

**AN ORDINANCE
TO AMEND CHAPTER 18 TO PROVIDE FOR THE CONTINUED AVAILABILITY OF
QUALITY TRANSIENT LODGING WITHIN THE COUNTY OF DEKALB, PROPERTY
MAINTENANCE OF HOTELS, MOTELS, AND EXTENDED-STAY HOTELS, AND
FOR OTHER PURPOSES.**

WHEREAS, DeKalb County is tasked with protecting the health, welfare, and safety of its residents and visitors by ensuring the continued available of quality transient lodging within the County; and

WHEREAS, the County recognizes that the County Code requires revisions to ensure the proper maintenance of hotels, motels, and extended-stay hotels, the protection of the health, safety and welfare of hotel, motel, and extended-stay hotel inhabitants; and

WHEREAS, the County has determined that it is in the best interest of the County to amend Chapter 18 to provide for the continued availability of quality transient lodging within the DeKalb County.

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 18 of the Code of DeKalb County, as Revised 1988, is hereby amended to add a new Article VI as follows:

PART I. ENACTMENT

By amending Chapter 18 of the Code of DeKalb County as Revised 1988, to read as follows:

* * *

Sec. 18-131. Purpose

Purpose.

- (a) The purpose of this ordinance is to ensure the continued availability of quality transient lodging within the DeKalb, 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.
- (b) Unless otherwise stated in this ordinance, 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 County regardless of the date of the hotel, motel, or extended-stay hotel's construction.

- (c) This ordinance is essential to the public's interest, safety, health, and welfare, and this ordinance shall be liberally construed to effectuate its purposes.

Sec. 18-132. Definitions.

“Bona fide employee” shall mean a person who works in the service of the hotel, motel, or extended stay hotel (i.e. the employer) under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

“Electronic records” shall mean the identifying information for all patrons and their guests contained in the electronic guest registration system as listed in Section 18-133 of this ordinance, which is 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.

"Extended-stay hotel" shall, for the purpose of this article, 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 (a) to persons for non-transient extended-stays and/or stays longer than thirty (30) days, regardless of the presence of rentals or leases for shorter periods of time; or (b) for stays longer than fifteen (15) days in rooms equipped with kitchen facilities.

“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.

"Hotel" or "motel" shall, for the purpose of this article, 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 thirty (30) 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. This shall include boutique hotels, as described in Sec. 27-3.22.

“Kitchen facilities” shall mean kitchen amenities including, but not limited to, refrigerators, stoves, ovens, and kitchen-type sink. Amenities limited to a microwave, mini-refrigerator, and/or an appliance designed to produce coffee or tea do not constitute “kitchen facilities” for purposes of this definition.

“Loitering” is defined in Chapter 16 of this Code.

“Manual records” shall mean the identifying information for all patrons and their guests contained in the form of a paper record or reservation book as listed in Section 18-133 of this ordinance, which is 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.

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

“Public nuisance” shall mean a condition, obstruction or use of property allowed or continued by any person, legal entity or agent, that interferes with the comfortable enjoyment of life and property by the neighborhood, community, or members of the public; or which can cause hurt, damage, inconvenience or affect or offend an ordinary, reasonable person.

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

“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. 18-133. Provisions applicable to hotels, motels, and extended-stay hotels.

- a) For any hotel, motel, or extended stay hotel permitted for construction after [Note to Clerk: Insert effective date of ordinance here], any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. This requirement is not applicable to entry points that enter directly into the lobby of the hotel, motel, or extended stay hotel as long as the lobby is manned by a bona fide employee 24 hours a day.
- b) Notwithstanding Sec. 18-134(1) and Sec. 18-135(1), an owner, operator, keeper or proprietor of a hotel, motel, or extended-stay hotel may designate no more than three rooms for the purpose of allowing any number of bona-fide employees and their family to reside on the premises. Rooms designated for employee residences must be clearly marked as distinct from rooms held out for rent and, where practical, must be located adjacent to other rooms designated for employee residences. Rooms designated for employee residences may not be held out for rent to the public.

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

Sec. 18-134. Provisions applicable to hotels and motels

- a) No hotel or motel located within the County shall allow any person to occupy such hotel or motel for more than thirty (30) consecutive days, nor more than sixty (60) days during a one hundred eighty-day period. No guest residing for more than thirty (30) consecutive days shall begin a new rental agreement with the hotel or motel without a two (2) day vacancy in between.

Sec. 18-135. Provisions applicable to extended-stay hotels.

- a) No extended-stay hotel located within the County shall allow any person to occupy such extended-stay hotel for more than one hundred and twenty (120) consecutive days unless otherwise permitted in this section. No guest residing for more than one hundred and twenty (120) consecutive days shall begin a new rental agreement with the extended stay hotel without at least a two (2) day vacancy between stays.
- b) Notwithstanding subsection (a) of this section, a stay in excess of one hundred and twenty (120) consecutive days may occur in the following situations:
 - 1) Where there is a written contract or documented agreement between an extended-stay hotel and a business, corporation, firm or governmental agency to house employees or individuals on valid work orders for ;
 - 2) Where there is documentation, consistent with HIPPA privacy rules, that a hotel guest is considered family or is providing care for a patient who is admitted at local hospital.
 - 3) Where an insurance company or federal, state or local agency has provided documentation that a hotel guest has been displaced from their home by a natural disaster or fire.
- c) Extended-stay hotels are required to comply with all applicable provisions of this code, including but not limited to Section 27-4.2.26.
- d) All extended-stay hotels constructed after [Note to Clerk: Insert effect date of ordinance here] 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 maintained in continuous good working order. An extended-stay hotel is considered constructed only once a certificate of occupancy is issued.
- e) All extended-stay hotels constructed after [Note to Clerk: Insert effective date of ordinance here] must provide a minimum of one thousand (1,000) square feet

for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection. An extended-stay hotel is considered constructed only once a certificate of occupancy is issued.

Sec. 18-136. 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 DeKalb County 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 maintain a manager on duty 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 kept strictly confidential in accordance with state and federal law and shall not be provided to any person except to a federal or state law enforcement officer or to any officer empowered to enforce this ordinance.
- (4) All information required to be procured and kept pursuant to this ordinance shall be provided to any federal or state law enforcement officers, or local sworn enforcement officer empowered to enforce this ordinance, 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.
- (5) 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, and make these records available to the County within a reasonable time upon request. 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 overnight 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) Upon departure, record of departure day, month, and year for each patron and guest;
 - (g) The rate charged and amount collected for rental of the room;
 - (h) The method of payment for each room; and
 - (i) The make, model, color, license plate number, and license plate state of the patron and any overnight guest's vehicle if the vehicle will be parked on the premises.
- (6) 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.
- (7) 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.
- (8) Change of location or name.
- (a) No applicant shall operate, conduct, manage, engage in, or carry on a hotel, motel, or extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
 - (b) Any application for an extension or expansion of a building or other place of business where a hotel, motel, or extended-stay motel/hotel is located shall require inspection and shall comply with all applicable codes and regulations.

Sec. 18-137. Vehicles, Parking, and Registration.

- (1) All patrons and overnight 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 18-136.
- (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, or 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).
- (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. 18-138. 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 except when temporarily designated as a hospitality suite by the hotel, motel, or extended-stay hotel.
- (4) Housekeeping shall be included within the standard room rate of any hotel, motel, or extended stay hotel. At a minimum, rooms must be cleaned before

- each new guest checks in and no less frequently than once every seven (7) days. Each hotel, motel, and extended-stay hotel must maintain a log that documents when each room is cleaned. The log must be maintained for one hundred and twenty (120) days for extended-stay hotels and must be maintained for thirty (30) days for hotels and motels. Any hotel, motel, or extended-stay hotel must make these records available to the County within a reasonable time upon request.
- (5) 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.
- (6) Each existing and newly constructed guest room of a hotel, motel, or extended-stay hotel in existence as of [Note to Clerk: Insert effective date of ordinance here] of this article shall, at a minimum, be brought into compliance, within three (3) years of the date of the effective date of this ordinance, with sprinkler requirements for new construction set forth in NFPA 101, 2012 edition. Hotels, motels, or extended-stay hotels in existence as of [Note to Clerk: Insert effective date of ordinance here], the fire marshal is authorized to provide notice to the building owner or agent of any hotel or dormitory that is not in compliance with NFPA 101, 2012 edition. Within sixty (60) days of receiving such notice of noncompliance, the building owner or agent of such owner shall file an intent to comply with this requirement with the fire marshal. Unless otherwise noted, it is intended that the provisions of this section be applied to new as well as existing facilities, equipment, structures, or installations that are approved for construction or installation prior to the effective date of this document. Existing facilities, equipment, structures, or installations will have three (3) years from [Note to Clerk: Insert effective date of ordinance here] to comply with the provisions of this section. The following extensions and exemptions to this requirement may apply:
- (a) Hotels, motels, or extended-stay hotels in existence as of the [Note to Clerk: Insert effective date of ordinance here] may receive a two (2) year extension for the installation of the approved supervised Sprinkler System upon the implementation of the following within sixty (60) days of approval of this ordinance.
 - i. No smoking allowed except in designated areas; and
 - ii. No kitchen facilities are installed or operated within any dwelling unit. Microwaves are allowed.
 - (b) Automatic sprinkler protection shall not be required in buildings where all guest sleeping rooms or guest suites have a door opening directly to either of the following:
 - (1) Outside at the street or the finished ground level
 - (2) Exterior exit access arranged in accordance with NFPA 101:7.5.3 in buildings three or fewer stories in height (see next slide)
 - (c) NFPA 101: 7.5.3 Exterior Ways of Exit Access.

- i. 7.5.3.1 Exit access shall be permitted to be by means of any exterior balcony, porch, gallery, or roof that conforms to the requirements of this chapter.
 - ii. 7.5.3.2 The long side of the balcony, porch, gallery, or similar space shall be at least fifty (50) percent open and shall be arranged to restrict the accumulation of smoke.
 - iii. 7.5.3.3 Exterior exit access balconies shall be separated from the interior of the building by walls and opening protectives as required for corridors, unless the exterior exit access balcony is served by at least two remote stairs that can be accessed without any occupant traveling past an unprotected opening to reach one of the stairs, or unless dead ends on the exterior exit access do not exceed 20 ft. (6100 mm).
- (7) Each new and existing guest room of a hotel, motel, or extended-stay hotel shall be equipped with a hard wired smoke detector or smoke alarms whose device housing is tamper-resistant and is powered by a non-replaceable, non-removable energy source capable of powering the alarm for a minimum of ten years from the manufacture's date on the device. All smoke detectors or alarms must be installed and approved by the Fire Marshal within one hundred and eighty (180) days after [Note to Clerk: Insert effective date of ordinance here].

Sec. 18-139. 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 that 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) Any hotel, motel, or extended-stay hotel must provide and maintain security in its parking area. This may include the following: live patrol guard, security fencing that is decorative and consistent with the zoning code, or other security measure approved in writing by the chief of police.

Sec. 18-140. Smoking.

- (1) Smoking is prohibited in all hotel, motel, or extended-stay hotel spaces with the exception of designated smoking rooms. Designated smoking rooms rented by

guests shall not comprise more than twenty percent (20%) of the total number of rooms available for rent.

- (2) Smoking is prohibited in all areas except in designated smoking areas. Smoking is expressly prohibited in exterior breezeways, stairwells, or within 25 feet of any guest room.

Sec. 18-141. 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).
- (2) Every owner, operator, keeper or proprietor of any new or existing hotel, motel, or extended-stay hotel is required to install a VSS within one year of [Note to Clerk: Insert effective date of ordinance here]. 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 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 twenty-one (21) 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 chief of police. The chief of police 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 who is authorized to inspect any such System at reasonable times to determine whether it conforms to 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.

- (6) The DeKalb County Police Department will develop and maintain VSS Standards that provide the minimum standards for VSS equipment, installation, and maintenance.

Sec. 18-142. Loitering.

- (1) All hotel, motel, or extended-stay hotel operators will advise patrons and guests verbally upon registration and through posted signage that loitering 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 of the hotel, motel, or extended-stay hotel.

Sec. 18-143 – 18-153 Reserved

Sec. 18-154. Violations and penalties.

- (1) Any violation of the provisions of this article shall be punishable under Sec. 1-10 of this code. Any person or entity violating the provisions of this article 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 Board of Commissioners.

Sec. 18-155. Responsibility for enforcement.

- (1) The DeKalb County Police Department, Fire Department, Code Enforcement Division, and Board of Health shall have the responsibility for the enforcement of this section. Sworn officers of the DeKalb County Police Department, Fire Department, Code Enforcement Division, Board of Health, and designated civilian employees 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. 18-156. Right of Entry.

- (1) When there is probable cause to make an inspection to enforce the provisions of this code, or whenever there is reasonable cause to believe that there exists a condition in violation of this code, personnel identified in Sec. 18-155 of this code are authorized to enter the structure or premises, including individual rooms, at reasonable times to inspect or perform the duties imposed by this code.
- (2) The Code Official shall have recourse to the remedies provided by law. If such structure or premises is occupied, County personnel shall present credentials to the occupant and request entry. If entry is refused by occupant, the Code Official shall have recourse to the remedies provided by law to secure entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused by the owner or other person having charge or control of the structure refuses entry, the owner and responsible party shall be in violation of this article and subject to punishment under Sec. 1-10 of this code.

Sec. 27-526. 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 county 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 DeKalb County Code of Ordinances.
- (2) All hotels, motels, and extended-stay hotels shall operate in compliance with all zoning, building code, fire safety code, health code, and other ordinances and laws of the county and the state unless otherwise grandfathered.

PART II. EFFECTIVE DATE

This ordinance shall become effective immediately on the date of adoption by the board of commissioners and approval by the chief executive officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the

ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2017.

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2017.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners
And Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

O.V. BRANTLEY
County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

LUZ BORRERO
Deputy Chief Operating Officer
for Development
DeKalb County, Georgia