

NOTICE OF APPROVAL – Notice is hereby given that at the June 19, 2017 City Council Meeting of the City of Jersey Village, Texas, the following ordinances, which may be viewed online at <http://www.jerseyvillage.info/>, were passed and approved:

ORDINANCE NO. 2017-21 - AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 18, “BUSINESSES,” ARTICLE V. HOTEL CODE, SECTION 18-182 “DEFINITIONS”, AND SECTION 18-189 “PREMISES REQUIREMENTS”, TO PROVIDE FOR REGULATION OF HOTELS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

ORDINANCE NO. 2017-23 - AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 70, “UTILITIES,” ARTICLE I. IN GENERAL, SECTION 70-2 “BREAKING OR TAMPERING WITH SYSTEM”, TO PROVIDE FOR REGULATION OF THEFT OF WATER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

Any person who shall violate any provision of these Ordinance shall be punished upon conviction as provided by Section 1-8 of the City of Jersey Village Code of Ordinances by a fine not to exceed \$500.00 provided, however, that if the fine or penalty is found to be for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the fine may not exceed \$2,000.00. No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state, and each day such violation shall exist shall be a separate offense.

PASSED, APPROVED, AND ADOPTED the 19th day of June, 2017. /s/Justin Ray, Mayor
Attest: /s/ Lorri Coody, City Secretary, Jersey Village

Issued for publication on June 28, 2017 on this the 20th day of June, 2017.
/s/Lorri Coody, City Secretary, Jersey Village, Texas

Posted to City Website – June 21, 2017 at 11:30 a.m.

ORDINANCE NO. 2017-21

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 18, "BUSINESSES," ARTICLE V. HOTEL CODE, SECTION 18-182 "DEFINITIONS", AND SECTION 18-189 "PREMISES REQUIREMENTS", TO PROVIDE FOR REGULATION OF HOTELS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

WHEREAS, the City Council of the City of Jersey Village has adopted Chapter 18, Article V, Hotel Code, to ensure the continued availability of transient lodging within the City of Jersey Village, the maintenance of clean hotels, and to protect health, safety and welfare; and

WHEREAS, the City Council finds that the following regulations are essential to the public interest, safety, health, and welfare;

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and incorporated for all purposes.

Section 2. Article V. *Hotel Code*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended at Section 18-182 by adding the language underlined and by deleting the language struck through, as set out in the attached Exhibit "A."

Section 3. Article V. *Hotel Code*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended at Section 18-189 by adding the language underlined and by deleting the language struck through, as set out in the attached Exhibit "B."

Section 4. Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in accordance with Section 1-8 of The City Code. Each day of violation shall constitute a separate offense.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 19th day of June, 2017.

ATTEST:

s/Justin Ray, Mayor

s/Lorri Coody, City Secretary



EXHIBIT “A”

Sec. 18-182. - Definitions.

For the purpose of this chapter, the following terms, words, and derivations shall have the meaning given, unless the context clearly indicates or requires a different meaning:

Calls for service (CFS) include but are not limited to any and all calls to emergency services, (police, fire, medical, code enforcement, and development services) that result in a city employee being dispatched or directed to the hotel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be attributed or traced to the hotel premises. Calls for service include any self-initiated activity or investigation based on the observation(s) of an emergency services representative that results in a written report. Multiple calls regarding the same event shall be treated as a single call for service for purposes of calculating the CFS room ratio. Calls from employees of the hotel are excluded from being used to determine the calls for service room ratio. Calls for service include but are not limited to:

- (1) Commission of crimes that are drug related or drug related arrests;
- (2) Commission of crimes that are prostitution related or prostitution related arrests;
- (3) Commission of crimes that are a breach of the peace;
- (4) All fire alarms at a hotel;
- (5) Immediate public safety and health issues at a hotel; or
- (6) Noncompliance with federal law, state law or city codes and ordinances.

Calls for service room ratio is defined as the number of calls for service divided by the total number of guest rooms in a hotel during the time-period as set forth in section 18.184(A) herein.

Clean condition means free from:

- (1) Chemical contamination;
- (2) Microbial contamination;
- (3) Insect or rodent contamination;
- (4) Displaying or undergoing spoilage, putrefaction; or
- (5) Trash, debris, dirt or refuse.

Provided, however, such condition shall not be attributable to the hotel unless it exists in a room within two days after it was cleaned according to the schedule maintained by the hotel.

Code conviction limit is determined by the relationship between the number of convictions of city code violations in a court of law compared to the number of guest rooms in a hotel. The code conviction limit for hotels with less than 60 guest rooms is defined as more than five convictions of city code violations in a court of law within a period of 12 consecutive calendar months. The code conviction limit for hotels with 60 or more guest rooms or more is defined as the number of convictions of city code violations in a court of law equal to ten percent of the total number of guest rooms rounded to the next highest integer in a hotel within a period of 12 consecutive calendar months.

Commissioned security officers are officers who have successfully undertaken and passed a state and national criminal history check and passed the 30-hour training class provided by the private security bureau of the state department of public safety.

Designated city official or DCO means the city manager or designee.

Drug related includes but is not limited to the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving away or providing a place to use or fortification of a place involving any illegal or controlled drug, narcotic or drug paraphernalia.

Extended Stay Hotel Unit means, for the purposes of this article, a hotel room with accommodations for sleeping along with on-premise kitchen and bathroom facilities. The term includes hotel units utilized for occupant stays of more than 30 consecutive days and shall be subject to Section 18-188 regulations relating to occupancy limits and Chapter 14 regulations for building and development.

Hotel means, within the context of this article, ~~any hotel, motel, lodging house or inn in the city having three or more rooms where transient guests are fed or lodged for pay~~ a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast.

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

Law means any federal, state statute, or city ordinance, court decision or regulation.

Let or let for occupancy means to permit, provide or offer possession or occupancy of a dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to recorded or unrecorded agreement or contract for the sale of land.

Manager shall mean any person who manages the business operations of any hotel on behalf of the owner and/or management company, whose duties may include the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, handling guest affairs or overseeing security.

Operator means any person who is the proprietor of any hotel whether in the capacity of the owner, lessee, receiver, sublessee, franchisee, mortgagee in possession, hotel management company, or agent of any of the aforementioned, who offers or accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling units.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including 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, business trust, estate trust, partnership or any other group acting as a unit.

Property Standards Board means the city council, or board appointed by the city council to hear cases pertaining to this article.

Prostitution related includes but is not limited to those that involve prostitution or prostitution related crimes such as pimping or pandering in violation of city and/or state codes.

EXHIBIT “B”

Sec. 18-189. - Premises requirements.

- (a) Each property owner, operator, or manager shall cause to be maintained a complete register for each person to whom any room at a hotel is let. The register shall contain the following information:
 - (1) Correct name and 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;
 - (4) Number of individuals staying in the room;
 - (5) Amount of the bill and method of payment; and
 - (6) Register records shall be maintained for a period of two years for each person who lets any room at a hotel.
- (b) Tier 2 property owners, operators, or managers shall require any person to whom any room at a hotel is let to provide evidence of his or her identity and address of residence, and, in addition thereto, the full and true name and address of each member of his party.
- (c) No tier 2 property owner, operator, or manager shall allow or permit any hourly charge for any room within said establishment.
- (d) No tier 2 property owner, operator, or property manager shall 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.
- (e) No property owner, operator, or manager shall knowingly let, allow or permit any room on the premises to be used for any illegal purpose including but not limited to:
 - (1) Prostitution;
 - (2) Gambling;
 - (3) Drug use, sale or manufacture of drugs;
 - (4) Sale of alcoholic beverages.
- (f) A property owner, operator and/or manager providing false information to city authorities regarding the identity of and hours of occupancy by any occupant shall be prima facie evidence of premises being used for illegal purposes including but not limited to:
 - (1) Prostitution;
 - (2) Gambling;
 - (3) Drug use, sale or manufacture of drugs;
 - (4) Sale of alcoholic beverages.
- (g) Room rates shall be posted in a prominent location in all guest rooms. Guests shall not be charged in excess of posted rates. A range of rates is acceptable in the posting.

- (h) For guest complaints the telephone number and address for the DCO shall be posted in a prominent location in all guest rooms and public reception area.
- (i) A representative of the property owner, operator or manager shall be present and accessible to the DCO in person, on a 24-hour basis.
- (j) Tier 2 hotels are required to have 24-hour on-site security provided by commissioned security officers.
- (k) All commissioned security officers while working for a Tier 2 hotel must be in uniform and must be registered with the private security bureau of the state department of public safety.
- (l) Commissioned security officers working for a tier 2 hotel must have a class B security contractor license issued from the private security bureau of the state department of public safety.
- (m) Tier 2 hotels are required to videotape the premises and keep and maintain recordings for at least 30 days.
- (n) Access and Security. ~~A guest room shall be accessible only from an internal hallway and the internal hallway shall be accessible only from a central lobby area contained within the hotel/motel.~~ A hotel must meet the following requirements:
 1. Guest rooms must be accessible only through interior corridors of the hotel building or group of buildings;
 2. Primary hotel building entrances to lobby and registration areas, and/or meeting rooms and ballrooms, may provide access for ingress and egress of hotel guests and/or invitees
 3. Secondary hotel building entrances through exterior doors must be secured and accessible only to guests and employees;
 4. Hotel management must be on-site 24 hours each day; and
 5. Security cameras. A hotel/motel shall install and maintain, in proper operating order, security cameras in each interior hallway and lobby, in the parking lots, and at each exterior door. The cameras shall be placed so as to provide visibility to the front and rear exteriors of the building and to the swimming pool area, if any. Monitors shall be provided for security and other hotel/motel personnel so that on-site activities may be viewed at all times. The security cameras shall be equipped with recording devices capable under normal lighting and operating conditions of producing reasonable photographic images of the persons in the specified areas. Video recordings from security cameras shall be operating 24 hours a day and shall be kept a minimum of thirty (30) days.

~~This requirement-Subsections 1 - 5 applies to~~ shall apply to hotels and motels permitted for new construction after ~~February~~ June 20, 2017.

ORDINANCE NO. 2017-23

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 70, "UTILITIES," ARTICLE I. IN GENERAL, SECTION 70-2 "BREAKING OR TAMPERING WITH SYSTEM", TO PROVIDE FOR REGULATION OF THEFT OF WATER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

WHEREAS, the City Council of the City of Jersey Village has adopted Code of Ordinances (the "Code"), Chapter 70, "Utilities", Article I, IN GENERAL, Section 70-2 "Breaking or Tampering with System," concerning the City wastewater and water system, and to protect health, safety and welfare; and

WHEREAS, the City Council finds that the following regulations are essential to the public interest, safety, health, and welfare;

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and incorporated for all purposes.

Section 2. That Chapter 70, Article I. "IN GENERAL", of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended at Section 70-2 by adding the language underlined and by deleting the language struck through, as set out in the attached Exhibit "A."

Section 3. Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in accordance with Section 1-8 of The City Code. Each day of violation shall constitute a separate offense.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 19th day of June, 2017.

ATTEST:

s/Justin Ray, Mayor

s/Lorri Coody, City Secretary



EXHIBIT "A"

Sec. 70-2. – Breaking or tampering with system.

~~No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the public water supply and/or wastewater facilities.~~

A person commits an offense of theft of water by any of the following actions:

(a) A person may not knowingly tamper, connect to, or alter any component of the City's water system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the City.

(b) If, without the written consent of the City Manager or the City Manager's designee, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of service(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of service(s).

(c) A person may not knowingly make or cause a false report to be made to the City of a reading of a water meter installed for metered billing.

(d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

An offense under this Ordinance is a Class C misdemeanor punishable by a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City.