

ORDINANCE #15-19

AN ORDINANCE AMENDING CHAPTER 9, LICENSES, PERMITS AND BUSINESS REGULATIONS, ARTICLE XI. HOTELS AND MOTELS

WHEREAS, these revisions to the Williamsburg Code, Chapter 9, Licenses, Permits and Business Regulations, Article XI. Hotels and Motels, are intended to revise provisions related to registration requirements and to exceptions for length of stay.

THEREFORE, BE IT ORDAINED that Chapter 9, Licenses, Permits and Business Regulations be amended to read as follows:

CHAPTER 9. LICENSES, PERMITS AND BUSINESS REGULATIONS

ARTICLE XI. HOTELS AND MOTELS

Sec. 9-371. Definitions.

For the purposes of this chapter, certain words and phrases shall have the meanings set out in this section, except in cases where the context clearly indicates a different meaning.

Hotel/motel means a building or group of attached or detached buildings offering transient lodging accommodations to visitors. A hotel/motel shall also include on the site a lobby, clerk's desk, or counter and facilities for registration and keeping of records relating to visitors. Rental of bedrooms in a single-family detached dwelling to roomers and visitors in accordance with Chapter 21, Zoning, Sections 21-605 and 21-605.1 shall not be considered to be a hotel/motel.

Hotel, extended stay means a building or group of buildings containing rooms or suites with a kitchen, which may be occupied by visitors with no maximum length of stay. A kitchen shall be equipped with all of the following appliances: sink, dishwasher, range, microwave oven, and refrigerator.

Law enforcement personnel means any law enforcement officer, fire marshal or any of his assistants, fire inspector, or sworn special conservator of the peace employed by the City or health department.

Minor means an individual less than 18 years of age.

Person means any individual, firm, owner, sole proprietorship, partnership, corporation, and unincorporated association governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

Records mean the name and home address of each guest or person renting or occupying a room, including adults and minors, kept electronically or in a book/register inscribed with ink or indelible pencil.

Transient Lodging means space or room furnished to any visitor, including the cost of all meals, food and other services when furnished with such space or room for a unit price.

Visitor means any person who, for a period of not more than 30 consecutive days, secures transient lodging at any hotel/motel for a consideration, provided that the visitor's principal place of residence is not the room or suite occupied by the visitor.

Sec. 9-372. Penalties.

Any person violating Sec. 9-375 through Sec. 9-379 of this article shall be guilty of a Class 1 misdemeanor. Each day a violation continues constitutes a separate offense. In addition to any penalties imposed for each violation, a judge hearing the case shall order the person responsible for the violation to correct the violation, and each day's default in such correction shall constitute a violation of and a separate offense under this chapter.

Sec. 9-373. Enforcement and Inspections.

Any law enforcement personnel or the Zoning Administrator is authorized and shall have authority to enforce all provisions of this chapter, and may enter any hotel/motel and any guest parking areas therein at reasonable times and may also inspect the hotel/motel guest registry for the purpose of investigating any complaint or enforcing any law, ordinance or regulation, subject to constitutional restrictions on searches and seizures. If consent for entry or inspection is refused or not obtained, such authorized personnel may pursue recourse as provided by law, including obtaining a warrant to search such areas or the hotel/motel specified and/or the hotel/motel guest registry.

Sec. 9-374. Severability.

Severability is intended throughout and within all the provisions of this chapter. If any provision (including inter alia any word, phrase, sentence, paragraph, subsection or section), or the application thereof to any person or circumstance, is judicially declared to be invalid, the remaining provisions and their application shall not be affected thereby.

Sec. 9-375. Numbering of rooms or units.

Each unit in any hotel/motel shall be numbered in a plain, conspicuous manner. Such numbers shall be at least three inches high and shall be placed at eye level on the outside of the outer door of each unit, and no two units shall bear the same number.

Sec. 9-376. Registration required.

(a) The operator of each hotel/motel located in the City shall at all times keep and maintain, or cause to be kept and maintained, a register containing the following information regarding each room rented in its hotel for each day:

- (1) The name and home or business address and telephone number of each visitor in whose name the room is rented, the number of occupants registered to occupy the room, and the description of the motor vehicle parked on the premises in connection with such occupancy. In the case of a room rented by a third party who is not an occupant thereof, the name and home or business address and telephone number of the third party, and the name of the visitor for whom the room is rented, the number of occupants registered to occupy the room, and the description of the motor vehicle parked on the premises in connection with such occupancy. In the case of group rentals of more than two rooms on the same day, the business address and telephone number of the group organizer together with a list provided by the group organizer which identifies the members of the group, and the room numbers that are occupied by the group.
- (2) In the case that a room is rented for more than 30 consecutive days, the operator shall as a condition of allowing such continued rental obtain the names, home or business addresses, and telephone numbers of all persons who will occupy such room during all or any portion of such continued rental, as well as the description and license plate information for each motor vehicle parked on the premises in

connection with such occupancy. In the case that a room is occupied by employee(s) of the hotel, an on-site manager, or the owner (as described in Sec. 9-379), the name of each person occupying the room.

- (3) Until all information required by this Section has been obtained, no occupancy of such room shall be permitted. The records required to be kept under subparagraphs (1) and (2) above shall be retained by the operator for the remainder of the calendar year in which the room was occupied by the same occupant(s), and for the next succeeding calendar year.

~~(c) The register required by this section shall be subject to inspection by any law enforcement personnel or by the zoning administrator or the zoning administrator's designee in the performance of their duties.~~

~~(d) The guest vehicle parking area of every lodging place shall be accessible upon request to any public safety officer in the performance of their duties.~~

Sec. 9-377. Renting or occupying room for illegal or unlawful purposes.

It shall be unlawful for any person to rent or occupy any room in any hotel/motel for illegal or unlawful purposes, or for the proprietor, manager or other person in charge of any such hotel/motel to rent, assign to or permit any person to occupy any such room with knowledge that they intend to use it for illegal or unlawful purposes.

Sec. 9-378. Letting same room more than once in one night.

It shall be unlawful for any person to let any room in any hotel/motel in the City more than once between the hours of 9:00 p.m. and 6:00 a.m. of the next day, except in the case of a pre-scheduled and documented business contract.

Sec. 9-379. Length of stay in hotel or motel.

(a) It shall be unlawful for any person to put up or stay at any hotel/motel for longer than 30 days in a 60-day period. It shall also be unlawful for the owner, operator, manager, or person in charge of a hotel/motel to permit or allow a person to stay at a hotel/motel in excess of 30 days in a 60-day period. This Section shall not apply to extended stay hotels as defined in Section 9-371.

(b) Notwithstanding subsection (a) of this Section, a stay in excess of 30 days in a 60-day period may occur in the following situations:

- (1) Where there is a written contract or document between a hotel/motel and a business, corporation, firm, college or university or government agency to house employees or individuals who are engaged in employment activities for the business, corporation, firm, college, university or government agency either as an employee or as an independent contractor pursuant to a written contract. The written contract, document, and authorization noted above shall be kept on file and must be available for inspection.
- (2) Where there is a written contract between the hotel/motel and the City of Williamsburg Human Services Department to house families in crisis who are receiving temporary housing assistance from a government, charitable or insurance agency. The written contract, document, and authorization noted above shall be kept on file and must be available for inspection.

- (3) From July 1, 2015 until December 31, 2016, where rooms or suites are occupied by employees of the hotel/motel (not to exceed five percent of the total number of rooms at the facility), they may be occupied with no maximum length of stay. Employees must work at least 20 hours per week for the hotel/motel while residing at the facility. Occupancy shall be limited to employees only, and shall not include dependents or guests of employees.
 - a. In addition to the employee rooms or suites described above, a room or suite with kitchen facilities may be occupied by the owner or on-site manager and their families, and may be occupied with no maximum length of stay.
- (4) From January 1, 2017, where rooms or suites are occupied by employees of the hotel/motel, the owner, on-site manager, or employees of the hotel/motel and their families (not to exceed five percent of the total number of rooms at the facility), they may be occupied with no maximum length of stay. The on-site manager and employees must work at least 20 hours per week for the hotel/motel while residing at the facility. The room or suite shall contain kitchen facilities, which shall include, at a minimum, a sink separate from the bathroom sink, a built-in, two-burner cooktop, a microwave oven, and a refrigerator, and shall meet all applicable building code requirements. No more than three persons may reside in a single room or one-bedroom suite, and no more than five persons may reside in a two-bedroom suite.
- (5) Where an emergency situation requires the provision of temporary housing, City Council may authorize occupancy in excess of 30 days.

EXCEPT as here amended, the Williamsburg Code shall remain unchanged.

Adopted: August 13, 2015

Attest: 
Gerry S. Walton, Deputy Clerk of Council


Clyde A. Haulman, Mayor