

ARTICLE XIV

HOTEL PREMISES AND SANITATION REGULATIONS

Section 14.01 Definitions

In this article:

Hotel means an establishment in which lodging is offered and provided to the public for compensation and classified under Lodging Facilities in Article 3 of the Unified Development Code (UDC), excluding a Bed and Breakfast Inn, Short-Term Rental or other lodging facility that operates pursuant to a certificate of occupancy authorizing an R-2 occupancy under Section 310 of Chapter 3, “Use and Occupancy Classification,” of the IBC.

Inspection Official means the City’s duly appointed Building Official or Health Official, or their designees.

International Building Code (“IBC”) means the most recent edition of the International Building Code adopted as the official building code, as amended, in Article I, Building Code, of the “Construction” Chapter of the Arlington City Code.

Nontransient means occupancy of a sleeping unit for more than 30 consecutive days.

Transient means occupancy of a sleeping unit for not more than 30 consecutive days.

Transient hotel means a hotel, which: (i) operates pursuant to a certificate of occupancy authorizing an R-1 occupancy under Section 310 of Chapter 3, “Use and Occupancy Classification,” of the IBC; or (ii) maintains transient or nontransient units pursuant to a certificate of occupancy that does not assign an occupancy classification; or (iii) maintains nontransient sleeping units and such units are not constructed nor equipped in accordance with the standards for an R-2 occupancy under Section 310 of Chapter 3, “Use and Occupancy Classification,” of the IBC.

Section 14.02 Premises conditions

- A. Compliance with codes. All hotel premises and guest rooms shall fully comply with all City of Arlington Construction, Fire Prevention, and Unified

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Development Code requirements and this chapter as determined by the Building Official.

- B. Occupancy prohibited. No room at a hotel may be let or occupied if it fails to meet all of the health, sanitation and safety requirements of this section.
- C. Bathroom conditions/cleanliness. The bathroom in each guest room of a hotel shall contain a minimum of one toilet, one lavatory, and one shower and/or bathtub, which may include a bathtub/shower combination. Bathroom fixtures shall be sanitary design, and all such fixtures shall be cleaned and disinfected daily. All fixtures, including vanities and mirrors, shall be maintained without cracks, chips or stains. Floors and other horizontal surfaces shall be cleaned and sanitized at each change of occupancy or at least once a week when occupancy does not change. A supply of toilet paper and single-use soap must be provided. Used personal hygiene items left by departing guests shall be discarded.
- D. Carpet condition/cleanliness. Carpeting shall be free of stains, holes, rips or odors in excess of normal wear and tear, and it shall be maintained in a sanitary condition.
- E. Floor condition/cleanliness. Non-carpeted floor surfaces shall be completely covered with a commercial grade floor covering made of non-absorbent, non-porous material. All surfaces and tile grouting shall be maintained without cracks, rips or missing or damaged transition strips and base trim.
- F. Wall condition/cleanliness. Wall surfaces shall be maintained without spots, stains, flakes, chips or holes, and shall be maintained in a clean and sanitary condition.
- G. Mold/mildew. All surfaces, including but not limited to walls, ceilings, carpeting, flooring fixtures and sealants, shall be free from mold and mildew. All bathrooms and toilet rooms shall be adequately ventilated to remove excessive moisture. Whenever evidence of significant water/moisture intrusion is found within or upon surfaces or materials that may promote the growth of mold, the source of the water or moisture shall be corrected and appropriate measures taken to remediate the mold, if any.
- H. Hot water. Boilers and hot water supply systems throughout the hotel shall be designed and regulated to deliver hot water to each use in the hotel within the temperature range specified by applicable codes for such use (e.g., bathing, laundry, food preparation).

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(Amend Ord 19-030, 5/21/19)

- I. Electrical equipment. All electrical equipment and fixtures such as televisions and lamps shall be properly installed and maintained to manufacturer's specifications and be in operable condition.
- J. Climate control. Cooling and heating facilities shall be provided capable of maintaining a room temperature between 68°F (20°C) and 80°F (26.7°C) while occupied by guests.
- K. Furniture condition. All furniture items shall be maintained in like new and proper working condition without defects, pinch points or holes.
- L. Window/light fixture treatments and interior lighting. Shades, draperies or blinds shall be provided to cover all windows and appropriate light fixtures. All shades, draperies and blinds shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, operational condition.
- M. Security. All doors and windows designed to be opened shall be operable and have an operable door or window security or locking device. In-room telecommunications systems and equipment, if provided, shall be configured and maintained to provide access to outside emergency services in accordance with applicable state or federal law.
- N. Exterior security lighting. The exterior of the hotel property, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated at least between one hour after sundown and one-half hour before sunrise. Illumination shall be a minimum of one-tenth (0.1) of one (1) foot-candle throughout the property and shall not exceed four-tenths (0.4) of one (1) foot-candle of light measured at the property line.
- O. Pools. Pools must comply with Article VII, "Public Pools, Spas, and Public Interactive Water Features and Fountains," of this Chapter. In order to prevent the breeding of mosquitos and other health and safety hazards to the public, pools must either be maintained in working order and permitted by the Health Official or removed from the premises in accordance with city standards for removal.
- P. Chemical storage areas. Chemical storage and handling areas shall be supplied with handwashing fixtures and facilities for employees.
- Q. Removal of prior guest's property. Any property left in any hotel or motel room by a person or party that has checked out shall be removed by the operator of the

- hotel before the room may be occupied by another party. The property must be stored or disposed of in accordance with applicable laws.
- R. Smoking. The hotel shall comply with Article X, “Regulation of Smoking” of this chapter.
- S. Kitchenettes. A kitchenette, when provided, shall include:
1. Counters for food preparation made of impervious material and easily cleanable;
 2. Cupboards, drawers or other storage areas in which utensils, tableware and food can be stored protected from contamination;
 3. A washable waste container; and
 4. A sink supplied with adequate hot water and capable of attaining a temperature of 120°F at the faucet within two minutes at a minimum pressure of 20 psi.
 5. Optional equipment and fixtures, if included in the kitchenette, shall meet the following standards:
 - a. Cooking equipment that is installed according to manufacturer’s specifications and with ventilation as required by applicable codes.
 - b. A refrigeration unit for holding cold food, capable of maintaining a temperature of 45°F or lower.

Section 14.03 Health, sanitation, and control of vermin

- A. Mattress condition/cleanliness. Mattresses and box springs shall be free of stains, holes, rips or odors and maintained in a sanitary, operational condition. A mattress or box spring is not in operational condition if it has broken springs, indentations or sags. Mattresses shall be routinely inspected by staff for condition and sanitation.
- B. Linens. Linens shall be free of stains, holes, rips or odors and shall be laundered with soap or detergent and sanitized with a product labeled for that use. The hotel shall launder linens in-house or use a third-party commercial linen service.

1. If linens are laundered in-house, the hotel shall maintain an on-site laundry facility with an adequate hot water supply, high-capacity laundry equipment operating to OEM specifications, and related fixtures for washing, drying, folding and clean linen storage.
 2. Storage areas for soiled bedding, linen, and towels shall be separated from clean bedding, linen, and towels.
 3. If a third-party commercial linen provider is used, all linens and/or conveyances that are found to be dirty, stained, or otherwise in poor condition must be rejected or segregated from clean linens.
 4. Laundry that has been exposed to a biohazardous event shall be handled in accordance with the Biohazard Event Response Plan and all applicable regulatory requirements.
 5. Linens in each guest room shall be replaced daily, unless the hotel offers occupants an optional energy or water conservation program approved by the Inspection Official and the occupant of the guest room affirmatively opts to participate in the program or the hotel maintains an alternate linen service approved by the Inspection Official.
- C. Pests. All hotel premises shall be maintained so that they are free from rodents, insects, ectoparasites and vermin, and free from conditions that encourage or harbor rodents, insects and vermin.
- D. Extermination. All hotel premises shall be treated for insects by an exterminator licensed by the State at least quarterly, or on a more frequent schedule as determined necessary by the Inspection Official to treat infestation. Documentation of pest control services shall be maintained on premises for six months after the services were rendered. The guest room shall not be occupied by new guests until the timeframe recommended by the manufacturer of the treatment substance, such as a fumigant, has passed.
- E. Housekeeping carts. Housekeeping carts shall be maintained in clean and sanitary condition. Each cart used for combined delivery of clean articles and removal of items for laundering must have a separate storage bin or bag for the soiled articles. The storage bin shall be made of a cleanable, smooth, and impervious material; storage bags shall be made of a durable material that is machine washable unless the bag is for single use only. Soiled articles or chemicals shall be stored or

- stowed on the cart to prevent contact with clean linens. All containers of chemicals used for maintaining guest rooms shall be labeled.
- F. New, disposable single-use, food-grade plastic ice bucket liners shall be provided each day that the guest room is occupied except when disposable single-use ice buckets are provided. Multi-use glasses shall be collected daily, washed, rinsed, sanitized, and protected from recontamination before being replaced in the room. Single-service drinking cups shall be individually wrapped or dispensed in a sanitary manner.
- G. Biohazard Event Control Plan. Every hotel shall have a written Biohazard Event Control Plan in such detail satisfactory to the Inspection Official and that is available for review and evaluation by the Official. The Biohazard Event Control Plan shall include:
1. Cleaning and sanitation procedures by which hotel employees can safely disinfect potentially-contaminated environmental surfaces and control potential communicable disease outbreaks among guests and/or employees;
 2. Detection, containment, remediation and closure of rooms or areas impacted by sanitary sewage discharge, leaks, spills or backflow. All such events shall be contained within four (4) hours of detection and may be subject to closure by the Inspection Official. All sewage spills must be remediated in a manner that eliminates potential disease transmission, offensive odors, sewage solids, and sewage litter; and
 3. Procedures for biohazard events in which a biological agent, including pathogenic microorganisms and their toxins, causes a condition that may constitute a threat to human health or safety, are to be reported to the Inspection Official and procedures for documenting response activities.
- H. Sanitary sewage events. All sanitary sewage discharge, leaks, spills or backflow shall be contained within four (4) hours of detection by the hotel or notification from hotel guests. The Inspection Official, in consultation with hotel management, is authorized to close to public use guest rooms or other areas of the hotel contaminated by any such event until the rooms or areas are cleaned and cleared of potential disease transmission, offensive odors, and sewage solids and litter.

- I. Employee work practices. Every hotel shall promulgate, maintain and enforce standard operating policies and procedures for all employees that are directly involved in the servicing or maintenance of guest rooms. Such policies and procedures shall include:
1. Employee recognition of and reporting of health hazards in guest rooms and other hotel facilities where guests are invited;
 2. Employee training in response to biohazard events and handling in accordance with OSHA standards;
 3. Personal hygiene while on duty;
 4. Sequestration of or temporary reassignment of employees with communicable disease, open wounds, skin infections, or acute respiratory infections until and unless cleared for work by a medical professional; and
 5. Such other reasonable policies and procedures as the Inspection Official deems necessary and proper to ensure that hotel employees protect the health and safety of guests and prevent the spread of communicable disease.

Section 14.04 Manager on duty

The hotel shall designate a manager(s)-on-duty who can be contacted by the Inspection Official regarding inspections of the premises and other matters pertaining to compliance with the provisions of this article. A manager-on-duty shall be available to be reached in person or by phone at all times while guests are on the hotel premises. Each designated manager-on-duty shall be authorized to, and shall not refuse to, accept service of citation for any violations on the premises.

Section 14.05 Inspections required

- A. The Inspection Official shall inspect each hotel premises, to include the physical examination of an appropriate sampling of guest rooms, not less than once annually for compliance with the provisions of this article. The Official may inspect or reinspect a hotel premises more frequently and/or vary the number of guest rooms included in the sampling as deemed necessary and proper to achieve and maintain continuing compliance.

- B. The Inspection Official may forego a physical examination of rooms and conduct a records audit only when the hotel demonstrates to the satisfaction of the Official that adequate cleaning, sanitation and maintenance operating procedures are in place to ensure compliance with this article and that the hotel makes such records, schedules, internal reports, or reliable third-party audits available to the Official for review and evaluation.
- C. In order to carry out the intent of this article, the Inspection Official is authorized to conduct inspections of a hotel premises during normal business hours. In furtherance thereof, the Official may, but is not required, to request of the hotel manager that a prescribed number of rent-ready guest rooms be made available for inspection and/or that the hotel's cleaning, sanitation and maintenance records, schedules, internal reports, or third-party audits be made available for review and evaluation.
- D. It shall be unlawful and an offense for any person to fail or refuse a lawful request of the Inspection Official to inspect a hotel room or to produce for the Official's review and evaluation the records, schedules, internal reports, or third-party audits that the hotel relies upon or proffers as evidence of its compliance with the provisions of this article.

Section 14.06 Inspection fees

A fee established by resolution of the City Council will be charged to reimburse the City for all costs associated with the administration of this article.

Section 14.07 Violations and enforcement

- A. A person commits an offense if the person operates any hotel without a valid certificate of occupancy or contrary to or in violation of the terms or conditions of its certificate of occupancy.
- B. A person commits an offense if the person commits any act forbidden or fails to perform any act required in this Article.
- C. Each violation of this Article shall constitute a separate offense and each offense is punishable by a fine as specified in Article IX, Section 9.01 of this Chapter.

- D. Allegation and evidence of a culpable mental state is not required for proof of an offense under this article except where expressly required.
- E. Any condition reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants may be abated by the Inspection Official in accordance with State law.
- F. At the option of the City, and in addition to all other available remedies, the City may proceed to enforce the requirements of this chapter under the alternative procedure set forth in Texas Local Government Code, Chapter 54, Subchapter B, "Municipal Health and Safety Ordinances".
- G. At the option of the Inspection Official, immediate enforcement may be temporarily abated if the owner agrees to a supervised compliance plan, demonstrates the ability to comply with the plan and makes continuing progress toward compliance.

(Amend Ord 19-030, 5/21/19)

Ordinance No. 19-030

An ordinance amending the “Health and Sanitation” Chapter of the Code of the City of Arlington, Texas, 1987, through the addition of Article XIV, Hotel Premises and Sanitation Regulations, relative to providing clear and concise requirements for the maintenance of lodging facilities within the City of Arlington; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, the average age of lodging facilities within the City of Arlington was recently found to be over twenty years; and

WHEREAS, the aging conditions of these facilities has reinforced the need for clear and concise requirements to establish minimum standards to insure the health and safety for the thousands of occupants that visit Arlington each year; and

WHEREAS, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals and general welfare of the citizens that the amendments relative to the “Health and Sanitation” Chapter be approved; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

THAT the “**Health and Sanitation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended by the addition of **Article XIV, Hotel Premises and Sanitation Regulations**, and said Article shall be and hereafter read as follows:

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Section 14.02 Premises conditions

- A. Compliance with codes. All hotel premises and guest rooms shall fully comply with all City of Arlington Construction, Fire Prevention, and Unified Development Code requirements and this chapter as determined by the Building Official.
- B. Occupancy prohibited. No room at a hotel may be let or occupied if it fails to meet all of the health, sanitation and safety requirements of this section.
- C. Bathroom conditions/cleanliness. The bathroom in each guest room of a hotel shall contain a minimum of one toilet, one lavatory, and one shower and/or bathtub, which may include a bathtub/shower combination. Bathroom fixtures shall be sanitary design, and all such fixtures shall be cleaned and disinfected daily. All fixtures, including vanities and mirrors, shall be maintained without cracks, chips or stains. Floors and other horizontal surfaces shall be cleaned and sanitized at each change of occupancy or at least once a week when occupancy does not change. A supply of toilet paper and single-use soap must be provided. Used personal hygiene items left by departing guests shall be discarded.

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- I. Electrical equipment. All electrical equipment and fixtures such as televisions and lamps shall be properly installed and maintained to manufacturer's specifications and be in operable condition.
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 - 3. A washable waste container; and
 - 4. A sink supplied with adequate hot water and capable of attaining a temperature of 120°F at the faucet within two minutes at a minimum pressure of 20 psi.
 - 5. Optional equipment and fixtures, if included in the kitchenette, shall meet the following standards:
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- b. A refrigeration unit for holding cold food, capable of maintaining a temperature of 45°F or lower.

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 - 2. Storage areas for soiled bedding, linen, and towels shall be separated from clean bedding, linen, and towels.
 - 3. If a third-party commercial linen provider is used, all linens and/or conveyances that are found to be dirty, stained, or otherwise in poor condition must be rejected or segregated from clean linens.
 - 4. Laundry that has been exposed to a biohazardous event shall be handled in accordance with the Biohazard Event Response Plan and all applicable regulatory requirements.
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- D. Extermination. All hotel premises shall be treated for insects by an exterminator licensed by the State at least quarterly, or on a more frequent schedule as determined necessary by the Inspection Official to treat infestation. Documentation of pest control services shall be maintained on premises for six

months after the services were rendered. The guest room shall not be occupied by new guests until the timeframe recommended by the manufacturer of the treatment substance, such as a fumigant, has passed.

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cleared of potential disease transmission, offensive odors, and sewage solids and litter.

- I. Employee work practices. Every hotel shall promulgate, maintain and enforce standard operating policies and procedures for all employees that are directly involved in the servicing or maintenance of guest rooms. Such policies and procedures shall include:
 1. Employee recognition of and reporting of health hazards in guest rooms and other hotel facilities where guests are invited;
 2. Employee training in response to biohazard events and handling in accordance with OSHA standards;
 3. Personal hygiene while on duty;
 4. Sequestration of or temporary reassignment of employees with communicable disease, open wounds, skin infections, or acute respiratory infections until and unless cleared for work by a medical professional; and
 5. Such other reasonable policies and procedures as the Inspection Official deems necessary and proper to ensure that hotel employees protect the health and safety of guests and prevent the spread of communicable disease.

Section 14.04 Manager on duty

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- C. In order to carry out the intent of this article, the Inspection Official is authorized to conduct inspections of a hotel premises during normal business hours. In furtherance thereof, the Official may, but is not required, to request of the hotel manager that a prescribed number of rent-ready guest rooms be made available for inspection and/or that the hotel's cleaning, sanitation and maintenance records, schedules, internal reports, or third-party audits be made available for review and evaluation.
- D. It shall be unlawful and an offense for any person to fail or refuse a lawful request of the Inspection Official to inspect a hotel room or to produce for the Official's review and evaluation the records, schedules, internal reports, or third-party audits that the hotel relies upon or proffers as evidence of its compliance with the provisions of this article.

Section 14.06 Inspection fees

A fee established by resolution of the City Council will be charged to reimburse the City for all costs associated with the administration of this article.

Section 14.07 Violations and enforcement

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- B. A person commits an offense if the person commits any act forbidden or fails to perform any act required in this Article.
- C. Each violation of this Article shall constitute a separate offense and each offense is punishable by a fine as specified in Article IX, Section 9.01 of this Chapter.
- D. Allegation and evidence of a culpable mental state is not required for proof of an offense under this article except where expressly required.
- E. Any condition reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants may be abated by the Inspection Official in accordance with State law.
- F. At the option of the City, and in addition to all other available remedies, the City may proceed to enforce the requirements of this chapter under the alternative

procedure set forth in Texas Local Government Code, Chapter 54, Subchapter B, "Municipal Health and Safety Ordinances".

- G. At the option of the Inspection Official, immediate enforcement may be temporarily abated if the owner agrees to a supervised compliance plan, demonstrates the ability to comply with the plan and makes continuing progress toward compliance.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.


7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective October 1, 2019.

PRESENTED AND GIVEN FIRST READING on the 7th day of May, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 21st day of May, 2019, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


Alex Busken, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 