

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 39

Bill No. 117-15

Introduced by Mr. Smith, Vice Chairman
(by request of the County Executive)

and

by Mr. Pruski

By the County Council, December 7, 2015

Introduced and first read on December 7, 2015
Public Hearing set for and held on January 4, 2016
Bill Expires March 11, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Licenses – Hotels

2
3 FOR the purpose of establishing a hotel license; defining "hotel" and "unit"; setting fees for
4 licensure of hotels; requiring designation of an agent by certain applicants; providing for
5 a right of entry and inspection; requiring approval of the Health Officer and the Director
6 of the Department of Inspections and Permits for hotel licenses; setting the term for hotel
7 licenses and renewals; requiring hotel licensees to maintain and display certain records
8 and display the license; making a hotel license nontransferable; requiring notice of the
9 sale of a licensed hotel; setting occupancy limits for hotel rooms; providing for notices of
10 violations; providing grounds for suspension and revocation of hotel licenses; and
11 generally relating to the licensing of hotels.

12
13 BY adding: §§ 11-6A-101 through 11-6A-113 to be under the new title "Title 6A. Hotels"
14 Anne Arundel County Code (2005, as amended)

15
16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
17 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

18
19 **ARTICLE 11. LICENSES**
20

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

TITLE 6A. HOTELS

11-6A-101. Definitions.

IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) "HOTEL" MEANS A FACILITY THAT OFFERS SLEEPING ACCOMMODATIONS TO THE TRANSIENT PUBLIC AND INCLUDES A MOTEL AND INN.

(2) "UNIT" MEANS EACH GUEST ROOM OF A HOTEL.

11-6A-102. License required.

A PERSON MAY NOT OPERATE A HOTEL WITHOUT A LICENSE ISSUED BY THE DEPARTMENT. A SEPARATE LICENSE IS REQUIRED FOR EACH HOTEL.

11-6A-103. Fees.

(A) **Fees generally.** EXCEPT AS PROVIDED IN SUBSECTION (B), FEES FOR INITIAL ISSUANCE OF A LICENSE AND EACH RENEWAL OF A LICENSE ARE:

NUMBER OF UNITS	FEE
1 TO 4	\$30 PER UNIT
5 TO 50	\$120 PLUS \$25 PER UNIT
51 AND ABOVE	\$1,370 PLUS \$18 PER UNIT

(B) **Late fee.** IN ADDITION TO ANY OTHER REMEDY, FOR EACH 30 DAYS OR FRACTION THEREOF THAT THE OWNER OF A HOTEL HAS OPERATED WITHOUT A CURRENT AND VALID LICENSE, THE COUNTY MAY IMPOSE A LATE FEE OF 10% OF THE APPLICABLE LICENSE FEE OR \$25, WHICHEVER IS GREATER.

(C) **Collection.** ANY LICENSE FEES, INCLUDING LATE FEES, REMAINING UNPAID FOR SIX MONTHS AFTER THE LICENSEE HAS BEEN NOTIFIED OF THE IMPOSITION OF THE FEES BY THE COUNTY SHALL BE COLLECTED AS PROVIDED IN § 1-9-101 OF THIS CODE.

11-6A-104. Designation of agent by nonresident applicant.

A LICENSE MAY NOT BE ISSUED OR RENEWED FOR AN APPLICANT WHO IS NOT A RESIDENT OF THE COUNTY UNLESS THE APPLICANT HAS FIRST DESIGNATED AN AGENT AND AN ALTERNATE AGENT FOR THE RECEIPT OF NOTICES OF VIOLATION OF THIS TITLE AND FOR SERVICE OF PROCESS UNDER THIS TITLE. EITHER THE AGENT OR THE ALTERNATE AGENT MUST BE A RESIDENT OF THE COUNTY. THE APPLICANT MUST PROVIDE A NOTARIZED STATEMENT AUTHORIZING THE AGENT AND THE ALTERNATE AGENT TO ACT ON THE APPLICANT'S BEHALF FOR THE PURPOSE OF RECEIVING NOTICES AND FOR SERVICE OF PROCESS.

11-6A-105. Right of entry.

FOR THE PURPOSES OF LICENSURE APPROVAL AND PERIODIC INSPECTION OF HOTELS, THE HEALTH OFFICER AND THE DIRECTOR SHALL HAVE THE RIGHT OF ENTRY UPON REASONABLE NOTICE TO ALL COMMON AREAS, ALL FOOD PREPARATION AND FOOD SERVICE

1 AREAS, AND ALL UNITS. EACH HOTEL SHALL BE INSPECTED BY THE DIRECTOR OR THE
2 HEALTH OFFICER AT LEAST ONCE EVERY TWO YEARS. THE AREAS OF INSPECTION, THE
3 NUMBER AND TYPES OF UNITS INSPECTED AND THE FREQUENCY OF INSPECTION SHALL BE
4 BASED ON CRITERIA ESTABLISHED BY THE DIRECTOR AND THE HEALTH OFFICER.

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6 **11-6A-106. Approval by Director and Health Officer.**

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8 (A) **Issuance.** THE DEPARTMENT MAY NOT ISSUE OR RENEW A LICENSE FOR A HOTEL
9 WITHOUT THE APPROVAL OF THE DIRECTOR AND THE HEALTH OFFICER.

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11 (B) **Approval.** THE DIRECTOR AND THE HEALTH OFFICER SHALL APPROVE THE ISSUANCE
12 OR RENEWAL OF A LICENSE IF AN INSPECTION OF THE HOTEL FOR WHICH THE LICENSE IS
13 SOUGHT REVEALS THAT THE HOTEL COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF
14 THE COUNTY CODE AND ALL APPLICABLE HEALTH AND SAFETY PROVISIONS OF STATE LAW
15 OVER WHICH THE DEPARTMENT OR THE HEALTH OFFICER HAS JURISDICTION.

16
17 (C) **Noncompliance after inspection; fee.** IF AN APPLICANT FOR INITIAL LICENSURE OR
18 THE RENEWAL OF A LICENSE FOR A HOTEL DOES NOT COMPLY WITH ALL APPLICABLE
19 REQUIREMENTS OF THE COUNTY CODE AND ALL APPLICABLE HEALTH AND SAFETY
20 PROVISIONS OF STATE LAW OVER WHICH THE DEPARTMENT OR THE HEALTH OFFICER HAS
21 JURISDICTION AFTER AN INITIAL INSPECTION AND ONE RE-INSPECTION, THE HEALTH
22 OFFICER MAY CHARGE A FEE OF \$80 FOR A SECOND RE-INSPECTION AND FOR ANY
23 ADDITIONAL INSPECTIONS NEEDED UNTIL THE HOTEL IS APPROVED FOR INITIAL LICENSURE
24 OR THE RENEWAL OF A LICENSE.

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26 **11-6A-107. Term; renewal.**

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28 EACH INITIAL HOTEL LICENSE EXPIRES ON JANUARY 31 OF THE SECOND YEAR
29 FOLLOWING THE YEAR OF APPLICATION UNLESS SOONER REVOKED. SUBJECT TO THE
30 PROVISIONS OF THIS TITLE, A HOTEL LICENSE MAY BE RENEWED BY THE DIRECTOR FOR
31 SUCCESSIVE TWO YEAR PERIODS.

32
33 **11-6A-108. Display.**

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35 A LICENSE AND ANY NOTICE OF LICENSE SUSPENSION OR REVOCATION SHALL BE
36 DISPLAYED IN A CONSPICUOUS PLACE WITHIN A COMMON AREA OF THE HOTEL.

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38 **11-6A-109. Records.**

39
40 THE OWNER OR OTHER PERSON IN CHARGE OF A LICENSED HOTEL SHALL KEEP OR
41 CAUSE TO BE KEPT RECORDS OF EACH REQUEST FOR REPAIR AND EACH COMPLAINT BY A
42 GUEST THAT IS RELATED TO THE PROVISIONS OF THE COUNTY CODE OR OF APPLICABLE
43 HEALTH OR SAFETY PROVISIONS OF STATE LAW OVER WHICH THE DEPARTMENT OR THE
44 HEALTH OFFICER HAS JURISDICTION AND OF EACH CORRECTION MADE IN RESPONSE TO
45 SUCH REQUESTS AND COMPLAINTS. THE RECORDS SHALL BE MADE AVAILABLE BY THE
46 LICENSEE TO THE HEALTH OFFICER OR THE DIRECTOR FOR INSPECTION AND COPYING ON
47 DEMAND. THE RECORDS ARE ADMISSIBLE IN ANY ADMINISTRATIVE OR JUDICIAL
48 PROCEEDING AS PRIMA FACIE EVIDENCE OF THE VIOLATION OR THE CORRECTION OF A
49 VIOLATION OF THE COUNTY CODE OR OF APPLICABLE HEALTH OR SAFETY PROVISIONS OF
50 STATE LAW OVER WHICH THE DIRECTOR OR THE HEALTH OFFICER HAS JURISDICTION.

51
52 **11-6A-110. Transfer; notice of sale.**

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1 (A) **Nontransferable.** A LICENSE IS NOT TRANSFERABLE TO ANOTHER PERSON OR TO
2 ANOTHER HOTEL.

3
4 (B) **Notice of sale or other disposition.** EACH LICENSEE SHALL GIVE WRITTEN NOTICE
5 TO THE DIRECTOR WITHIN ONE WEEK AFTER HAVING TRANSFERRED OR OTHERWISE
6 DISPOSED OF THE LEGAL CONTROL OF A LICENSED HOTEL. THE NOTICE SHALL INCLUDE THE
7 NAME AND ADDRESS OF THE PERSON SUCCEEDING TO THE OWNERSHIP OR CONTROL OF THE
8 HOTEL.

9
10 **11-6A-111. Occupancy limitations.**

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12 EACH UNIT IN A HOTEL SHALL COMPLY WITH THE OCCUPANCY LIMITATIONS IN SECTION
13 404 OF THE PROPERTY MAINTENANCE CODE, AS ADOPTED BY THE COUNTY IN THE
14 CONSTRUCTION AND PROPERTY MAINTENANCE CODES SUPPLEMENT.

15
16 **11-6A-112. Notice of violations.**

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18 IF, AT ANY TIME, THE DIRECTOR OR THE HEALTH OFFICER FINDS THAT CONDITIONS OF
19 OR PRACTICES AT A LICENSED HOTEL ARE IN VIOLATION OF THE COUNTY CODE OR OF
20 APPLICABLE HEALTH OR SAFETY PROVISIONS OF STATE LAW OVER WHICH THE DIRECTOR
21 OR THE HEALTH OFFICER HAS JURISDICTION, THE DIRECTOR OR THE HEALTH OFFICER
22 SHALL PROVIDE THE LICENSEE WITH NOTICE OF THE VIOLATION IN WRITING. THE NOTICE
23 SHALL STATE THAT, UNLESS THE VIOLATIONS CITED ARE CORRECTED WITHIN A
24 DESIGNATED REASONABLE TIME, THE LICENSE MAY BE SUSPENDED.

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26 **11-6A-113. Suspension and revocation.**

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28 (A) **Suspension.** AT THE END OF THE TIME DESIGNATED PURSUANT TO § 11-6A-112 FOR
29 CORRECTION OF A VIOLATION, THE DIRECTOR OR THE HEALTH OFFICER SHALL RE-INSPECT
30 THE HOTEL. IF THE DIRECTOR OR THE HEALTH OFFICER DETERMINES THAT THE VIOLATIONS
31 HAVE NOT BEEN CORRECTED, THE DIRECTOR SHALL ISSUE AN ORDER SUSPENDING THE
32 LICENSE, WHICH SHALL BE PROMPTLY PROVIDED TO THE LICENSEE. THE ORDER SHALL
33 PROVIDE THAT THE VIOLATION CITED IN THE NOTICE AND ORDER OF SUSPENSION SHALL BE
34 CORRECTED WITHIN 30 DAYS OF THE ISSUANCE OF THE ORDER OR THE LICENSE SHALL BE
35 REVOKED.

36
37 (B) **Reinstatement for compliance.** IF THE VIOLATION CITED IN THE NOTICE AND THE
38 ORDER OF SUSPENSION IS CORRECTED WITHIN THE 30 DAYS AFTER THE ISSUANCE OF THE
39 ORDER OF SUSPENSION, THE DIRECTOR SHALL LIFT THE SUSPENSION.

40
41 (C) **Revocation.** IF THE VIOLATION CITED IN THE NOTICE AND ORDER OF SUSPENSION IS
42 NOT CORRECTED WITHIN 30 DAYS OF THE ISSUANCE OF THE ORDER, THE LICENSE SHALL BE
43 REVOKED.

44
45 (D) **Effect of suspension or revocation.**

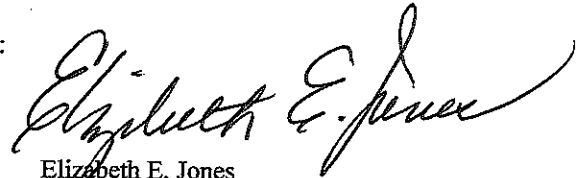
46
47 (1) **Suspension.** A HOTEL MAY NOT ADMIT NEW GUESTS WHILE ITS LICENSE IS
48 SUSPENDED.

49
50 (2) **Revocation.** A HOTEL MAY NOT OPERATE AFTER ITS LICENSE IS REVOKED. A
51 REVOKED LICENSE SHALL NOT BE REINSTATED.

1 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law.

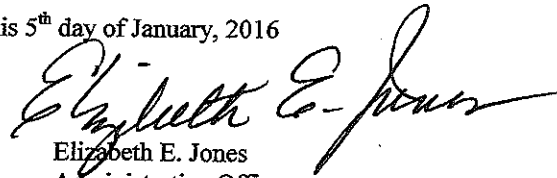
READ AND PASSED this 4th day of January, 2016

By Order:



Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 5th day of January, 2016



Elizabeth E. Jones
Administrative Officer

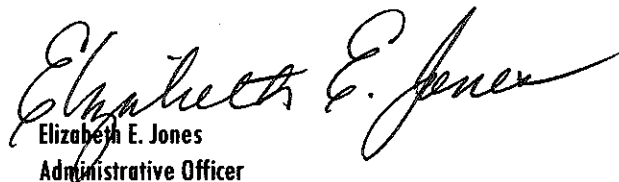
APPROVED AND ENACTED this 14th day of January, 2016



Steven R. Schuh
County Executive

EFFECTIVE DATE: February 28, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
117-15 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



Elizabeth E. Jones
Administrative Officer