

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 44, TO ADOPT A NEW ARTICLE IV, RELATED TO HOTEL/MOTEL REGULATIONS; REQUIRING IDENTIFICATION, RECORD KEEPING AND VIDEO SURVEILLANCE; AND TO AMEND ARTICLE VII RELATED TO EXCEPTIONS TO THE HOTEL MOTEL EXCISE TAX;** AND FOR OTHER PURPOSES, AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON JULY 12, 2017.

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**WHEREAS**, the Bartow County Commissioner has been requested by the Sheriff's Office to adopt an ordinance governing cash transactions at motels and hotels in order to facilitate investigation of crime and protect the public safety, as well as discouraging criminal activity in and about hotels and motels; and

**WHEREAS**, the County has prepared and the Sheriff has approved the following ordinance relating to hotel and motel registration and other related regulations; and

**WHEREAS**, the Commissioner deems it to be in the best interest of the citizens of Bartow County to make said amendments to the Code of Bartow County;

**NOW THEREFORE, BE IT ORDAINED**, and it is hereby ordained, that Chapter 44, of the Code of Bartow County is amended as follows:

**I. Chapter 44 is amended by adopting new Article IV, Hotel/Motel Regulations, as follows:**

#### **ARTICLE IV, HOTEL/MOTEL REGULATIONS**

##### **Sec. 44-331 – Definitions.**

(a) The term "hotel/motel" shall include all hotels, motels, extended stay hotels, inns, and any other location for which the owner, keeper or proprietor receives payment for guests to stay on a temporary basis. It would include, but not be limited to, any location remitting hotel-motel excise tax.

##### **Sec. 44-332 – Registration and Identification Required.**

(a) Guest Registration. Every hotel/motel shall keep registration forms on which all guests shall inscribe their names upon their procuring accommodations.

(b) Photocopy of Identification. The hotel/motel shall require identification of any guest at the time of registration, and in a valid and current format showing the person's name and date of birth; which may be, but is not limited to, a driver's license, state-issued picture identification card, or such other form as will reasonably assure that the registrant

is the person under whose name such accommodation is being procured. The hotel/motel shall make a photocopy of such identification and maintain it for 30 days.

(c) Misrepresentation. No person shall procure or provide guest accommodations in a hotel/motel, or receive any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.

#### **Sec. 44-333 - Illumination and security cameras.**

(a) The open parking area and all areas surrounding any hotel/motel shall be illuminated by lighting fixtures. The illumination for parking areas shall be required to have an average maintained foot-candle intensity of at least 1.0 foot-candle with a minimum allowable intensity of 0.5 foot candle.

(b) Hotel/motels shall be required to maintain a security camera system covering the parking lot and the registration/front desk area. The system shall have a minimum of three outdoor cameras and two indoor cameras, and the hotel/motel operator shall check the cameras weekly to ensure they are working properly. The video footage shall be maintained for at least 30 days. The recorded resolution of video must be a minimum of 4CIF (704x480), with a frame rate of at least 3 fps for parking lots and 5 fps for the registration/front desk area. The system must have a mechanism to export the video to disk or flash drive for use by police and sheriff's deputies for law enforcement purposes.

#### **Sec. 44-334 – Public Safety Requirements.**

(a) Responsible front desk clerk. Every hotel/motel shall, at all times during which the premises accommodate guests, maintain on duty a responsible front desk clerk capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety.

(b) Access for law enforcement persons. All information required to be procured and kept pursuant to this Article, including video surveillance, shall be maintained by the hotel/motel for the specified duration. The Sheriff's Office or other police agency may request the hotel/motel make such records available. Alternatively, law enforcement agencies are authorized to obtain the information without a warrant under exigent circumstances (under the standard already prevailing in the law); or to obtain a warrant under existing probable cause jurisprudence if related to investigation of a crime. Additionally, the Sheriff's Office may obtain an administrative subpoena to review whether the hotel/motel records and recordkeeping are complying with this statute. Such subpoena may be obtained from the Magistrate Court and a show cause order shall be served on the hotel/motel providing the operator an opportunity to contest the subpoena, as required by Los Angeles v Patel, 576 U.S. \_\_\_, 135 S.Ct. 2443 (2015).

(c) Telephone required. Every room rented for accommodation in any hotel/motel shall have an operable telephone equipped to place a direct call to 911.

(d) Number of renters. No hotel/motel shall rent or provide a room for any number of guests greater than the sleeping accommodations provided within the particular room.

(e) Number of persons congregating in a room. No hotel/motel or any guest therein shall allow to congregate within any room or single rental unit a number of persons which is greater than three (3) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit.

#### **Sec. 44-335 – Penalty and Other Remedies.**

(a) Any person violating the terms of this Article, may be punished by fine, not to exceed \$1,000.00; or imprisonment, not to exceed 60 days; or both. Separate offenses shall be deemed to be committed on each day during on or which a violation occurs or continues.

(b) In addition to all other provisions of this Article, any violation of this Article is hereby deemed to be a continuing nuisance and may be abated by an application for injunction, mandamus, or other appropriate relief in the superior court or magistrate court. Further, the County may bring suit in a court of competent jurisdiction to seek an injunction or other appropriate relief, to halt any violation of this Article. Such action may include seeking a temporary restraining order or temporary injunction and other appropriate temporary relief. Nothing in this Article shall be deemed to restrict a suit for damages on behalf of the city or on behalf of any other person or entity.

## **II. Chapter 44 is amended by amending Article VII, Sec. 44-403 by deleting the existing article and replacing it with the following:**

#### **Sec. 44-403. - Exceptions.**

The tax authorized by this article shall not apply to:

(1) Charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty;

(2) The use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge;

(3) Any rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption provided by this paragraph. For purpose of the

exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; or

(4) Charges made for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy.

**SO ORDAINED AND ADOPTED**, this 12<sup>th</sup> day of July, 2017, to be effective September 1, 2017, the public health, safety and welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

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Kathy Gill, County Clerk

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Steve Taylor, Commissioner