

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY ADDING A NEW ARTICLE XIII, ESTABLISHING HOTEL PREMISE REGULATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 8 of the Code of the City of Mesquite, Texas, as amended, is amended by adding a new Article XIII to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

ARTICLE XIII. HOTEL PREMISE REGULATIONS

Sec. 8-870. Definitions.

In this article:

Hotel means an establishment in which lodging is offered and provided to the public for compensation classified under SIC 701 of the Mesquite Zoning Ordinance or its successor classification, including but not limited to motels, inns, tourist or auto courts, and hostels.

Inspection Official means the City's duly appointed Building Official or Health Official, or their designees.

International Building Code ("IBC") means the most recent edition of the International Building Code adopted as the official building code, as amended, by the City of Mesquite in Chapter 5, "Buildings and Construction," Article II, "Building Code," Section 5-26 of this Code.

International Property Maintenance Code ("IPMC") means the most recent edition of the International Property Maintenance Code adopted as the official property maintenance code, as amended, by the City of Mesquite in Chapter 7, "Housing," Article 1, "Property Maintenance Code," Section 7-1 of this Code.

Nontransient means occupancy of a sleeping unit for more than 30 consecutive days.

Transient means occupancy of a sleeping unit for not more than 30 consecutive days.

Transient hotel means a hotel, which: (i) operates pursuant to a certificate of occupancy authorizing an R-1 occupancy under Section 310 of Chapter 3, "Use and Occupancy Classification," of the IBC; or (ii) maintains transient or nontransient units pursuant to a certificate

of occupancy that does not assign an occupancy classification; or (iii) maintains nontransient sleeping units and such units are not constructed nor equipped in accordance with the standards for an R-2 occupancy under Section 310 of Chapter 3, "Use and Occupancy Classification," of the IBC.

Sec. 8-871. Premises requirements.

- (a) Transient hotel property owners, operators or property managers shall cause to be maintained for a two-year period a complete register for each person to whom any room at a hotel is let. The register shall contain the following information:
 - (1) Evidence of identity and correct name and, if available, permanent address, designating street and number, city, state and country;
 - (2) Actual dates of occupancy indicating check-in time, checkout time and room number;
 - (3) Correct license or registration number, state of registration and make of any vehicle or conveyance; and
 - (4) Number of individuals staying in the room and their name and, if available, permanent address.
- (b) No hotel property owner, operator or property manager shall:
 - (1) Allow or permit any hourly charge for any room within said establishment;
 - (2) Allow or permit any room or rooms within the hotel to be rented more than twice in any 24-hour period commencing at 12:01 a.m.; or
 - (3) Knowingly let, allow or permit the premises or any room on the premises to be used for any illegal purpose including but not limited to:
 - a. Prostitution;
 - b. Gambling;
 - c. Drug use, sale or manufacture of drug; or
 - d. Sale of alcoholic beverages without the required Texas Alcoholic Beverage license.
 - e. Parking of commercial vehicles without an exception approved pursuant to City Code Section 9-169.
- (c) A person commits an offense if the person provides false information to city authorities regarding the identity of and hours of occupancy by any occupant.

Sec. 8-872. Health, sanitation, safety and premises conditions.

- (a) *Compliance with codes.* All hotel premises and guest rooms shall fully comply with all City of Mesquite Construction, Fire, Health, Safety and Property Maintenance Codes and this chapter as determined by the Building Official.
- (b) *Occupancy prohibited.* In addition to requirements of the IPMC, no room at a hotel may be let or occupied if it fails to meet all of the health, sanitation and safety requirements of this section.
- (c) *Mattress condition/cleanliness.* Mattresses and box springs shall be free of stains, holes, rips or odors and maintained in a sanitary, operational condition. A mattress or box spring is not in operational condition if it has broken springs, indentations or sags.
- (d) *Bed linen condition/cleanliness.* Linens shall be free of stains, holes, rips or odors and shall be replaced with clean linens upon each change of occupancy or at least once a week when occupancy does not change. Linens shall be laundered and appropriately sanitized to ensure disinfection.
- (e) *Bathroom conditions/cleanliness.* Bathroom fixtures, including but not limited to toilets, bathtubs, sinks, showers, vanities and mirrors, shall be maintained without cracks, chips or stains. Fixtures, floors and other horizontal surfaces shall be cleaned and sanitized at each change of occupancy or at least once a week when occupancy does not change. Daily cleaning schedules shall be maintained in the manager's office and made available to the Inspection Official with the owner or manager's consent or as otherwise provided by law. The hotel shall provide each occupant of a room with at least one set of sanitized bath linens consisting of a bath towel, hand towel and wash cloth. Bath linens shall be replaced daily unless the hotel maintains an optional energy or water conservation program approved by the Inspection Official and the occupant of the room affirmatively opts to participate in the program.
- (f) *Carpet condition/cleanliness.* Carpeting shall be free of stains, holes, rips or odors in excess of normal wear and tear, and maintained in a sanitary condition.
- (g) *Floor condition/cleanliness.* Non-carpeted floor surfaces shall be completely covered with a commercial grade floor covering made of non-absorbent, non-porous material. All surfaces and tile grouting shall be maintained without cracks, rips or missing or damaged transition strips and base trim.
- (h) *Wall condition/cleanliness.* Wall surfaces shall be maintained without spots, stains, flakes, chips or holes, and shall be maintained in a clean and sanitary condition.
- (i) *Mold/mildew.* All surfaces, including but not limited to walls, ceilings, carpeting, flooring fixtures and sealants, shall be free from mold and mildew.

- (j) *Electrical equipment.* All electrical equipment and fixtures such as televisions and lamps shall be properly installed and maintained to manufacturer's specifications and be in operable condition.
- (k) *Climate control.* Cooling facilities shall be provided capable of maintaining a room temperature of 80 degrees Fahrenheit or less.
- (l) *Furniture condition.* All furniture items shall be maintained in like new and proper working condition without defects, chips or holes.
- (m) *Window/light fixture treatments.* Shades, draperies or blinds shall be provided to cover all windows and appropriate light fixtures. All shades, draperies and blinds shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, operational condition.
- (n) *Security.* All doors and windows designed to be opened shall be operable and have an operable door or window security or locking device. In-room telecommunications systems and equipment, if provided, shall be configured and maintained to provide access to outside emergency services in accordance with applicable state or federal law.
- (o) *Exterior security lighting.* The exterior of the hotel property, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated at least between one hour after sundown and one-half hour before sunrise. Illumination shall be a minimum of one-tenth (0.1) of one (1) foot-candle throughout the property and shall not exceed four-tenths (0.4) of one (1) foot-candle of light measured at the property line.
- (p) *Pools.* Pools must comply with Chapter 5, Article IX, "Swimming Pools," of this Code. In order to prevent the breeding of mosquitos and other health and safety hazards to the public, pools must either be maintained in working order and permitted by the Health Official or removed from the premises in accordance with city standards for removal.
- (q) *Extermination.* All hotel premises shall be treated for insects by an exterminator licensed by the State at least quarterly, or on a more frequent schedule as determined necessary by the Building Official to treat infestation.
- (r) *Pests.* All hotel premises shall be maintained so that they are free from rodents, insects, ectoparasites and vermin, and free from conditions that encourage or harbor rodents, insects and vermin.
- (s) *Removal of prior guest's property.* Any property left in any hotel room by a person or party that has checked out shall be removed by the operator of the hotel before the room may be occupied by another party. The property must be stored or disposed of in accordance with applicable laws.
- (t) *Smoking.* A sign must be posted on the exterior of each sleeping unit designating the room as non-smoking or smoking if smoking rooms are permitted by Chapter 10, Article IV, Section 10-99, "Smoking prohibited in public places," of this Code.

Sec. 8-873. Violations and enforcement.

- (a) A person commits an offense if the person lets or otherwise provides any room in a transient hotel to any person for more than 30 consecutive days, except for sleeping units assigned to and occupied by the manager, employees or security staff of the hotel.
- (b) A person commits an offense if the person operates any hotel without a valid certificate of occupancy or contrary to or in violation of the terms or conditions of its certificate of occupancy.
- (c) A person commits an offense if the person commits any act forbidden or fails to perform any act required in this chapter.
- (d) Each violation of this chapter shall constitute a separate offense and each offense is punishable by a fine as specified in Section 1-6 of this Code.
- (e) Allegation and evidence of a culpable mental state is not required for proof of an offense under this article except where expressly required.
- (f) Any condition reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants may be abated by the Building Official in accordance with State law.
- (g) At the option of the City, and in addition to all other available remedies, the City may proceed to enforce the requirements of this chapter under the alternative procedure set forth in Texas Local Government Code, Chapter 54, Subchapter B, "Municipal Health and Safety Ordinances."
- (h) At the option of the Inspection Official, immediate enforcement may be temporarily abated if the owner agrees to a supervised compliance plan, demonstrates the ability to comply with the plan and makes continuing progress toward compliance.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

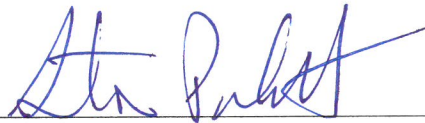
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater

than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

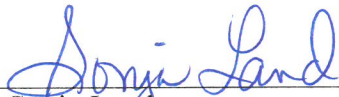
SECTION 5. That this ordinance shall take effect on and after January 1, 2017.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of October, 2016.



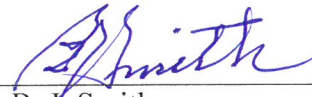
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney