



Legislation Text

File #: 1921-2015, **Version:** 2

This ordinance enacts new Columbus City Code Chapter 598 to establish licensing requirements and regulations for hotels and motels operating in the City of Columbus. In October of 2013, City Council was approached by neighborhood leaders, the City Attorney's office, and the Columbus of Police about developing licensing requirements and regulations for hotels and motels operating in the City of Columbus. The specific request was to address problem hotels and motels, and the impact of repeated patterns of the occurrence of criminal nuisance activity surrounding their operations. Currently, Chapter 4071 regulates Nuisance Abatement; however, this chapter does not provide remedies for criminal nuisance abatement.

The primary goal of this effort aims to support Columbus' strong lodging industry, bring establishments into compliance with best safety practices, and update the code so that it can meet the needs of today's lodging industry, all while preserving public safety. The City of Columbus is growing as a national travel and tourist destination. In addition to the needs of current and prospective convention visitors for safe and affordable lodging, there is demand for greater access to accommodations from residents and tourists.

This proposed code will establish licensing requirements and regulations for hotels and motels operating in the City of Columbus. The code will provide comprehensive regulations for all hotel and motel owners or operators. The code will require licensing and permit the inspection of hotels and motels operating on private property. The code will regulate how they operate and streamline the application and licensing process and establish a hearing and appeal process. Representatives from City Council, the Department of Public Safety, and the City Attorney's office were consistently consulted as the code was drafted and finalized.

This was a comprehensive effort that involved the development of legislation and rules as well as many external and internal meetings and discussions, public hearings and presentations to community groups. Throughout this process, the City has worked with stakeholders of the hotel and motel industry, the Columbus Chamber, Experience Columbus, community organizations, and neighborhood groups to devise clear and fair regulations that support public health and safety, economic growth and the vibrancy of our city.

The application of certain provisions of this code will be suspended temporarily for the following purposes: Sections 598.02 and 598.03 will be suspended until January 1st of 2016 to allow time for the identification and pre-designation of all hotel and motels currently in good standing with the State of Ohio, Department of Commerce, Division of State Fire Marshal.

FISCAL IMPACT: None

To amend Title 5 of the Columbus City Code by enacting new Chapter 598, entitled "Hotel/Motel Operations," to establish licensing requirements and regulations for hotels and motels operating in the City of Columbus.

WHEREAS, there is a need to establish a Chapter in the Columbus City Code for the purpose of regulating hotels and motels operating in the City of Columbus; and

WHEREAS, in October 2013, City Council was approached about developing licensing requirements and regulations for hotels and motels operating in the City of Columbus. The specific request was to address problem hotels and motels, and the impact of repeated patterns of the occurrence of criminal nuisance activity surrounding their operations. Currently, Chapter 4071 regulates Nuisance Abatement; however, this chapter does not provide remedies for criminal nuisance abatement; and

WHEREAS, this proposed code will establish licensing requirements and regulations for hotels and motels operating in the City of Columbus, providing comprehensive regulations for all hotel and motel owners or operators and will require the licensing and permit the inspection of hotels and motels operating on private property by the Safety Department. The code will regulate how they operate and streamline the application and licensing process and establish a hearing and appeal process; and

WHEREAS, this was a comprehensive effort that involved the development of legislation and rules as well as many external and internal meetings and discussions, public hearings and presentations to community groups. Throughout this process, the City has worked with stakeholders of the hotel and motel industry, the Columbus Chamber, Experience Columbus, community organizations, and neighborhood groups to devise clear and fair regulations that support public health and safety, economic growth and the vibrancy of our city; and

WHEREAS, the application of certain provisions of this code will be suspended temporarily for the following purposes: Sections 598.02 and 598.03 will be suspended until January 1st of 2016 to allow time for the identification and pre-designation of all hotel and motels currently in good standing with the State of Ohio, Department of Commerce, Division of State Fire Marshal; and

WHEREAS, this ordinance establishes language and authorizes the enactment of Chapter 598 of the Columbus City Code for the above-described purpose; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That new Columbus City Code Chapter 598, entitled “HOTEL/MOTEL OPERATIONS,” be and hereby is enacted as follows:

Chapter 598 - HOTEL/MOTEL OPERATIONS

598.01 Definitions

- (A) “Hotel/Motel” means any structure consisting of one or more buildings, with more than five sleeping rooms, that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to guests, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.
- (B) “Hotel/Motel Operation” means the occupancy of any guestroom or use of any hotel/motel facility.
- (C) “Guest” means any person that occupies a guestroom.
- (D) “Guestroom” means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.
- (E) “Owner” means a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question
- (F) “Operator” means any person who works at a hotel/motel in a capacity to facilitate the offering of guestrooms to guests, including, but not limited to, front desk workers.
- (G) “Manager” means the general manager, shift manager, or any person in any supervisory position at the hotel/motel.
- (H) “Employee” means any person who earns qualifying wages, commissions or other type of compensation from the

hotel/motel.

- (I) “Calls for Service” means any and all calls, including but not limited to those to law enforcement or the fire department that result in a request that a representative be dispatched or directed to the hotel/motel, when those responses:
- (1) alleged evidence of criminal activity
 - (2) result in an arrest, charge or citation; or
 - (3) find an imminent threat to safety of persons or property.
- Calls for service shall not include calls made by employees of the hotel/motel property itself as officers to notify the radio room of their location, commonly associated with Columbus Division of Police Directive 3.17 (IV)(A) (1)(a)(3).
- (J) “Calls for Service Ratio” means the number of calls for service divided by the number of rooms in service at the hotel/motel.
- (K) “Director” means the director of public safety or the director’s authorized designee.

598.02 Permit Required

- (A) No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the city of Columbus, the operation of a hotel/motel without obtaining a permit in accordance with this chapter.
- (B) An application for a new permit may be submitted at any time to the Director. If the application is approved and a permit is issued, the permit shall take effect on the day of issuance, and shall expire on December 31st of the year in which it was issued.
- (C) A permit to operate a hotel/motel shall be renewed by the applicant at the end of each calendar year. The deadline for submitting an application for renewal shall be the first Monday of November of the year in which the permit is set to expire. Failure to renew shall result in expiration on December 31st. If a permit is successfully renewed, it shall be in effect for one calendar year, beginning on January 1st and expiring on December 31st of the same year.

598.03 Application for Hotel/Motel Permit, New and Renewal.

- (A) Application for a new permit, and/or for renewal of a permit, shall be made to the Director, upon approved forms, executed by the License Section for an application fee of ten dollars (\$10.00) and permit fee of seventy-five dollars (\$75.00).
- (B) The application for a permit to operate a hotel/motel shall contain the following information:
- (1) Name of the applicant, including mailing address, telephone number, and email address. If the applicant is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;
 - (2) Name of hotel/motel, including address, telephone number, and email address;
 - (3) The legal owner or owners of the property, including mailing address, telephone number, and email address. If the property owner is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation as well as the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;
 - (4) If an owner of the property has executed a land contract, lease agreement, management agreement, or any other agreement separating the owner from control over the property and/or the hotel/motel, the applicant shall include a copy of said agreement along with the application;
 - (5) The names and addresses of any other hotel/motels located in City of Columbus that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management;
 - (6) Name of the hotel/motel operator, including mailing address, telephone number, and email

- address;
- (7) The number of guestrooms in service in the hotel/motel;
- (8) ~~A Letter of Good Standing from the City of Columbus Income Tax Division.~~
- (C) The applicant must notify the Director of any change in information contained in the permit application within ten (10) days of the change.
- (D) Any change in ownership of the hotel, the building, or the business, change in hotel operator, or change in name of the hotel, shall void the current permit and shall require submission of a new application and the issuance of a new permit.

598.04 Grounds for Denial

- (A) The Director shall issue a new permit, or grant the renewal of an existing permit, except as provided in divisions (B) or (C) of this section.
- (B) The Director shall deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at the hotel/motel property:
 - (1) The applicant makes a material misrepresentation of fact on the application;
 - (2) The applicant or any owner of the hotel/motel has been convicted of violating sections 598.02(A) or 598.07(B) of this chapter;
 - (3) Any owner, applicant, operator, or manager of the hotel/motel is shown to have been convicted of the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the Ohio Revised Code Chapters 2925 or 3719, on the premises of the hotel/motel in question, or any hotel/motel in which that individual has any interest in, including, but not limited to, ownership, licensure, or management;
 - (4) The applicant or owner of the hotel/motel does not have a valid State of Ohio license as defined in Ohio Revised Code Section 3731.03;
 - (5) The property on which the hotel/motel is located is not in good standing with the City of Columbus Income Tax Division;
- (C) The Director may deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at the hotel/motel property:
 - (1) The hotel/motel has outstanding orders from the Columbus Division of Fire that have not been corrected;
 - (2) Pattern of felony drug related activity as defined in Ohio Revised Code Section 2923.31;
 - (3) Pattern of prostitution related activity or evidence of human trafficking as defined in Ohio Revised Code Section 2923.31;
 - (4) Pattern of gang related activity as defined in Ohio Revised Code Section 2923.41;
 - (5) Calls for service, including total number of calls for service or calls for service ratio are greater than 1.2;
 - (6) The hotel/motel has a documented history of repeated acts of violence as defined in Ohio Revised Code Section 2901.01;
 - (7) The owner, applicant, operator, or manager has not made a good faith effort to correct violations of sections 598.04 and 598.09 of this chapter, or has obstructed or interfered with correction of the violations;
 - (8) Any owner, applicant, operator, or manager of the hotel/motel is shown to have engaged in the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the Ohio Revised Code Chapters 2925 or 3719, on the premises of the hotel/motel in question, or any hotel/motel in which that individual has any interest in, including, but not limited to, ownership, licensure, or management.
 - (9) The applicant or any owner of the hotel/motel has hindered or prevented any inspection of the hotel/motel authorized by Chapter 501 of the Columbus City Code;
- (D) Evidence of conduct under divisions (B) and (C) of this section need only be that of de facto violation of law, evidence of conviction is not a prerequisite for denial unless specifically indicated.

598.05 Objection, Revocation and Suspension of Hotel/Motel Permit

- (A) The License Section may object to a new permit application or a renewal application if it is determined that activities set forth in divisions (B) or (C) of section 598.04 are shown to have occurred at the hotel/motel.
- (B) At any time during the calendar year, the License Section may revoke and/or suspend a hotel/motel permit if it is determined that activities set forth in divisions (B) or (C) of section 598.04 are shown to have occurred at the hotel/motel.

598.06 Hearing, Appeals and Remedy Process

(A) No permit shall be suspended or revoked until after a hearing had before a hearing officer or employee designated for such purpose by the Director. Notice to the permit holder shall be at least ten (10) days prior to the hearing; notice shall be served either personally or by registered mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the holder. Said permit holder shall be provided the opportunity to be heard in his defense either in person or by counsel and may produce witnesses and testify on his own behalf. A stenographic record of the hearing may be taken upon request. The hearing may be adjourned from time to time. The person conducting the hearing shall make a written report of his findings and a recommendation to the Director for decision to the advisory board. A copy of the written report shall be sent to the counsel and to the advisory board. The Director shall review such findings and the recommendation and after due deliberation, shall issue an order, accepting, modifying or rejecting such recommendation. For purposes of this Section, the Director or his designate, may administer oaths, take testimony, subpoena witnesses, and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

(B) Any person aggrieved by an order of the license section with respect to denying the issuance or renewal of a permit, or revoking or suspending a permit, by the director of public safety, may appeal from such order to the board of license appeals. All appeals shall be perfected in the following manner:

(1) The appellant must file a written notice of appeal with the section, on a form approved by the board, within twenty (20) days after receipt by him of the order from which he appeals.

(2) The appellant must deposit with the section a fee of thirty dollars (\$30.00), which sum shall be refunded to the appellant only if the board renders a decision in his favor. Otherwise, the deposit shall be forfeited and placed into the general fund of the city.

(3) Within five (5) days after receipt by the section of the notice of appeal, the section shall cause a true copy of the notice of appeal to be docketed with the chairman of the board.

(4) Within twenty (20) days after receipt by the chairman of the notice of appeal or, if a stay order is issued pursuant to City Code section 505.07, then within sixty (60) days from the date of issuance of the stay order, the chairman shall cause a meeting of the board to be convened for the purpose of hearing the appeal.

(5) In the event an expedited appeal is required pursuant to chapter 2111 of the City Code, the chairman shall cause a meeting of the board to be convened for the purpose of hearing the appeal to conform with the time limits therein.

(6) A ruling by the board of license appeals may be appealed to the environmental division of the Franklin County Municipal Court. The appeal must be filed within fourteen (14) days of the date of the board of license appeals' decision.

(C) Action to issue, revoke, suspend or renew a permit may be stayed should the property take specific steps to remediate problems outlined in the notice of revocation and suspension that include but are not limited to some of the following actions:

- (1) Completion of approved safety and security training, and/or training to identify criminal activity such as human trafficking
- (2) 24 hour presence of special duty uniformed police or qualified security
- (3) Installation of safety and security measures such as fencing, lighting, public space surveillance, etc.
- (4) Voluntary sharing of guest information with law enforcement
- (5) Voluntary participation in right-of-entry programs with law enforcement agencies
- (6) Implementation of minimum age of 21 for check-in for lodging properties
- (7) Requirement of use of valid credit card at check in
- (8) And/or additional remediation actions as approved by the Director

(D) All potential remedies outlined in division (C) of this section must be approved by the Director.

598.07 Authority to Conduct Inspections

- (A) Upon display of the proper credentials, any officer or employee of the division of police, division of fire, department of building and zoning services, code enforcement division, or Columbus Public Health may be permitted to inspect the hotel/motel premises to ensure compliance with this chapter.
- (B) If the request for inspection described in division (A) of this section is denied, any officer or employee of the division of police, division of fire, department of building and zoning services, code enforcement division, or Columbus Public Health may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

598.08 Transfer of Hotel/Motel Permit Not Permitted

- (A) No permit under this chapter shall be transferable to another person, corporation, firm, partnership, association, organization or other group acting as a unit.
- (B) No permit under this chapter shall be transferable to another hotel name or franchise, or hotel location or building.

598.09 Hotel/Motel Permit

- (A) The hotel/motel shall maintain the permit on premises.

598.10 Rules and Regulations

- (A) The Director may promulgate and enforce reasonable rules and regulations to carry out the intent of this chapter in accordance with sections 501.05 and 501.06 of the Columbus City Codes.

598.11 Severability

- (A) In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

598.12 Penalty

- (A) Whoever violates section 598.02(A) of this chapter shall be guilty of a misdemeanor of the first degree. Anyone who has previously been convicted of or pleaded guilty to an offense under this section shall be guilty of a misdemeanor of the first degree, and shall serve no less than 30 days in jail.
- (B) Whoever violates section 598.09(A) of this chapter shall be guilty of a minor misdemeanor.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.