

**CITY OF SAGINAW, TEXAS**

**ORDINANCE NO. 2021-14**

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING REGULATIONS OF THE CITY OF SAGINAW, TEXAS BY AMENDING SECTION 8-17 OF ARTICLE 8 "SUPPLEMENTAL DISTRICT REGULATIONS: AND SECTION 12-2 OF ARTICLE 12 "DEFINITIONS"; PROVIDING A DEADLINE FOR COMPLIANCE WITH THE REGULATIONS SET FORTH HEREIN; AMENDING THE DEFINITIONS OF EXTENDED-STAY HOTEL AND HOTEL/MOTEL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AND EFFECTIVE DATE.**

**WHEREAS**, the City of Saginaw, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City of Saginaw, Texas has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publications and procedural requirements for the adoption of these zoning regulations; and

**WHEREAS**, the City Council finds that the regulations contained herein are necessary to ensure the continued availability of transient lodging within the City of Saginaw and to ensure the continued use of hotels and motels in the manner intended at the time of adoption of the Zoning Regulations; and

**WHEREAS**, the City Council further finds that the regulations are necessary to discourage transient lodging properties from becoming permanent residences; and

**WHEREAS**, the City Council further finds that a 180-day compliance period, with respect to the regulations set forth herein, is reasonable and in the best interest of the public health, safety and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, CITY OF SAGINAW, TEXAS THAT:**

**SECTION 1.**

Section 8-17 of Article 8 "Supplemental District Regulations" of Appendix A, of the Zoning Regulations of the City of Saginaw, Texas, is hereby amended to read as follows:

**"Sec. 8-17. - Hotel/motel occupancy limits.**

- A. *Purposes and Findings.* The purpose of this section is to ensure the continued availability of quality transient lodging within the City of Saginaw and to ensure the protection of the health, safety, and welfare of hotel, motel, and extended-stay inhabitants and employees. City Enforcement Officials responsible for monitoring, investigating, and administrating the safety and welfare of hotels, motels, and extended-stay hotels are the City of Saginaw's Code Compliance Department, Police Department, and Fire Department.
- B. *Provisions Applicable to hotels, motels, and extended-stay hotels.*
1. Except as otherwise provided by law, each hotel, motel, and extended-stay hotel shall post a legible copy of the text of this Section 8-17 (B) in an open and conspicuous place within the public lobby area, and in an open and conspicuous place where other postings are required by law, in each room available for rent.
  2. The initial construction of a hotel, motel, or extended-stay hotel and its subsequent operation shall fully comply with provisions outlined in this article and all associated zoning ordinances.
  3. Hotels, motels and extended-stay hotels operate for the benefit of travelers and transient parties conducting legitimate business in the surrounding vicinity. A legitimate business is one which has been authorized to exercise its activities by following the rules and regulations under the City of Saginaw's jurisdiction. No hotel, motel or extended-stay hotel may be used as housing of last resort. Housing of last resort occurs when an owner-occupant or tenant no longer has any appropriate housing options available under their discretion and is needing to seek accommodations. Housing of last resort will only be permitted during an event that is deemed a state of emergency by a government mandate.
  4. No hotel, motel, or extended stay hotel shall allow anyone of the age seventeen and under to rent a room.
  5. No hotel, motel, or extended stay hotel shall offer any lodging rates based on an hourly rate to any potential or existing guest.
  6. No room within any hotel, motel, or extended-stay is allowed to have more guests than the number of people of which its available sleeping arrangements are designed for. Children, aged seventeen and under, are not included in this total number.
  7. No hotel, motel, or extended-stay hotel shall have any rooms allocated for the lodging of any bona-fide employee or their family.

8. All hotels, motels, or extended-stay hotels must maintain daily written records reflecting the renting, letting, or other provision of any of its rooms as described in Subsection E. The required records shall be maintained for no less than one year or for such longer period as may be prescribed by law. All records shall be available for review by City Enforcement Officials during normal business hours.
9. For every hour of operation, a hotel, motel, or extended-stay hotel must ensure a bona-fide employee is present to assist any City Enforcement Official in maintaining the safety of its patrons.
10. All hotels, motels, and extended-stay hotels must provide and maintain quality running hard-wired smoke detectors or smoke alarms in all rooms and common areas for the duration of the hotel, motel, and extended-stay hotel's existence.
11. All hotels, motels, and extended-stay hotels may have portable convenience appliances, except for toaster ovens. Portable convenience appliances are defined as devices that are designed for household tasks and can be easily relocated.
12. All hotels, motels, and extended-stay hotels must provide daily housekeeping services with all standard room rates. Cleaning shall occur at least every 48 hours and must include the changing of linens prior to any incoming guest. Cleaning services must be logged and kept for a minimum of six months. All cleaning logs must be accessible to City officials upon request.
13. All hotels, motels, and extended-stay hotels must maintain the cleanliness of common areas as required by law.

C. *Provisions Applicable to hotels and motels.*

1. No hotel or motel shall allow any person to occupy any of its guest rooms for more than thirty (30) consecutive days, nor more than sixty (60) total days during a 180-day period. Any guest who has resided for thirty (30) consecutive days at a hotel or motel must undergo a two-week (14-day) vacancy between stays before beginning any new rental agreement with said hotel or motel. A consecutive stay is constituted as an accommodation lasting longer than 24 hours beginning from check in date and ending on the checkout date at a hotel/motel. Individuals who check out and back in of their accommodations within 72-hours of their previous booking will incur time onto their original stay's length as one combined and continuous period. Any party who violates this provision is subjected to the penalties of this article; no room may again be rented, let or otherwise provided to

that same party or to any individual, firm, or entity that was a member of said party.

2. No hotel or motel may transition towards operating as an extended-stay hotel until it fully complies with all existing extended-stay hotel provisions, associated zoning ordinances, and be up to code.
3. Any property left in a room by a person or party that has checked out shall be removed by the operator of the hotel or motel and stored or otherwise disposed of in accordance with applicable laws.
4. Fixed cooking appliances and storage for food preparation shall not be available in any guest room at any hotel or motel. Fixed cooking appliances are considered devices which are designed to cook through the use of a stove top burner or hot plate, including but not limited to appliances such as stoves, ovens, and grills. Storage for food preparation appliances which help to preserve the freshness of food include but are not limited to, full-size refrigerators.

D. *Provisions Applicable to extended-stay hotels.*

1. Any guest who has resided for more than 180 consecutive days at an extended-stay hotel must at least undergo a 90-day vacancy between stays before beginning any new rental agreement with said extended-stay hotel. A consecutive stay is constituted as an accommodation lasting longer than 24 hours beginning from check in date and ending on check out date at an extended-stay hotel. Individuals who check out and back in of their accommodations within 72-hours of their previous booking will incur time onto their original stay's length as one combined and continuous period. Any party who violates this provision is subjected to the penalties of this article; no room may again be rented, let or otherwise provided to that same party or to any individual, firm, or entity that was a member of said party.
2. Each extended-stay hotel room intended or designed to be used, or which are used, rented, or hired out to be occupied by the public must contain fixed cooking appliances and storage for food preparation including, but not limited to, appliances such as full-size refrigerators, stoves, and ovens.

E. *Registration Record Keeping*

1. All hotels, motels, and extended-stay hotels must maintain daily written or electronic records of all rental agreements between the hotel, motel, or extended-stay hotel and all patrons and their guests.

2. All records must be kept for a minimum of 180 days after the rental agreement's termination.
3. All records must be available during regular business hours upon the request of City Enforcement Officials.
4. All records must, at a minimum, maintain the following for each patron and their guest:
  - (i) Legal name, phone number, and home address;
  - (ii) Room number assigned;
  - (iii) Date and time of arrival, scheduled departure, and actual departure;
  - (iv) The rate charged and amount collected for their room's rental;
  - (v) Payment method for each room; and
  - (vi) The make, model, year, color, license plate number, and license plate state of any vehicle which anticipates parking on the premises.
5. All patrons and their guests must present valid photo identification to rent a room at any hotel, motel, or extended-stay hotel. Valid photo identification may include a legally issued document such as a current driver's license, military identification card, state identification card, or passport. A copy of the presented identification must be kept for a minimum of 180-days after their check out date. Any hotel, motel, or extended-stay operator who does not verify the identification of a patron and their guests or approves lodging services without proper identification shall be in violation of this article.
6. It shall be unlawful for any hotel, motel, or extended-stay hotel to accept any illegitimate form of identification from any patron or guest, or to falsify any identification documentation and information needed for lodging registration.

F. *Safety*

1. Any hotel, motel, or extended-stay hotel must report any suspicious or unlawful activity to City Enforcement Officials.
2. It is the responsibility of all hotels, motels, and extended-stay hotels to inform any patron and guests that loitering by visitors is prohibited as required by the law.

3. All exterior doors, apart from the lobby doors or doors otherwise approved by the Enforcement Official, must be locked between the hours of 10:00 p.m. and 6:00 a.m. and must possess equipment that will notify the hotel, motel, or extended-stay hotel security or other employees a door has been opened. In addition, all doors must possess panic hardware to allow for emergency egress, which must be approved by Enforcement Officials. Furthermore, all exterior doors shall be maintained and readily accessible for emergency access by the Fire Department.
4. Any hotel, motel, or extended-stay hotel must provide and maintain security in its parking area. This may include a live patrol guard, fencing consistent with the zoning code, or other security measure approved in writing by the City Enforcement Official.
5. All hotels, motels, and extended-stay hotels must install a video surveillance system and/or ensure that any previously installed video surveillance systems are deemed compliant by the City Enforcement Official. All assessments must be requested by the hotel, motel, or extended-stay hotel within the 180-day compliance period as required in Section 3 of this Ordinance.
6. All video surveillance systems shall be active and functioning 24 hours a day, seven days a week, and recorded footage must be retained for a minimum of 30 days.
7. All hotels, motels, and extended-stay hotels must dedicate at least one video surveillance camera to all common spaces, including but not limited to lobbies, entrances/exits, hallways, and parking lots. Placement of cameras must be approved by the City Enforcement Official.
8. All employees and customers must be notified of the video surveillance system by displaying the system's notice of approval in a bona-fide common area.
9. Video surveillance systems shall be subject to regular inspection by the City Enforcement Official to determine conformity under this section. If the video surveillance system does not conform, the hotel, motel, or extended-stay hotel must immediately rectify the compliance violation.
10. All patrons and guests who desire to park a vehicle on the premises of any hotel, motel, or extended-stay hotel, must register their vehicle upon initial registration and any time after. Vehicle registrations must be recorded as stated in Subsection E4-6.
11. Any registered vehicle must be provided with a placard that must at all times be easily visible from outside the vehicle by any bystander. The placard

must contain the establishment's name, vehicle registration number, and check-out date at a minimum.

G. *Enforcement*

1. All common areas and unoccupied rooms within any hotel, motel, or extended-stay hotel are subject to inspection by City Enforcement Officials.
2. City Enforcement Officials shall have the responsibility for the enforcement of this section.
3. If such structure or premises is occupied, City Enforcement Officials, shall present credentials to the occupant and request entry. If entry is refused by occupant, City Enforcement Officials shall have recourse to the remedies provided by law to secure entry. If such structure or premises is unoccupied, City Enforcement Officials shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused by the owner or other person having charge or control of the structure, City Enforcement Officials shall have recourse to all methods of entry allowed by law, and the owner and responsible party shall be in violation of this article and subject to punishment under section 1-13 of this Code.

H. *Unlawful Operation/Violation Penalties*

1. Any hotel, motel, or extended-stay hotel witnessing an entity violating the provisions of this article shall immediately ask that entity to leave the premises. If voluntary removal is not achieved, the Saginaw Police Department shall be notified to assist in the eviction and/or removal of that entity.
2. Any hotel, motel, or extended-stay hotel operated, conducted or maintained contrary to the provisions of this article may be declared to be unlawful and a public nuisance. The City may, in addition to or in lieu of all other remedies, commence actions or proceedings for abatement, removal or injunction thereof, in the manner provided by state law and this Code.
3. A nuisance may be abated upon any provision violation.
4. Any violator of the provisions of this article shall be fined not more than two thousand dollars (\$2,000.00) for each offense.”

## SECTION 2.

Section 12-2 "Definitions" of Article 12 "Definitions" is hereby amended by amending the definitions of Appendix A of the Code of Ordinances, the Zoning Regulations of the City of Saginaw, Texas, by amending "Extended-stay hotel/motel" and "Hotel, Motel" to read as follows:

\*\*\*\*\*

**Extended-Stay Hotel Motel.** Any building containing five or more guest rooms intended, designed, or utilized for sleeping purposes by transient guests, including for stays in excess of thirty (30) consecutive days, or more than sixty (60) days during a 180-day period, which contain fixed cooking appliances.

\*\*\*\*\*

**Hotel/Motel.** A building, or portion thereof, in which five or more guest rooms intended, designed, or utilized for sleeping purposes by transient guests for a period of less than thirty (30) consecutive days with a two-week (14-day) vacancy between stays, or for less than sixty (60) total days in any one-hundred and eighty (180) day period, for compensation.

\*\*\*\*\*

## SECTION 3.

All hotels, motels and extended-stay hotels existing upon the effective date of this Ordinance shall have one-hundred and eighty (180) days from the effective date of this Ordinance to either cease operations or fully comply with all provisions of this Ordinance.

## SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code and Zoning Regulations as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

## SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment of decree of any court of competent jurisdiction, such as unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause, or phrase.



**SECTION 6.**

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 7.**

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of the Zoning Regulations of the City that have accrued at the time of the effective date of this Ordinance; and, as to such accused violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 8.**

The City Secretary of the City of Saginaw is hereby authorized to publish this Ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this Ordinance as so published shall be admissible in evidence in all courts without further proof than the production.

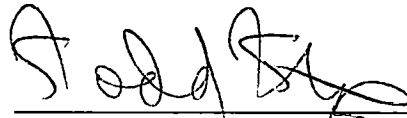
**SECTION 9.**

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this Ordinance in accordance with Section 52.013(b) of the Local Government Code.

**SECTION 10.**

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON** this the 20<sup>th</sup> day of July, 2021.

  
\_\_\_\_\_  
TODD FLIPPO, MAYOR

ATTEST:

  
\_\_\_\_\_  
JANICE ENGLAND, CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
BRYN MEREDITH, CITY ATTORNEY