

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 11, SECTIONS 11-186 THROUGH 11-215,
RELATIVE TO HOTELS AND ROOMING HOUSES.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 11, Sections 11-186 through 11-188, be and are hereby amended by deleting same in their entirety and substituting in lieu thereof the following:

Sec. 11-186. Definition.

As used in this article, unless the context otherwise requires:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person;

(2) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel, bed and breakfast, or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration;

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel;

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise;

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit; and

(6) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

Sec. 11-187. Permit-Required.

No person shall conduct, keep, manage, operate or cause to be conducted, kept, managed or operated, either as owner, lessor, lessee, agent or attorney, any hotel or rooming house at any business location in the city without having an annual inspection by the Fire Marshal and obtained a permit from the City Treasurer to operate an establishment.

Sec. 11-188. Application; preliminary investigation, recommendation.

Any applicant for a permit to operate any hotel as defined by Section 11-186 shall be required to pay the fees for such permit annually or on or before December 31st of each year of operation to the City Treasurer. The Fire Marshal shall inspect and approve or disapprove any hotel or rooming house for continuing operations pursuant to the Fire Codes adopted by the City of Chattanooga within sixty (60) days following the date of any renewal of such permit by the City Treasurer. In the event that the Fire Marshal is required to conduct additional inspections of any applicant during a permit year, additional Fire Marshal inspection fees shall be paid by the applicant and collected by the City Treasurer. A permittee may operate after renewal of this permit during the time the Fire Marshal conducts required inspections. Any violation of any City Code provision or State law concerning fire codes or prostitution may be grounds for revocation of this permit by the Mayor.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 11, Sec. 11-189, be and is hereby amended by deleting same in its entirety and renumbering the remaining paragraphs of this section.

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 11, Sections 11-190 through 11-201, be and are hereby amended by renumbering said sections as Section 11-189 through 11-200 as follows:

Sec. 11-189. Same-Fee.

The fee for each hotel permit shall be fifty-five dollars (\$55.00). There shall be a charge of fifty dollars (\$50.00) each for any re-inspections performed by Fire Marshal.

Sec. 11-190. Same-Display.

Every person to whom a permit is issued under this article shall display such permit in a conspicuous place in the office of the hotel operated thereunder.

Sec. 11-191. Same-Not transferable.

No permit issued under this article shall be transferred or assigned.

Sec. 11-192. Same-Revocation.

The mayor may revoke any permit issued under this article for violation of any provision hereof or for good cause shown. Before any permit is revoked, the holder thereof shall be notified and shall have a hearing before the mayor if he so desires.

Sec. 11-193. Same-Duration.

Hotel permits shall be issued annually and shall expire on the last day of December of each year.

Sec. 11-194. Using hotel for purpose of prostitution.

No person to whom a permit is issued under this article shall suffer or permit the hotel or rooming house operated thereunder to be used as a house of ill fame, brothel, bawdy house or disorderly house, for the purpose of prostitution.

Sec. 11-195. Register required; availability for inspection.

Every person to whom a permit is issued under this article shall at all times keep a standard hotel register, in which shall be inscribed the names of guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the person renting a room or by someone under his direction, and after registration is made and the name of a guest is inscribed as herein provided, the manager of the hotel or his agent shall write the number of the room which such guest is to occupy, together with the time such room is rented, before such person is permitted to occupy such room. The register shall be open to inspection at all times by any guest of the hotel and by any executive or law enforcement officer of the city or state.

Sec. 11-196. Rooms to be numbered.

Each sleeping room and apartment in every hotel in the city shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number.

Sec. 11-197. Right of city law enforcement officers to enter.

Any officer of the city, including the Fire Marshal and/or assistants, may enter into and upon the premises of any hotel in the city, for the purpose of inspection, at any reasonable hour.

Sec. 11-198. Liability of manager for violations.

Where a permit has been issued to any co-partnership, corporation or association to operate a hotel in the city, any person having charge, management or control of such hotel shall be liable to prosecution for any violation of this chapter. For the purpose of determining the liability of any person to prosecution for such violations, it shall be sufficient to show that such person was, at the time of the act of violation complained of, the person in actual charge, management or control of the hotel in which such act is alleged to have been committed.

Sec. 11-199. Privilege tax levied; use.

(a) Pursuant to the provisions of T.C.A. §67-4-1401 through T.C.A. §67-4-1425, there be and is hereby levied a privilege tax upon the privilege of occupancy in any hotel of each transient. From and after the operative date of this Ordinance and through the 30th day of September, 2003, the rate of the levy shall be two percent (2%) of the consideration charged by the operator. From the 1st day of October, 2003, through the 30th day of April, 2005, the rate of the levy shall be three percent (3%) of the consideration charged by the operator. Thereafter, the rate of the levy shall be four percent (4%) of the consideration charged by the operator. This privilege tax shall be collected pursuant to and subject to the provisions of these statutory provisions. The City Treasurer is designated as the authorized collector to administer and enforce this ordinance and these statutory provisions.

(b) The proceeds received from this tax shall be designated for the development and implementation of public improvements in the downtown area and waterfront area necessary to implement the 21st Century Waterfront Plan, which may include parking facilities. The privilege taxes collected shall be placed in a special account to be used only for these purposes.

Sec. 11-200. Reserved.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 11, Sec. 11-202 through 11-215 Reserved, be and is hereby amended by renumbering said section to Section 11-201 as follows:

Secs. 11-201 - 11-215. Reserved.

SECTION 5. BE IT FURTHER ORDAINED That this Ordinance shall take effect immediately upon passage.

PASSED on Second and Final Reading

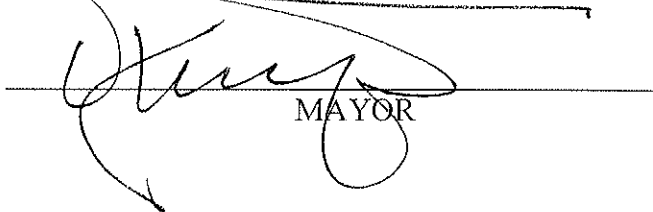
June 26, 2012.



CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: June 28, 2012



MAYOR

PAN/kac/mms