

## CHAPTER XX. - HOTELS AND MOTELS

### Sec. XXX. - Definitions.

**Generally.** For the purposes of this chapter, certain words and phrases shall have the meanings set out in this section, except in cases where the context clearly indicates a different meaning.

**Capture** means that the guest's name and the guest's address shall be written in a book/register inscribed with ink or indelible pencil.

**Guest** means any person who occupies a guestroom, and who pays a fee to the keeper of an Inn for the purpose of entertainment at that Inn, as defined in OCGA § 43-21-1.

**Guestroom** means temporary living and sleeping quarters for a person or persons.

**Hotel** means a building, structure or place containing ten or more guestrooms wherein tourists and travelers are temporarily provided lodging in exchange for financial compensation and in which ingress and egress to each guestroom is made through the interior of the building.

**Identification** means a current and valid government-issued photo identification card such as a driver's license, military identification card, state identification card, or passport.

**"Inn"** means all taverns, hotels, and houses of public general entertainment for guests, as defined in OCGA § 43-21-1.

**Innkeeper** means the owner, operator or keeper of the inn to whom the guest pays a fee for the purpose of entertainment at that inn; an innkeeper does not need to file a writ of possession to remove a non-paying or trespassing guest (Efficiency Lodge, Inc. v. Neason, et. al, June 21, 2023 GA Supreme Court, Docket No. S22G0838, p. 4.)

**Law enforcement personnel** means any law enforcement unit, peace officer, or law enforcement support personnel as defined by O.C.G.A. § 35-8-2. ~~fire marshal, or any of his or her assistants, fire inspector, or code enforcement officer employed by the city.~~

**Minor** means an individual less than 18 years of age.

**Motel** means a building, structure or place containing ten or more guestrooms wherein tourists and travelers are temporarily provided lodging in exchange for financial compensation and in which ingress and egress to each guestroom is on the outside of the building.

**Person** means any individual, firm, owner, sole proprietorship, partnership, corporation, and unincorporated association governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant, or other legal entity.

**Record(s)** means the name and home address of each tourist or traveler renting or occupying a guestroom, including adults and minors, kept electronically in the hotel's or motel's electronic guest registration system or in a book/register inscribed with ink or indelible pencil.

**Tourist** and **traveler** mean a person who is going from one place to another for the purpose of business or pleasure.

**Trespass** means the offense of criminal trespass as set forth in GA Code section 16-7-21, which a person commits when he or she knowingly and without authority remains upon the land or premises of another person after receiving notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant to depart.

### Sec. XXX. - Enforcement.

Law enforcement personnel are authorized and shall have authority to enforce all provisions of this chapter. When the owner, innkeeper, rightful occupant, or upon proper identification, an authorized representative of the owner or innkeeper show probable cause that a person has committed or is in the commission of the offense of Trespass upon Inn, Hotel, or Motel premises located in Augusta, Richmond County, Georgia, law enforcement personnel may give such person the opportunity to voluntarily remove themselves and their personalities from the premises or shall remove such person subject to arrest at the time probable cause is

established that such person has committed or is in the commission of Trespass, as defined by O.C.G.A. § 16-7-21.

Sec. XXX. - Access to premises and records.

Law enforcement personnel shall have access at all reasonable times to all hotels and motels, except occupied guestrooms, unless so authorized by other laws or ordinances, for the purpose of investigating any complaint or enforcing any law, ordinance or regulation.

Sec. XXX. - False registration by guests.

(a) It shall be unlawful for any person to write, or cause to be written, or knowingly permit to be written, in any record in any hotel or motel, any other or different name or designation than the true name of the person registered therein. Identification shall be required to be produced at registration.

(b) It shall be unlawful for any hotel or motel owner, operator, manager, or person in charge of a hotel or motel to allow a guest to pay for or occupy a guestroom without identification.

Sec. XXX. - Giving false information to obtain lodging.

It shall be unlawful for any person to obtain lodging for any person under the age of 18 years in any hotel or motel by giving to the proprietor, owner, manager, agent, person in charge or keeper thereof, false information as to such person's age or false information as to the relationship to such person of any alleged parent or guardian. Further, it shall be unlawful for any person under the age of 18 years to obtain lodging for himself or herself in any such establishment by giving any such false information.

Sec. XXX. - Renting or occupying guestroom for illegal or unlawful purposes.

(a) It shall be unlawful for any person to rent or occupy any guestroom in any hotel or motel in this city for illegal or unlawful purposes, or for the proprietor, manager, or other person in charge of any such hotel or motel to rent, assign to or permit any person to occupy any such guestroom, with knowledge that they intend to use it for illegal or unlawful purposes.

(b) It shall also be unlawful to rent or occupy any guestroom in any hotel or motel for otherwise legal commercial activity from guestrooms or common areas without obtaining approval from the city manager or his or her designee.

(c) It shall be unlawful for any guest or other individual to advertise on any website, social media, printed material, radio or television advertisement any business, service or product (unlawful or lawful) being delivered, offered, performed, created, distributed, or otherwise transacted from any guestroom within a hotel or motel.

~~(d)~~ It shall be unlawful for any guest or other individual to criminally trespass by knowingly and without authority remain upon the land or premises, including a hotel, motel, or inn, of another person or innkeeper, after receiving notice from the owner, rightful occupant, innkeeper, or, upon proper identification, an authorized representative of the owner, rightful occupant, or innkeeper, to depart, including for failing to timely or fully pay for the guestroom for one or more nights of temporary lodging or stay.

Sec. XXX. - Penalties.

Any person violating any provision of this chapter shall be guilty of an offense. Further, any hotel or motel that fails to meet the requirements of this chapter shall be subject to citation imposing the maximum penalty allowed under the charter and ordinances of the city for each day of noncompliance. Each day of noncompliance shall constitute a separate offense punishable by a separate citation.

