

CITY OF NEWPORT

ORDINANCE

OF THE

COUNCIL

NO. 2020-01

AN ORDINANCE IN AMENDMENT OF TITLE FIVE OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "HOTELS."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 5.40 of the Codified Ordinances of the City of Newport, Revision of 1994, as amended, entitled, "HOTELS," is hereby further amended as follows:

DELETE:

~~Chapter 5.40. -- HOTELS~~

ADD IN LIEU THEREOF THE FOLLOWING:

Chapter 5.40.- TRANSIENT GUEST FACILITIES

5.40.010. - Definitions.

As used in this chapter:

DELETE IN ITS ENTIRETY

~~"Consideration" means the monetary charge for the use of space devoted to transient lodging accommodations.~~

~~"Hotels" for the purpose of this chapter means any transient guest facility and guest house offering one or more rooms for which the public may, for consideration, obtain transient lodging accommodations. The term "hotel" includes hotels, motels, guest houses with one or more rooms, tourist homes, tourist camps, lodging houses and inns, and shall exclude schools when used for non-profit education uses, hospitals, sanitariums, nursing homes and chronic care centers.~~

~~"Occupancy" means a person, firm or corporation's use of space ordinarily used for transient lodging accommodations not to exceed thirty (30) days. Excluded from occupancy is use of space for which the occupant has a written lease for the space, which lease covers a rental period of twelve (12) months or more.~~

ADD IN LIEU THEREOF THE FOLLOWING:

"Transient Guest Facility" for the purposes of this Chapter means a building or facility that provides transient lodging accommodations to guests or visitors for occupancy for not more than thirty (30) days, which may include but not be limited to residences, homes, hotels, motels, guest houses, rooming houses, lodging houses, inns, bed and breakfast, and the like, whether by way of renting rooms, dwelling units, residential homes or condominium units.

"Transient Lodging Accommodations" means a building, structure or facility or any space therein which is offered to guests, visitors or the public to rent for lodging accommodations for not more than thirty (30) days.

"Occupancy" means the use of space for transient lodging accommodations not to exceed thirty (30) days.

"Tax" means the hotel tax imposed by Section 44-18-36.1, Rhode Island General Laws.

#### **5.40.020. - Registration of hotels and guest houses.**

##### **DELETE IN ITS ENTIRETY**

- ~~A. Each transient guest facility and all guest houses in the city, as defined in Section 5.40.010, are to be registered with the city clerk on or before June 1st. Each registration shall contain the name and address of the hotel or guest house, the names and addresses of the owner and operator of the hotel or guest house, and the number of rooms utilized for transient lodging accommodations. The city shall be notified within thirty (30) days of any change in ownership.~~
- ~~B. Upon registration of a hotel or guest house, a certificate of registration shall be issued to the registrant. Every certificate of registration shall be renewed annually during the month of May.~~

##### **ADD IN LIEU THEREOF THE FOLLOWING**

- A. Each transient guest facility in the city, as defined in Section 5.40.010, are to be registered with the city clerk on or before June 1st. Each registration shall contain the name and address of the transient guest facility, the names and addresses of the owner and operator, and the number of rooms, dwelling units, or residences being utilized for transient lodging accommodations. The city shall be notified within thirty (30) days of any change in ownership.
- B. Upon registration of a transient guest facility, a certificate of registration shall be issued to the registrant. Every certificate of registration shall be renewed annually during the month of May.

5.40.030. - Registration fee.

DELETE IN ITS ENTIRETY

~~The annual registration fee shall be fifty dollars (\$50.00) per location.~~

ADD IN LIEU THEREOF THE FOLLOWING:

The annual registration fee shall be one hundred (\$100.00) dollars per location.

5.40.040. - Certificate of registration.

DELETE IN ITS ENTIRETY:

~~Certificates of registration issued hereunder shall be signed by the city clerk and shall identify the number of rooms and shall not be transferable, and shall be kept posted in plain view by the registrant in the lobby or entrance area of the place registered, and shall be exhibited on demand to a city official.~~

ADD IN LIEU THEREOF THE FOLLOWING:

Certificates of registration issued hereunder shall be signed by the city clerk and shall identify the property providing transient lodging accommodations, shall not be transferable, and shall be kept posted in plain view by the registrant in the lobby or entrance area of the place registered, and shall be exhibited on demand to a city official.

5.40.050 Certificates of payment of taxes.

DELETE IN ITS ENTIRETY

~~A. Every hotel, at the time of initial registration and upon all renewals of such registration shall submit, with its registration or renewal application, a certificate executed by the collector of taxes that all debts or charges, as described in Section 4.04.140 of the City Code, and the tax imposed by Section 44-18-36.1, Rhode Island General Laws, have been paid and are current, with no outstanding balances. No certificate of registration shall be issued or renewed without said tax certificate.~~

~~B. Each hotel must make payment of the taxes imposed by Section 44-18-36.1, Rhode Island General Laws, on a monthly basis in order to remain current and in good standing for registration purposes. Failure to do so shall result in the revocation of the certificate of registration and an enforcement action, as described in Section 5.04.060.~~


~~C. Each guest house with one or more rooms, at the time of initial registration and upon all renewals of such registration shall submit, with its registration or renewal application, a certificate executed by the Collector of Taxes that all debts or charges, as described in Section 4.04.140 of the City Code, and the tax imposed by Section 44-18-18, Rhode Island General Laws, if applicable, having been paid and are current with no outstanding balances. No certificate of registration shall be issued or renewed without said tax certificate.~~

ADD IN LIEU THEREOF THE FOLLOWING

- A. Every transient guest facility, at the time of initial registration and upon all renewals of such registration shall submit, with its registration or renewal application, a certificate executed by the collector of taxes that all debts or charges, as described in Section 4.04.140 of the City Code, and the tax imposed by Section 44-18-36.1, Rhode Island General Laws, have been paid and are current, with no outstanding balances. No certificate of registration shall be issued or renewed without said tax certificate.
- B. Each transient guest facility must make payment of the taxes imposed by Section 44-18-36.1, Rhode Island General Laws, on a monthly basis in order to remain current and in good standing for registration purposes. Failure to do so may result in the revocation of the certificate of registration and other enforcement action, as may be authorized by law.
- C. Any person or entity who violates the provisions of Section 5.40.020 by failing to register their Transient Guest Facility shall be fined not to exceed the maximum fine allowed to be imposed by the Newport Municipal Court with a separate offense deemed to have been committed each day during or on which a violation or noncompliance occurs or continues.

SECTION 2. This ordinance shall take effect upon its passage and any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

IN COUNCIL  
READ AND PASSED  
JANUARY 22, 2020

  
Laura C. Swistak  
City Clerk