



City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Official Record

Ordinance-Coded: 16-0012

File Number: 16-0239

Enactment Number: 16-0012

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

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

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Sec. 16.1-3. - Enforcement.

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

Sec. 16.1-4 - 16.1-5. - Reserved

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

It shall be the duty of every person in charge of operating or owning a hotel or motel within the city to keep a list, either in the register or separately, of the names and ages of all minors, together with the names and addresses of their parents or guardians, who shall register or rent or occupy any room or series of rooms therein for more than 15 consecutive days. 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. - Reserved

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.

(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 (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 one 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. - Reserved.

Sec. 16.1-14. - Hotel operating license required.

It shall be unlawful for any person to maintain, conduct or operate any hotel or motel in the city, unless he has a valid hotel operating license to do so issued pursuant to this chapter. The permit shall be posted in a public place in a conspicuous location for public viewing. Proof of an applicable license shall be the burden of the hotel or motel operator. A license issued pursuant to this chapter shall be separate from any license required by chapter 18.1 - licenses.

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 September 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.

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

Sec. 16.1-16. - Inspection.

Upon receipt of a complete application for a hotel operating license, the city manager or his designee shall investigate the facts stated therein and shall cause an inspection to be done of the premises by the departments community development, fire, police and health to ensure there are no outstanding violations of any applicable local, state or federal law on the property. All such inspections shall be done in accordance with Virginia law. The police division shall also provide information on calls for service and a record of arrests at the location for the year preceding the application or renewal.

Sec. 16.1-17. - Hotel operating license issuance, expiration and renewal.

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

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

Prior to refusing to issue a new or renewal license, the city manager or his designee shall first give the applicant at least 15 days' written notice and an opportunity to meet the city manager or his designee to discuss the reason for the refusal.

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

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

Any hotel operating license 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:

- (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;—
- (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 conditions.

Sec. 16.1-19. - Transfer

approved by the Hampton City Council on 7/13/2016.

Aye: 7 Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs,
Councilmember Snead, Mayor Tuck, Councilmember Moffett and
Councilmember Schmidt

Signed by: Donnie B. Tuck **Date** JUL 13 2016

Attested by: Katherine K. Glass **Date** JUL 13 2016
Katherine K. Glass