

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 16.1-1, Section 16.1-**
3 **6, Section 16.1-7, Section 16.1-8, Section 16.1-11, Section 16.1-12, Section 16.1-13,**
4 **Section 16.1-15, and Section 16.1-18, Section 16.1-20, and Section 16.1-21 to remove**
5 **unnecessary provisions and enhance the ability of the City to prevent criminal activities**
6 **in hotels and motels.**

7
8 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 16.1 of the
9 City Code of the City of Hampton, Virginia be amended to read as follows:

10
11 **CHAPTER 16.1 – HOTELS AND SIMILAR ESTABLISHMENTS**

12 **Sec. 16.1-1. - Definitions.**

13 The following words, terms and phrases, when used in this chapter, shall have the meanings
14 ascribed to them in this section, except where the context clearly indicates a different
15 meaning:

16 *Hotel and motel* means a facility offering transient lodging accommodations to the
17 general public for compensation and having ten (10) or more sleeping rooms, that may also
18 have additional accessory services, such as meeting rooms, restaurants and recreational
19 activities.

20 *Law enforcement personnel* means any law enforcement officer, fire marshal or any of
21 his assistants and fire inspector.

22 *Lodging unit* means transient living and sleeping quarters for a person or persons.

23 *Minor* means an individual less than eighteen (18) years of age.

24 *Person* means any individual, firm, owner, sole proprietorship, partnership, corporation,
25 and unincorporated association governmental body, municipal corporation, executor,
26 administrator, trustee, guardian, agent, occupant or other legal entity.

27 ~~*Records* means the name and home address of each guest or person renting or~~
28 ~~occupying a room, including adults and minors, kept electronically or in a book/register~~
29 ~~inscribed with ink or indelible pencil.~~

30 *Transient* means a period of thirty (30) days or less.

31 ...

32 **Sec. 16.1-6. - Guest register generally.**

33 (a) Every person operating any hotel or motel in the city shall at all times keep and maintain
34 therein a record, either electronic or in a book/register inscribed with ink or indelible pencil:
35 ~~the name and valid address of each adult guest or person renting or occupying a room,~~
36 ~~except in cases where a third-party registered travel agent or legal entity is responsible for~~

37 ~~making travel arrangements for individuals or parties. The name of all minors shall be~~
38 ~~recorded and kept if such persons are not accompanied by an adult.~~

39 *(1) The name and home address of each guest or visitor and the total number of guests or*
40 *visitors;*

41 *(2) the day, month, year and time of arrival of each guest or visitor and the date of check out*
42 *or departure;*

43 *3) The room number assigned to each guest;*

44 *(4) The date each guest is scheduled to depart;*

45 *(5) The rate charged and amount collected for rental of the room assigned to each guest;*

46 *(6) The method of payment for each room;*

47 Such book or register shall be signed by the person renting a room, or someone of his
48 authority, ~~and the proprietor of such hotel or motel, or his agent, shall thereupon~~
49 ~~electronically enter or write, with ink or indelible pencil, opposite such name so registered,~~
50 ~~the number of the room assigned to and occupied by such guest, together with the time~~
51 ~~when such room is rented. Until all of the aforesaid entries have been made electronically or~~
52 ~~in such book or register, no guest shall be permitted to occupy privately any room in such~~
53 ~~hotel or motel.~~

54 *(b) The guest register shall be kept on the premises of the rooming house, hotel or motel in*
55 *the guest reception area or guest check-in area or in an office adjacent to that area. The*
56 *record shall be maintained at that location for two (2) years from and after the date of the last*
57 *entry in the record.*

58 *(c) The persons designated in section 22-3 may request to inspect the guest register*
59 *required by this section at any and all reasonable times. If inspection of the guest register is*
60 *refused, the operator, manager, or person in charge, shall secure the guest register in the*
61 *manner required by and in the presence of the person designated in section 22-3 to ensure*
62 *that no one can tamper with the record until such time as an administrative or criminal search*
63 *warrant can be obtained or denied.*

64 *(d) No person shall alter, deface, or erase any record so as to make the information recorded*
65 *in it illegible or unintelligible, or hinder, obstruct, or interfere with any inspection of the record.*

66 *(e) Any record maintained in the form of a book shall be permanently bound, with each page*
67 *sequentially numbered. No page shall be removed from the book. Any record maintained in*
68 *the form of cards shall be on cards that are numbered sequentially and used in sequence. If*
69 *the record is maintained electronically, the record shall be printable.*

70 ~~(b)~~

71 ~~When the occupant of a room so rented shall quit and surrender the same, it shall be the duty~~
72 ~~of the proprietor of such hotel or motel, or his agent, to enter the time thereof electronically or~~
73 ~~in such book or register opposite the name of such occupant.~~

74 **Sec. 16.1-7. - False registration by guests.**

75 It shall be unlawful for any person to write, or cause to be written, or knowingly permit to be
76 written, in any electronic record, book or register in any hotel or motel in the city, any other or
77 different name or designation than the true name of the person registered therein. Photo
78 identification or other acceptable form of identification *shall* ~~may~~ be required to be produced at
79 registration.

80 **Sec. 16.1-8. - Prolonged ~~r~~Registration or occupancy of rooms by minors.**

81 It shall be *unlawful for a minor to rent a hotel or motel room or for the proprietor of a hotel or*
82 *motel to allow a minor to rent a hotel or motel room. It shall also be unlawful for a minor to*
83 *occupy a room absent the presence of a parent, guardian, or other responsible adult age 21*
84 *or older.* ~~the duty of every person in charge of operating or owning a hotel or motel within the~~
85 ~~city to keep a list, either in the register or separately, of the names and ages of all minors,~~
86 ~~together with the names and addresses of their parents or guardians, who shall register or~~
87 ~~rent or occupy any room or series of rooms therein for more than 15 consecutive days. This~~
88 section shall not apply to active duty military members who are in the area on valid work
89 order.

90 ...

91 **Sec. 16.1-11. - *Maximum Occupancy* Reserved.**

92 *It shall be unlawful for any person conducting or managing a hotel or motel in the city to permit*
93 *any room or space to be occupied in excess of the maximum occupant load for such room or*
94 *space, as established by the fire marshal.*

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

96 (a) It shall be unlawful for any person to put up or stay at any hotel or motel for longer than
97 30 days in a 180-day period. This section shall not apply to extended stay hotels as defined
98 in the zoning ordinance that have either been designated as extended stay hotels by the
99 zoning administrator or have received a use permit to operate as an extended stay hotel.

100
101 (b) Notwithstanding subsection (a) of this section, a stay in excess of 30 days in a 180-day
102 period may occur in the following situations:

103
104 (1) Where there is a written contract or document between a hotel or motel and a business,
105 corporation, firm, individual or governmental agency to house employees or individuals on
106 valid work orders, *provided the employee or individual on a valid work order has a primary*
107 *residence outside the city limits of the cities of Hampton, Poquoson, Newport News or*
108 *Norfolk.*

109
110 (2) Where the human services director authorizes in writing, a stay for an additional period of
111 up to 30 days to prevent residents from becoming homeless. In the event that the
112 department of human services is unable to identify appropriate alternative housing within 30
113 days, this 30 day period may be extended in writing by the human services director upon
114 good cause documented. In no event shall a stay authorized under this section be extended
115 for more than 90 days.

116
117 (3) Where there is written documentation from an attending physician that the individual
118 occupying the lodging unit or a member of their immediate family is receiving long term
119 medical treatment at a facility in the city that makes it necessary to stay in the city for a
120 period exceeding 30 days. Such written documentation shall indicate the expected length of
121 stay necessary to receive the treatment.

122

123 (4) Where there is a written contract between the hotel or motel and a governmental,
124 charitable or insurance agency to house families in crisis who are receiving temporary
125 housing assistance from said governmental, charitable or insurance agency.

126
127 (c) The written contract, document, or authorization referred to in subsections b(1)—(4), shall
128 be kept on file by the hotel or motel.

129
130 (d) Notwithstanding subsection (a), an owner or operator of a hotel or motel may allow up to
131 two rooms to be used for two bona-fide employees to reside on premises for a hotel or motel
132 with up to 150 rooms, and may allow up to three rooms to be used for three bona-fide
133 employees to reside on premises for any hotel or motel over 150 rooms.

134 **Sec. 16.1-13. - ~~Visitors~~Reserved.**

135 *It shall be unlawful for anyone to visit a hotel or motel room without first checking in with the*
136 *hotel or motel front desk.*

137 ...

138 **Sec. 16.1-15. - Application.**

139 Any person desiring a hotel operating license required by this chapter shall make application
140 therefore to the city manager or his designee on a form to be prescribed by him, no later than
141 ~~September~~ **October** 1st of each year, which application shall include a fee payment of \$100.00;
142 state the name, if any, of the hotel or motel; the location where the same will be maintained,
143 conducted or operated; the names and addresses of all persons interested in the ownership
144 thereof, if privately owned; the names and addresses of all officers and trustees thereof, if
145 owned by a non-incorporated association; the names and addresses of the officers thereof, if
146 owned by a corporation; and the name and address of the person who will be in actual charge
147 of the operation thereof. The application will also identify how many rooms are available for
148 rent. The application shall also contain the name and address of any other hotel or motel
149 operated, owned or managed by the licensee even if not in the City of Hampton. The
150 application shall also contain any additional information the city manager or his designee
151 requires.

152 ~~Notwithstanding the foregoing, in order to facilitate the transition from a hotel permit to a~~
153 ~~hotel operating license, the application fee shall be waived for all applications due by~~
154 ~~September 1, 2016, from existing hotels.~~

155 ...

156 **Sec. 16.1-18. - Hotel operating license conditions.**

157 ...

158(g) All registries or other information required to be maintained by [section 16.1-6](#), [section 16.1-8](#),
159 or [section 16.1-12](#), shall be provided to the city manager or his designee, on the first of every
160 month, by mailing paper copies of such documentation, or by sending electronically in a

161 manner approved by the city manager or his designee. *The city manager or his designee*
162 *may periodically request additional records or supporting records.*

163

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

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167 ...