

ORDINANCE NO. 12- 2016

An Amendment to add a new Article XII to Chapter 8 of the City Code of Ordinances to Provide for the Continued Availability of Transient Lodging Within the City of Norcross, the Proper Maintenance of Hotels, Motels, and Extended-Stay Hotels, to Protect the Health, Safety and Welfare of Hotel, Motel, and Extended-stay Hotel Inhabitants, and for Other Purposes as Stated Herein:

WHEREAS, the Code of Ordinances of the City of Norcross do not currently have a specific provision to provide for the continued availability of transient lodging within the City of Norcross, the proper maintenance of hotels, motels, and extended-stay hotels, to protect the health, safety and welfare of hotel, motel, and extended-stay hotel inhabitants, and for other purposes as stated herein; and

WHEREAS, the Mayor and Council of the City of Norcross have determined that it is in the best interest of the City to add a new Article XII to Chapter 8 of the Code of Ordinances of the City of Norcross to provide for the continued availability of transient lodging within the City of Norcross, the proper maintenance of hotels, motels, and extended-stay hotels, to protect the health, safety and welfare of hotel, motel, and extended-stay hotel inhabitants, and for other purposes as stated herein; and

NOW THEREFORE, the Mayor and Council hereby add a new Article XII to Chapter 8 of the Code of Ordinances of the City of Norcross, as is more particularly set forth below.

An Amendment to the City Code of Ordinances, Chapter 8, Businesses and Business Regulations.

ENACTING CLAUSE. The Mayor and City Council of the City of Norcross, Georgia, hereby ordains that the adopted Code of Ordinances, is hereby amended as more particularly set forth below. It is the intention of the Mayor and City Council, and it is hereby ordained that the following provisions shall become and be made a part of the Code of the City of Norcross, and the Sections in the Code in the Ordinance be renumbered to accomplish that intention.

I. **Amendment.** Chapter 8 entitled “Businesses and Business Regulations” of the Code of Ordinances for the City of Norcross, shall be amended by adding Article XII, Sections 8-500-508 and 8-520-522, as follows:

“Chapter 8 – Businesses and Business Regulations

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ARTICLE XII. - HOTELS/MOTELS

Sec. 8-500. – *Purpose and definitions.*

Purpose. The purpose of this ordinance is to ensure the continued availability of transient lodging within the City of Norcross, proper maintenance of hotels, motels, and extended-stay hotels and to protect the health, safety and welfare of hotel, motel, and extended-stay hotel inhabitants. The requirements of this ordinance apply to those who occupy, visit, patronize, frequent, operate, keep, conduct, or own a hotel, motel, or extended-stay hotel within the City of Norcross regardless of the date of the hotel, motel, or extended-stay hotel's construction. This ordinance is essential to the public's interest, safety, health, and welfare, and this ordinance shall be liberally construed to effectuate its purposes.

Definitions.

"Hotel" or "motel" shall mean any structure consisting of one or more buildings, with more than five dwelling units with provisions for transient living, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary lodging of 15 days or less is offered for pay to persons, is not intended for long-term occupancy, and does not otherwise meet the definition of an extended-stay hotel as defined in this section.

"Extended-stay hotel" shall mean any structure consisting of one or more buildings, with more than five dwelling units with provisions for living, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons for non-transient extended stays and/or stays longer than 30 days, regardless of the presence of rentals or leases for shorter periods of time.

"Vehicle" is any car, truck, trailer, motorcycle, or other machinery used for transporting people or goods and is normally required to be registered with the State in order to be legally operated or towed on a public roadway.

"Loitering" is defined in Section 28-2 of this Code.

"Patron" shall mean a person who pays a fee to the owner, operator, keeper or proprietor of the hotel, motel or extended stay hotel.

"Guest" shall mean a person who is not a patron who is present on the premises of a hotel, motel or extended stay hotel with the express permission of (a) a guest or patron of the hotel, motel or extended stay hotel and (b) the owner, operator, keeper or proprietor of the hotel, motel or extended stay hotel.

"Visitor" shall mean a person who is not a patron or guest who is on the premises of a hotel, motel or extended stay hotel at the invitation of a patron or guest, but without the express permission of the owner, operator, keeper or proprietor of the hotel, motel or extended stay hotel.

Sec. 8-501. - *Provisions applicable to hotels, motels, and extended-stay hotels.*

- (1) No hotel or motel located within the City shall allow any person to occupy such hotel or motel for more than fifteen (15) days in succession nor more than sixty (60) days during a one hundred eighty-day period. No guest residing for more than fifteen (15) days in succession shall move from one room to another without a two (2) day vacancy in between.
- (2) No extended-stay hotel located within the City shall allow any person to occupy such extended-stay hotel for more than thirty (30) days in succession during a one hundred eighty-day period unless otherwise permitted in this section.
- (3) Notwithstanding subsection (2) of this section, a stay in excess of the thirty (30) days in succession in a one hundred eighty-day period may occur in the following situations:
 - (a) Where there is a written contract or document between an extended-stay hotel and a business, corporation, firm or governmental agency to house employees or individuals on valid work orders for up to ninety (90) days in succession in a one hundred eighty-day period;
 - (b) Where there is a written contract between the extended-stay hotel 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 for up to ninety (90) days in succession in a one hundred eighty-day period; or
 - (c) Where the Community Development Director authorizes in writing, after consultation with the City Manager, a stay for an additional period of up to ninety (90) days to prevent patrons and their guests from becoming homeless. In the event that appropriate alternative housing can still not be obtained within ninety (90) days, this ninety-day period may be extended in writing by the Community Development Director or the City Manager; and
 - (d) The written contract, document, and authorization noted above shall be kept on file with the extended-stay hotel operator and must be available for inspection; and
 - (e) No patron or guest residing for more than thirty (30) days in succession shall move from one room to another without a two (2) day vacancy in between.
- (4) Notwithstanding subsection (1), (2) or (3) of this section, an owner, operator, keeper or proprietor of a hotel, motel, or extended-stay hotel may allow up to two bona-fide employees to reside on premises for any hotel, motel, or extended-stay hotel with up to one hundred fifty (150) rooms, and may allow up to three bona-fide employees to reside on premises for any hotel, motel, or extended-stay hotel over one hundred fifty (150) rooms.

- (5) No owner, operator, keeper or proprietor of a hotel, motel, or extended-stay hotel shall provide lodging at an hourly rate.

Sec. 8-502. – *Responsibilities, access, and registration requirements.*

- (1) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall, without delay, report violations of law to the Norcross Police Department that were either witnessed or made known to them by an employee, patron, guest, visitor or other person on the premises.
- (2) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall, at all times during which the premises accommodates patrons, guests, or visitors 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.
- (3) All information required to be procured and kept pursuant to this ordinance shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.
- (4) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall keep a record of all rental agreements between the hotel, motel, or extended-stay hotel and all patrons and their guests. For the purposes of this section, the term "record" shall mean the hotel, motel, or extended-stay hotel's electronic guest registration system which stores guest identifying information. In the event the hotel, motel, or extended-stay hotel does not have an electronic guest registration system, the hotel, motel, or extended-stay hotel shall record the guest, patron and their guest's information in a paper record or reservation book.

The following information, at a minimum, must be recorded at the time of registration and maintained for a period of no less than one hundred eighty (180) days after the rental agreement's termination:

- (a) The full name, phone number, and home address of each patron and guest;
- (b) The total number of occupants (patrons and guests) registered in each room;
- (c) The room number assigned to each patron and guest;
- (d) The day, month, year and time of arrival of each patron and guest;

- (e) The day, month, year each patron and each guest is scheduled to depart;
 - (f) The rate charged and amount collected for rental of the room;
 - (g) The method of payment for each room; and
 - (h) The make, model, color, license plate number, and license plate state of the patron and guest's vehicle if the vehicle will be parked on the premises.
- (5) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall require each patron to provide proper identification prior to renting a room. Proper identification is defined as a current and valid government issued photo identification card such as a driver's license, military identification card, state identification card, or passport. A record and a photocopy of the provided identification shall be kept on file for the duration of the occupancy and for one hundred eighty (180) days thereafter.
- (6) No person shall procure or provide lodging in any hotel, motel, or extended-stay hotel, or 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. 8-503. – *Vehicles, Parking, and Registration.*

- (1) All patrons and guests who wish to park a vehicle on hotel premises must register said vehicle with the hotel operator upon initial registration, during any future re-registration, or at any time after registration when they begin parking a vehicle on hotel premises. Hotel operators must record the vehicle's information in accordance with Section 8-502.
- (2) Every owner, operator, keeper or proprietor of a hotel, motel, and extended-stay hotel must provide patrons and guests registering a vehicle with a standardized placard that must at all times be hung from the vehicle's rear view mirror, placed on the vehicle's front dash, or affixed to the vehicle in a way that can be easily seen. At a minimum, the placard will contain the following information: hotel, motel, and extended-stay hotel name, vehicle registration number and state, and date of check-out. Any hotel, motel, or extended-stay hotel with gated and controlled access parking accessible only to employees and registered guests are exempt from this subsection (2).
- (3) All vehicles must be parked in designated parking spaces. All vehicles must be parked nose-in (backed in parking is not permitted) such that the vehicle's rear license plate is visible. This section does not apply to oversized vehicles or trailers. Every owner, operator, keeper or proprietor of a hotel, motel and extended-stay motel must provide patrons and guests

who have registered oversized vehicles or trailers a separate designated parking area for their vehicles.

- (4) All handicap parking must be in compliance with State and local laws.
- (5) All vehicles parked on any hotel's premises must be in good working order.
- (6) Vehicle maintenance in hotel parking lots is prohibited.

Sec. 8-504. – Room requirements, equipment and services.

- (1) Every operator, owner, keeper, or proprietor of any hotel, motel, or extended-stay hotel shall keep and maintain in each and every rental unit, a telephone equipped to place a direct call to 911.
- (2) No operator, owner, keeper or proprietor of any hotel, motel, or extended-stay hotel shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit or temporary sleeping accommodations provided by the hotel, motel, or extended-stay hotel.
- (3) No operator, owner, keeper, or proprietor, patron, visitor or guest of any hotel, motel, or extended-stay hotel shall be allowed to congregate within any room or single rental unit a number of persons which is greater than two (2) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit.
- (4) All extended-stay hotels must have enclosed, heated and air conditioned laundry space containing at least three clothes washers and three clothes dryers for guests. Such clothes washers and clothes dryers shall be in good working order.
- (5) Daily maid service shall be included within the standard room rate of any hotel or motel. Maid service shall be provided no less than two (2) times per week for each occupied guest room as part of the standard room rate at any extended-stay hotel when there exists a rental agreement of seven (7) days or longer.
- (6) No occupational tax certificate shall be issued for conduct of business from a guest room of a hotel, motel, or extended-stay hotel, and no home occupation shall be conducted from such room.
- (7) Each guest room of a hotel, motel, or extended-stay hotel shall be equipped with a sprinkler system and hard wired smoke detector approved by the fire marshal.

Sec. 8-505. – Common area requirements and parking illumination.

- (1) Exterior doors (other than lobby doors) shall be locked between the hours of 9:00 pm and 6:00 am and shall be equipped with an alarm or other device that will alert hotel, motel or extended-stay hotel security or other employees the door has been opened.
- (2) The open parking area and all areas surrounding any building or proposed building being a hotel, motel, or extended-stay hotel shall have an average maintained foot-candle intensity of at least one (1) foot-candle with a minimum allowable intensity of three-tenths of a foot-candle. The covered parking area of any hotel, motel, or extended-stay hotel shall have an average maintained foot-candle intensity of five-tenths of a foot-candle.
- (3) Graffiti and markings or insignia that may indicate the presence or association of a street gang shall be removed within 24 hours.

Sec. 8-506. - *Smoking.*

- (1) Smoking is prohibited in all hotel, motel, or extended-stay hotel spaces with the exception of designated smoking rooms. Designated smoking rooms in hotels rented by guests shall not comprise more than twenty-five percent (25%) of the total number of rooms available for rent.
- (2) Smoking is prohibited in exterior breezeways, stairwells, or within 25 feet of any guest room.

Sec. 8-507. - *Video Surveillance Systems.*

- (1) For the purpose of this section, "Video Surveillance System" (VSS) means a continuous digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR) which has been approved by the Chief of Police or his/her designee in accordance with this section.
- (2) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel is required to install a VSS. All hotels, motels, and extended-stay hotels which have installed a VSS prior to the effective date of this ordinance shall ensure said systems are in full compliance with this section and request an approval assessment from the Chief of Police or his/her designee within thirty (30) days of the effective date of this ordinance.
- (3) All VSS shall be maintained in proper working order at all times, be kept in continuous operation 24 hours a day, 7 days a week, and meet the minimum technological standards established in this section. The hotel, motel, or extended-stay hotel shall retain the continuous digital images recorded by this system for no less than thirty (30) days.
- (4) All VSS shall have no less than one camera dedicated to each register or check-out stand, entrance/exit, interior hallway and lobby, swimming pool

area, exercise facility, loading dock, and parking lots or areas designated for customer and/or employee parking use. The placement of cameras included in VSS required under this section must be approved by the Police Department. The Chief of Police or his/her designee will conduct an assessment of each site required to install a VSS prior to installation of said system, and upon approval will issue an approval notice which will be placed in plain view inside the common area of the hotel, motel, or extended-stay hotel. This approval notice will also inform customers and employees of the presence of the VSS. Existing VSS at any hotel, motel, or extended-stay hotel as of the effective date of this ordinance will be evaluated to ensure full compliance with this section.

- (5) The VSS shall be subject to regular inspection by the Chief of Police or his/her designee, who is authorized to inspect any such System at reasonable times to determine whether it conforms with this section. If the VSS does not conform, the hotel, motel, or extended-stay hotel in question shall take immediate steps to bring the system back into compliance.

Sec. 8-508. - *Loitering.*

- (1) All hotel, motel, or extended-stay hotel operators will advise patrons and guests, in writing upon registration, that loitering on or about hotel property by patrons, guests and their visitors is prohibited.
- (2) No person(s) shall loiter in or upon any hotel, motel, or extended-stay hotel parking lot, public parking structure or in or around any building to include breezeways, stairwells or hotel, motel, or extended-stay hotel rooms either on foot or in or upon any conveyance being driven or parked thereon, without the permission of the owner, operator, keeper or proprietor or the hotel, motel, or extended-stay hotel.

Sec. 8-509 – 8-519. – *Reserved*

Sec. 8-520. - *Violations and penalties.*

- (1) Any person or other entity violating the provisions of this article shall be punishable by a fine not to exceed \$1,000.00 per violation or by imprisonment for a period not to exceed 180 days, or by both such fine or imprisonment. Such persons shall be guilty of a separate offense for each and every day during which any violation of any provision of this article is committed, continued, or permitted by that person and shall be punished accordingly.
- (2) The violation of the provisions of this article may be abated as a nuisance.

- (3) The violation of all provisions of this article by any person may be enjoined by instituting appropriate proceedings for injunction in any court of competent jurisdiction. Such actions may be maintained notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the City Council.

Sec. 8-521. - *Responsibility for enforcement.*

- (1) The Norcross Police Department shall have the responsibility for the enforcement of this section. Sworn officers of the Norcross City Police Department and civilian employees designated by the Chief of Police shall have the authority to inspect establishments governed under this section during the hours in which the premises are open for business.
- (2) These inspections shall be made for the purpose of verifying compliance with the requirements of this section and state law.

Sec. 8-522. - *Unlawful operation declared nuisance.*

- (1) Any hotel, motel, or extended-stay hotel operated, conducted or maintained contrary to the provisions of this article may be declared to be unlawful and a public nuisance. The city may, in addition, or in lieu of all other remedies, commence actions or proceedings for abatement, removal or enjoinder thereof, in the manner provided by state law and the City of Norcross Code of Ordinances.
- (2) No hotel, motel, or extended-stay hotel shall operate at any location nor on any premises which does not comply with all zoning, building code, fire safety code, and other ordinances and laws of the city and the state.”

II. **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this ordinance.

III. **Repealer.** All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the _____ day of _____, 2016.

Bucky Johnson, Mayor

ATTEST:
