

ORDINANCE NO. O-12-33

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 18, BUSINESSES, OF THE MISSOURI CITY CODE; PROVIDING RULES AND REGULATIONS FOR HOTELS; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, hotels are generally open to the public; and

WHEREAS, the City of Missouri City has a substantial interest in regulating hotels to protect the health, safety, and welfare of City of Missouri City residents and visitors; and

WHEREAS, Texas law closely regulates numerous aspects of the hotel industry, including room rate information, liability, and sanitation and health standards; and

WHEREAS, due to the transient nature of hotel guests, hotels may foster prostitution, crimes involving illegal substances, theft, and other crimes; and

WHEREAS, providing certain hotel regulations, including occupancy requirements, accessibility requirements, and lighting requirements, may improve the safety and welfare of hotel guests and City of Missouri City residents; and

WHEREAS, according to the United States Department of Justice Office of Community Oriented Policing Services' 2005 guide entitled, "Disorder at Budget Motels" (the "DOJ Motel Guide"), "crime-prone" hotels can also inhibit economic growth in surrounding areas; and

WHEREAS, according to the DOJ Motel Guide, identification requirements and closed circuit television monitoring may deter crime; and

WHEREAS, implementing certain DOJ Motel Guide strategies, such as requiring hotels to maintain guest registries and security cameras, is necessary for the protection of hotel guests and City of Missouri City residents and may assist law enforcement officials and hotel staff in preventing crime and in identifying hotel occupants should crime occur; and

WHEREAS, the City of Missouri City's regulation of hotels serves the city's interests in protecting the health, safety, and welfare of City of Missouri City residents and visitors; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by adding a new Article IV of Chapter 18 thereof to provide as follows:

“Chapter 18 – BUSINESSES

. . . .

ARTICLE IV. HOTELS

DIVISION 1. GENERALLY

Sec. 18-191. Purpose and effect.

The purpose of this article is to promulgate and implement regulations for the protection of the health and safety of guests of hotels and the residents of the city.

Sec. 18-192. Definition.

The following word, when used in this article, shall have the meaning ascribed to it as set forth below:

Hotel means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:

(1) a hospital, sanitarium, or nursing home; or

(2) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by V.T.C.A., Education Code § 61.003, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

Sec. 18-193. Violation and penalty.

(a) Violation. It shall be unlawful for any person to violate or cause, allow or permit another to violate any provision of this article.

(b) Penalty. Any person who violates or causes, allows or permits another to violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as set forth in section 1-13 of this Code.

DIVISION 2. REGULATIONS

Sec. 18-201. Register required.

A guest register shall be kept and maintained wherein the name of each person registering for lodging and each registrant's permanent address, date of registration, room number or room numbers, and vehicle license or registration number shall be legibly entered. The hotel employee registering the guest shall confirm the identity of the person registering with a validly issued government identification card. Such guest register shall be kept in the hotel for a period of two years and shall be subject to periodic inspection by an

authorized law enforcement official during regular business hours to determine compliance with this article.

Sec. 18-202. Occupancy requirements.

(a) Maximum occupancy. A maximum occupancy for each guest room shall be established in conformity with the fire code, as adopted and as may be amended in chapter 38 of this Code.

(b) Minimum duration. It shall be unlawful for a person who owns, manages, or operates a hotel, or such person's agent or employee, to rent or register to a guest any guest room for a period of less than twelve hours.

Sec. 18-203. Required security features.

(a) Entrance through exterior doors. Exterior doors, other than exterior doors accessible only to the lobby area, must be secured and accessible only by guests and employees.

(b) Lighting. Exterior lighting shall be installed and maintained in all outdoor areas accessible to the public, including but not limited to, common areas and parking areas. Parking areas shall be illuminated by lighting having a minimum illumination of three footcandles when measured at ground level. Sidewalks, footpaths, and other common areas shall be illuminated by lighting having a minimum illumination of one footcandle when measured at ground level.

(c) Security cameras. Security cameras shall be installed and maintained in proper operating order in the lobby, parking areas, and at each exterior door. The cameras shall be placed so as to provide visibility to the front and rear exteriors of the building and to the swimming pool area, if any. Monitors shall be provided on-site for security and other hotel personnel so that on-site activities may be viewed at all times. The security cameras shall be equipped with recording devices capable, under normal lighting and operating conditions, of producing reasonably clear photographic images of the persons in the specified areas. Security cameras shall record video twenty-four hours each day. Video recordings from such cameras shall be kept for a minimum of thirty days and shall be retrievable. Security cameras and monitors shall be subject to periodic inspection by an authorized law enforcement official during regular business hours to determine compliance with this article.

Sec. 18-204. Staff on site.

Hotel staff must be on-site twenty-four hours each day.

Sec. 18-205. Cooking facilities.

Guest rooms in a hotel may not contain cooking facilities, including, but not limited to, the following: a conventional oven, convection oven, stove-top burner, grill, hibachi, hotplate that does not serve as an integral part of an appliance designed solely to produce coffee, sink with a one-inch or larger diameter drain, garbage disposal, dishwasher, and counter space for cooking, preparing or serving food, but not including a microwave oven, miniature refrigerator or freezer or coffee maker."

Section 3. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 4. *Penalty.* Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 5. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, whether there be one or more such parts.

PASSED AND APPROVED on first reading this 4th day of September, 2012.

PASSED, APPROVED and ADOPTED on second and final reading this 17th day of September, 2012.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez, City Secretary

Caroline Kelley, City Attorney