



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

File ID: 2017-0079

Substitute

11/14/2017

Public Hearing: YES  NO

Department: Economic Development

### SUBJECT:

Commission District(s): All

An Ordinance to Amend the County Code of Ordinances for Purposes of Regulating Hotels, Motels, and Extended-Stay Hotels

Information Contact: Luz Borrero

Phone Number: 404-371-2562

### PURPOSE:

To improve quality of life and safety for individuals staying at DeKalb County hotels, nearby businesses, and residents

### NEED/IMPACT:

DeKalb County lacks a comprehensive ordinance to regulate how Hotels, Motels, and Extended-Stay Hotels conduct business in DeKalb County. The ordinance establishes new requirements that will assist DeKalb Police when following up on crimes. Additionally, the ordinance creates basic standards that will enhance hotel cleanliness and life safety.

### FISCAL IMPACT:

N/A

### RECOMMENDATION:

To approve the attached ordinance to regulate hotels, motels, and extended-stay hotels in DeKalb County

**AN ORDINANCE  
TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA TO PROVIDE FOR THE  
CONTINUED AVAILABILITY OF QUALITY TRANSIENT LODGING WITHIN THE  
COUNTY, 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 availability of quality transient lodging within the County; and

**WHEREAS**, hotels, motels, and extended-stay hotels are not intended to serve as permanent housing but rather they serve as quality transitional lodging facilities; 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 the 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 add a new article to read as follows:*

\* \* \*

**ARTICLE VI.  
HOTELS, MOTELS AND EXTENDED STAY HOTELS.**

**Sec. 18-131. Purpose.**

- (a) The purpose of this ordinance is to ensure the continued availability of quality transient lodging within the County, 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 18-136 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 30 days; or (b) for stays longer than 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 is offered for pay to guests, 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.

“Housekeeping” shall mean the cleaning of guest rooms, guest bathrooms, public area, changing of linen and removal of trash from guest rooms and common areas.

“Kitchen facilities” shall mean kitchen amenities, which at a minimum must include a stove, oven, and a kitchen-type sink. A bathroom sink does not qualify as a kitchen facility. 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, Sec. 16-43, 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 18-136 (e) 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. Public facing entry point doors shall have operating automatic closures, key entry and shall remain locked at all times between the hours of 9:00 pm and 6:00 am. Additionally, all entry point doors shall be equipped with an alarm or other device that will alert hotel, motel, or extended-stay hotel security, attendants, or other employees that the door has been opened

or remains open. These requirements are 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. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel, motel, or extended-stay hotel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.

- 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 five (5) percent or six (6) (rooms, whichever is fewer, 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 a one hundred eighty (180) day period. No guest residing for more than one hundred and eighty (180) consecutive days shall begin a new rental agreement with the hotel or motel without a two (2) day vacancy between stays.

**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 eighty (180) consecutive days unless otherwise permitted in this section. No guest residing for more than one hundred and eighty (180) 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 section 134, a stay in excess of one hundred and eighty (180) 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;

- 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; or
  - 3) When 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 effective date of ordinance] must provide a minimum of one thousand (1,000) square feet in common areas for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers, patios, terraces, and other recreational facilities in common areas may be used in determining the square footage required by this subsection. An extended-stay hotel is considered constructed only after a certificate of occupancy is issued.

**Sec. 18-136. Responsibilities, access, and registration requirements.**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.

- (e) 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:
- (1) The full name, phone number, and home address of each patron and overnight guest. If the patron is a tourism company or other business, only the patron shall be required to provide this information;
  - (2) The total number of occupants (patrons and guests) registered in each room;
  - (3) The room number assigned to each patron and guest;
  - (4) The day, month, year and time of arrival of each patron and guest;
  - (5) The day, month, year each patron and each guest is scheduled to depart;
  - (6) Upon departure, record of departure day, month, and year for each patron and guest;
  - (7) The rate charged and amount collected for rental of the room;
  - (8) The method of payment for each room; and
  - (9) Documentation used to verify a stay in excess of one hundred and eighty (180) consecutive days as stated in Sec. 18-135(b).
- (f) 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 when registering in person. 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 of the provided identification shall be kept on file for the duration of the occupancy and for one hundred eighty (180) days thereafter.
- (g) Annually, the County shall provide every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel with a list of crimes and ordinance violations that occurred on the property in the previous year.

- (h) 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.
- (i) Change of location or name.
  - (1) 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.
  - (2) 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.**

- (a) All handicap parking must be in compliance with state and local laws.
- (b) All vehicles parked on any hotel's premises must be in good working order.
- (c) Vehicle maintenance in hotel parking lots is prohibited.

**Sec. 18-138. Room requirements, equipment and services.**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Daily 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.

- (e) The utilization of clothes-lines or other clothes-drying equipment or facilities outside of a room that are located on or are visible from the outside of a room are prohibited. Balconies and railings are not to be used for hanging towels, personal items or any other articles of clothing.
- (f) No occupational tax certificate shall be issued for the purpose of conducting business from a guest room of a hotel, motel, or extended-stay hotel, and no home occupation shall be conducted from such room.
- (g) 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] 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. The fire marshal shall 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] to comply with the provisions of this section. The following extensions and exemptions to this requirement shall apply:
  - (1) Hotels, motels, or extended-stay hotels in existence as of the [Note to Clerk: Insert effective date of ordinance here] may receive up to a two (2) year extension at the discretion of the fire chief based on submitted plans for the installation of the approved supervised Sprinkler System. An affidavit shall be submitted to the fire marshal within sixty (60) days of the end of the three (3) year period, certifying that the premise is in compliance with the following regulation:
    - (A) No kitchen facilities are installed or operated within any dwelling unit. Microwaves are allowed.
  - (2) 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:
    - (A) Outside at the street or the finished ground level

- (B) Exterior exit access arranged in accordance with NFPA 101:7.5.3 in buildings three or fewer stories in height
- (3) NFPA 101: 7.5.3 Exterior Ways of Exit Access.
  - (A) 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.
  - (B) 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.
  - (C) 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 twenty (20) ft. (6100 mm).
- (h) 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].
- (i) All new Hotels, Motels and Extended Stay Hotels must have in place Laundry facilities consisting of washer and dryer machines which shall be made available to patrons for a fee. This equipment shall be maintained and in good repair at all times. Laundry supplies (detergent, softener, etc.) may also be made available to patrons for a fee. Washers and dryers should be provided at a ratio of one washer and dryer for every one hundred and fifty (150) rooms. For existing hotels, motels and extended-stay hotels, Laundry equipment must be installed and in working conditions within one hundred and eighty (180) days after \_\_\_\_\_ [Note to Clcrk: Insert effective date of this ordinance]

**Sec. 18-139. Common area requirements and parking illumination.**

- (a) 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.

- (b) Any hotel, motel, or extended-stay hotel must provide and maintain security in its parking area. This shall include one or more of the following: live patrol guard, security fencing that is decorative and consistent with the zoning code, or other security measures approved in writing by the chief of police to meet the minimum security standards required by this code section. All hotels, motels, or extended-stay hotels must maintain a security plan which shall include all implemented security measures. Security Plans and documentation for approved alternative security measures shall be kept on file and made available to the County within a reasonable time upon request.

**Sec. 18-140. Smoking.**

- (a) Smoking is prohibited in all hotel, motel, or extended-stay hotel rooms with the exception of designated smoking areas.
- (b) Smoking is prohibited except in designated smoking areas. Smoking is expressly prohibited in exterior breezeways, stairwells, or within twenty-five (25) feet of any guest room or doors used for ingress or egress.

**Sec. 18-141. Video Surveillance Systems.**

- (a) 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).
- (b) 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 hundred and eighty (180) days of [Note to Clerk: Insert effective date of ordinance]. 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 one hundred and eighty (180) days of the effective date of this ordinance.
- (c) 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.
- (d) 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.

- (e) 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.
- (f) The DeKalb County Police Department will develop, maintain and publish on the County website VSS Standards that provide the minimum standards for VSS equipment, installation, and maintenance. Any new standards or changes to existing standards will be issued in conjunction with annual Business License renewal notices and become effective on May 1<sup>st</sup> of each year.

**Sec. 18-142. Loitering and Juvenile Curfew.**

- (a) All hotel, motel, or extended-stay hotel operators will advise patrons and guests verbally, upon registration, and through posted signage that loitering is prohibited.
- (b) 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.
- (c) The common areas of a hotel, motel, or extended-stay hotel shall be considered an “establishment” as that term is defined in Sec. 16-44 of this Code.
- (d) Sec. 16-44 of this Code, related to juvenile curfew shall be enforced in the common areas of a hotel, motel, or extended-stay hotel.

**Sec. 18-143 – 18-153. Reserved.**

**Sec. 18-154. Violations and penalties.**

- (a) The objective of enforcement is compliance.
- (b) 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.

- (c) The violation of the provisions of this article may be abated as a nuisance.
- (d) 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 of law exist. Such actions may be instituted in the name of DeKalb County.
- (e) If a person is convicted of a violation of this article, the court shall impose a fine in accordance with the following schedule:
  - a. First conviction in a calendar year: a minimum of \$250;
  - b. Second conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$500;
  - c. Third conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$750; and
  - d. Fourth conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$1000.

**Sec. 18-155. Responsibility for enforcement.**

- (a) County employees, including employees or agents of 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.
- (b) 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.**

- (a) When there is probable cause to make an inspection to enforce the provisions of this article, 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.

- (b) If such structure or premises is occupied, County personnel shall present credentials to the occupant and request entry. If entry is refused by occupant, County personnel shall have recourse to the remedies provided by law to secure entry. If such structure or premises is unoccupied, County personnel 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, County employees shall have recourse to all methods of entry allowed by law, and the owner and responsible party shall be in violation of this article and subject to punishment under Sec. 1-10 of this Code.

**Sec. 18-157. Unlawful operation declared nuisance.**

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 injunction thereof, in the manner provided by state law and this Code.

**PART II. EFFECTIVE DATE**

This ordinance shall become effective 120 days after 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

**AN ORDINANCE  
TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA TO PROVIDE FOR THE  
CONTINUED AVAILABILITY OF QUALITY TRANSIENT LODGING WITHIN THE  
COUNTY, 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 availability of quality transient lodging within the County; and

**WHEREAS**, hotels, motels, and extended-stay hotels are not intended to serve as permanent housing but rather they serve as quality transitional lodging facilities; 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 the 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 add a new article to read as follows:*

\* \* \*

**ARTICLE VI.  
HOTELS, MOTELS AND EXTENDED STAY HOTELS.**

**Sec. 18-131. Purpose.**



- (a) The purpose of this ordinance is to ensure the continued availability of quality transient lodging within the County, 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 18-136 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 ~~and rooms equipped with kitchen facilities including a stove, refrigerator and a sink~~, 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 30 days; or (b) for stays longer than 15 days in rooms equipped with kitchen facilities to persons for non-transient extended-stays, and/or stays 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 is offered for pay to guests, 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.

“Housekeeping” shall mean the cleaning of guest rooms, guest bathrooms, public area, changing of linen and removal of trash from guest rooms and common areas.

“Kitchen facilities” shall mean kitchen amenities, which at a minimum must include ~~but not limited to~~ refrigerators, stoves, ovens, and ~~or~~ kitchen-type sinks. A bathroom sink does not qualify as a kitchen facility. 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, Sec. 16-43, 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 18-136 (e) 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. Public facing entry point doors shall have operating automatic closures, key entry and shall remain locked at all times between the

hours of 9:00 pm and 6:00 am. Additionally, all public facing entry point doors shall be equipped with an alarm or other device that will alert hotel, motel, or extended-stay hotel security, attendants, or other employees that the door has been opened or remains open.- These requirements are 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. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel, motel, or extended-stay hotel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.

- 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 five (5) percent or six (6) (three rooms, whichever is fewer, 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 a one hundred eighty (180) day period. No guest residing for more than one hundred and eighty (180) consecutive days shall begin a new rental agreement with the hotel or motel without a two (2) day vacancy between stays.

**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 eighty (180) consecutive days unless otherwise permitted in this section. No guest residing for more than one hundred and eighty (180) 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 section 134, a stay in excess of one hundred and eighty (180) 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;
  - 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; or
  - 3) When 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 effective date of ordinance] must provide a minimum of one thousand (1,000) square feet in common areas for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers, patios, terraces, and other recreational facilities in common areas may be used in determining the square footage required by this subsection. An extended-stay hotel is considered constructed only after ~~once~~ a certificate of occupancy is issued.

**Sec. 18-136. Responsibilities, access, and registration requirements.**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.

- (e) 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:
- (1) The full name, phone number, and home address of each patron and overnight guest. If the patron is a tourism company or other business, only the patron shall be required to provide this information;
  - (2) The total number of occupants (patrons and guests) registered in each room;
  - (3) The room number assigned to each patron and guest;
  - (4) The day, month, year and time of arrival of each patron and guest;
  - (5) The day, month, year each patron and each guest is scheduled to depart;
  - (6) Upon departure, record of departure day, month, and year for each patron and guest;
  - (7) The rate charged and amount collected for rental of the room;
  - (8) The method of payment for each room; and
  - (9) Documentation used to verify a stay in excess of one hundred and eighty (180) consecutive days as stated in Sec. 18-135(b).
- (f) 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 when registering in person. 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 of the provided identification shall be kept on file for the duration of the occupancy and for one hundred eighty (180) days thereafter.

- (g) Annually, the County shall provide every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel with a list of crimes and ordinance violations that occurred on the property in the previous year.
- (h) 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.
- (i) Change of location or name.
  - (1) 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.
  - (2) 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.**

- (a) All handicap parking must be in compliance with state and local laws.
- (b) All vehicles parked on any hotel's premises must be in good working order.
- (c) Vehicle maintenance in hotel parking lots is prohibited.

**Sec. 18-138. Room requirements, equipment and services.**

- (a) 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.
- (b) 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.
- (c) 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.

- (d) Daily 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.
- (e) The utilization of clothes-lines or other clothes-drying equipment or facilities outside of a room that are located on or are visible from the outside of a room are prohibited. Balconies and railings are not to be used for hanging towels, personal items or any other articles of clothing.
- (f) No occupational tax certificate shall be issued for the purpose of conducting business from a guest room of a hotel, motel, or extended-stay hotel, and no home occupation shall be conducted from such room.
- (g) 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] 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. The fire marshal ~~shall 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] to comply with the provisions of this section. The following extensions and exemptions to this requirement ~~shall may~~ apply:
  - (1) Hotels, motels, or extended-stay hotels in existence as of the [Note to Clerk: Insert effective date of ordinance here] may receive up to a two (2) year extension at the discretion of the fire chief based on submitted plans for the installation of the approved supervised Sprinkler System. An affidavit shall be submitted ~~by submitting an affidavit~~ to the fire marshal within sixty (60) days of the end of the three (3) year period effective date of this ordinance, certifying that the premise is in compliance with the following regulations:
    - (A) ~~No smoking allowed except in designated areas; and~~

- (B)(A) No kitchen facilities are installed or operated within any dwelling unit. Microwaves are allowed.
- (2) 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:
  - (A) Outside at the street or the finished ground level
  - (B) Exterior exit access arranged in accordance with NFPA 101:7.5.3 in buildings three or fewer stories in height
- (3) NFPA 101: 7.5.3 Exterior Ways of Exit Access.
  - (A) 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.
  - (B) 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.
  - (C) 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 twenty (20) ft. (6100 mm).
- (h) 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].
- (i) All new Hotels, Motels and Extended Stay Hotels must have in place Laundry facilities consisting of washer and dryer machines which shall be made available to patrons for a fee. This equipment shall be maintained and in good repair at all times. Laundry supplies (detergent, softener, etc.) may also be made available to patrons for a fee. Washers and dryers should be provided at a ratio of one washer and dryer for every one hundred and fifty (150) rooms. For existing hotels, motels and extended-stay hotels, Laundry equipment must be installed and in working conditions within one hundred and eighty (180) days after \_\_\_\_\_ [Note to Clerk: Insert effective date of this ordinance]

**Sec. 18-139. Common area requirements and parking illumination.**

- (a) 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.

- (b) Any hotel, motel, or extended-stay hotel must provide and maintain security in its parking area. This ~~may~~shall include one or more of the following: live patrol guard, security fencing that is decorative and consistent with the zoning code, or other security measures approved in writing by the chief of police to meet the minimum security standards required by this code section. All hotels, motels, or extended-stay hotels must maintain a security plan which shall include all implemented security measures. Security Plans and documentation for approved alternative security measures shall be kept on file and made available to the County within a reasonable time upon request.

#### **Sec. 18-140. Smoking.**

- (a) Smoking is prohibited in all hotel, motel, or extended-stay hotel ~~rooms spaces~~ with the exception of designated smoking ~~areas~~rooms. ~~Designated smoking rooms rented by guests shall not comprise more than twenty percent (20%) of the total number of rooms available for rent.~~
- (b) Smoking is prohibited ~~in all areas~~ except in designated smoking areas. Smoking is expressly prohibited in exterior breezeways, stairwells, or within twenty-five (25) feet of any guest room or doors used for ingress or egress.

#### **Sec. 18-141. Video Surveillance Systems.**

- (a) 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).
- (b) 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 hundred and eighty (180) days ~~one year~~ of [Note to Clerk: Insert effective date of ordinance]. 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 one hundred and eighty (180) days ~~thirty (30) days~~ of the effective date of this ordinance.
- (c) 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.

- (d) 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.
- (e) 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.
- (f) The DeKalb County Police Department will ~~develop and maintain~~develop, maintain and publish on the County website VSS Standards that provide the minimum standards for VSS equipment, installation, and maintenance. Any new standards or changes to existing standards will be issued in conjunction with annual Business License renewal notices and become effective on May 1<sup>st</sup> of each year.

**Sec. 18-142. Loitering and Juvenile Curfew.**

- (a) All hotel, motel, or extended-stay hotel operators will advise patrons and guests verbally, upon registration, and through posted signage that loitering is prohibited.
- (b) 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.
- (c) The common areas of a hotel, motel, or extended-stay hotel shall be considered an "establishment" as that term is defined in Sec. 16-44 of this Code.
- (d) Sec. 16-44 of this Code, related to juvenile curfew shall be enforced in the common areas of a hotel, motel, or extended-stay hotel.

**Sec. 18-143 – 18-153. Reserved.**

**Sec. 18-154. Violations and penalties.**

**(a) The objective of enforcement is compliance.**

~~(a)~~**(b)** 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.

~~(b)~~**(c)** The violation of the provisions of this article may be abated as a nuisance.

~~(e)~~**(d)** 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 of law exist. Such actions may be instituted in the name of DeKalb County.

~~(d)~~**(e)** If a person is convicted of a violation of this article, the court shall impose a fine in accordance with the following schedule:

- a. First conviction in a calendar year: a minimum of \$250;
- b. Second conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$500;
- c. Third conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$750; and
- d. Fourth conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$1000.

**Sec. 18-155. Responsibility for enforcement.**

**(a)** County employees, including employees or agents of 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.

**(b)** 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.**

- (a) When there is probable cause to make an inspection to enforce the provisions of this article, 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.
- (b) If such structure or premises is occupied, County personnel shall present credentials to the occupant and request entry. If entry is refused by occupant, County personnel shall have recourse to the remedies provided by law to secure entry. If such structure or premises is unoccupied, County personnel 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, County employees shall have recourse to all methods of entry allowed by law, and the owner and responsible party shall be in violation of this article and subject to punishment under Sec. 1-10 of this Code.

**Sec. 18-157. Unlawful operation declared nuisance.**

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 this Code.

**PART II. EFFECTIVE DATE**

This ordinance shall become effective 120 days after 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

Hotel Motel Extended-Stay Ordinance  
Summary of Changes  
BOC Meeting 11-14-2017

The suggested approved changes that were incorporated into the draft Ordinance after several discussions with DCCVB Hotel Task Force are as follows:

1. Whereas Section, (pg.1):
  - a. Whereas provision added that addresses the intent of these establishments to offer transitional lodging services not suitable for permanent housing
2. Sec 18-132 Definition, Extended Stay (pg.2):
  - a. "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 30 days; or (b) for stays longer than 15 days in rooms equipped with kitchen facilities.
3. Sec. 18-132 Definitions, "Kitchen Facilities" (pg.3):
  - a. "At a minimum must include a stove, oven, or a kitchen-type sink. A bathroom sink does not qualify as a kitchen facility."
  - b. Refrigerator removed from definition; "and" added to require stove, oven and kitchen-type sink, at a minimum.
4. Sec. 18-132 Definitions, "Loitering" (pg. 3)
  - a. Definition to only include Chapter, Sec. 16-43 of this Code; reference to juvenile curfew was added to Sec. 18-142
5. Sec. 18-133 (a) Public facing doors (pg. 3-4)
  - a. "Public facing entry point doors shall have operating automatic closures, key entry and shall remain locked at all times between the hours of 9:00 pm and 6:00 am. Additionally, public facing entry point doors shall be equipped with an alarm or other device that will alert hotel, motel, or extended-stay hotel security, attendants, or other employees that the door has been opened or remains open."
  - b. "Public Facing" removed and "All" added to include all entry point doors.
6. Sec. 18-133 (b) Provisions applicable to hotels, motels and extended-stay hotels (pg. 4):
  - a. Changed number of designated rooms for bona-fide employees and their family from four (4) to five (5) percent or six (6) rooms, whichever is fewer.
7. Sec. 18-135 (d) Provisions applicable to hotels and motels (pg. 5)
  - a. Added "patios and terraces" to recreational square footage requirement; language added to ensure recreational areas applied only to common areas
8. Sec 18-138 (g) Sec. 18-138. Room requirements, equipment and services. (pg.8)
  - a. Up to a two (2) year extension at the discretion of the fire chief based on submitted plans for the installation of the approved supervised Sprinkler System. An affidavit shall be submitted to the fire marshal within sixty (60) days of the end of the three (3) year period certifying that the premises is in compliance with the following regulation:
  - b. "No smoking allowed excepted in designated areas" removed since Sec 18-140 updated to include no smoking"

9. Sec 18-139 (b) Common area requirements and parking illumination. (pg. 10)
  - a. "Shall" include "one of more of" the following to include live patrol, guard, and security fencing..."
  - b. "All hotels, motels, or extended-stay hotels must maintain a security plan which include all implemented security measures. Security Plans and documentation for approved alternative security measures shall be kept on file and made available to the County within a reasonable time upon request."
10. Sec. 18-140. Smoking. (pg. 10)
  - a. "Smoking is prohibited in all hotel, motel, or extended-stay hotel rooms with the exception of designated smoking areas."
  - b. "Smoking is prohibited except in designated smoking areas. Smoking is expressly prohibited in exterior breezeways, stairwells, or within twenty-five (25) feet of any guest room or doors used for ingress or egress."
11. Sec. 18-141 (b) Video Surveillance Systems. (pg. 10)
  - a. One hundred eighty (180) days to install a VSS
  - b. One hundred eighty (180) days to bring current VSS to full compliance with this section and request an approval assessment from the chief of police
12. Sec 18-141 (c), Video Surveillance Systems. (pg. 11)
  - a. The DeKalb County Police Department will develop, maintain and publish on the County website VSS Standards that provide the minimum standards for VSS equipment, installation, and maintenance. Any new standards or changes to existing standards will be issued in conjunction with annual Business License renewal notices and become effective on May 1st of each year.
13. Sec. 18-142 Loitering and Juvenile Curfew. (pg. 11)
  - a. "The common areas of a hotel, motel, or extended-stay hotel shall be considered an "establishment" as that term is defined in Sec. 16-44 of this Code."
  - b. "Sec. 16-44 of this Code, related to juvenile curfew shall be enforced in the common areas of a hotel, motel, or extended-stay."
14. Sec. 18-154 Sec. 18:154. Violations and penalties.
  - a. "The objective of enforcement is compliance" added.