**Chapter 28 MISCELLANEOUS OFFENSES AND PROVISIONS**

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### ARTICLE XVIII. LODGING FACILITIES

#### DIVISION 1. GENERALLY

Sec. 28-601. Definitions.

As used in this article, the following words, terms and phrases shall have the meanings assigned to them in this section, unless the context of their usage clearly indicates a different meaning:

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*Lodging facility* means an establishment that furnishes lodging to three or more persons, each of whom ~~who~~ are unrelated to the owner of the establishment and to each other by consanguinity or affinity as determined under sections 573.022 and 573.024 of the Texas Government Code. The term "lodging facility" shall not include: (1) a boarding home, as defined in article XIV of this chapter, (2) a hotel or bed and breakfast facility, each as defined in article VI of this chapter, or (3) a single-family residential building, condominium, or townhouse that is owner-occupied for at least three months of the year each year.

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#### DIVISION 2. PERMITS

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Sec. 28-613. Application for permit.

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(b) *~~Request for inspection.~~* ~~At the time of submission of the application, the owner or operator of a lodging facility shall submit a request to the building official for the lodging facility inspection described in section 28-616 of this Code.~~ *Certificate of occupancy and inspection*. The application shall be accompanied by the following:

(1) A copy of the facility certificate of occupancy;

(2) Proof that the facility has passed an inspection described in section 28-616 of this Code.

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Sec. 28-615. Operating requirements.

(a) *Certificate of occupancy*. The owner or operator of a facility shall maintain a certificate of occupancy for every building of the facility except as otherwise allowed under the Building Code.

(b) *Posting.* The owner or operator of a lodging facility shall prominently and conspicuously post the permit issued for display in a public area of the lodging facility that is readily available to residents and visitors.

(~~b~~c) *Framed beds.* The owner or operator of a lodging facility shall, if providing a bed, provide a separate framed bed at least six feet long and three feet wide equipped with supportive springs and clean supportive mattresses 24 hours a day.

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Sec. 28-616. Inspections.

(a) Upon receipt of a request by the owner or operator of a lodging facility for an inspection to confirm that the lodging facility is in compliance with this Code, including the Fire Code and the Construction Code, the building official shall meet with the owner or operator to determine whether the lodging facility will require either a new or amended certificate of occupancy.

(1) If the building official determines that the owner or operator possesses a certificate of occupancy for the lodging facility that is appropriate for the proposed use, the building official shall schedule the lodging facility for a lodging facility inspection, upon receipt of payment of the fee stated in the city fee schedule; ~~or~~

(2) If the building official determines that the owner or operator possesses a certificate of occupancy for the lodging facility that is not appropriate for the proposed use, the building official shall schedule the lodging facility for a certificate of occupancy inspection, upon payment of any fee required therefor in the Construction Code; or

(3) If the building official determines that the owner or operator does not possess a certificate of occupancy for the lodging facility ~~and a certificate of occupancy will be required for the proposed use~~, the building official shall schedule the lodging facility for a certificate of occupancy inspection, upon payment of any fee required therefor in the Construction Code~~; or~~

~~(4) If the building official determines that a certificate of occupancy will not be required for the proposed use of the lodging facility, the building official shall schedule the lodging facility for a lodging facility inspection, upon payment of any fee required therefor in the Construction Code~~.

The building official shall notify the lodging facility operator of the date and time scheduled for the inspection.

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