



**CITY OF NEWPORT
COUNCIL WORKSHOP MEETING
NEWPORT CITY HALL
JANUARY 21, 2016
IMMEDIATELY FOLLOWING THE NEDA MEETING**

MAYOR: Tim Geraghty
COUNCIL: Tom Ingemann
Bill Sumner
Tracy Rahm
Dan Lund

City Administrator:
Supt. of Public Works:
Fire Chief:
Asst. to the City Admin:

Deb Hill
Bruce Hanson
Steven Wiley
Renee Eisenbeisz

AGENDA

1. ROLL CALL
2. DISCUSSION REGARDING INSPECTIONS FOR HOTELS AND MOTELS
3. ADJOURNMENT



MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Assistant to the City Administrator

DATE: January 14, 2016

SUBJECT: Long-Term Stays at Motels

BACKGROUND

Recently, Councilmember Lund received a complaint regarding the conditions of a room at Boyd's Motel where a couple was living for seven years. The couple was renting a room on a week-by-week basis. Per Section 1160.01, the rental dwelling ordinance does not apply to suites and sleeping rooms in hotels which are let to the public for periods of less than one week. Since they were renting the room on a weekly basis, they are not violating Section 1160 by failing to register as a rental. However, the City's definition of a motel requires the units to be of "transient occupancy" which means temporary. According to Sherri Buss, if an occupant of the motel does not have another primary residence, the occupancy is violating the City's zoning ordinance.

The same individual that sent the complaint to Councilmember Lund also sent a complaint to the County and the County completed two inspections of Boyd's Motel. Please see the attached letter that was sent to Boyd's Motel regarding the two inspections and their inspection reports from 2013 and 2015.

The Washington County Department of Public Health and Environment licenses and inspects motels, hotels, and lodging establishments per County Ordinance #181 (see attached document) which incorporates the State's lodging rules. The County conducts the inspections at least bi-annually or more frequently when a complaint is received. The County's ordinance requires all rooms to be serviced in the same manner, meaning that they must be kept clean and in good repair at all times and linens must be changed at least weekly.

DISCUSSION

The City Council will need to discuss whether or not they want to start requiring Boyd's Motel and Red Rock Lodge to register as a rental unit if they are going to have occupants stay longer than a week. Staff contacted several neighboring cities to see if they require hotels or motels to register as a rental property for long-term stays and none of them do. Extended stay situations are not uncommon in hotels and motels. For instance, construction workers might need an extended stay due to work in the area or a family may be displaced due to a fire and need to stay in a hotel or motel.

Staff feels that since the County is already issuing licenses and conducting inspections, the City does not need to add on to that and require rental licenses.

RECOMMENDATION

It is recommended that the City Council provide direction on this matter.



**Department of Public
Health and Environment**

Lowell Johnson
Director

David Brummel
Deputy Director

December 31, 2015

Boyd's Motel
Attn: Dhavalkumar Bhakta
1700 Hastings Ave
Newport, MN 55055

Re: Complaint of Living Conditions of Room #24 and General Living Conditions Throughout the Motel

Dear Mr. Bhakta:

On December 21 and December 30, 2015 I conducted a site investigation along with Doug Dyer, Sr. Environmental Specialist, in response to a complaint alleging the inadequate living conditions of rooms at this motel. Present during the December 21, 2015 visit were Mr. Dayha Bhakta and Mr. Bruce Sorenson. Present during the December 30, 2015 visit were Mr. Udaykumar Bhakta and Mr. Dayha Bhakta.

Building exteriors, common areas (ex. Housekeeping room, laundry room) and unit numbers 3, 10, 13, 17, 21, 22, 23, and 24 were inspected during the investigation. Some rooms were occupied and some rooms were unoccupied during the investigation. Room #24 is currently unoccupied and will be completely remodeled prior to being rented to another person. Discussion occurred regarding units that are being rented on a weekly basis (such as #24) and ensuring that ownership has access to these rooms on a periodic basis to verify that physical facilities within the rooms are being maintained.

Conditions were observed that are in violation of the MN Lodging Code Ch. 4625 and Washington County Lodging Ordinance #181.

Comply with the following orders by December 31, 2015:

- 1) Repair any holes in exterior soffits/fascia. Scrap peeling paint and re-paint all exterior soffits/fascia/beams, etc (4625.0400). First floor exterior improvements have been made, however 2nd floor improvements needed. As discussed, these improvements are scheduled to be improved in Spring 2016.
- 2) Room #3 – Clean and maintain floor area under and behind drawers within closet (4625.0500).
- 3) Provide disposable towels and handwashing sign near laundry room designated handwashing sink adjacent to toilet. Ensure that employees are washing hands are using toilet (4625.1200 & 4625.1400).
- 4) Do not store single service products under or adjacent to cleaning agents or toxic chemicals. Observed disposable cups adjacent to cleaning/toxic chemicals within housekeeper room during investigation (4625.1500).
- 5) Post no smoking signs within employee areas in accordance with the Minnesota Clean Indoor Air Act. Observed no signs within housekeeper room and laundry room (MN Statute 144.416). Strong smoking odor present within housekeeper room.

Comply with the following orders by June 1, 2016 (note: some or all of these rooms may be completely remodeled, similar to unit #24):

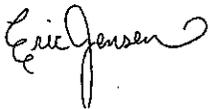
- 1.) Room #10 – Replace worn window curtains/draperies (4625.1200). Remove grout that has become chipped/moldy around tub and provide new sealed grout (4625.0500).
- 2.) Room #13 – Remove water damaged ceiling tiles throughout room (4625.0600). Ensure that the source of the problem has been repaired (roof recently replaced). Provide mechanical ventilation to outdoors within the bathroom (4625.1200). No ventilation exists. Clean/re-paint walls within bathroom (4625.0600). Repair window crank case so that the window is easily opened (4625.0400). Provide baseboards where missing within bathroom (4625.0600).
- 3.) Room #17 – Provide tight fitting window with trim finish around window within bathroom. Reportedly the window will be replaced (4625.0400).
- 4.) Room #22 - Repair window crank case and window pane so that the window pane is free of holes and window is easily opened (4625.0400). Clean/re-paint ceiling within bathroom (4625.0600). Repair cracks in walls throughout room and re-paint (4625.0600).
- 5.) Room #23 – Replace broken window within sleeping area (4625.0400). Provide window that can be easily opened within bathroom (4625.1200). Remove water damaged ceiling tiles throughout room (4625.0600). Ensure that the source of the problem has been repaired (roof recently replaced). Secure wall paneling throughout room (4625.0600). Replace damaged subfloor and provide new approved floor finish within bathroom (4625.0500). Resurface or provide new tub/wall around tub (4625.1200). Tub/walls are stained and/or chipped.

Ensure that all applicable local municipal permits are obtained prior to making improvements.

A follow up meeting will occur when you return from India at the end of January to discuss housekeeping practices and continued room maintenance of long term stay guests, as well as the construction improvements identified above.

If you have any questions or concerns, please call me at 651-430-4044.

Sincerely,



Eric Jensen
Senior Environmental Specialist

Cc: Bob LaBrosse, City of Cottage Grove Building Official
Renee Eisenbeisz, City of Newport
Kris Keller, Program Supervisor

Type: Follow-Up
Date: 03/16/15
Time: 15:14:31
Report: 4604151003

Lodging Establishment Inspection Report

Page 1

Location:

Boyd's Motel
1700 Hastings AVE
Newport, MN55055
Washington County, 82

Establishment Info:

ID #: 4325
Risk: Low
Announced Inspection: Yes

License Categories:

MH-22

Expires on: 12/31/14

Operator:

Nil Kanth Corporation

Phone #: 6514599896
ID #:

The violations listed in this report include any previously issued orders and deficiencies identified during this inspection. Compliance dates are shown for each item.

The following orders previously issued on 02/26/15 have NOT been corrected.

5 SCREENING: DOORS, WINDOWS, OPENINGS SCREENED, OTHER METHODS

05A1

Severity Level: 2

4625.0700. Provide screening of at least 16 mesh to the inch for all outside doors and windows, except windows located above fourth floor elevation, to prevent the entrance of insects.

...PROVIDE SCREEN WHERE MISSING FOR WINDOW WITHIN ROOM #19.

Issued on: 02/26/15

Comply By: 02/27/15

18 TOILETS, SHOWERS: DOORS SELF CLOSING, ROOMS VENTILATED

18A3

Severity Level: 1

4625.1200. Provide adequate natural or mechanical ventilation within all toilet rooms.

...PROVIDE MECHANICAL VENTILATION FOR ALL TOILET ROOMS WHERE NATURAL VENTILATION (EG. WINDOWS) ISN'T PROVIDED ALREADY. OBSERVED NO NATURAL OR MECHANICAL VENTILATION IN ROOM #17.

Issued on: 02/26/15

Comply By: 05/26/15

No NEW orders were issued during this inspection.

Total Points (All Re-Issued Orders): 3
Total Points (All New Orders): 0
Total Score This Report: 97

Screen for #19 needs to be picked up from hardware store

Window for #17 will be worked on soon

All other orders have been complied with

Type: Follow-Up
Date: 03/16/15
Time: 15:14:31
Report: 4604151003
Boyd's Motel

Lodging Establishment Inspection Report

Page 2

Inspected rooms 10, 17, and 19

110* F, hot water temp, #10

120* F, hot water temp, #19

NOTE: Plans and specifications must be submitted for review and approval prior to new construction, remodeling or alterations to the premises or its facilities.

I acknowledge receipt of the Washington County inspection report number
4604151003 of 03/16/15.

Inspection report reviewed with person in charge and emailed.

Signed: Sent By Email
Dhavalkumar Bhakta
Owner

Signed: Eric Jensen
Eric Jensen
Senior Environmental Specialist
Cottage Grove Service Center
651-430-4044
eric.jensen@co.washington.mn.us

Washington County
Dept of Public Health & Environment
14949 62nd ST N
Stillwater MN 55082-0006
651-430-6655

Type: Full
Date: 02/26/15
Time: 15:10:54
Report: 4604151002

Lodging Establishment Inspection Report

Page 1

Location:

Boyd's Motel
1700 Hastings AVE
Newport, MN55055
Washington County, 82

Establishment Info:

ID #: 4325
Risk: Low
Announced Inspection: No

License Categories:

MH-22

Expires on: 12/31/14

Operator:

Nil Kanth Corporation

Phone #: 6514599896

ID #:

The violations listed in this report include any previously issued orders and deficiencies identified during this inspection. Compliance dates are shown for each item.

The following orders previously issued on 03/19/13 have NOT been corrected.

4 WALLS, CEILINGS: CLEAN, GOOD REPAIR, PROPER CONSTRUCTION

04A2 *Severity Level: 2*

4625.0600. Clean and maintain clean all ceiling surfaces throughout the establishment.
...CLEAN AND MAINTAIN CEILING SURFACE WITHIN ROOM #19 BATHROOM.

Issued on: 03/19/13

Comply By: 03/19/13

21 WATER SUPPLY: HOT WATER TEMPERATURE 130 F.

21A1 *Severity Level: 4*

4625.1300. Lower the temperature of the hot water provided to ensure that the water temperature does not exceed 130 degrees Fahrenheit in any public area or guest room including, but not limited to, lavatories and bathing facilities.

...LOWER HOT WATER TEMPERATURE IN BUILDING THAT SERVES ROOM #10 SO THAT HOT WATER DOES NOT EXCEED 130* F. OBSERVED 148* F FOR ROOM #10 DURING INSPECTION.

Issued on: 03/19/13

Comply By: 03/19/13

The following orders were issued during this inspection.

3 FLOORS: CONSTRUCTION, CLEAN, GOOD REPAIR

03A1 *Severity Level: 2*

4625.0500. Clean and maintain clean floor surfaces throughout the establishment.
...CLEAN AND MAINTAIN FLOOR BENEATH BED(S) FOR ROOM #17.

Comply By: 02/26/15

Type: Full
Date: 02/26/15
Time: 15:10:54
Report: 4604151002
Boyd's Motel

Lodging Establishment Inspection Report

Page 2

3 FLOORS: CONSTRUCTION, CLEAN, GOOD REPAIR

03A1 *Severity Level: 2*

4625.0500. Clean and maintain clean floor surfaces throughout the establishment.

...CLEAN AND MAINTAIN FLOORS BENEATH BEDS FOR ROOM #19.

Comply By: 02/26/15

4 WALLS, CEILINGS: CLEAN, GOOD REPAIR, PROPER CONSTRUCTION

04A2 *Severity Level: 2*

4625.0600. Clean and maintain clean all ceiling surfaces throughout the establishment.

...CLEAN AND MAINTAIN CEILING WITHIN TOILET ROOM FOR ROOM #17.

Comply By: 02/26/15

4 WALLS, CEILINGS: CLEAN, GOOD REPAIR, PROPER CONSTRUCTION

04A4 *Severity Level: 2*

4625.0600. Repair the walls to be easily cleanable, in sound condition, and free of peeling paint, cracks, and holes.

...REPAIR DAMAGED WALL WITHIN LIVING AREA OF ROOM #19.

Comply By: 03/05/15

5 SCREENING: DOORS, WINDOWS, OPENINGS SCREENED, OTHER METHODS

05A1 *Severity Level: 2*

4625.0700. Provide screening of at least 16 mesh to the inch for all outside doors and windows, except windows located above fourth floor elevation, to prevent the entrance of insects.

...PROVIDE SCREEN WHERE MISSING FOR WINDOW WITHIN ROOM #19.

Comply By: 02/27/15

15 ROOM FURNISHINGS: CLEAN, GOOD REPAIR

15A3 *Severity Level: 2*

4625.1100. Keep all furnishings including windows, draperies, curtains, and carpets clean and free of dust, dirt, vermin, and other contaminants.

...CLEAN AND MAINTAIN WINDOW SILLS WITHIN ROOM #17.

Comply By: 02/26/15

18 TOILETS, SHOWERS: DOORS SELF CLOSING, ROOMS VENTILATED

18A3 *Severity Level: 1*

4625.1200. Provide adequate natural or mechanical ventilation within all toilet rooms.

...PROVIDE MECHANICAL VENTILATION FOR ALL TOILET ROOMS WHERE NATURAL VENTILATION (EG. WINDOWS) ISN'T PROVIDED ALREADY. OBSERVED NO NATURAL OR MECHANICAL VENTILATION IN ROOM #17.

Comply By: 05/26/15

Type: Full
Date: 02/26/15
Time: 15:10:54
Report: 4604151002
Boyd's Motel

Lodging Establishment Inspection Report

19 TOILETS, SHOWERS: CLEAN, GOOD REPAIR, SIGNS POSTED

19B1 *Severity Level: 2*

4625.1200. Provide or replace waterproof caulk around bathtubs, showers, and wall hung lavatories to provide a watertight seal between the fixture and the wall and/or floor surface.

...PROVIDE SEAL WHERE CAULKING IS CRACKED/MISSING INSIDE AND OUTSIDE OF TUB FOR ROOM #10.

Comply By: 02/27/15

19 TOILETS, SHOWERS: CLEAN, GOOD REPAIR, SIGNS POSTED

19B1 *Severity Level: 2*

4625.1200. Provide or replace waterproof caulk around bathtubs, showers, and wall hung lavatories to provide a watertight seal between the fixture and the wall and/or floor surface.

...PROVIDE SEAL WHERE CAULKING IS CRACKED/MISSING AROUND SINK IN ROOM #19.

Comply By: 02/27/15

21 WATER SUPPLY: HOT WATER TEMPERATURE 130 F.

21A1 *Severity Level: 4*

4625.1300. Lower the temperature of the hot water provided to ensure that the water temperature does not exceed 130 degrees Fahrenheit in any public area or guest room including, but not limited to, lavatories and bathing facilities.

...LOWER HOT WATER TEMP FOR WATER HEATER SERVING ROOM #19 AND OTHERS ON THIS WATER HEATER. OBSERVED 150* F DURING INSPECTION FOR THIS ROOM. THIS WATER HEATER IS SEPARATE THAN THE ONE SERVING ROOM #10.

Comply By: 02/26/15

Total Points (All Re-Issued Orders):	6
Total Points (All New Orders):	21
Total Score This Report:	73

22 total units

All occupied except for units 17 and 19, which were inspected during visit

19 was inspected as well, however occupied

All smoke alarms are functioning and now have carbon monoxide detectors built in

Gerry's services fire extinguishers and they are due this month for annual servicing

115* F hot water temp, room #17

148* F, hot water temp, room #10

Lodging Establishment Inspection Report

Type: Full
Date: 02/26/15
Time: 15:10:54
Report: 4604151002
Boyd's Motel

150* F, hot water temp, room #19 (separate water heater from other two rooms inspected)

All rooms serviced/cleaned daily for occupied rooms; towels provided daily to all rooms; sheets provided weekly or upon request

NOTE: Plans and specifications must be submitted for review and approval prior to new construction, remodeling or alterations to the premises or its facilities.

I acknowledge receipt of the Washington County inspection report number 4604151002 of 02/26/15.

Inspection report reviewed with person in charge and emailed.

Signed: Sent By Email
Dhavalkumar Bhakta
Owner

Signed: Eric Jensen
Eric Jensen
Senior Environmental Specialist
Cottage Grove Service Center
651-430-4044
eric.jensen@co.washington.mn.us

Type: Full
Date: 03/19/13
Time: 11:32:45
Report: 4604131002

Lodging Establishment Inspection Report

Page 1

Location:

Boyd's Motel
1700 Hastings AVE
Newport, MN55055
Washington County, 82

Establishment Info:

ID #: 4325
Risk: Low
Announced Inspection: Yes

License Categories:

MH-22

Operator:

Nil Kanth Corporation

Expires on: 12/31/13

Phone #: 6514599896

ID #:

The violations listed in this report include any previously issued orders and deficiencies identified during this inspection. Compliance dates are shown for each item.

The following orders were issued during this inspection.

4 WALLS, CEILINGS: CLEAN, GOOD REPAIR, PROPER CONSTRUCTION

04A2

Severity Level: 2

4625.0600. Clean and maintain clean all ceiling surfaces throughout the establishment.

...CLEAN AND MAINTAIN CEILING SURFACE WITHIN ROOM #S 15 AND 19 BATHROOMS.

Comply By: 03/19/13

4 WALLS, CEILINGS: CLEAN, GOOD REPAIR, PROPER CONSTRUCTION

04A4

Severity Level: 2

4625.0600. Repair the walls to be easily cleanable, in sound condition, and free of peeling paint, cracks, and holes.

...REPAIR DAMAGED/LOOSE WALL PANELING WITHIN ROOM 15.

Comply By: 05/19/13

5 SCREENING: DOORS, WINDOWS, OPENINGS SCREENED, OTHER METHODS

05A2

Severity Level: 2

4625.0700. Repair or replace damaged window screens, door screens, and other screened surfaces and maintain free of holes or tears.

...REPAIR OR REPLACE DAMAGED SCREEN WITHIN BATHROOM IN ROOM 15.

Comply By: 04/19/13

Type: Full
Date: 03/19/13
Time: 11:32:45
Report: 4604131002
Boyd's Motel

Lodging Establishment Inspection Report

18 TOILETS, SHOWERS: DOORS SELF CLOSING, ROOMS VENTILATED

18A3 *Severity Level: 1*

4625.1200. Provide adequate natural or mechanical ventilation within all toilet rooms.

...PROVIDE MECHANICAL VENTILATION FOR ALL TOILET ROOMS WHERE NATURAL VENTILATION (EG. WINDOWS) ISN'T PROVIDED ALREADY. OBSERVED NO NATURAL OR MECHANICAL VENTILATION IN ROOM #12.

Comply By: 05/13/11

21 WATER SUPPLY: HOT WATER TEMPERATURE 130 F.

21A1 *Severity Level: 4*

4625.1300. Lower the temperature of the hot water provided to ensure that the water temperature does not exceed 130 degrees Fahrenheit in any public area or guest room including, but not limited to, lavatories and bathing facilities.

...LOWER HOT WATER TEMPERATURE IN BUILDING THAT SERVES ROOM #10 SO THAT HOT WATER DOES NOT EXCEED 130* F. OBSERVED 142* F FOR ROOM #10 DURING INSPECTION.

Comply By: 03/19/13

Total Points (All Re-Issued Orders):	0
Total Points (All New Orders):	11
Total Score This Report:	89

Discussion:

-All previous orders have been corrected with exception to the room #12 outstanding order

-Inspected rooms 10 (142* F), 19 (121* F), and 15 (125* F)

-Smoke alarms all functioning in rooms inspected; Jerry's Fire serviced fire extinguishers in Jan '13

NOTE: Plans and specifications must be submitted for review and approval prior to new construction, remodeling or alterations to the premises or its facilities.

I acknowledge receipt of the Washington County inspection report number
4604131002 of 03/19/13.

Inspection report reviewed with person in charge and mailed.

Signed: Sent By Mail
Dhavalkumar Bhakta
Owner

Signed: Eric Jensen
Eric Jensen
Senior Environmental Specialist
Cottage Grove Service Center
651-430-4044
eric.jensen@co.washington.mn.us

DATE July 6, 2010
MOTION
BY COMMISSIONER Hegberg

DEPARTMENT
SECONDED BY
COMMISSIONER

Public Health & Environment
Weik

**RESOLUTION ADOPTING WASHINGTON COUNTY
LODGING ESTABLISHMENT ORDINANCE NO. 181**

WHEREAS, the Minnesota Local Public Health Act MINN. STAT. CHAPT. 145A., imposes upon the counties the responsibility of protecting and promoting the health of its citizens through the prevention of disease, injury, disability and preventable death, and

WHEREAS, the counties are to advance this mandate through the promotion of effective coordination and use of community resources and by the extension of health services into the community, and

WHEREAS, MINN. STAT. § 145A.03 requires counties to undertake the responsibility of a board of health or establish a board of health; and

WHEREAS, Washington County Department of Public Health and Environment is the county agency given responsibility by the Washington County Board of Health to administer the County's statutory mandate; and

WHEREAS, MINN. STAT. § 145A.04 authorizes counties to enforce laws, regulations and ordinances attendant to the local Board of Health; and

WHEREAS, MINN. STAT. § 145A.05 authorizes county boards to adopt ordinances to regulate actual or potential threats of public health consistent with the Minnesota Local Public Health Act; and

WHEREAS, the Minnesota Department of Health currently regulates and has enforcement authority over lodging establishments; and

WHEREAS, the Minnesota Department of Health wishes to delegate this oversight authority to Washington County through a delegation agreement; and

WHEREAS, on July 6, 2010, the Washington County Board of Commissioners conducted a public hearing pursuant to MINN. STAT. § 375.51, to adopt the Washington County Lodging Establishment Ordinance, Ordinance No 181.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Lodging Establishment Ordinance No. 181.

BE IT FURTHER RESOLVED, that the Washington County Lodging Establishment Ordinance attached hereto shall be effective upon and after the publication of this ordinance according to law and the execution of a delegation agreement.

ATTEST:

James R. Schuy

COUNTY ADMINISTRATOR

Will Pulkrabek

CHAIRMAN, COUNTY BOARD

	YES	NO
HEGBERG	<u> x </u>	___
KRIESEL	<u> x </u>	___
PETERSON	<u> x </u>	___
PULKRABEK	<u> x </u>	___
WEIK	<u> x </u>	___

**WASHINGTON COUNTY - LODGING ESTABLISHMENT ORDINANCE
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Lodging Establishment Ordinance for Washington County

Section 1 Purpose and Authority

- 1.1** The purpose of this Ordinance is to establish standards and authority to protect the public health, safety, and general welfare of the people of Washington County pursuant to powers granted under Minnesota Statutes, Chapters 145A, 157, 327, and 375 as now constituted and from time to time amended. The general objectives of this Ordinance include the following:
- (1) Provide a minimum standard for the design, construction, operation and maintenance of Lodging Establishments;
 - (2) Correct and prevent conditions that may adversely affect persons utilizing Lodging Establishments; and
 - (3) Meet consumer expectations for the quality and safety of Lodging Establishments.
- 1.2** This Ordinance establishes the minimum standards, as defined in Minnesota Statutes, Chapter 157 and 327, Minnesota Rules, Chapter 4625, and this Ordinance, for the design, construction, operation and maintenance of Lodging Establishments located in Washington County, so that health and safety hazards are minimized. Whenever, and if, this Ordinance conflicts with other applicable laws, regulations and Ordinances, the most restrictive shall prevail.
- 1.3** A Lodging Establishment that meets the definition of a Public Water Supply must comply with Minnesota Rules, Chapter 4720 and the Safe Drinking Water Act (Minnesota Statutes, sections 144.381 to 144.387).

Section 2 Scope

- 2.1** This Ordinance shall be applicable to all Lodging Establishments, as defined in Minnesota Statutes, section 157.15, within the scope of, Minnesota Rules, part 4625.0200, and this Ordinance, which are located in Washington County.

Section 3 Administration

- 3.1** This Ordinance shall be administered by the Washington County Department of Public Health and Environment, hereinafter referred to as the “Department” or the “Health Authority.”
- 3.2** All of the provisions of the Washington County Administrative Ordinance shall apply as if fully set forth herein.

Section 4 Definitions

- 4.1** For the purpose of this Ordinance, definitions of words, phrases, and terms used in this Ordinance shall be those set forth in Minnesota Statutes, Chapter 157, Minnesota Rules, Chapter 4625, and the Washington County Food Code Ordinance. The following words

shall have the following meanings:

- (1) **Approved** shall mean acceptable to the Health Authority following the Health Authority's determination as to conformity with established public health practices.
- (2) **Bed and Breakfast** shall mean a private home where sleeping accommodations are offered for one or more nights for Transient Use to no more than ten (10) persons; in addition, a breakfast meal is served on the premises.
- (3) **Boarding Establishment** shall mean a food and beverage service establishment where food or beverages, or both, are furnished to five (5) or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.
- (4) **Change or Transfer of Ownership** shall mean a legal transaction whereby the ownership of an establishment is changed from one person to another person. This transaction can occur by sale, exchange, repossession, or other legal means.
- (5) **Clean** shall mean the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.
- (6) **County** shall mean Washington County.
- (7) **County Board** shall mean the Washington County Board of Commissioners.
- (8) **Department** shall mean the Washington County Department of Public Health and Environment and shall be synonymous with the term "Health Authority."
- (9) **Good Repair** shall mean free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions and similar defects so as to constitute a good and sound condition.
- (10) **Health Authority** shall mean the Washington County Department of Public Health and Environment, its Director or other designated agent. The use of the term "Health Authority" shall be synonymous with the term "Department."
- (11) **Hotel or Motel** shall mean any building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.
- (12) **Imminent Health Hazard** shall mean a significant threat or danger to health that exists when there is evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation.

- (13) **Licensee** shall mean the Person who has been given the authority by the issuance of a license by the County to establish, operate, manage, and/or maintain a facility or activity regulated by County Ordinances or as otherwise designated in the County Ordinance.
- (14) **Lodging Establishment** shall mean a building, structure, enclosure, or any part thereof use as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public.
- (15) **Person** shall mean an individual, firm, partnership, corporation, association, or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.
- (16) **Public Water Supply** shall have the meaning given to “public water system” in the Federal Safe Drinking Water Act.
- (17) **Public Water System** shall mean a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any “special irrigation district.” A public water system is either a “community water system” or a “non-community water system.”
- (18) **Remodeling** shall mean an addition or change to the physical facility or an equipment installation that results from changes in the services or menu offered to the public. Remodeling does not include redecorating or cosmetic refurbishing.
- (19) **Resort** shall mean any building, structure, enclosure, or any part thereof, located on, or on property neighboring any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.
- (20) **Seasonal** shall mean an operation which is closed five (5) or more consecutive months of the year or more.
- (21) **Transient Use** shall mean that the persons using the facility are not regular boarders and that stays at the facility are temporary and generally for less than one (1) week.

- (22) **Usable Floor Space** shall mean all floor space in a sleeping room not occupied by closets, toilet rooms, showers or bathrooms.
- (21) **Variance** shall mean a modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.

Section 5 Licensing and Fees

- 5.1** No Person shall operate a lodging establishment, as defined in Minnesota Statutes, section 157.15 of the Washington County Food Code Ordinance, or this Ordinance, unless a license for the current year of the applicable type shall have been obtained pursuant to this Ordinance from the Health Authority.
- 5.2** Only a Person who complies with the requirements of this Ordinance shall be entitled to receive a license. Licenses shall not be transferable as to Person or place. The original copy of all licenses obtained for a lodging establishment shall be conspicuously located for public inspection.
- 5.3** Fees for licenses, plan reviews and other services shall be those established by the County Board. Additional fees may be charged for each additional service which is separate, distinct or unique, as determined by the Health Authority.
- 5.4** Lodging Establishments that Change Ownership or otherwise begin operations at various times during the year shall have their license fees prorated as follows:
- (1) Seventy-five percent (75%) of the total required license fees for establishments beginning operations on or after April 1, but before July 1;
 - (2) Fifty percent (50%) of the total required license fees for establishments beginning operations on or after July 1, but before October 1;
 - (3) Twenty-five percent (25%) of the total required license fees for establishments beginning operations on or after October 1, but on or before December 31.
- This proration of license fees is applicable only to the total required license fee. It does not include any required plan review fees or other fees which may be applicable. Proration of fees does not apply to Lodging Establishments that operate on a Seasonal basis.
- 5.5** If the Health Authority receives plans and specifications for a Lodging Establishment less than thirty (30) calendar days before construction or Remodeling begins, fifty percent (50%) of the original plan review fee will be assessed for a late fee.
- 5.6** Licenses are valid through December 31 annually. License renewal applications shall be received by the Health Authority by December 1 of each year.
- 5.7** The application for licenses shall be made on forms furnished by the Health Authority and shall set forth the general nature of the business, the location, and other information as the Health Authority may require. The issuance of such licenses and their

maintenance, termination and administration shall be in accordance with and subject to all conditions of the Washington County Administrative Ordinance relative to the general requirements for licenses in Washington County.

- 5.8** Late penalty fees for Lodging Establishments shall be assessed as described in the Administrative Ordinance.
- 5.9** An existing Lodging Establishment that has been out of business for more than thirty (30) calendar days is considered a new establishment when re-opening with the same ownership and is subject to a pre-licensing inspection.
- 5.10** A license granted by the Department means that the requirements of the Department for conducting the licensed business have been met. There may be additional legal requirements, including requirements from other governmental entities that must be met in order to conduct the business. The granting of a license by the Department does not exempt the business from any additional legal requirements, nor does it mean those requirements have been met.

Section 6 Inspections

- 6.1** The Health Authority shall inspect licensed Lodging Establishments as frequently as necessary to ensure compliance with this Ordinance, but not less than the minimum frequency established by Minnesota Statutes 157.20.
- 6.2** The Health Authority shall have the right to enter and have access to the Lodging Establishment at any time during the conduct of business. No persons shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make such inspections.
- 6.3** The Health Authority shall inspect each Lodging Establishment prior to issuing a license for a new establishment or Change of Ownership. A license shall not be issued until the corrections required by the Health Authority, as a result of the pre-licensing inspection, have been made to the satisfaction of the Health Authority.
- 6.4** Each inspection report may be posted by the Health Authority upon an inside wall of the Lodging Establishment, not in a public area, and such inspection report shall not be defaced or removed by any person except the Health Authority. The posting of the inspection report on the inside wall of the establishment shall constitute service of an official notification by the Health Authority. The Health Authority may, in lieu of posting such reports, deliver it in person to the Licensee or his authorized agent, or deliver it by certified or registered mail. A copy of the inspection report shall be filed with the records of the Health Authority with the name of the operator and owner.
- 6.5** All Licensees, owners or operators of Lodging Establishments having a report posted in the establishment or having received a report giving notification of one or more violations of this Ordinance shall correct or remove each violation in the length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report. The failure to remove or

correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this Ordinance.

Section 7 Standards for Health and Safety

- 7.1** Minnesota Rules, Chapter 4625, in effect on the effective date of this Ordinance, and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.
- 7.2** Whenever a Lodging Establishment is constructed or Remodeled or whenever an existing structure is converted to use as an establishment which would be licensed under the provisions of this Ordinance, properly prepared plans and specifications for each construction, Remodeling or conversion shall be submitted, along with the appropriate plan review fee, to the Health Authority for review and approval at least thirty (30) calendar days prior to the time that construction, Remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout; mechanical, plumbing, and electrical specifications; construction materials and location; equipment specifications; and menu. The plans and specifications shall be submitted in the form requested by the Department. The Lodging Establishment shall be constructed and finished in accordance with the approved plans.
- 7.3** A Lodging Establishment that meets the definition of a Public Water Supply must comply with Minnesota Rules, Chapter 4720 and the Safe Drinking Water Act (Minnesota Statutes, sections 144.381 to 144.387).
- 7.4** Food service operations within a Lodging Establishment shall also comply with the Washington County Food Code Ordinance. Public Pools within a Lodging Establishment shall comply with the Washington County Public Pool Ordinance. Lodging establishments that have a Subsurface Sewage Treatment System shall also comply with the Washington County Subsurface Sewage Treatment System Ordinance.

Section 8 Variances

- 8.1** A Variance from this Ordinance may be granted if it is deemed that the strict enforcement of any provision of the standards of the Ordinance would cause unnecessary hardship or that strict conformity with the standards would be unreasonable and impractical or not feasible under the circumstances. The Department may permit a Variance upon such conditions as it may prescribe for management consistent with the general purposes and intent of the applicable Ordinance and of all other applicable state and local regulations and laws.
- 8.2** Variances will be granted in accordance with the procedures defined in the Washington County Administrative Ordinance and Minnesota Rules, part 4717.7000, subpart 1 (D).

Section 9 Enforcement

- 9.1** Any Person who violates a provision of this County Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. A separate

offense shall be deemed committed upon each day during or on which a violation occurs or continues.

- 9.2** In addition to any other remedy provided by law, in the event of a violation or a threat of a violation of this Ordinance, the Health Authority may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in Court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.
- 9.3** The Health Authority may, in lieu of or in addition to issuance of a citation, order the Licensee, owner or operator to appear for an informal hearing at the Washington County Government Center, located at 14949 62nd Street North, Stillwater, Minnesota, at the time and date prescribed by the Health Authority. The Licensee, owner or operator must be given written notice at least twenty four (24) hours in advance of the informal hearing and such notice shall specify the Ordinance violations to be discussed. Failure to appear shall constitute a violation of this Ordinance.
- 9.4** Citations may be issued by the Health Authority and the Health Authority may suspend, summary suspend and revoke licenses in accordance with the Washington County Administrative Ordinance.

Section 10 Severability

- 10.1** If any provision or application of any provisions of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

Section 11 Effective Date

- 11.1** This Ordinance shall be effective upon passage by the County Board and publication according to law.