

**An Ordinance of the City of Plano, Texas amending Article III, Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano by adding Division 4, Registration and Inspection of Hotel / Motel Properties, to provide for procedures allowing registration and inspection of hotel / motel properties; providing a savings clause, penalty clause, a severability clause, a repealer clause, a publication clause, and an effective date.**

**WHEREAS**, the City Council has enacted regulations regarding property maintenance in the City of Plano, Texas; and

**WHEREAS**, such regulations are now codified in Article III, Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, Texas; and

**WHEREAS**, staff recommends that hotels / motels in operation for five (5) years or more should be required to be registered with the City and should be subject to inspections for compliance with building standards and property maintenance codes to safeguard the life, health, safety, welfare and property of the occupants of hotels / motels and the general public; and

**WHEREAS**, staff recommends amending Article III, Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, Texas, by adding Division 4, Registration and Inspection of Hotel / Motel Properties, to provide for procedures for registration and inspection of hotel / motel properties; and

**WHEREAS**, after consideration of the recommendations of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens to amend Article III, Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, Texas, by adding Division 4, Registration and Inspection of Hotel / Motel properties, as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Article III, Property Maintenance Code, of Chapter 6, Building and Building Regulations, of the Code of Ordinances of the City of Plano is hereby amended by adding Division 4 to read in its entirety as follows:

**"DIVISION 4. - REGISTRATION AND INSPECTION OF HOTEL / MOTEL PROPERTIES**

**Sec. 6-111. - Short title.**

This division may be referred to as the "Hotel / Motel Registration and Inspection Code".

**Sec. 6-112. - Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

*Building Official* means the official or other designated authority performing the duties of the Chief Building Official of the City, or his or her duly authorized representative.

*Common area* means communal areas of the hotel / motel, including hallways, stairways, lobby areas, laundry rooms, pool facilities, green spaces, recreation rooms and parking lots.

*Director of Neighborhood Services* or *director* means the code compliance director or the director's duly authorized representative who is charged with the administration and enforcement of this article.

*Hotel / Motel* means a building or group of buildings designed for and occupied as a temporary dwelling place of individuals and provides 4 or more rooms suitable for daily or long-term occupancy, and provides daily housekeeping and upkeep of furnishings.

*Hotel / Motel room* means the portion of the hotel / motel which may be used by a guest as a temporary residence, including single rooms and suites.

*Occupancy* means the purpose for which a building or portion thereof is utilized or occupied.

*Occupant* means any individual living or sleeping in a building, or having a right to possession of a space within a hotel / motel room.

*Owner* means any person with ownership in property; care, custody or control over property, or who operates property; including but not limited to the person recorded in the official records of the state, county or municipality as holding title to the property, the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Person* means an individual, corporation, partnership or any other group acting as a unit.

*Premises* mean a lot, plot or parcel of land, easement or public way, including any structures thereon.

### **Sec. 6-113. - Purpose.**

The purpose of this division is to safeguard the life, health, safety, welfare, and property of the occupants of hotel / motels and the general public by developing a process to enforce minimum building standards and property maintenance codes; and to provide equitable and practical remedies for the violation of minimum building standards and property maintenance codes.

### **Sec. 6-114. - Applicability and administration.**

- (a) This article shall apply to hotel / motels located in the city which are (5) years old or older.
- (b) The Neighborhood Services Director and the director's authorized representatives are authorized to administer and enforce the provisions of this article.

### **Sec. 6-115. - Registration required.**

- (a) The owner of a hotel / motel meeting the applicability in section 6-114 (a) shall annually register the premises with the Director of Neighborhood Services by January 1st of each calendar year.
- (b) A registration is valid for one calendar year, unless the ownership of the hotel / motel changes.
- (c) If a change in ownership of the hotel / motel occurs during the period that a registration is otherwise valid, the new owner of the hotel / motel shall have thirty (30) days from the date the change of ownership occurred to file a new registration with the Director of Neighborhood Services and shall pay a twenty-five dollar (\$25.00) fee to re-issue the registration.
- (d) Registration re-issues received after thirty (30) days of ownership change shall be assessed a late fee of seventy-five dollars (\$75.00) at the time of registration re-issue.
- (e) Annual registration or renewals postmarked or received after January 1st shall be assessed an additional fee increase of:
  - (1) Ten (10) percent of registration fee, as outlined in section 6-116 (b), if within one month of due date;
  - (2) Thirty (30) percent of registration fee, as outlined in section 6-116 (b), if within two (2) months of due date;
  - (3) Fifty (50) percent of registration fee, as outlined in section 6-116 (b), thereafter.
- (f) All fees and assessments must be current with the city prior to the renewal of a registration certificate.
- (g) The registration shall be on a form prescribed by the neighborhood services director and shall at a minimum, contain the following information about the premises:
  - (1) The trade name, physical address, business mailing address and total number of units or hotel / motel rooms;
  - (2) The names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard and violent crime;
  - (3) The names, addresses, and telephone numbers of the property owner, property manager, resident manager, registered agent, all federal, state, and local funding agencies;
  - (4) The names, addresses and telephone numbers of any mortgage lienholders.

#### **Sec. 6-116 – Registration Fees.**

- (a) The owner of a hotel / motel shall annually pay the city a fee to offset the city's cost of administration, registration and inspection.
- (b) A fee of eleven dollars (\$11.00) per hotel / motel room per year shall be submitted annually with the registration form required by section 6-115.
- (c) The owner of a hotel / motel that fails a periodic inspection as provided for in section 6-117 shall eliminate all violations identified at the time of the periodic inspection. Follow-up inspections shall be scheduled by the director or the director's representative after a period of

time determined by the director or the director's representative to be sufficient for the owner to abate the violations. Inspection fees shall be assessed as follows:

- (1) *Initial inspection and first re-inspection*—No fee.
  - (2) *Second re-inspection*—Two hundred fifty dollars (\$250.00) per hotel / motel room or public area inspected.
  - (3) *Third and subsequent re-inspections*—Five hundred dollars (\$500.00) per hotel / motel room or public area inspected.
- (d) A fee of twenty five dollars (\$25.00) shall be submitted to reprint an already issued hotel / motel registration certificate.

**Sec. 6-117. - Inspection by director or director's designated representative.**

- (a) To determine compliance with minimum building and property maintenance standards in accordance with the International Property Maintenance Code and other applicable city codes and to determine compliance with this article, the director or director's designated representative may conduct:
  - (1) Annual inspections;
  - (2) Follow-up inspections; and
  - (3) Inspections based on indications of code violations, including complaints filed with the director or director's designated representative.
- (b) The following areas of hotel / motels shall be subject to periodic inspection by the director or director's designated representative:
  - (1) All building exteriors;
  - (2) All exterior and interior common areas;
  - (3) All mechanical, maintenance, storage and equipment rooms and closets;
  - (4) Vacant hotel / motel room;
  - (5) Comparative sample of occupied hotel / motel rooms upon receipt of consent by the room's occupant or other recourse as provided by law.
- (c) Hotel / motels that are found to be maintained in accordance with minimum building and property maintenance standards during the initial inspection may receive a waiver of inspection and will not require an annual inspection for the following two (2) years unless a subsequent complaint based violation is identified prior to the next required annual inspection.
- (d) The director, building official or their designated representative may inspect portions of a hotel / motel as frequently as the director or building official deems necessary. Annual inspections shall be scheduled within 3 months of any previous annual inspection, unless otherwise exempted by waiver of inspection, but no less frequently than once every three (3) years.
- (e) The owner of a hotel / motel shall make all exteriors, all interior and exterior public areas, and all vacant hotel / motel rooms of the premises available to the director or director's designated

representative for inspections at all reasonable times subject to the authority provided by subsection (g) below.

- (f) The director or director's designated representative is authorized to make follow-up inspections of a hotel / motel premises which fails a periodic inspection and to inspect all areas included in the periodic inspection until such time as the violations are abated.
- (g) The authority granted to conduct inspections by the director or the director's designee in section 6-117 is subject to all limitations provided in state and federal law. If entry is refused or not obtained, the director or director's representative is authorized to seek a warrant allowed by Article 18.05 of the Texas Code of Criminal Procedure, as amended.

**Sec. 6-118. - Owner self-inspections.**

- (a) The owner of a hotel / motel premises or their designee shall inspect each hotel / motel room:
  - (1) The inspection of a hotel / motel room shall be conducted a minimum of once annually;
  - (2) The owner or their designee shall sign and date each self-inspection report at the time of completion for each hotel / motel room upon the premises.
  - (3) The minimum building and property maintenance standards established by the International Property Maintenance Code and other applicable city codes shall be covered by the inspection. Required items shall including but not be limited to the following:
    - a. Electrical facilities;
    - b. Plumbing facilities;
    - c. Heating facilities;
    - d. Ventilation;
    - e. Smoke detectors;
    - f. Occupancy limitations;
    - g. Means of ingress/egress;
    - h. Handrails and guardrails; and
    - i. Rubbish and garbage
- (b) The owner shall maintain reports of the inspections conducted pursuant to subsection (a) for all hotel / motel rooms within and on the premises.
  - (1) The reports shall be in written form on a form prescribed or approved by the Director of Neighborhood Services.
  - (2) The report shall include places for marking whether the hotel / motel room complies with the standards set by this section.
  - (3) The inspection reports shall be maintained on the premises by the owner for a minimum of three (3) years.

**Sec. 6-119. - Offenses.**

An owner commits an offense if the owner:

- (1) Operates or allows a hotel / motel to be operated or occupied when the hotel / motel is not currently registered with the director as required by this article;
- (2) Fails to pay administrative or inspection fees as required by this article;
- (3) Fails to make owner self-inspections as outlined in section 6-118;
- (4) Fails to post registration certificates and emergency contact signs as outlined in section 6-120, or
- (5) Commits any other violation of this article.

**Sec. 6-120. - Posting.**

Each hotel / motel premises described herein shall have prominently displayed in the front lobby/reception area or, for those properties without a front lobby/reception area, a conspicuous, publicly accessible area on the premises of the hotel / motel:

- (1) Current and valid registration certificates.
- (2) If the property is not staffed continuously, then signs posted by the owner or owners representative showing the names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any twenty-four (24) hour period.

**Sec. 6-121. - Enforcement.**

- (a) A violation of this division is a Class C misdemeanor punishable as stated in section 1-4(a) of this Code. Every day a violation continues shall constitute a separate offense.
- (b) Nothing in this article prohibits the City of Plano from enforcing civil and criminal enforcement remedies concurrently or availing itself of any other remedy allowed by law.

**Sec. 6-122-135. – Reserved”**

**Section II.** All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section III.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section IV.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section V.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VI.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED** this the 10th day of September, 2018.

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY