

**GREENWOOD COMMON COUNCIL**

**ORDINANCE NO. 19-21**

**AN ORDINANCE AMENDING GREENWOOD MUNICIPAL CODE (1993), AS  
AMENDED, CHAPTER 6, SAFETY DEPARTMENTS AND REGULATIONS, TO ADD  
ARTICLE 14 REGARDING HOTELS AND PLACES OF PUBLIC LODGING**

WHEREAS, the presence of successful, safe and reputable hotels in the City of Greenwood, Indiana ("the City") promotes travel and economic growth; and

WHEREAS, the City recognizes that regulation and oversight of local hotels will protect and preserve the public welfare, health and safety of hotel guests, as well as all City residents,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, AS FOLLOWS:

Section 1. The above recitals are incorporated by reference.

Section 2. The Greenwood Municipal Code (1993), as amended, Chapter 6, Safety Departments and Regulations, is hereby amended to add a new Article, Article 14. Hotel and Places of Public Lodging Regulations, to read as follows:

**ARTICLE 14. HOTELS AND PLACES OF PUBLIC LODGING REGULATIONS**

**Division I. Purpose, Applicability and Definitions**

**Sec. 6-500 Purpose.**

The purpose of this Article is to license and regulate hotels within the City of Greenwood's corporate boundaries for the protection of the public welfare.

**Sec. 6-501 Applicability.**

This Article applies to all hotels, as defined in Sec. 6-502 below, located within the City of Greenwood's corporate boundaries.

**Sec. 6-502 Definitions.**

For purposes of this Article only, the following terms shall have the meanings ascribed to them below:

"Board of Public Works and Safety" means the Greenwood Board of Public Works and Safety

"Calls for service" means the total number of calls to law enforcement or the fire department that result in a request that a representative be dispatched or directed to the hotel, over a one year period, when those responses (1) result in a representative being dispatched or directed to the hotel, (2) allege evidence of criminal activity, (3) result in an arrest, charge, or citation, or

(4) find an imminent threat to safety of persons or property. It also includes calls made to Code Enforcement or the Department of Community Development Services regarding mowing, parking, or other code enforcement violations that result in a citation. "Calls for service" does not include calls resulting from mass casualty events or calls relating to warrants, transportation by the Greenwood Police Department, training, police escorts, traffic stops, maintenance, security checks initiated by the Greenwood Police Department, or traffic citations in which the hotel property address is used as the address for the citation.

"Calls for service ratio" means the number of calls for service divided by the number of rooms in service at the hotel.

"City" means the City of Greenwood, Indiana.

"Controller" means the City of Greenwood Controller or his/her designee.

"Council" means the City of Greenwood Common Council.

"Hotel" means all places and rooms where members of the general public are furnished lodging, either regularly or occasionally, for private profit, but does not include bed and breakfast establishments as defined under Ind. Code § 16-41-31-1 or temporary rentals or residential dwellings for the purpose of lodging.

"Police Chief" means the Chief of the Greenwood Police Department or his/her designee.

"Rooms in Service" means guest rooms available to rent according to the license application filed with the Controller's Office excluding common areas and office space.

## **Division II. Application and Renewal Requirements; Inspections; Denial of Hotel License**

### **Sec. 6-503. License Requirement.**

(a) It shall be unlawful for any person or entity to maintain or operate a hotel within Greenwood's boundaries without first procuring a license ("Hotel License") from the City of Greenwood Controller ("the Controller"). No person or entity shall operate or maintain, or permit another to operate or maintain on the person's or entity's behalf, a hotel for which the license required by this Section is revoked or expired.

(b) A hotel shall maintain an up-to-date and valid Hotel License on the hotel premises.

(c) Whenever a Hotel License is issued for a certain location, the Hotel Licensee shall not operate another hotel at a different location within Greenwood without first having obtained a separate Hotel License for that location from the Controller.

(d) The annual fee for a license issued under this Section shall be seventy-five dollars (\$75.00).

(e) The term for a license issued under this Section shall be, unless otherwise provided, one (1) year. The term of the Hotel License shall commence as of the date of issuance and shall expire at 12:01 a.m. on the same calendar day of the next calendar year.



**Sec. 6-504 Application for Hotel License.**

(a) Before maintaining or operating a hotel within the City of Greenwood's corporate boundaries, an application for a Hotel License must be completely and accurately completed. Blank applications shall be made available at the City of Greenwood Finance Department and online at the City of Greenwood website. Completed applications must be submitted to the Controller, who upon receipt shall refer the application to the Police Chief for review and/or investigation of the representations made in the application. The Police Chief must approve the application before a hotel begins operations.

(b) An application for a Hotel License shall contain the following:

(1) The applicant's name and business address. If the business is owned by a corporation, LLC, LLP, or other such legal entity the the state of incorporation or organization shall be listed including a list of the board of directors or principle owners of the entity.

(2) The name of the hotel, including address, telephone number, and email address;

(3) The legal owner or owners of the property, including mailing address, telephone number, and email address;

(4) The names and addresses of any other hotels located within the City of Greenwood that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management;

(5) Name of the hotel operator, including mailing address, telephone number, and email address;

(6) The number of guest rooms in service in the hotel;

(7) Name and contact information of any agent registered with the Indiana Secretary of State's Office;

(8) An acknowledgement that the applicant has read GMC Article 14;

(9) A list of any insurance policies covering the property or business; and

(10) Any other information deemed necessary by the Controller.

(c) An applicant for a Hotel License must notify the Controller of any change in information contained in the license application within ten days of such change. The Controller shall forward updated information to the Police Chief upon receipt.

(d) Any change in majority ownership of the hotel, the building, or the business, change in hotel operator, or change in name of the hotel, shall void the current license and shall require submission of a new application and the issuance of a new Hotel License.

(e) Any material misrepresentation on the license application is grounds for revocation of the license.

(f) The Council may amend the requirements under this section and allow a reasonable time for applicants and Hotel Licenses to comply with any additional requirements.

(g) This ordinance is effective January 1, 2020. **Sec. 6-505. Renewal of a Hotel License.**

(a) The Controller shall give written notice to a Hotel Licensee of the expiration date of the Hotel License and provide an application and statement of fees and charges due if the Hotel License is to be renewed. The Police Chief shall review all renewals of Hotel Licenses.

(b) The term of a renewed Hotel License shall commence upon the expiration of the preceding one-year license term.

(c) If a Hotel License renewal is denied, the Controller shall give the applicant written notice of the denial, stating the reasons for the denial and informing the applicant of the right to request a hearing and the right to appeal the decision pursuant to Section 6-510 of this Article.

**Sec. 6-506. Application Review and Grounds for Denial of a Hotel License.**

(a) The Controller shall issue a Hotel License to an applicant, or grant the renewal of a Hotel License, upon receiving the Police Chief's approval regarding the application or renewal. The Police Chief may recommend denial of a license or license renewal as provided in subsection (b) of this Section.

(b) The Police Chief may recommend denial of an application for a Hotel License, or deny the renewal of a Hotel License, if he/she determines any of the following are shown to have occurred:

(1) The applicant makes a material misrepresentation of fact on the application;  
or

(2) For any hotel operating during the probationary period authorized by Division III of this Article, the calls for service ratio is at or above 2.0 over any one year period after entering probation.

**Sec. 6-507 Transfer of Hotel License Prohibited.**

(a) No Hotel License issued or renewed under this Article shall be transferable to another person, corporation, firm, partnership, association, organization, entity, or other group acting as a unit.

(b) No Hotel License issued or renewed under this Article shall be transferable to another hotel name or franchise, or hotel location or building.

(c) A change in ownership of the hotel does not reduce or reset the existing calls for service ratio for that property.



### **Division III. Hotel Licensee Probation and Revocation, Appeals**

#### **Sec. 6-508 Probation.**

(a) Any hotel that reaches or exceeds a calls for service ratio of 2.0 for the first time will be notified by the Controller that it is operating in a probationary period.

(b) A hotel operating in a probationary period must complete certain meetings with police, fire, health and/or zoning City officials to discuss issues related to the hotel contributing to criminal activity, code violations, and actions that may be taken to mitigate such issues.

(c) A Hotel License may, at the Board of Public Works and Safety's discretion, be revoked if the calls for service ratio is at or above 2.0 over any one year period after the hotel enters the probationary period. A calls for service ratio at or above 2.0 over any one year period after a hotel enters a probationary period is also grounds for denial, at the Controller's discretion, of the Hotel License renewal.

(d) During the probationary period, the calls for service ratio must decrease to 1.5 within six (6) months. The evaluation for this ratio is done at the end of the six (6) month period. Failure to decrease a calls for service ration to 1.5 during the probationary period is grounds for revocation of the hotel license.

#### **Sec. 6-509 Hotel License Revocation.**

(a) The Board of Public Works and Safety shall set a revocation hearing for a Hotel License of a hotel operating during a probationary period if the calls for service ratio is at or above 2.0 over any one year period after entering probation, and the Police Chief, shall forwards a report to the Board of Public Works and Safety to revoke the license unless in his/her determination exigent/exceptional circumstances exist.

(b) The Board of Public Works and Safety may not revoke a Hotel License without first holding a hearing to investigate and examine the qualification and conduct of the Hotel Licensee. The hearing, and notice of hearing, shall be conducted pursuant to Section 6-510 of this Article.

(c) If a Hotel License is revoked, the owner of the property is prohibited from furnishing guest rooms or rented space to new guests and must cease operations within thirty (30) days of a final decision, during which time the hotel or motel must:

(i) Notify all guests of the hotel's cessation of operation,

(ii) Provide a reasonable amount of time for guests to vacate their guest rooms, which shall be no less than one (1) week (if so requested by a guest),

(iii) Comply with all laws and health codes until all guests have vacated the property,

(iv) Allow the City or any partnering organizations to contact current guests directly, in order to provide information regarding potential alternative housing options,

(v) Allow for a final inspection to ensure full compliance with this Section.

(d) After revocation, a Hotel License shall not be renewed or reissued. A new Hotel License shall not be issued for a hotel to be conducted by or for the same Hotel Licensee on any premises within six (6) months after the revocation in the same Hotel Licensee has a financial interest in the business.

#### **Sec. 6-510 Revocation or Denial Hearings.**

(a) A Hotel Licensee who has received notice of revocation or denial of an application must submit a written request for a hearing to the Board of Public Works and Safety within ten (10) days following issuance of the notice of revocation or denial of the Hotel License application.

(b) Upon receipt of a request for a hearing, the Board of Public Works and Safety shall notify the Hotel Licensee and all persons the Board of Public Works and Safety knows to have a complaint or relevant information regarding the suspension or revocation. The notice shall contain relevant information, including the date, time, and place of the hearing, the purpose of the hearing, identification of written materials that may be considered at the hearing, a statement that persons appearing at the hearing may be represented by legal counsel, and a statement that the hearing will be an informal, administrative hearing.

(c) The Board of Public Works and Safety shall conduct the hearing and may require that testimony is given under oath. The Hotel Licensee, along with other persons with relevant information, shall be given opportunities to participate.

(d) The Board of Public Works and Safety's decision shall be issued in writing and served on the Hotel Licensee. If the decision affirms the revocation or suspension, the decision must include a discussion of the factual and legal basis for the decision, and a statement that the Hotel Licensee has the right to appeal the decision.

(e) The cost of the hearing is payable by the Hotel Licensee.

#### **Sec. 6-511 Appeals.**

(a) Any decision made by the Board of Public Works and Safety is appealable to the court of appropriate jurisdiction.

#### **Sec. 6-512 Security Requirements For Continued Heightened Calls for Service Ratios.**

(a) A hotel that maintains a calls for service ratio at or above 2.0 for two (2) consecutive one-year periods must implement policies made by the Board of Public Works and safety, including but not limited to:

(1) A meeting with police, fire, health and/or zoning officials related to the hotel property's contribution to criminal activity, and actions to mitigate such activity and limit its impact;

### **Division IV. Rules and Regulations, Severability**

#### **Sec. 6-513 Rules and Regulations**



The Council may modify the requirements created under this Article and/or promulgate reasonable rules and regulations to carry out the intent of this Article.

**Sec. 6-514 Severability.**

In the event any Section or provision of this Article shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Article as a whole or any part thereof, aside from the Section or provision declared invalid or unconstitutional.


**Sections 6-515 through 6-535 Reserved for future Use.**


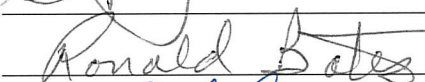
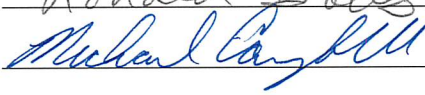
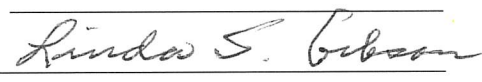



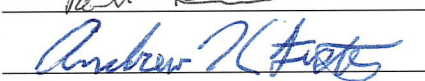

Section 3. This Ordinance does not affect any other provisions of the Greenwood Municipal Code (1993), as amended, except as herein provided and all other provisions of the Greenwood Municipal Code (1993), as amended, shall remain the same.

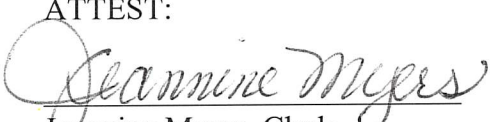
Section 4. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Passed by the Common Council of the City of Greenwood, Indiana, this 16<sup>th</sup> day of September, 2019.

  
Michael Campbell, President  
Greenwood Common Council

FOR:		AGAINST:
	Bruce Armstrong	_____
	Ronald Bates	_____
	Michael Campbell	_____
_____	Linda S. Gibson	
	Ezra J. Hill	_____
	J. David Hopper	_____
	David Leske	_____
	Robert Dine	_____
	Andrew K. Foster	_____

ATTEST:  
  
Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 16<sup>th</sup> day of September, 2019, is presented by me this 17<sup>th</sup> day of September, 2019, at 12:30 O'clock P, to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers  
Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 16<sup>th</sup> day of September, 2019, is signed and approved by me on this 19<sup>th</sup> day of September, 2019, at 7:00 O'clock A.

Mark W. Myers  
MARK W. MYERS, Mayor  
City of Greenwood, Indiana