ORDINANCE NO.	3508
OKDINATED ITO.	

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS AMENDING TITLE 9 CHAPTER 97 OF THE CARROLLTON CITY CODE OF ORDINANCES BY MODIFYING LANGUAGE PERTINENT TO THE HOTEL CODE, TO AMEND SECTIONS RELATING TO ISSUANCE OF A LODGING LICENSE, REVOCATION AND DENIAL OF A LODGING LICENSE, PROCEDURES FOR AN APPEAL OF A REVOCATION OR DENIAL OF A LODGING LICENSE AND PREMISE REQUIREMENTS FOR A HOTE; AND AMENDING TITLE 3, CHAPTER 31 OF THE CARROLLTON CITY CODE OF ORDINANCES INCLUDING LANGUAGE RELATING TO A REINSPECTION FEE FOR HOTELS IN THE COMPREHENSIVE FEE SCHEDULE; AND PROVIDING FOR A PENALTY, SAVINGS, SEVERABILITY AND AN EFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS

Section 1.

That Chapter 97 of the Carrollton Code of Ordinances as amended, is hereby established to provide as follows:

CHAPTER 97. HOTEL CODE

Sec. 97.01. - Purposes

Sec. 97.02. - Definitions

Sec. 97.03. - Lodging license to operate

Sec. 97.04. - Classification of hotels by CFS Room Ratio

Sec. 97.05. - Lodging license—Grounds for denial

Sec. 97.06. - Lodging license—Revocation

Sec.97.07. - Appeal process - for Denial of a Lodging License or Tier Classification

Sec. 97.08. - Limitation on continuous and cumulative occupancy

Sec. 97.09. - Premises requirements

Sec. 97.10. - Housekeeping and premises conditions

Sec. 97.11. - Enforcement

Sec. 97.12. - Penalty

Sec. 97.01. - Purposes.

The purpose of this chapter is ensure the continued availability of transient lodging within the City of Carrollton, the maintenance of clean hotels, and to protect health, safety and welfare. The purpose of this chapter is to require the issuance of a Lodging License to operate, conduct, or own a hotel within the City of Carrollton regardless of the date of the hotel's construction; to establish standards for the issuance of said license; to establish rules and regulations under which such license shall remain in force, be denied or revoked; and providing penalties for violations. This chapter is remedial and essential to the public interest, safety, health, and welfare, and this chapter shall be liberally construed to effectuate its purposes.

Sec. 97.02. - Definitions.

For the purpose of this chapter, the following terms, words, and derivations shall have the meaning given, unless the context clearly indicates or requires a different meaning:

Calls for service (CFS) includes but is not limited to any and all calls to emergency services, (police, fire, medical, code enforcement, and development services) that result in a city employee being dispatched or directed to the hotel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be attributed or traced to the hotel premises. Calls for service include any self-initiated activity or investigation based on the observation(s) of an emergency services representative that results in a written report. Multiple calls regarding the same event shall be treated as a single Call For Service for purposes of calculating the CFS Room Ratio. Calls from employees of the hotel are excluded from being used to determine the Calls For Service Room Ratio. Calls for service include but are not limited to:

- 1. Commission of crimes that are drug related or drug related arrests;
- 2. Commission of crimes that are prostitution related or prostitution related arrests;
- 3. Commission of crimes that are a breach of the peace;
- 4. All fire alarms at a hotel;
- 5. Immediate public safety and health issues at a hotel; or
- 6. Noncompliance with federal law, state law or city codes and ordinances.

Calls for service room ratio is defined as the number of Calls for Service divided by the total number of guest rooms in a hotel during the time-period as set forth in Section 97.04(A) herein.

Clean condition means free from:

- 1. Chemical contamination;
- 2. Microbial contamination;
- 3. Insect or rodent contamination;
- 4. Displaying or undergoing spoilage, putrefaction; or
- 5. Trash, debris, dirt or refuse.

Provided, however, such condition shall not be attributable to the hotel unless it exists in a room within two (2) days after it was cleaned according to the schedule maintained by the hotel.

Let or let for occupancy to permit, provide or offer possession or occupancy of a dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal

owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to recorded or unrecorded agreement or contract for the sale of land.

Manager shall mean any person who manages the business operations of any hotel on behalf of the owner and/or management company, whose duties may include the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, handling guest affairs or overseeing security.

Operator means any person who is the proprietor of any hotel whether in the capacity of the owner, lessee, receiver, sub-lessee, franchisee, mortgagee in possession, hotel management company, or agent of any of the aforementioned, who offers or accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling units.

Sec. 97.03. - Lodging license to operate.

- (D) Application for a Lodging License shall be filed on forms provided by the city and containing the following information:
 - 1. Owner and operators name, address, and work and home telephone number, driver license number, or identification card number and state of issuance of the owner.
 - 2. If owner and/or operator is a partnership, the name of all partners, the principal business address, and telephone number of each partner.
 - 3. If owner and/or operator is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the person in charge of the local office of such corporation, if any, and the names of the registered agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, additionally the place of incorporation;
 - 4. Name, address and telephone number of the property managers and operators and owners.
 - 5. Provide official criminal history from each state of residence documenting for each owner, operator and property manager that has been convicted of or is continuing on or has completed parole or probation for a crime during the last five years which relates directly to the operation of a hotel, whether as an owner, operator, or manager, or from any offense constituting a misdemeanor or felony involving weapons, narcotics, assault, or crimes of moral turpitude.
 - 6. Street address of the hotel.
 - 7. Number of hotel guest rooms.
 - 8. Maximum number of persons who can be accommodated at any given time.

- 9. Be signed by the owner or operator or the owner or operator's agent.
- 10. All material contained herein on the application must be maintained current with the city at all times by the owner, operator and property manager. Any material misrepresentation in the application for the lodging license or a failure to provide the required information shall be grounds for denial or revocation of the application or lodging license.
- (E) The application for a lodging license hereunder shall constitute the consent of the applicant and owner to an inspection of the entire licensed premises at reasonable times by the Code Enforcement Officers, Building Inspectors, Sanitarian Inspectors, Fire Inspectors and other authorized departments of the City of Carrollton for the purpose of determining whether there is any violation on the premises sought to be permitted of any ordinances of the City of Carrollton or any law of the State of Texas. Any inspection of occupied guest rooms at the time of the annual inspection for the Lodging License shall not occur before 10:00 a.m.
- (F) Lodging license shall not be transferable or assignable from one person, firm, partnership, corporation or entity to another person, firm, partnership, corporation or entity; provided, however, a change in an operator or manager by an owner shall not require a new license as long as the required information provided to the city is updated and the new operator or manager is not ineligible for licensing under this Chapter.
- (G) Whenever a change in the owner occurs at an existing hotel, the new owner shall apply for a Lodging License within ten (10) business days after closing on the sale of the property. If the prior operator's Lodging License for the hotel was denied or revoked, a provisional lodging license may be issued to the new owner or operator with special conditions designated by the DCO while the new operator or owner's application for license is pending a decision.
- (H) The owner shall display the lodging license in the hotel in an open and conspicuous public place in the lobby at or near the check in desk.
- (I) Failure to obtain a Lodging License or maintain a Lodging License at all times may result in revocation of the hotel's Certificate of Occupancy.
- (J) Once the Lodging License is obtained, the DCO may routinely inspect:
 - 1. The exterior of the structures and all of the common grounds of all hotels;
 - 2. Any or all unoccupied hotel rooms and any and all occupied hotel rooms with permission of the occupant. The occupant and any representative of the hotel shall be permitted to be present, but may not hinder or interfere, with said inspection;
 - 3. Any or all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms, and all other portions of the facility;
 - 4. Any portion or portions of the hotel upon receipt of a complaint from any person, city department, employee, or division that any portion of the premises may be in violation

of any applicable law;

- 5. All hotels in the city to determine whether they are uninhabitable, dangerous, or otherwise in violation of applicable laws.
- 6. In the event the DCO is denied entry by the guest, that denial is a violation of this chapter and the DCO may use the resources provided by law to gain entry.
- 7. The DCO, upon presentation of proper identification to the occupant in charge of any hotel room, may enter, with the occupant's permission, any hotel room; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to person, loss of life, or severe property damage, the DCO may, after presentation of proper identification enter a hotel room at any time. Whenever the DCO is denied entry to inspect any premises under this provision the DCO may use the resources provided by law to gain entry. The occupant and any representative of the hotel shall be permitted to be present, but may not hinder, during such entry and inspection.
- 8. The DCO shall be allowed to examine records of the hotel, including maintenance and housekeeping logs, registration records, and pesticide records.
- (K) Continued maintenance and compliance with this chapter are conditions that are necessary to retain a Lodging License and to obtain any renewal of a license.

Sec. 97.04. - Classification of hotels by CFS Room Ratio.

- (A) Upon receipt of the Lodging License Application, the DCO shall determine the Calls for Service (CFS) Room Ratio of all hotels located within the City of Carrollton during the previous calendar year, or during actual operations if less than 12 months during the previous calendar year.
- (D) Upon completion of the annual Lodging License inspection and review of all Calls for Service, the DCO shall notify each hotel owner and/or operator within the city, in writing by personal service, certified mail or other method which provides confirmation of delivery, of the CFS Room Ratio which shall be used as the classification for that hotel for that ensuing lodging license year.
- (F) Upon such notice of initial classification or reclassification the owner or operator shall have ten (10) calendar days from the date of notice to show proof to the DCO that the revised CFS Room Ratio is erroneous. After receipt of such information from the owner or operator, the DCO shall classify the hotel as a Tier 1 or Tier 2 within ten (10) calendar days of receipt of such information. The owner or operator or manager may appeal the DCO's decision pursuant to Section 97.07 of the Hotel Code.
- (G) The owner or operator shall have 30 calendar days from the date of notice of tier classification or reclassification (or from the date of the decision of the appeal if there was an appeal) to implement completely the changes in operation required by the revised classification.

Failure to comply with this provision may result in revocation of the lodging license.

Sec. 97.05. - Lodging license—Grounds for denial.

- (A) The lodging license shall be denied to Tier 1 and Tier 2 hotels for any of the following reasons the DCO may discover or deem advisable or necessary in the course of the review of the application:
 - 1. The hotel as constructed or as proposed to be operated by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations and codes;
 - 2. The owner, operator and/or their manager is or has been a registered sex offender;
 - 3. There are uncorrected code violations on the property;
 - 4. The applicant has knowingly made a material misstatement in the application for the Lodging License;
 - 5. Tier 2 hotels may also be denied a Lodging License if their CFS Room Ratio fails to meet the Tier 1 CFS Room Ration within twelve (12) months of being notified of their Tier 2 standing;
 - 6. Based on the initial CFS Room Ratio determined by the DCO directly after passage of this ordinance, a hotel with a CFS Room Ratio of 2.0 or greater shall be denied a Lodging License.
- (B) The owner, operator or manager may appeal the DCO's decision pursuant to Section 97.07 of the Hotel Code.

Sec. 97.06. - Lodging license—Revocation.

- (A) A Tier 1 or Tier 2 hotel's lodging license shall be revoked by the Property Standards Board ("Board") if the owner, operator or manager is convicted of a drug related or prostitution related crime.
- (B) A Tier 1 or Tier 2 hotel lodging license shall be revoked by the Property Standards Board ("Board") upon good cause shown that the operation of the hotel is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the neighboring community to the extent that it is a public nuisance. Decision for revocation shall be based on, but is not restricted to, the following:
 - 1. Non-compliance with federal, state and or city codes and ordinances;
 - 2. Drug-related calls for service and/or drug-related arrests;
 - 3. Prostitution-related calls for service and/or prostitution-related arrests;

- 4. Calls for fire, police, emergency medical service;
- 5. The operator, owner and/or the manager have failed to correct a violation within the time period ordered by the city;
- 6. Any other conditions, problems, issues, concerns or facts that are deemed relevant to the owner, operator or manager to the property; and/or
- 7. There are uncorrected code violations on the property.
- (C) In processing a revocation the DCO shall prepare an Investigation Report that details the circumstances that have led to the request for a revocation. It may include, but not be restricted to, any or all of the following:
 - 1. Frequency or occurrence of violation(s), arrest(s), or call(s) for service;
 - 2. Seriousness of the violation(s), arrests(s), or call(s) for service;
 - 3. History of code violations(s);
 - 4. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem;
 - 5. The impact of the violation(s), arrest(s), or call(s) for service on the surrounding property and community; and/or;
 - 6. The financial impact to the city.
- (D) Upon good cause shown in the Investigation Report, the DCO shall file a written Revocation Request at the office of the city building official containing the following:
 - A heading in the words: "Before the Property Standards Board of the City of Carrollton."
 - 2. A caption reading: "Revocation of a Lodging License Tier 1 Hotel or Tier 2 Hotel," giving the names and addresses of owners and operators (as shown on the most recent license application) and the physical address of the hotel.
 - 3. A brief statement in ordinary and concise language of why the license should be revoked together with any material facts claimed to support the contentions of the DCO.
 - 4. The signature of the DCO and his official mailing address.
- (F) Scheduling and noticing for revocation hearing.
 - 1. Notice of hearing.

- (a) Notice of the hearing before the Property Standards Board shall be delivered to the owner, operator, manager and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the County Clerk of the county where the property is located.
- (b) Notice shall be by one of the following methods at least twenty (20) calendar days prior to the hearing:
 - 1. Personal service:
 - 2. Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned;
 - 3. If the owner, operator or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.
- 2. Contents of notice. The notice of hearing shall contain the following:
 - (a) The street address or a legal description of the property.
 - (b) The place, date, and time of the hearing.
 - (c) A statement that the owner, operator, lienholders, or mortgagee will be required to submit proof at the hearing of the scope of work that may be required to comply with the ordinances of the city and the time it will take to reasonably perform the work.
 - (d) A brief summary of the action of the DCO related to the property including a copy of his filed Revocation Request and the Investigation Report on this hotel

(G) Hearing.

- 1. The DCO shall present evidence to the Property Standards Board of the condition of the property, the code compliance history, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports his request for the revocation of the Lodging License.
- 2. The owner of any interest in the property may present evidence on relevant issues and has the burden to demonstrate the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.
- 3. Any party may examine or cross-examine any witness before the Property Standards Board. Strict rules of evidence or procedure are not required, but the Property Standards Board has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.
- (H) Enforcement of the revocation shall be stayed during the pendency of a revocation hearing

and decision.

- (I) Findings and orders of the Property Standards Board for a Revocation Hearing.

 After hearing evidence from any interested party regarding revocation of the Lodging License the Property Standards Board may:
 - 1. Uphold the revocation for a Lodging License; or
 - 2. For cases of revocation based solely on continuing code violations uphold the revocation for a Lodging License until the code violations have been corrected; or
 - 3. Overturn the request for revocation and grant the lodging license.
- (J) Upon a confirmation and final decision issued by the Property Standards Board, the DCO shall post on the hotel premises a copy or copies of the revocation of the Lodging License. The notice shall be sent by certified mail to the owners, operator and/or manager indicating the decision of the Property Standards Board.
- (K) Upon a confirmation and final decision issued by the Property Standards Board the DCO shall file in the office of the County Clerk of the county where the property is located a certificate describing the hotel property and the final action of the Property Standards Board revoking the Lodging License.
- (L) A posted notice of the revocation of the Lodging License may only be removed by an authorized DCO. Any removal, covering, defacing, altering or tampering by unauthorized person(s) may be prosecuted as a misdemeanor violation of this chapter.
- (M) Whenever a Lodging License has been revoked by the city, the operator and/or owner of the hotel for which the Lodging License was issued shall surrender such license to the city. The operations of the hotel shall cease within ten calendar days of the posting of the notice of revocation of the lodging license.
- (N) The action of the Property Standards Board under this section may be appealed to a State District Court of the County in which the property, which is the subject of the action, is located if such appeal is filed within thirty (30) calendar days of the Property Standard Board's action. Such appeal shall be decided based on a denovo appeal to determine the existence of a public nuisance for Revocation.

Sec. 97.07. - Appeal process for Denial of a Lodging License or Tier Classification

- (A) Filing appeal. Any owner, operator or manager of a hotel that had its Lodging License denied by the DCO, or who has undergone tier classification by the DCO may appeal this action of the DCO to the Property Standards Board. The owner, operator and/or manager must file at the office of the city building official a written appeal containing the following:
 - 1. A heading in the words: "Before the Property Standards Board."

- 2. A caption reading: "Appeal of Denial for a Lodging License" or "Appeal of Tier Classification," giving the names of all appellants participating in the appeal.
- 3. A brief statement setting forth the legal interest of each of the appellants in the hotel involved in the denial or classification change of a lodging license.
- 4. A brief statement in ordinary and concise language of that action protested, together with any material facts claimed to support the contentions of the appellant.
- 5. A brief statement in ordinary and concise language of the relief sought and reasons why it is claimed the denial or classification change should be reversed, modified or otherwise set aside.
- 6. The signatures of all parties named as appellants and their official mailing addresses.
- 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- 8. Produce all documents that they relied upon.

The appeal shall be filed within 30 days from receipt of the denial or classification change by the DCO.

- (B) Processing of appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next available regular or special meeting of the Property Standards Board.
 - 1. Notice of hearing.
 - (a) Notice of the hearing before the Board shall be delivered to the owner and operator as listed on the application, and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the County Clerk of the county where the property is located.
 - (b) Notice shall be by one of the following methods at least 15 calendar days prior to the hearing:
 - 1. Personal service delivered; or
 - Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned; or
 - 3. If the owner, operator or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.

(C) Hearing.

- 1. The DCO shall present to the Property Standards Board evidence of the property condition, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports denial of the Lodging License or change in classification of tier.
- 2. The owner of any interest in the property may present evidence on relevant issues and has the burden of proof to demonstrate the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.
- 3. Any party may examine or cross-examine any witness before the Property Standards Board. Strict rules of evidence or procedure are not required, but the Board has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.
- (E) Enforcement of the denial for a Lodging License or Tier reclassification of a hotel shall be stayed during the pendency of an appeal there from that is properly and timely filed.
- (F) Findings and orders of the Property Standards Board for a Denial Hearing or Tier Re-classification Hearing. After hearing evidence from any interested party the Property Standards Board may:
 - 1. For a Denial Hearing find:
 - (a) And uphold the denial for a Lodging License until the code violations or other conditions identified have been corrected; or
 - (b) Overturn the denial and grant a Lodging License.
 - 2. For a Tier Re-classification Hearing find:
 - (a) The hotel is classified as a Tier 1 hotel; or
 - (b) The hotel is classified as a Tier 2 hotel.
- (G) At the conclusion of the appeal or after the time allowed to appeal the decision of the DCO has elapsed without an appeal, the DCO shall file in the office of the County Clerk of the county where the property is located a certificate describing the hotel property and the final action of the Property Standards Board or of the DCO if no appeal was filed.
- (H) The action of the Property Standards Board under this section may be appealed to a State District Court of the county in which the property, which is the subject of the action, is located if such appeal is filed within 30 days of the Property Standards Board's action. Such appeal shall be decided based on a Renovo appeal to determine the existence of a public nuisance for denial or tier reclassification.

Sec. 97.09. - Premises requirements.

- (A) Each property owner, operator, or manager shall cause to be maintained a complete register for each person to whom any room at a hotel is let. The register shall contain the following information:
 - 1. Correct name and permanent address, designating street and number, city, state and country;
 - 2. Actual dates of occupancy indicating check-in-time, checkout time and room number;
 - 3. Correct license or registration number, state of registration and make of any vehicle or conveyance;
 - 4. Number of individuals staying in the room;
 - 5. Amount of the bill and method of payment; and
 - 6. Register records shall be maintained for a period of two (2) years for each person who lets any room at a hotel.
- (B) Tier 2 property owners, operators, or managers shall require any person to whom any room at a hotel is let to provide evidence of his or her identity and address of residence, and, in addition thereto, the full and true name and address of each member of his party.
- (C) No Tier 2 property owner, operator, or manager shall allow or permit any hourly charge for any room within said establishment.
- (D) No Tier 2 property owner, operator, or property manager shall allow or permit any room or rooms within the hotel to be rented more than twice in any 24-hour period commencing at 12:01 a.m.
- (E) No property owner, operator, or manager shall knowingly let, allow or permit any room on the premises to be used for any illegal purpose including but not limited to:
 - 1. Prostitution;
 - 2. Gambling;
 - 3. Drug use, sale or manufacture of drugs;
 - 4. Sale of alcoholic beverages.
- (F) A property owner, operator and/or manager providing false information to city authorities regarding the identity of and hours of occupancy by any occupant shall be prima facie evidence of premises being used for illegal purposes including but not limited to:

- 1. Prostitution:
- 2. Gambling;
- 3. Drug use, sale or manufacture of drugs;
- 4. Sale of alcoholic beverages.
- (I) A representative of the property owner, operator or manager shall be present and accessible to the DCO in person, on a 24-hour basis.
- (J) Tier 2 hotels are required to have twenty four (24) hour on-site security provided by commissioned security officers.

Sec. 97.10. - Housekeeping and premises conditions.

- (A) The hotel premises and guest rooms shall fully comply with all City of Carrollton Construction, Fire, and Health, Safety and Property Maintenance Codes.
- (B) Mattress condition/cleanliness. Mattresses shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, non-defective condition (e.g. without broken springs, indentations, sags, etc.). Any coverings placed over mattresses to prevent stains and excess wear must be removable and not permanently attached to the mattress or box spring. (e.g. not stapled, nailed, or pinned or tied down to the mattress or box spring).
- (C) Linen condition/cleanliness. Linens provided by the hotel shall be maintained in a sanitary condition and be free of stains, holes, rips or odors in excess of normal wear and tear. Linens shall be replaced upon each change of occupancy or at least once a week when occupancy does not change. Linens shall be cleaned with appropriate sanitizing material to insure disinfection. Linens include but are not restricted to pillow cases, sheets, quilts, bedspreads, blankets, comforters, and towels.
- (D) Linens furnished by the guest shall be maintained in a sanitary condition and be free of stains, holes, rips or odors in excess of normal wear and tear. Guest linens observed at time of hotel room inspections which do not meet the standards establish in this section require the hotel to give written notice to the guest to abate the violation within seven (7) days. If the guest fails to abate the violation the hotel shall remove the guest's linen and replace it with the hotel linen at the end of the notice period. The hotel shall keep written documentation of the inspections and notices issued for each room and guest.
- (E) Bathroom condition/cleanliness. Bathroom fixtures (e.g. toilet, bathtub, sink, shower, mirror) shall be maintained without cracks, chips, or stains. Floors shall be washed with water and a sanitizer at change of occupancy or at least once a week when occupancy does not change. Daily cleaning schedules shall be maintained in the manager's office.
- (F) Carpet condition/cleanliness. Carpeting shall be free of stains, holes, rips or odors in excess of normal wear and tear, and shall be maintained in a sanitary, non-defective condition.

- (G) Floor condition/cleanliness. Non-carpeted floor surfaces shall be made of non-absorbent material. All surfaces and tile grouting shall be maintained without cracks, rips or missing elements.
- (H) Wall condition/cleanliness. Wall surfaces shall be maintained in a clean and sanitary condition.
- (I) *Mold/mildew*. All surfaces, including carpeting and flooring, and fixtures shall be free from mold and mildew.
- (J) Electrical equipment. For the purpose of this chapter, electrical equipment shall include furniture items installed by the property owner, operator or manager, including air conditioners, televisions, lamps, etc. All electrical items must be properly maintained and be in operable condition.
- (K) Furniture condition. All furniture items shall be maintained in proper working condition, without structural defects.
- (L) Window coverings. Shades, draperies or blinds shall be appropriately hung to cover all windows and appropriate light fixtures. All shades, draperies, blinds, shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, non-defective condition.
- (M) Storage rooms. No more than ten percent of designed guest rooms may be used for storage room purposes.
- (N) *Minimum occupancy*. A minimum of ninety 90 percent of all guest rooms must be available or in use for occupancy at all times.
- (O) Windows. All windows designed to be opened shall be operable and have an operable window security or locking device.
- (P) All windows and mirrors shall be intact and free of cracks.
- (Q) Viewports. Each door shall have a viewport or window convenient to the door.
- (R) Door locks. All rooms are required to be outfitted with exterior electronic/magnetic locks for guests to gain access to their rooms or by locks that meet with the approval of the DCO.
- (S) Exterior lighting. The exterior of the hotel property, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated at least between one hour after sundown and one-half hour before sunrise. Illumination shall be a minimum of one-tenth (.1) of one (1) footcandle throughout the property and shall not exceed four-tenths (.4) of one (1) footcandle of light measured at the property line.
- (T) Pest control. All hotel premises shall be treated for insects at least once a year by an

exterminator licensed by the state.

- (U) Pest control maintenance. All hotel premises shall be maintained so that they are free from rodents, insects, and vermin and free from conditions that encourage or harbor rodents, insects, and vermin.
- (V) Interference with Emergency Telephone Calls
 - A hotel owner, operator and/or manager commits an offense if the hotel owner, operator and/or manager knowingly prevents or interferes with another individual's ability to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.
 - 2. A hotel owner, operator and/or manager commits an offense if they recklessly render unusable a telephone that would otherwise be used by another individual to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.
 - 3. In this section, "emergency" means a condition or circumstance in which any individual is or is reasonably believed by the individual making a telephone call to be in fear of assault or their health or safety are at risk.
- (W) The hotel shall maintain a detailed list of required duties for premises inspection, the employee or position responsible for such inspection and a schedule for performance and a record of compliance. Such list shall include a requirement for at least weekly inspection of the entire premises for operational safety devices, fire extinguishers and damage to the exterior of the hotel and parking areas and daily inspection and cleanup of the grounds, including trash and garbage containers for trash and debris not placed with such within such containers and records shall not the date and time of compliance and the signature or initials of the person carrying out such duties.
- (X) The hotel shall maintain a detailed list of duties for housekeeping personnel and a schedule and log for cleaning rooms, replacing linens, inspecting for damage and other housekeeping duties. Such list and schedule shall conform to other requirements of this Chapter and the log shall state the date and time of compliance and the initials of the housekeeping staff person who carried out such duties. Room inspections shall occur at least once a week for any guest rooms occupied by guests staying in excess of ten (10) days.
- (Y) The hotel shall maintain a list of duties for inspection of rooms and repair of damage or replacement of damaged items and a schedule for inspection by maintenance personnel which shall be a least weekly and in any event before occupancy by a new tenant. If not included in the duties of housekeeping personnel, such list shall include inspection to insure that smoke alarm devices and telephones are operational as well as air conditioning units, plumbing, and door locks being operational and in good repair. A log shall be maintained noting date and time of such inspection and listing defects and repairs or replacements.

(Z) The hotel shall post rules and include such rules in material provided a guest or posted in each room to the effect that if any criminal activity in a room occurs or if a guest engages in criminal activity on the grounds, such guest will be immediately evicted. Such rules shall be strictly enforced.

Sec. 97.11. - Enforcement.

- (C) Any condition which is reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants of the property or to the public, may result in a court summons. Such conditions include but are not limited to non-functional smoke detectors, lack of or non-functional interior door locking devices, windows which do not open or which open but fail to stay open, sewer leaks, inoperable telephones, or telephones that fail to connect to the Emergency 911 telephone number.
- (D) Upon reasonable notice provided to the owner, operator or manager of a hotel or other responsible person, imminently dangerous conditions may be immediately abated by the DCO. Actions taken to abate the imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the DCO to be necessary. In the event use of occupancy is restricted, the owner, operator or the property manager shall discontinue the use within the time prescribed by the DCO after receipt of such notice.
- (H) A hotel owner, operator or manager will have thirty (30) calendar days to address and abate all other code violations not considered imminently dangerous as stated in this section or longer, as the case may be, if the owner, operator or manager is unable to remedy the code violation through o fault of its own.
- (I) At the time of reinspection by the DCO, the DCO will charge the hotel a base reinspection fee as found in 31.01(D)(3) of the City of Carrollton Code Ordinance Fee schedule plus a \$13.00 fee for each hotel room that has to be reinspected.
- (J) At the option of the city, the city may proceed under the alternative procedure set forth in V.T.C.A., Local Government Code, Alternative Procedure for Administrative Hearing, Section 54.044 et seq, or as it may be amended, and the remainder of V.T.C.A., Local Government Code, Chapter 54 Enforcement of Municipal Ordinances, Subchapter C Quasi-Judicial Enforcement of Health and Safety Ordinances, Section 54.031 et seq., as amended. The hearing must be held within 30 days after notice of the hearing and shall be conducted in accordance with the statute. Notice of the hearing shall be in accordance with V.T.C.A., Local Government Code, Section 54.035, as amended. Pursuant to Section 54.044 et seq., the DCO shall act as the hearing officer who shall have the authority granted by the statute including the authority to set the amount and disposition of the administrative penalties, costs and fees. The hearing officer shall take all action required by statute in these proceedings. Each violation of this chapter shall constitute a separate violation for each day or part of a day during which the violation is committed, continued or permitted, unless otherwise provided. The civil penalty for a violation of a provision of this chapter may not exceed \$1,000.00. Administrative costs and fees shall be

established by the city on an actual incurred basis for that specific case. The order of the hearing officer shall comply with Section 54.044(h), as amended. Anyone aggrieved by an order may seek judicial review in accordance with Section 54.044(k), as amended.

Section 2

That Chapter 31 of the Carrollton Code of Ordinances as amended is hereby established to provide as follows:

Sec. 31.01. Establishment of fees for city services.

(D) Environmental Services Department

(3) Hotel Code:

Lodging License fee, per year, for each unit on premises, minimum of \$250.00 per year13.00

Staff Administrative Reinspection Fee during license period, per hour, two-hour minimum....45.00

Appeals to Construction Advisory and Appeals Board......200.00

Unit Reinspection Fee, for each unit requiring reinspection13.00

Section 3

That the City of Carrollton Code of Ordinances is hereby amended to reflect the action taken herein.

Section 4 Penalty Clause

That any person, firm, or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the City of Carrollton Code of Ordinances.

Section 5 Severability Clause

That the provisions of this ordinance are severable in accordance with Section 10.07 of the City of Carrollton Code of Ordinances.

Section 6 Repealing Clause

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

Section 7 Savings Clause

The City of Carrollton Code of Ordinances, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 8 Effective Date

This ordinance shall become effective from and after July 10, 2012, which shall be after its adoption and publication.

PASSED AND APPROVED this the 24th day of July, 2012.

AShley Mitchell, City Sevetary

APPROVED TO FORM:

Clayton Hutchins,
City Attorney

CITY OF CARROLLTON

By:

Marchant, Mayor

CAPPROVED TO CONTENT:

Lia Jasut for Scott Hadson,
Environmental Service Director