

Bill No. 2-16
Concerning: Transient Housing
Licensing and Registration
Revised: 9/25/17 Draft No. 9
Introduced: February 2, 2016
Enacted: October 10, 2017
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Riemer
Co-Sponsor: Councilmember Rice

AN ACT to:

- (1) define a bed and breakfast and hotel establishment;
- (2) limit the transient housing allowed to a bed and breakfast and a hotel;
- (3) require only hotels to comply with most current licensing provisions for transient housing;
- (4) revise the requirement for resident hotel management;
- (5) delete the requirement for annual hotel inspections;
- (6) add a requirement for hotel inspections upon complaint;
- (7) establish a licensing system for bed and breakfast establishments;
- (8) amend provisions to make them more precise, concise, and decisive; and
- (9) generally amend Chapter 54 of the County Code.

By amending

Montgomery County Code
Chapter 54, Transient Lodging Facilities
Sections 54-1, 54-2, 54-3, 54-4, 54-5, 54-6, 54-7, 54-8, 54-9, 54-10, 54-11, 54-12, 54-13, 54-14, 54-15, 54-16, 54-17, 54-18, 54-19, 54-20, 54-21, 54-22, 54-23, 54-24, 54-25, 54-26, 54-27, 54-28, 54-29, 54-30, 54-31, 54-32, 54-33, 54-34, 54-35, 54-36, 54-37, 54-38, 54-39, 54-40, and 54-41

By adding:

Montgomery County Code
Chapter 54, Transient Lodging Facilities
Sections 54-22A, 54-42, 54-43, 54-44, 54-45, 54-46, 54-47, 54-48, and 54-49

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 54-1, 54-2, 54-3, 54-4, 54-5, 54-6, 54-7, 54-8, 54-9, 54-10, 54-**
 2 **11, 54-12, 54-13, 54-14, 54-15, 54-16, 54-17, 54-18, 54-19, 54-20, 54-21, 54-22, 54-**
 3 **23, 54-24, 54-25, 54-26, 54-27, 54-28, 54-29, 54-30, 54-31, 54-32, 54-33, 54-34, 54-**
 4 **35, 54-36, 54-37, 54-38, 54-39, 54-40, and 54-41 are amended as follows:**

5 **54-1. Definitions.**

6 For the purposes of this Chapter, unless the language or context clearly
 7 indicates that a different meaning is intended, the following words and phrases
 8 have the following meanings:

9 Average lot grade means the arithmetic average of the highest and lowest
 10 elevations of the ground contiguous to the building.

11 Basement [: That] means that portion of any building [which is] located below
 12 grade [; provided, however, that] when at least one-half of the vertical height
 13 extends above the average lot grade. [Average lot grade, for this purpose, shall
 14 mean the arithmetic average of the highest and lowest elevations of the ground
 15 contiguous to the house.]

16 [Boardinghouse: A dwelling in which, for compensation, lodging, or lodging
 17 and meals, are provided or offered to not more than 5 transient visitors.]

18 Bed and Breakfast means a [dwelling unit or part of a dwelling that is available
 19 to overnight guests for compensation. Overnight guests on any night must
 20 satisfy the definition of one household. A guest must stay at a Bed and
 21 Breakfast for no more than 30 days in any one visit. Meals may be provided
 22 to overnight guests. Bed and Breakfast means a] detached house that is
 23 owner-occupied with no more than 5 guest rooms for rent and customarily
 24 serves breakfast to guests and allowed under Section 59-3.5.6.B of this Code.

25 Cellar [:That] means that portion of any building which is located below grade
 26 and whose vertical height extends less than one-half above the average lot
 27 grade.

28 *Director [and Department:* The term "Director"] means the Director of the
 29 Department of Health and Human Services, or the Director's designee[, and
 30 the term "Department" means the Department of Health and Human Services].

31 Department means the Department of Health and Human Services.

32 *Establishment* [: Every hostel, tourist home, boardinghouse, rooming house
 33 and guestrooms in an apartment hotel which, for compensation, provides or
 34 offers lodging or lodging and meals to transient visitors.] means a hotel or Bed
 35 and Breakfast or Short-Term Residential Rental regulated under this chapter.

36 *Fire Code* [: The] means the Fire Prevention Code [set forth] in Chapter 22
 37 [of this Code, and any amendments thereto] as amended.

38 *Habitable room* [: Any] means a room in which people normally congregate
 39 or sleep with a minimum ceiling height of 7 feet. [This shall not include
 40 bathrooms,] Bathrooms, closets, porches, decks, toilet rooms, storage rooms,
 41 kitchens, [or] and pantries are not habitable rooms.

42 [*Hostel*] Hotel [: Any] means a building or portion [thereof or any group of
 43 buildings] of a building where, for compensation, lodging or lodging and
 44 meals are provided or offered to 3 or more transient visitors [, including hotels,
 45 motels, tourist courts, motor courts, tourist camps and similar establishments
 46 such as apartment hotels]. Hotel includes a motel, but not a bed and breakfast.

47 Household means a person living alone, or any one of the following groups
 48 living together as a single housekeeping unit and sharing common living,
 49 sleeping, cooking, and eating facilities:

- 50 1. any number of people related by blood, marriage, adoption, or
 51 guardianship;
- 52 2. up to 5 unrelated people; or

53 3. 2 unrelated people and any children, parents, siblings, or other
 54 persons related to either of them by blood, adoption, or
 55 guardianship.

56 *[Liquid wastes: Human excreta, bath water, wash water, laundry wastes,*
 57 *dishwater and any other liquid wastes resulting from cleaning operations.*
 58 *Gasoline and explosive or inflammable liquids are not included.]*

59 Lodging [; The] means the short-term overnight accommodation of a paying
 60 guest.

61 Plumbing Code [; The] means the Plumbing Code [in effect within the
 62 jurisdiction of] adopted by the Washington Suburban Sanitary Commission,
 63 [and any other jurisdictions in the County having or subsequently adopting a
 64 Plumbing Code, and any changes or revisions thereof] as amended.

65 *[Rooming house: In a residential zone, shall mean a dwelling in which, for*
 66 *compensation, lodging is provided or offered to 3 or more but not exceeding*
 67 *9 guests.]*

68 Short-Term Residential Rental means the residential occupancy of a dwelling
 69 unit for a fee for less than 30 consecutive days as allowed under Section 59-
 70 3.3.3.I of this Code.

71 Solid wastes [;] means garbage, trash, sweepings, animal refuse and dead
 72 animals.

73 *[Tourist home: A dwelling in which, for compensation, lodging or lodging*
 74 *and meals are provided or offered to not more than 12 transient visitors.]*

75 Transient visitor [; A] means a person who [obtains] purchases lodging, [or
 76 lodging and] with or without meals, [upon payment or promise of payment
 77 therefor at the same premises] for a continuous period of [not more than] 6
 78 months or less.

79 **54-2. Authority of [county executive] Executive to regulate and license.**

80 The [county executive] Executive [,in order to implement the health standards
 81 and regulations of this chapter, is hereby authorized by law to] may adopt
 82 [such] regulations, under method (3) [of section 2A-15 of this Code],
 83 concerning the operation, maintenance [and], conduct, licensing, and license
 84 fees for [of] a [any of the types of establishments] hotel or bed and breakfast
 85 [referred to in this chapter, including provision of such licenses and license
 86 fees for such establishments as he may deem appropriate].

87 **54-3. Guest register - Required [to be kept by hotels, tourist homes, etc.;**
 88 **information to be shown].**

89 Any person who owns or operates a hotel, [rooming house, tourist home,
 90 motel, or tourist cabin park] in the County must maintain on the premises a
 91 permanent register [in which must be inscribed in ink in legible writing]
 92 containing:

- 93 (a) the name of each visitor;
- 94 (b) the residence address of each visitor, including state, city or town, street
 95 and street number or rural mail delivery route number;
- 96 (c) the number of the room or facility occupied by each visitor; and
- 97 (d) the date and time of registration and checkout of each visitor.

98 [In tourist homes, motels, and tourist cabin parks the] The register must
 99 include a record of the license plate numbers and state of registration of any
 100 automobiles or trailers [in or with which the guests are traveling] that guests
 101 are using. The owner or operator of the establishment must see that the license
 102 plate and automobile or trailer registration information is correct. A person
 103 must not occupy any room [or facility] until [after] the registration required
 104 under this section is provided. The permanent register may be in a bound
 105 book, looseleaf book, or cards. If a looseleaf book or cards are used, the pages
 106 or cards must be numbered consecutively before use and all numbered pages

107 or cards must be kept even though they are not used. The register [provided
 108 for] required by this section must be kept for at least 3 years and must be open
 109 to inspection upon the request of the Director or of any law enforcement
 110 officer of the county or the state.

111 **54-4. Same-Giving or permitting false information to be given prohibited.**

112 [It shall be unlawful for any] A person must not knowingly [to inscribe] write
 113 any false or incorrect name or address or license plate number in any such
 114 register. [It shall be unlawful for the] The owner, [or] manager, or employee
 115 of [any type of establishment or any employee thereof] a hotel must not [to]
 116 knowingly [to] permit any person to [inscribe] write any false name or address
 117 or license plate number in any such register.

118 **Article II. [Hostels, Rooming Houses, Boardinghouses and Tourist Homes]**
 119 **Hotels.**

120 **54-5. Numbering of rooms.**

121 Every [establishment shall] hotel must have a unique number on the corridor
 122 side of the door to each guest room [and no two (2) doors shall bear the same
 123 number].

124 **54-6. Limitation on admission of visitors.**

125 [No establishment shall] A hotel must not admit more visitors than the number
 126 for which it is licensed.

127 **54-7. Inspection of register by county officials.**

128 Registers kept [in accordance with] under section 54-3 [shall] must always be
 129 available at the [establishment] hotel for inspection by the [director] Director,
 130 the fire marshal, the [county] police chief and [such other officials as may be
 131 designated by the above named officials] their designees. The licensee may
 132 request the official to present [Presentation of] proper credentials or proof of
 133 identity [may be requested by the licensee].

134 **54-8. Owner, operator or manager to reside on premises.**

135 The owner, operator, or a responsible manager appointed by the owner or
 136 operator [shall reside on the premises of] must be on-site at all times at each
 137 [establishment] hotel.

138 **54-9. Parking facilities.**

139 Every [establishment shall] hotel must provide off-street automobile parking
 140 for visitors as [is set forth in the zoning ordinance] required by chapter 59 of
 141 [the Montgomery County] this Code, as amended. [No license shall be issued
 142 by the director unless he finds the required parking facilities have been
 143 provided.]

144 **54-10. Administration and enforcement of article generally.**

145 The [director is hereby authorized and directed to] Director must administer
 146 and enforce [the provisions of] this chapter with the assistance of other County
 147 departments, as necessary. [All department heads in the county government
 148 are hereby authorized and directed to provide such assistance as may be
 149 required by the director for the purpose of enforcing this article.]

150 **54-11. Right of entry of county officials.**

151 [For the purpose of enforcing this article, the director] The Director, the fire
 152 marshal, the [county] police chief and [such other officials as may be
 153 designated by the above named county officials shall] their designee, upon
 154 exhibiting the proper credentials or proof of identity, [have the right to] may
 155 enter any [establishment for the purpose of making] hotel to make any
 156 necessary inspection [they may deem necessary at any time] during business
 157 or operating hours [, and at such]. Inspections may also occur at other times
 158 [as] if the county officials find [may be necessary in the public interest] it
 159 necessary to protect the health and safety of any person.

160 **54-12. Responsibility for compliance with article.**

161 The owner or operator of [an establishment] a hotel, and [his] the hotel's agent
 162 or manager, [shall be] are responsible for [conforming to the provisions of]
 163 complying with this article.

164 **54-13. Violation of article; penalties [and injunctive, etc., relief].**

165 [Any person who violates] A violation of any provision of Article II or Article
 166 III of this [[article]] [shall be] Chapter is [subject to punishment for] a class A
 167 violation [as set forth in section 1-19 of chapter 1 of the County Code]. [Each
 168 day such violation shall continue shall be deemed a separate offense.]

169 **54-14. License required [Required].**

170 [No] Any building [or premises shall be] occupied or used as a [hostel,
 171 rooming house, boardinghouse or tourist home] hotel within the county
 172 [unless a license shall have been issued] must be licensed for such occupancy
 173 and use by the [director, nor shall any] Director. An operator of a [such
 174 building or premises be so occupied and used] hotel must cease operating
 175 immediately after [such] the license has expired, or has been revoked or
 176 suspended.

177 **54-15. Application.**

178 Before the Director issues an annual license for any [establishment shall be
 179 issued by the director] hotel under this [division, an application shall be filed
 180 by] Division, the owner or operator, or [his duly] their authorized agent, [in
 181 accordance with] must file an application that satisfies the regulations
 182 [prescribed] approved by the [county executive] Executive under method (3)
 183 of [[section]] Section 2A-15 of this Code.

184 **54-16. Compliance with Code, [etc., prior to] before issuance.**

185 [No license shall be issued to] The Director must not issue a license to any
 186 [establishment] hotel [to] under this [division] Division unless [such] the

187 proposed [establishment is in conformance] hotel conforms with the
 188 applicable provisions of this Code [and other ordinances of the county].

189 **54-17. Certificates to be filed [prior to] before issuance.**

190 The Director must not issue an initial [annual] license or license renewal under
 191 this Division unless the applicant files [the following certificates have been
 192 filed] with the Department a certificate:

- 193 (a) [A certificate] of use and occupancy from the Department of Permitting
 194 Services[.];
- 195 (b) [A certificate] from the fire marshal stating that the building [is in
 196 compliance with] complies with the fire prevention code[.]; and
- 197 (c) [A certificate] from the Director stating that the building or buildings
 198 and rooms to be occupied or used by the guests of the [establishment]
 199 hotel, and the premises on which such buildings are located, [are in
 200 compliance with] comply with the standards and regulations of the
 201 County and State Boards of Health.

202 **54-18. Separate license required for each establishment.**

203 [Each individual establishment] The Director must require each hotel,
 204 [although] operated by the same management, [shall be required] to obtain a
 205 separate license under this [division] Division.

206 **54-19. Fees.**

207 The Executive must establish annual fees for licenses under this [division shall
 208 be of such amount as may be established by the county executive] Division
 209 by [written] regulation adopted under method (3) of [[section]] Section 2A-15
 210 of this Code. [and shall] Fees must not exceed an amount necessary to defray
 211 the costs of administering this [chapter] Chapter.

212 **54-20. Denial where operator has been convicted of certain state law violations.**

213 The Director may deny an initial [or annual] license or license renewal to
 214 operate [an establishment] a hotel under this Division if the Director finds the
 215 owner or operator of the proposed [establishment has been] hotel was
 216 convicted of violating the following provisions of the Criminal Law Article
 217 of the Maryland Code:

218 (a) Section 10-202 (keeping disorderly house);

219 (b) Title 12 (gaming);

220 (c) Title 5 (controlled dangerous substances, prescriptions, and other
 221 substances); or

222 (d) Section 10-201 (disturbing the public peace and disorderly conduct).

223 The Director may deny an initial [or annual license] or license renewal
 224 if the owner or operator [has been] was convicted of any similar offense
 225 outside Maryland.

226 **54-21. Procedure for issuance or denial.**

227 (a) [Upon receipt of] When an application for [an annual] a license under
 228 this [division] Division, or [for renewal of a] when a previously issued
 229 license is in the renewal process, the [director shall make or cause to be
 230 made] Director or the Director's designee must conduct all investigations
 231 and inspections required by this article. The [director shall act upon]
 232 Director must approve or deny the application within [ninety (90)] 90
 233 days after the date of filing, or as soon thereafter as practicable. [In cases
 234 in which an application] Applications for renewal of [an annual] a
 235 license [has been] filed on or before October 1 [as provided in section]
 236 under Section 54-25 and [has] that have not been [neither] approved or
 237 [disapproved] denied by the [director prior to] Director before the
 238 following January 1, [the current license shall remain] remain in [full

239 force and] effect until approved or denied by the Director [[the
240 application]] [has been acted upon by the director].

241 (b) If, [upon the completion of] after all investigations and inspections are
242 completed, the [director] Director finds that the [establishment] hotel
243 for which a license under this [division] Division is requested does not
244 [comply with the provisions] satisfy the requirements of this chapter, [he
245 shall] the Director must, within [ten (10)] 10 days after making such a
246 finding, [cause to be served upon the applicant written] transmit notice
247 of such finding to the applicant [and shall in such]. The notice must
248 advise the applicant of the necessary corrective measures to be taken
249 before [a license will be issued] the Director will issue the license. The
250 [director] Director may [, in such notice,] direct the applicant to appear
251 [before him] within [ten (10)] 10 days from the date of service of the
252 notice to show cause why the license should not be denied. If the
253 applicant [shall fail] fails to show cause as directed in such notice, or
254 [shall fail] fails to take the necessary corrective action [specified
255 therein], the [director shall refuse to issue or renew such license] Director
256 may deny the application.

257 (c) [All] The Director must send all of the Director's orders and notices
258 [issued by the director hereunder shall be served upon] to the applicant
259 either by registered mail or by personal delivery at the address shown on
260 the application. If the applicant cannot be found in the [county] County,
261 service by personal delivery [shall] must be made [upon] to the person
262 who is [at the time] in charge of the [establishment] hotel.

263 **54-22. Display.**

264 [Each] The applicant must prominently display each license issued under this
 265 [division shall be prominently displayed] Division in the [establishment] hotel
 266 for which it was issued.

267 **54-22A. Complaints**

268 (a) The Director must investigate any ~~[[complaints]]~~ complaint that a licensee
 269 is in violation of this Article within 30 days of receiving the
 270 complaint~~[[/s./s]]~~.

271 (b) If a violation is found, the Director must issue written notice of the
 272 violation to the owner or operator requiring that the violation be corrected
 273 immediately.

274 (c) If the violation is not corrected immediately, the Director may revoke or
 275 suspend the license under Section 54-26.

276 **54-23. Change of location of establishment; transfer.**

277 (a) Whenever [an establishment] a hotel changes its location, the current
 278 license held by such owner or operator under this [division shall
 279 automatically become] Division is void.

280 (b) The [director] Director may [, in his discretion,] authorize the transfer of
 281 a license issued under this [division] Division to a new owner or operator
 282 upon an application for transfer of the license and payment of a transfer
 283 fee [which shall be established by the county executive]. The Executive
 284 must establish the transfer fee by [written] regulation adopted under
 285 method (3) of ~~[[section]]~~ Section 2A-15 of this Code.

286 **54-24. Expiration.**

287 All [annual] licenses issued under this [division shall] Division expire on
 288 December 31 of the year for which they are issued, unless sooner revoked or
 289 suspended [as provided in] under this [article] Article.

290 **54-25. Renewal.**

291 [Every establishment shall, on] On or before July 1 of each year, every hotel
 292 must make application to the department for renewal of the [annual] license
 293 required by this [division] Division. Before [an annual] a license for any
 294 [establishment shall be] hotel is renewed by the [director, the director shall
 295 have received] Director, the Director must receive, [within ninety (90) days
 296 prior to renewing any such license,] certificates as [prescribed in section]
 297 required by Section 54-17 [, which shall indicate thereon that the premises
 298 have been inspected within ninety (90) days prior to the expiration of the
 299 license]. The Director must renew the license after receiving the certificates,
 300 completing any outstanding complaint investigations, and finding that the
 301 application satisfies this Article.

302 **54-26. Revocation or suspension generally.**

303 (a) The [director] Director may revoke or suspend any license issued under
 304 this [division upon finding] Division if the Director finds that the owner
 305 or operator of any [establishment] hotel is in violation of any provision
 306 of this [article] Article. Any such revocation or suspension [shall] must
 307 be by written order directed to [and served upon] the owner or operator
 308 of [[such establishment]] [in the manner prescribed in subsection (c) of
 309 section 54-21] the hotel under the procedures of subsection 54-21(c).
 310 Any such notice of revocation or suspension [shall] must require the
 311 holder of the license to appear before the [director] Director and show
 312 cause why the license should not be revoked or suspended [in the
 313 manner provided above].

314 (b) The Director may revoke or suspend any license issued under this
 315 Division if the Director finds that the [establishment] hotel is disruptive
 316 to the general peaceful enjoyment, dangerous to the health and safety,
 317 of the community or a nuisance because of noise or indecent or immoral

318 activity by any guest, owner, operator or employee. The Director may
 319 also revoke or suspend any license issued under this Chapter if the
 320 owner or operator of the [establishment] hotel has, while operating the
 321 [[establishment]] hotel, been convicted of violating:

- 322 (1) the provisions of the Criminal Law Article of the Maryland Code
 323 [listed] in [[section]] Section 54-20; or
 324 (2) the drunkenness and disorderly conduct provisions of Section 10-
 325 201 of the Criminal Law Article of the Maryland Code while on
 326 the licensed premises.

327 Revocation or suspension of a license under this subsection must follow
 328 the procedures in Section 54-21(b).

329 **54-27. Appeals from denial, revocation or suspension.**

330 Any person aggrieved by the denial, revocation or suspension of a license
 331 under this [division] Division may appeal from the action of the [director]
 332 Director to the [county board of appeals] Board of Appeals. Such person
 333 [shall] must file a [written] notice of appeal with the clerk of the [board of
 334 appeals] Board of Appeals within [twenty (20)] 20 days after service of notice
 335 of such action. Upon receiving such appeal, the [board of appeals shall] Board
 336 of Appeals must hold a hearing [thereon] within [thirty (30)] 30 days after the
 337 notice of appeal has been filed, and [shall] must act upon [such] the appeal
 338 within [thirty (30)] 30 days after the hearing. [The council may, by resolution
 339 entered on its minutes, extend such periods of time.]

340 **Division 3. Health Standards and Regulations.**

341 **54-28. Water and sewer facilities.**

342 Water and sewer facilities in every [establishment] hotel must be connected
 343 to public lines where such lines are available. [In the event no] When public
 344 sewer lines are not available, the [sewage must be collected, treated and

345 disposed of in an independent sewerage system which complies with the
 346 standards of the excreta disposal laws of the State and of] private sewage
 347 system must satisfy Chapter 45 of this Code. [In the event no] When public
 348 water lines are not available, [no] only a water supply [may be used by an
 349 establishment unless it has been] approved by the Director [of the Department
 350 of Health and Human Services] may be used.

351 **54-29. Plumbing facilities.**

352 [All plumbing facilities in establishments shall be constructed, installed and
 353 maintained so as to prevent sanitary hazards.] Toilet and bath facilities [shall
 354 be provided in accordance with] must satisfy the plumbing code for the
 355 Washington Suburban Sanitary Commission [and any amendments thereto]
 356 as amended.

357 **54-30. Disposal of solid waste.**

358 All solid waste [at establishments shall] must be stored in covered metal
 359 receptacles [which shall be]. These receptacles must be removed from the
 360 premises and cleaned at least once a week or as often as [prescribed by the
 361 director] the Director requires. All such waste [shall be burned, buried or
 362 otherwise] must be disposed of in [such] a manner [as] that does not [to]
 363 constitute a nuisance [or to be accessible to animals or flies].

364 **54-31. [Screens.] Insects.**

365 [All outside doors, windows and other outside openings in establishments
 366 shall be adequately screened against flies, mosquitoes and other insects. If the
 367 establishment is completely air-conditioned, screening shall not be required.]
 368 All interior spaces must be maintained free of all insects. Any infestation
 369 must be immediately addressed by management.

370 **54-32. Minimum size of rooms.**

371 (a) [No] Any habitable room [shall be occupied at] in

372 [an establishment unless it contains] a hotel must be at least [seventy
373 (70)] 70 square feet in floor area and there must be at least [fifty (50)] 50
374 square feet of floor area for each person. Children under [twelve (12)] 12
375 years of age [shall be] are counted as one-half person. Children under
376 [one (1)] 1 year of age [shall not be] are not counted as a person for the
377 purpose of this requirement.

- 378 (b) At least one-half of the floor area of every habitable room [shall] must
379 have a ceiling height of at least [seven (7)] 7 feet, and the floor area of
380 that part of any room where the ceiling height is less than [five (5)] 5 feet
381 [shall] is not [be] considered as part of the floor area in computing the
382 total floor area of the room for the purpose of determining the maximum
383 permissible occupancy [thereof] of the room.

384 **54-33. Heating and ventilation.**

385 All rooms in [establishments shall] hotels must be adequately heated and
386 ventilated. Every habitable room [shall] must have at least one [(1)] easily
387 opened window or skylight [which can easily be opened], or such other device
388 [as will] that adequately [ventilate] ventilates the room. Every [establishment
389 shall] hotel must have a heating [facilities which are] system. The heating
390 system must be properly installed and maintained in safe and good working
391 condition [. Such heating facilities shall be] capable of safely and adequately
392 heating all habitable rooms, bathrooms and water closet compartments to a
393 temperature of at least [seventy (70)] 70 degrees Fahrenheit at a distance of
394 [three (3)] 3 feet above floor level under ordinary minimum winter conditions.

395 **54-34. Lighting.**

396 All rooms in [establishments shall] hotels must be adequately lighted [by
397 either natural or artificial light and additional] including light [shall be
398 provided] for reading [purposes].

399 **54-35. Basement rooms.**

400 [No habitable room shall be in the basement of an establishment unless the]
 401 Only when basement floors and walls are constructed of material impervious
 402 to water, may a habitable room be located in a basement.

403 **54-36. Cellar rooms.**

404 A room in a cellar [shall not be considered] is not a habitable room [and shall
 405 not be used by any establishment for habitation].

406 **54-37. Bedding and linen.**

407 (a) All mattresses, blankets and other bedding used at [establishments shall]
 408 hotels must be kept clean and free of bedbugs.

409 (b) Clean sheets and pillow slips [shall] must be provided in
 410 [establishments] hotels at least once each week and after each
 411 succeeding guest.

412 [(c) Two (2) clean towels shall be provided for each establishment guest at
 413 least twice each week and after each succeeding guest.]

414 **54-38. [Drinking glasses.] Reserved.**

415 [Drinking glasses used in any establishment shall be sterilized at least after
 416 each succeeding guest and common drinking glasses shall be prohibited.]

417 **54-39. Food, dining rooms and kitchens.**

418 Food, public dining rooms and kitchens in each [establishment shall comply
 419 with the provisions of chapter] hotel must satisfy Chapter 15 of this Code [and
 420 any amendments thereto] as amended.

421 **54-40. Maintenance of premises.**

422 Every owner or operator of [an establishment shall be] a hotel is responsible
 423 for maintaining all parts of the [[establishment]] hotel, in a clean and sanitary
 424 condition [all parts of the establishment], including the land on which the

425 [establishment] hotel is located. Every owner or operator [shall be] is
 426 responsible for maintaining the [establishment] hotel in good repair.

427 **54-41. Inspections and report of violations of article.**

428 The Department [of Health and Human Services] is responsible for making
 429 all necessary inspections [of the establishments] regulated under this Article
 430 and must report to the Director any violations of this Division.

431 **Article III. [Reserved] Bed and Breakfast and Short-Term Residential Rental.**

432 **54-42. License required.**

433 A person must not operate a bed and breakfast or short-term residential rental
 434 in the County without a license issued by the Director. After the initial
 435 issuance of a license, the license must be renewed once a year.

436 **54-43. Certification for a License.**

437 An application for a bed and breakfast license or short-term residential rental
 438 or a license renewal for either use must be signed by the applicant and include
 439 the State Sales Tax and Use Registration number. The applicant must certify
 440 that:

- 441 (a) the building in which the bed and breakfast or short-term residential
 442 rental is located complies with all applicable zoning standards under
 443 Chapter 59 of this Code;
- 444 (b) [[the overnight occupants of each dwelling unit will satisfy the definition
 445 of one household]] the total number of overnight guests in the short-term
 446 residential rental who are 18 years or older is limited to 6, and the total
 447 number of overnight guests over 18 years of age per bedroom is limited
 448 to 2;
- 449 (c) only habitable rooms will be used by guests;
- 450 (d) smoke detectors in all units and carbon dioxide detectors in all units
 451 using natural gas operate as designed;

- 452 (e) sanitation facilities operate as designed;
- 453 (f) the applicant has not been found guilty of a violation of this Chapter in
454 the past 12 months;
- 455 (g) all local taxes and required fees are paid in full;
- 456 (h) the dwelling unit where the bed and breakfast or short-term residential
457 rental is located is the primary residence of the applicant; [[and]]
- 458 (i) the applicant is the owner or owner-authorized agent of the facility;
- 459 (j) the applicant posted rules and regulations inside the rental, including
460 contact information for a representative designated for emergency
461 purposes;
- 462 (k) the designated representative resides within 15 miles of the unit and be
463 accessible for the entirety of any contract where the primary resident is
464 not present;
- 465 (l) a record of all overnight visitors will be maintained and readily available
466 for inspection;
- 467 (m) where applicable, the following parties were notified:
468 in a single-unit or attached unit, abutting and confronting neighbors,
469 in a multi-unit building, neighbors living across the hall and those that
470 share a ceiling, floor, and walls with the applicant's unit,
471 the municipality in which the residence is located,
472 any applicable home owner association, condominium, housing
473 cooperative, and the owner of the unit or the owner's rental agent, if the
474 applicant is not the owner;
- 475 (n) the application is not prohibited by any Home Owner's Association or
476 condominium document, or a rental lease;
- 477 (o) the common ownership community fees for the dwelling unit are no more
478 than 30 days past due;

- 479 (p) except for persons visiting the primary resident, only registered guests will
 480 be allowed on the property; and
 481 (q) any on-line rental listing will include the short-term residential rental license
 482 number.

483 **54-44. Applications.**

484 The Director must establish an electronic method of submitting, issuing,
 485 renewing, denying, and revoking an application for a license through the
 486 internet.

487 **54-45. License Approval and Renewal.**

488 The Director must:

- 489 (a) accept the self-certification of the applicant after verifying compliance
 490 by reviewing available records; [[and]]
 491 (b) approve or deny a license or a license renewal within 15 working days
 492 after receipt of the application and all required fees unless the Director
 493 receives a challenge to the certifications under Section 54-47[.]; and
 494 (c) issue the license for a term of one year, renewable for additional one-
 495 year terms, subject to payment of the license fee and compliance with
 496 all applicable laws and certifications required for the license.

497 **54-46. Challenge to Certifications.**

- 498 (a) A challenge to any required certification made by the applicant may be
 499 filed with the Director within 30 days after the application is filed by:
 500 (1) a resident or owner of real property located within 300 feet of a
 501 licensed or proposed [[bed and breakfast]] license;
 502 (2) [[a civic or homeowner's association comprised of property
 503 owners located within 300 feet of a licensed or proposed bed and
 504 breakfast]] the municipality in which the residence is located;

- 505 (3) any applicable homeowners association, condominium, housing
 506 cooperative; or
 507 (4) the owner of the unit or the owner's rental agent, if the applicant is
 508 not the owner.
- 509 (b) The Director must, within 60 days after receipt of the challenge:
 510 (1) provide notice of the challenge to the applicant;
 511 (2) provide an opportunity for the applicant to respond to the
 512 challenge;
 513 (3) investigate the question of fact raised by the challenge; and
 514 (4) revoke or deny the license if the Director finds that one or more
 515 facts certified by the applicant is false.

516 **54-47. Suspension**

- 517 (a) The license must be suspended for any applicant receiving at least three
 518 complaints that are verified as a violation of the license or of the County
 519 Code within any 12-month period.
- 520 (b) Renewal or reinstatement of licenses must follow procedures
 521 established by the Director.

522 **54-48. Appeals.**

523 Any person aggrieved by an approval, denial, revocation or suspension of a
 524 bed and breakfast license may appeal the decision to the Board of Appeals.
 525 The Board of Appeals must hold a hearing on the appeal within 30 days after
 526 the notice of appeal has been filed, and must act on the appeal within 30 days
 527 after the hearing.

528 **[[54-48.]] 54-49. Effect of a revocation.**

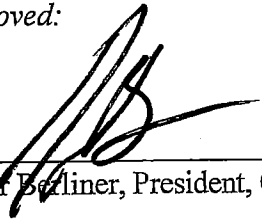
529 For a period of 3 years after a license is revoked, the Director must not issue a
 530 bed and breakfast or short-term residential rental license to:
 531 (a) the former licensee or a member of the former licensee's household; or

532 (b) any applicant for a license to use the same dwelling unit where the license
533 was revoked.

534 **Sec. 2. Effective date.**

535 This Bill becomes effective on July 1, 2018.

Approved:



Roger Berlin, President, County Council

10/12/17

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date