the city more than
52 once between the hours of 9:00 p.m. and 6:00 a.m. of the next day, except in the case of a pre-
53 scheduled and documented business contract.

54

55 **Sec. 16.1-12. - Length of stay in hotel or motel**

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57 (a) It shall be unlawful for any person to put up or stay at any hotel or motel for longer than
58 ~~thirty (30) days in a 180-day period. It shall also be unlawful for the owner, operator,~~
59 ~~manager, or person in charge of a hotel or motel to permit or allow a person to put up or~~
60 ~~stay at a hotel or motel in excess of thirty (30) days in a 180-day period.~~ This section
61 shall not apply to extended stay hotels as defined in the zoning ordinance, that have
62 either been designated as extended stay hotels by the zoning administrator or have
63 received a use permit to operate as an extended stay hotel.

64 (b) Notwithstanding subsection (a) of this section, a stay in excess of ~~thirty (30) days in a~~
65 180-day period may occur in the following situations:

66 (1) Where there is a written contract or document between a hotel or motel and a
67 business, corporation, firm, individual or governmental agency to house
68 employees or individuals on valid work orders.

69 (2) Where the *human services director* zoning administrator authorizes in writing,
70 ~~after consultation with the human services director,~~ a stay for an additional period
71 of up to ~~thirty (30) days~~ to prevent residents from becoming homeless. In the
72 event that the department of human services is unable to identify appropriate
73 alternative housing within ~~thirty (30) days~~, this ~~thirty (30) day~~ period may be
74 extended in writing by the *human services director* zoning administrator upon
75 good cause documented. *In no event shall a stay authorized under this section*
76 *be extended for more than 90 days.*

77 (3) Where there is written documentation from an attending physician that the
78 individual occupying the lodging unit or a member of their immediate family is
79 receiving long term medical treatment at a facility in the city that makes it
80 necessary to stay in the city for a period exceeding ~~thirty (30) days~~. Such written
81 documentation shall indicate the expected length of stay necessary to receive the
82 treatment.

83 (4) Where there is a written contract between the hotel or motel and a governmental,
84 charitable or insurance agency to house families in crisis who are receiving

85 temporary housing assistance from said governmental, charitable or insurance
86 agency.

87 (c) The written contract, document, or authorization referred to in subsections (1)—(4), shall
88 be kept on file *by the hotel or motel* and must be available for inspection.

89 (d) Notwithstanding subsection (a), an owner or operator of a hotel or motel may allow up to
90 two ~~(2)~~ rooms to be used for two ~~(2)~~ bona-fide employees to reside on premises for a
91 hotel or motel with up to one hundred fifty ~~(150)~~ rooms, and may allow up to three ~~(3)~~
92 rooms to be used for three ~~(3)~~ bona-fide employees to reside on premises for any hotel
93 or motel over one hundred fifty ~~(150)~~ rooms.

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95 **Sec. 16.1-13. - ~~Reserved.~~Receipt for payment received.**

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97 A receipt showing payment received shall be provided.

98

99 **Sec. 16.1-14. - ~~Permit~~ *Hotel operating license* required.**

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101 It shall be unlawful for any person to maintain, conduct or operate any hotel or motel in the city,
102 unless he has a valid permit *hotel operating license* to do so issued pursuant to this chapter.

103 The permit shall be posted in a public place in a conspicuous location for public viewing. Proof
104 of an applicable permit *license* shall be the burden of the *hotel or motel operator* permittee. *A*
105 *license issued pursuant to this chapter shall be separate from any license required by chapter*
106 *18.1 – licenses.*

107

108 **Sec. 16.1-15. - Application.**

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110 Any person desiring a permit *hotel operating license* required by this chapter shall make
111 application therefore to the city manager or his designee on a form to be prescribed by him, *no*
112 *later than September 1st of each year*, which application shall include a fee payment of ~~one~~
113 ~~hundred dollars~~ (\$100.00); state the name, if any, of the hotel or motel; the location where the
114 same will be maintained, conducted or operated; the names and addresses of all persons
115 interested in the ownership thereof, if privately owned; the names and addresses of all officers
116 and trustees thereof, if owned by a non-incorporated association; the names and addresses of
117 the officers thereof, if owned by a corporation; and the name and address of the person who will
118 be in actual charge of the operation thereof. The application will also identify how many rooms
119 are available for rent. The application shall also contain the name and address of any other
120 hotel or motel operated, owned or managed by the ~~permittee~~ *licensee* even if not in the City of
121 Hampton. The application shall also contain any additional information the city manager or his
122 designee requires.

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124 *Notwithstanding the foregoing, in order to facilitate the transition from a hotel permit to a hotel*
125 *operating license, the application fee shall be waived for all applications due by September 1,*
126 *2016, from existing hotels.*

127

128 **Sec. 16.1-16. - Inspection.**

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130 Upon receipt of a complete application for a *hotel operating license* permit, the city manager or
131 his designee shall investigate the facts stated therein and shall cause an inspection to be done
132 of the premises by the departments community development, fire, police and health to ensure
133 there are no outstanding violations of any applicable local, state or federal law on the property.

134 *All such inspections shall be done in accordance with Virginia law.* The police *division*
135 ~~department~~ shall also provide information on calls for service and a record of arrests at the
136 location for the year preceding the application or renewal.

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138 **Sec. 16.1-17. – *Hotel operating license* Permit issuance, expiration and renewal.**

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140 If the city manager or his designee determines from the investigation that the hotel or motel is in
141 compliance with the *hotel operating license* permit conditions, a *license* permit shall be granted.
142 Otherwise, the *license* permit shall be denied. If issued, the *license* permit shall be valid for one
143 year from the date of issuance. The *license* permit may be renewed annually after an
144 investigation and inspection as required for *a new permits license* pursuant to section 16.1-16.

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146 If a hotel or motel has passed the annual investigation and inspection and had no violations of
147 federal, state or local laws or regulations, *including those requirements found in section 16.1-18,*
148 for two ~~(2)~~ consecutive years, upon permit renewal, a *license* permit which is valid for a three ~~(3)~~
149 year period will be issued. If a hotel or motel is found to have violated any federal, state or local
150 laws or regulations, *including those requirements found in section 16.1-18,* during the three ~~(3)~~
151 year period of the *license* permit, the ~~permit~~ *license* may be revoked by the ~~C~~ *city manager or his*
152 *designee,* and the hotel or motel will again be required to apply for ~~permit~~ *license* renewal on an
153 annual basis.

154

155 Prior to ~~denying or refusing to~~ *issue a new or renewal a license* permit, the city manager or his
156 designee shall first give the applicant at least ~~fifteen (15)~~ days' written notice and an opportunity
157 to ~~be~~ *meet the city manager or his designee to discuss the reason for the refusal* heard.

158

159 Notice may be sent by *certified* mail to the applicant at the address given on the *license* permit
160 application, which shall constitute sufficient service thereof. The city manager or his designee
161 shall pursue criminal charges; seek an injunction, or both, against any person or persons
162 operating a hotel or motel without a currently valid *license* permit.

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164 **Sec. 16.1-18. – *Hotel operating license* Permit conditions.**

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Any *hotel operating license* permit issued pursuant to this chapter shall be subject to the following general conditions, and any additional specific conditions noted by the city manager or his designee in the *license* permit:

- (a) The motel or hotel shall be operated and maintained in conformance with all applicable federal, state and local laws and regulations, including, but not limited to, the zoning code, building code, fire code, health code, business license code, criminal code, and the provisions of this ordinance;
- (b) The person or persons in charge of operating or owning the motel or hotel shall promptly notify the City of Hampton Police Division of any actual or suspected criminal violations, including, but not limited to, contributing to the delinquency of a minor; trespassing; prostitution; and controlled substance possession, manufacturing or distribution; ~~and~~
- (c) *Each lodging unit in any hotel or motel shall be numbered in a plain, conspicuous manner. Such numbers shall be at least three inches high and shall be placed at eye level on the outside of the outer door of each lodging unit, and no two lodging units shall bear the same number;*
- (d) *No lodging unit shall be rented in any hotel or motel in the city more than once between the hours of 9:00 p.m. and 6:00 a.m. of the next day, except in the case of a pre-scheduled and documented business contract;*
- (e) *It is prohibited for the owner, operator, manager, or person in charge of a hotel or motel to permit or allow a person to put up or stay at a hotel or motel in excess of thirty (30) days in a 180-day period, except as authorized by section 16.1-12;*
- (f) *A receipt showing payment received shall be provided to all hotel or motel guests; and,*
- (g) *All registries or other information required to be maintained by section 16.1-6, section 16.1-8, or section 16.1-12, shall be provided to the city manager or his designee, on the first of every month, by mailing paper copies of such documentation, or by sending electronically in a manner approved by the city manager or his designee.*

To the extent allowed by Virginia law, the city shall have the right to inspect the premises to ensure compliance with all *license* permit conditions.

Sec. 16.1-19. – Transfer

A *hotel operating license* permit issued under this chapter shall not be transferable *to another owner or to another location.*

Sec. 16.1-20. – Suspension and revocation of *hotel operating license* permits.

The city manager or his designee may at any time, after giving at least ~~fifteen~~ (15) days' written notice and an opportunity to be heard by the *city manager or his designee* permittee, revoke or

206 suspend for such length of time as he may deem proper any *hotel operating license* permit
207 ~~applied for or~~ issued under this chapter for any of the following reasons:

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- 209 (a) Fraud or misrepresentation by the ~~permittee~~ *licensee* in the procurement of such
210 *license* ~~permit~~;
 - 211 (b) Any violation of any applicable local, state or federal law;
 - 212 (c) Failure to comply with the general or specific terms of the *license* ~~permit~~; and
 - 213 (d) Any illegal or unlawful acts caused, allowed or permitted to be done by the
214 *licensee* ~~permittee~~ or his designated manager or operating agent.
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216 The notice referred to above may be sent by *certified* mail to such *licensee* ~~permittee~~ at the
217 address given by him on the application for the *license* ~~permit~~, which shall constitute sufficient
218 service thereof. The city manager or his designee shall pursue criminal charges; seek an
219 injunction, or both, against any person or persons operating a hotel or motel without a currently
220 valid *license* ~~permit~~.

221

222 **Sec. 16.1-21. – Does not authorize establishment not conforming to laws or ordinances.**

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224 No ~~permit~~ *hotel operating license* issued under the provisions of this chapter shall be construed as
225 authorizing the operation of any hotel or motel that does not conform to the laws of the state and the
226 ordinances of the city applicable thereto.