

CITY OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 19 – 25

PASSED: _____

AN ORDINANCE ENACTING CHAPTER 737 TO REQUIRE A PERMIT TO OPERATE A HOTEL, MOTEL, RESIDENTIAL HOTEL, OR EXTENDED STAY HOTEL BUSINESS WITHIN THE CITY AND ESTABLISHING OPERATING STANDARDS, AND DECLARING AN EMERGENCY

WHEREAS, the City Council of the City of Obetz desires to protect the health, safety, and welfare of residents and visitors; and,

WHEREAS, the City recognizes the importance of promoting tourism and economic development through the operation of quality lodging facilities; and,

WHEREAS, the unregulated operation of hotels and similar lodging establishments results in adverse impacts on surrounding neighborhoods, including increased traffic, noise, and criminal activity; and,

WHEREAS, the City seeks to ensure that hotels operate in a manner that is consistent with community standards and does not negatively affect the character of surrounding areas; and,

WHEREAS, the establishment of minimum operational standards and permitting requirements for hotels promotes accountability, public safety, and consumer protection; and,

WHEREAS, the City has determined that it is in the best interest of the community to require all hotels to obtain a permit, adhere to operational guidelines, and be subject to periodic inspection and enforcement provisions; and,

WHEREAS, the City Council finds that the adoption of this ordinance is necessary to preserve the quality of life in residential neighborhoods, ensure safe and sanitary accommodations, and support responsible hospitality businesses.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ, OHIO, THAT:

Section 1. Chapter 737 of the Obetz Codified Ordinances is hereby enacted to read as follows:

CHAPTER 737 HOTEL AND MOTEL OPERATIONS

737.01 Definitions

Notwithstanding any same or similar provisions of the Obetz Codified Ordinances, the definitions applicable to this Chapter shall be as follows:

- A. "Administrator" means the City Administrator of the City of Obetz or the Administrator's authorized designee.
- B. "Applicant" means the owner who submits an application for a new license or a renewal license to the City Administrator with information as required by this Chapter.
- C. "Board" means the Ohio Board of Building Standards.
- D. "Board of Health" means the Franklin County Board of Public Health.
- E. "Calls for Service Ratio" means the number of calls for service divided by the number of rooms in service at the hotel/motel.
- F. "Calls for Service" means any and all calls, including but not limited to those to law enforcement and/or the fire department, when those calls: (1) result in a representative being dispatched or directed to the hotel/motel; (2) allege evidence of criminal activity; (3) result in an arrest, charge or citation; (4) find an imminent threat to safety of person(s) or property; or, (5) allege a sanitation, refuse or noise issue at a short-term rental property in violation of the Obetz City Codes. Calls for service shall not include calls to notify the radio/dispatch made by employees of the hotel/motel itself acting as officers or calls made by law enforcement officers or firefighters to indicate room of their location.
- G. "Chief Building Official" means the Chief Building Official of the City of Obetz.
- H. "City" means the City of Obetz, Ohio.
- I. "City Council" means the City Council of the City of Obetz, Ohio.
- J. "Employee" means any person who earns qualifying wages, commissions or other type of compensation from the hotel/motel.
- K. "Entity" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or any other commercial organization. Entity does not include an organization created by a governmental agency for execution of a governmental program.
- L. "Extended Stay Hotel" means any structure consisting of one or more buildings, with more than five dwelling units, and to which all of the following apply:
 - (i) The dwelling units in the structure are specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons.
 - (ii) The structure is approved pursuant to a valid certificate of occupancy issued by the Chief Building Official as having dwelling units that have both of the following types of features:
 - (a) The required dwelling unit features for non-transient residence purposes in accordance with the residential group R-2 use and occupancy classification adopted by the Board pursuant to Section 3781.10 of the Ohio Revised Code, or any subsequent classification established by the Board that is substantially similar to that classification;
 - (b) All of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the Board pursuant to that Section, or any subsequent classification established by the board that is substantially similar to that classification.

- (c) The valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units.
- (d) The structure is approved by the state fire marshal for extended stay temporary residence purposes.
- M. "Facility" means a hotel, motel, extended stay hotel, and residential hotels.
- N. "Guest" means a person who rents or occupies a room in a hotel/motel for lodging.
- O. "Guestroom" means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.
- P. "Hotel/Motel" means any structure consisting of one or more buildings containing any combination of more than five guestrooms that are each approved by the Chief Building Official and the state fire marshal as meeting the requirements for transient sleeping rooms or extended stay temporary residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons, but such structure does not otherwise meet the definition of a transient hotel or an extended stay hotel as herein defined. "Hotel/motel" does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories. For the purpose of this Chapter, an individual guestroom in a hotel/motel shall not be considered to be a separate mailing address.
- Q. "Interception Device" as used in this Chapter refers to the definition found in Ohio Revised Code Section 2933.51(D).
- R. "Manager" means the general manager, shift manager, or any person in any supervisory position at the facility.
- S. "Operator" means any person who works at a hotel/motel in a capacity to facilitate the offering of guestrooms to guests, including, but not limited to, front desk workers.
- T. "Owner" means the owner(s) of record as shown on the current tax list of the county auditor or a mortgagee(s) in possession. If an Owner is a business entity, such as a corporation, firm, partnership, association, organization and any other group acting as a unit, such business entity shall include the duly authorized agent.
- U. "Person" means every natural person and does not include any corporation, firm, partnership, association, or any other group acting as a unit.
- V. "Permanent Occupant" means a person who resides in a room more than 50% of the time during a calendar year.
- W. "Residential hotel" means any structure or structures consisting of one or more buildings, with more than five dwelling units, that are specifically constructed and approved through a valid certificate of occupancy issued by the Chief Building Official, as having both dwelling unit features for non-transient residence purposes and all of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the Board of Building Standards pursuant to Chapter 3781 of the Revised Code, and that are kept, used, maintained, advertised, operated as, or held out to the public to be a place where non-

transient dwelling units are offered for pay to persons for a minimum stay of more than thirty days.

- X. "Transient" means not more than thirty (30) consecutive days. For the purposes of this definition, any stay exceeding 30 consecutive days, regardless of room changes or interruptions, will be considered non-transient. A stay is considered continuous and not transient if the total occupancy exceeds 30 days within any 60-day period.
- Y. "Transient Guest" mean a person occupying a hotel/motel guest room for sleeping accommodations for less than thirty (30) consecutive days.

737.02 PERMIT REQUIRED

- A. It shall be unlawful for any person, firm, corporation or similar entity to own, keep, conduct or operate a hotel, motel, residential hotel, or extended stay hotel business within the City without a permit, as hereinafter provided.
- B. It shall be prima facie evidence of an operation if a person is found to be occupying a guest room or if any person is found to be using a facility.
- C. Transfer of Permit Not Permitted. No permit issued under this Chapter shall be transferable or assignable to another person or entity or facility name or franchise.
- D. Display of Permit Required. The facility shall prominently display the permit in public view.
- E. Penalties. Any person or entity who owns, keeps, conducts or operates a facility without a permit shall be subject to the penalties provided under Section 737.99.

737.03 APPLICATION FOR PERMIT

- A. Permit Application. An application for a permit shall be made to the City Administrator upon approved forms provided by the City. The Administrator shall establish associated permit fees and costs.
- B. New Permit. The applicant may apply for a new permit at any time. If the application is approved and a new permit is issued, the permit shall take effect on the date of issuance and shall expire on December 31 of the same calendar year.
- C. Permit Renewal. Renewal permit applications shall be submitted from October 1st to November 1st. If the application is approved, the applicant shall be notified by December 1st. The renewal permit shall take effect on January 1st of the following year and shall expire on December 31st.
- D. Notification Required. The applicant shall notify the Administrator of any change in information contained in the permit application within thirty (30) calendar days of the change on a form provided by the City including a change in the facility management.
- E. Transfer of Ownership. Any transfer in ownership of a facility shall void any permits held in that owner's name. Such aforementioned transfers of ownership shall require submission of a new permit application in consideration of and for the issuance of a new permit no later than seven calendar days after the transfer of ownership. Failure to submit an application for a new permit will result in an automatic revocation of the existing permit.

- F. Sufficient Information Required. The Administrator shall have the authority to deny a new or a renewal permit if any of the information required under this Section is reasonably determined to be insufficient.
- G. Violations. Any person or entity found engaging in or to have engaged in conduct in violation of this Chapter with an expired permit is subject to the penalties as provided for in Section 737.99.
- H. Application Requirements. The application for a permit shall contain the following information:
- i. Name of the applicant, mailing address, telephone number, and email address. If the applicant is an entity, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number.
 - ii. Name of facility, mailing address, and a registered telephone number for the property location.
 - iii. Name of the owner of the property, mailing address, telephone number, and email address. If an entity is the owner of the property, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation as well as the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the entity is incorporated or registered, and the entity or corporation number.
 - iv. If an owner of the property has executed a land contract, lease agreement, management agreement, or any other agreement separating the owner from control over the property and/or the facility, the applicant shall include a copy of said document along with the application.
 - v. The names and addresses of any other facilities in the City that the applicant has any interest in, including, but not limited to, ownership, licensure, or management. If applicable, the duly authorized agent shall list the applicant's aforementioned interest(s).
 - vi. Name of the facility manager(s), mailing address, telephone number, and email address.
 - vii. A letter designating the responsible person at the facility to whom a notice of violation can be delivered, and who has the authority to act as the owner's or authorized agent's representative in his or her absence.
 - viii. The number of guestrooms in service or offered at the facility.
 - ix. The taxpayer identification number of the owner, and, if different of each facility to be licensed.
 - x. A copy of the license issued by the State Fire Marshal for the premises.
 - xi. A copy of the latest inspection report from the State Fire Marshal.
 - xii. A copy of the latest inspection report from the local fire inspector.

- xiii. A statement as to whether a previous license from a governmental entity in Ohio with similar permit or licenses requirements has ever been revoked or suspended, and the reasons for such revocation or suspension.
- xiv. Any additional information as requested by the Administrator to issue the permit.

737.04 GROUNDS FOR DENIAL, REVOCATION, OR SUSPENSION

- A. The Administrator shall deny any application for a new permit or renewal of permit, or revoke or suspend a permit, if any of the following are shown to have occurred during the time of application or at the facility:
 - i. The applicant makes a material misrepresentation of fact on the application or submits fraudulent, counterfeit, or false documentation;
 - ii. Any applicant, owner, operator, or manager is shown to have been convicted of the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the ORC Chapters 2925 or 3719, on the premises of the facility in question, or any facility in which the applicant or owner has any interest in, including, but not limited to, ownership, licensure, or management;
 - iii. The owner of the facility does not have a valid State of Ohio license as defined in ORC 3731.03;
 - iv. The property on which the facility is located is not in good standing with the City of Obetz Tax Division;
 - v. The applicant is not in good standing with the City of Obetz Tax Division;
 - vi. Failure to comply with Sections 737.03(D) and 737.04(F) related to the transfer of ownership.
 - vii. More than 10 documented violations of the operating standards located in Section 737.02 have occurred within the calendar year;
- B. The Administrator may deny any application for a new permit, or renewal of permit, revoke or suspend a permit, if any of the following are shown to have occurred during the time of application or at the facility:
 - i. The facility has an uncorrected violation of any of the standards within this Chapter;
 - ii. The facility has outstanding orders from the Chief Building Official, Code Enforcement Officer, or other officials including but not limited to local fire marshals or the Board of Health that have not been corrected;
 - iii. A pattern of felony drug related activity has occurred at the facility;
 - iv. A pattern of prostitution related activity or evidence of human trafficking;
 - v. A pattern of gang related activity as defined in ORC 2923.41;
 - vi. A documented history or pattern at the facility of repeated offenses of violence as defined in ORC 2901.01;
 - vii. The facility has a calls for service ratio greater than 1.2 during a consecutive twelve-month period where at least one of the twelve months occurs within the calendar year in which an objection to the permit is lodged;

- viii. The applicant, the owner, or manager, short-term rental host, or property manager has not made a good faith effort to correct violations of this Chapter, or has obstructed or interfered with correction of the violations;
 - ix. Any applicant, owner, or manager, is shown to have engaged in the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the ORC Chapters 2925 or 3719, on the premises of the facility, or any facility in which the applicant or owner has any interest in, including, but not limited to, ownership, licensure, or management regardless of location;
 - x. An owner, manager, or operator of the facility has hindered or prevented any inspection of the facility as authorized by this Chapter;
 - xi. The facility has a history of repeated conduct that endangers community safety or diminishes neighboring property values;
 - xii. There has been at least three violations of the standards within this Chapter in the last year.
- C. The Administrator may revoke or suspend a permit at any time during the calendar year.
- D. Evidence of conduct under divisions (A) and (B) of this Section need only be that of de facto violation of law, evidence of conviction is not a prerequisite for denial unless specifically indicated.

737.05 NOTICE OF DENIAL, REVOCATION OR SUSPENSION OF A PERMIT

- A. If the Administrator denies a new or renewal permit under Section 737.04, the Administrator shall provide a Notice of Denial to the applicant which shall list any and all grounds for such denial. Such Notice of Denial shall be provided no later than ten (10) calendar days after the date of denial.
- B. If a permit is revoked or suspended, the Administrator shall provide a Notice of Revocation or Notice of Suspension to the owner and the grounds for such revocation or suspension no later than 10 calendar days prior to revocation or suspension. A copy of the Notice of Revocation or Notice of Suspension shall also be provided to the manager listed in the application.

737.06 OPERATING STANDARDS

The following standards apply to all facilities unless otherwise stated. Failure to follow the operating standards will serve as grounds to revoke or suspend an existing permit or serve as a basis to deny renewal of a current permit.

A. Maximum Stay Length

- i. Extended Stay and Residential Hotels. No extended stay or residential hotel shall allow guests to occupy any room for more than 120 consecutive days. For purposes of this regulation, any stay exceeding 90 consecutive days, regardless of room changes or interruptions, will be considered a violation. No extended stay hotel shall allow guests to occupy the premises for more than 182 days in a calendar year.
- ii. Transient Hotel. Transient hotels shall not allow guests to occupy any room in the hotel for more than twenty-eight (28) consecutive days. For purposes of this regulation, any stay exceeding 28 consecutive days, regardless of room changes

or interruptions, will be considered a violation. A stay is considered continuous and not transient if the total occupancy of the guest exceeds 28 days within any 60-day period.

- iii. Permanent Occupancy. Permanent occupancy is prohibited. No person shall be permitted to utilize facility as his or her mailing address.
- iv. Hotel Employees and Owners. Length of stay and permanent occupancy regulations apply to all employees and owners.
- B. Compliance with Zoning, Health and Safety Codes. All facilities shall be in compliance with all zoning, health, property maintenance, and safety codes in the State of Ohio, Franklin County, and City of Obetz including but not limited to regulations promulgated by the Board of Health, the International Fire Code, the ICC National Property Maintenance Code, and all applicable building codes.
- C. Hourly Rentals. It is unlawful to provide lodging at an hourly rate nor shall any accommodation be made available more than one time during the 18 hour period of 12:00 PM to the following morning at 6:00 AM. The right to occupy any accommodation shall not be assigned or transferred.
- D. Rental of Rooms to Persons Under the Age of 21. It is unlawful to rent a room to any individual under the age of 21 years of age unless said individual is part of an organized group, convention, corporate meeting, pageant, or other major contracted booking at the facility. A copy of the booking contract shall be on file and made available for inspection by City officials.
- E. Cooking of Food Prohibited. The cooking of food in or upon the premises is prohibited, other than in a kitchenette facility in compliance with applicable codes and regulations, and approved by the proper authorities designated in those codes and regulations. The use of hotplates or similar equipment which can be utilized to heat or cook food is specifically prohibited. A notice to this effect shall be conspicuously posted in each accommodation.
- F. Maximum Occupancy Limits.
 - i. Occupancy of a room shall not exceed more than two persons for every one bed. Occupancy limits shall be posted in each room.
 - ii. No more than two (2) times the number of persons for whom sleeping accommodations are provided within a single room shall be allowed to congregate within any room or single rental unit, except when temporarily designated as a hospitality suite by the facility.
- G. Staffing and Management. The facility must have a designated manager or operator on duty at all times.
- H. Payment Methods. Cash payments are prohibited for room rates, deposits, fees, or any other charges associated with accommodations. Acceptable forms of payment include credit cards, debit cards, electronic funds transfers (EFT), and other secure digital payment methods. Facilities are required to prominently display information about accepted payment methods in their lobbies and on their websites.
- I. Telephone Required. Each occupied lodging room shall have a telephone with access to 911 emergency services.

- J. Surveillance Systems. A comprehensive security camera system must be installed at the facility that covers all public areas including but not limited to check-in areas, entrance/exits, interior hallways and lobby, swimming pool area, exercise facility, loading dock, and parking lots. Recording must be backed up and kept for a minimum of 30 days and shall be submitted, upon demand, to any official or police officer of the City of Obetz.
- K. Common Areas. Lobbies, hallways, stairways, meeting rooms, and other public places within the facility shall be maintained as originally approved by the City's Chief Building Official. All hallways, stairways, meeting rooms and other public places shall be maintained in a clean, nuisance-free condition.

737.07 RENTAL AGREEMENTS

Rental agreements shall be kept between the owner, operator, keeper or manager and all guests and their visitors, and these records shall be made available to the City within a reasonable time upon request. For the purposes of this section, the term "record" shall mean the electronic guest registration system which stores guest identifying information. In the event there is no electronic guest registration system, the facility shall record the guest and any visitor's information in a paper record or reservation book. The following information, at a minimum, must be recorded at the time of registration and maintained for a period of no less than one (1) year after the rental agreement's termination:

- A. The full name, phone number, and home address of each overnight registered guest including non-paying minors and/or dependents. Where two or more persons occupy the same room and at least one of the persons is a minor, the relationship of said person shall be noted on the record. The guest shall show a valid driver's license or similar identification.
- B. The make, type and license number of the guest's vehicle if the vehicle will be parked on hotel or motel premises;
- C. The day, month, year and time of arrival of each guest;
- D. The number or other identifying symbol of location of the room rented or assigned each guest;
- E. The date that each guest is scheduled to depart;
- F. The rate charged and amount collected for rental of the room assigned to each guest;
- G. The method of payment for the room;
- H. The full name of the person checking in the guest; and
- I. Documentation used to verify a stay in excess of established maximum stay length requirements.

737.08 RIGHT OF ENTRY

- A. The holder of a permit to operate shall allow representatives of the City to inspect the hotel at any reasonable time. The manager or owner of the hotel shall give the representative of the City free access to such hotel and its premises at all reasonable times for the purpose of such inspections. Every guest of a hotel shall give the owner or manager thereof access to their guest room for the purpose of cleaning, maintenance and compliance with this Chapter.

- B. Representative(s) of the City shall have the authority to inspect and examine the register containing a record of all guests who have used or who are using the facilities.
- C. Yearly Inspection. The City or its authorized representative shall inspect all facilities within its jurisdiction at least one a year to determine if the facility is in compliance with this Chapter.

737.09 APPEAL PROCEDURE AND STAY ORDER

- A. Procedure. All persons aggrieved by an order of the Administrator denying the issuance or renewal of a permit, the issuance of a notice of violation, or revoking or suspending a permit who wish to appeal such order, may appeal such order to City Council and shall do so pursuant to the provisions below:
 - i. Written notice of the appeal shall be filed with the Council Clerk on a form provided by the Administrator within ten (10) calendar days after receipt of the order from which the appellant appeals.
 - ii. Within seven (7) days after receipt of the notice of appeal, the Council Clerk will schedule a hearing before City Council such hearing to be held within 60 days of receipt of the appeal.
- B. Stay of Revocation or Suspension. An appeal does not automatically operate as a stay of a revocation or suspension order by the Administrator. If an appellant desires a stay of such order pending the outcome of the hearing, appellant must first apply in writing to the Council President Pro-Tem setting forth reasons for the stay. The Council President Pro-Tem may request the Administrator to render, in writing, his/her views regarding the stay request. Within five (5) days after the receipt by the Council President Pro-Tem of the request for a stay, the Council President Pro-Tem shall render a decision on the request. If the Council President Pro-Tem determines that undue hardship to the appellant will result by not issuing a stay and no apparent harm will be caused to the citizens of the City by issuing a stay, a stay order, not to exceed sixty (60) days and pending the outcome of the hearing, may be granted.

737.10 JUDICIAL REVIEW

The appellant may appeal from a decision of City Council by perfecting such as provided in ORC Chapter 2506. The cost of acquiring a transcript for such appeal shall be borne by the party seeking to appeal.

737.11 RULES AND REGULATIONS

The Administrator may promulgate and enforce reasonable rules and regulations to carry out the intent of this Chapter.

737.12 SEVERABILITY CLAUSE

In the event any section or provision of this Chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration of invalidity or unconstitutionality shall be limited to that portion, section or part of section declared invalid or unconstitutional.

Any such declaration of invalidity or unconstitutionality shall not affect or impair the remainder of the validity of this Chapter, and to this end the objectionable provisions are severable.

737.99 PENALTIES

- A. Any person or entity who engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, in or upon any premises in the City of Obetz, the operation of a facility without a permit in violation of this Chapter shall be guilty of a misdemeanor of the first degree. Anyone who has previously been convicted of or pleaded guilty to an offense under this section shall be guilty of a misdemeanor of the first degree, and shall serve no less than 6 months in jail. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability. Any violation shall constitute a separate offense for each successive day continued.
- B. Any owner or authorized representative failing to comply with a notice of violation or order served in accordance with this Chapter shall be deemed guilty of a misdemeanor of the fourth degree and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Administrator shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violations of this Chapter or to require the removal or termination of unlawful occupancy. Each day that the violation remains shall be deemed a separate offense.
- C. The penalties herein shall be in addition to and may be imposed concurrently with any other penalty or action taken or which may be taken against the person or entity.

Section 8. This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of public health, safety and welfare, such emergency arising from the need to ensure that hotels and motels do not create a nuisance for neighboring business and are safe for the traveling public; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

Passed this _____ day of _____, 2025

ATTESTS:

Stacey Boumis, Clerk of Council

Angela M. Kirk, Mayor

Michael Flaherty, Council Pres. Pro-Tem

APPROVED AS TO FORM

Eugene L. Hollins, Esq, Law Director

ORDINANCE: 19 – 25

PASSED: _____

CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance _____ was duly posted at _____ (time) on the _____ day of _____, 2025, at the Obetz Government Center, Obetz Community Center, and Obetz Athletic Club as well as on the Obetz website.

Stacey Boumis, Clerk

Date