



## Legislation Text

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Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 16.1, Hotels and Similar Establishments, Section 16.1-1, Section 16.1-6, Section 16.1-7, Section 16.1-8, Section 16.1-11, Section 16.1-12, Section 16.1-13, Section 16.1-15, and Section 16.1-18, Section 16.1-20, and Section 16.1-21 to Remove Unnecessary Provisions and Enhance the Ability of the City to Prevent Criminal Activities in Hotels and Motels

### **PURPOSE/BACKGROUND:**

The City Attorney's Office has been working with the Hampton Police Division's Business Improvement District unit and Public Nuisance Abatement Team on issues relating to crime in hotels and motels and hotel ordinance enforcement. The proposed amendments were developed through those collaborations. Many of the amendments are designed to combat crime and avoid large parties occurring in hotel rooms, particularly parties involving minors. The amendments will require hotels to keep more detailed registry information, such as recording the name and address of each hotel guest, even if the hotel room was rented by a third party. The amendments also make it unlawful for a minor to rent a hotel or motel room or to occupy a room without the presence of parent, guardian or other responsible adult. In addition, the amendments require that all guests check in at the front desk before they can visit a room in the hotel or motel and will allow police officers to enforce occupancy limits for hotel rooms.

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

### **CHAPTER 16.1 - HOTELS AND SIMILAR ESTABLISHMENTS**

#### **Sec. 16.1-1. - Definitions.**

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

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

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

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

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

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

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

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

(a) Every person operating any hotel or motel in the city shall at all times keep and maintain therein a record, either electronic or in a book/register inscribed with ink or indelible pencil:

- (1) The name and home address of each guest or visitor and the total number of guests or visitors;
- (2) the day, month, year and time of arrival of each guest or visitor and the date of check out or departure;
- (3) The room number assigned to each guest;
- (4) The date each guest is scheduled to depart;
- (5) The rate charged and amount collected for rental of the room assigned to each guest;
- (6) The method of payment for each room;

Such book or register shall be signed by the person renting a room, or someone of his authority. Until all of the aforesaid entries have been made electronically or in such book or register, no guest shall be permitted to occupy privately any room in such hotel or motel.

- (b) The guest register shall be kept on the premises of the rooming house, hotel or motel in the guest reception area or guest check-in area or in an office adjacent to that area. The record shall be maintained at that location for two (2) years from and after the date of the last entry in the record.
- (c) The persons designated in section 22-3 may request to inspect the guest register required by this section at any and all reasonable times. If inspection of the guest register is refused, the operator, manager, or person in charge, shall secure the guest register in the manner required by and in the presence of the person designated in section 22-3 to ensure that no one can tamper with the record until such time as an administrative or criminal search warrant can be obtained or denied.
- (d) No person shall alter, deface, or erase any record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct, or interfere with any inspection of the record. (e) Any record maintained in the form of a book shall be permanently bound, with each page sequentially numbered. No page shall be removed from the book. Any record maintained in the form of cards shall be on cards that are numbered sequentially and used in sequence. If the record is maintained electronically, the record shall be printable.

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

It shall be unlawful for any person to write, or cause to be written, or knowingly permit to be written, in

any electronic record, book or register in any hotel or motel in the city, any other or different name or designation than the true name of the person registered therein. Photo identification or other acceptable form of identification shall be required to be produced at registration.

**Sec. 16.1-8. - Registration or occupancy of rooms by minors.**

It shall be unlawful for a minor to rent a hotel or motel room or for the proprietor of a hotel or motel to allow a minor to rent a hotel or motel room. It shall also be unlawful for a minor to occupy a room absent the presence of a parent, guardian, or other responsible adult age 21 or older. This section shall not apply to active duty military members who are in the area on valid work order.

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

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

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

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

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

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

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

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

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

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

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

**Sec. 16.1-13. - Visitors.**

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

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

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

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

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(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. The city manager or his designee may periodically request additional records or supporting records.

To the extent allowed by Virginia law the city shall have the right to inspect the premises to ensure

compliance with all license conditions.

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