

WASECA COUNTY LODGING ORDINANCE No. 100

Adopted June 6, 1978 Effective July 1, 2010

Amended May 18, 2010

WASECA COUNTY LODGING ORDINANCE
I N D E X

Section I
Purpose3

Section II
Scope3

Section III
Authority3

Section IV
Definitions3-5

Section V
License Needed. 5

Section VI
Application for a license 5

Section VII
License Fees6

Section VIII
Inspection 6

Section IX
Suspension of License7

Section X
Revocation of License7

Section XI
Appeals Board 7-8

Section XII
The Construction, Maintenance and Equipment of Lodging Establishments shall be regulated
as follows:8-12

Section XIII
Severability.....12

Section XIV
Penalties.....12

Section XV
Effective Date.....13

An Ordinance providing for the Inspection and Licensing of Hotels, Motels, Lodging establishments, Lodging House, Bed and Breakfast, Boarding House, Resort or similar facility; Regulating their Design, Construction, Operation and Maintenance and providing for the Administration and Enforcement of thereof be and hereby is established as follows:

SECTION I – PURPOSE

The purpose of this ordinance is to establish standards for all lodging establishments and to protect the health, safety and general welfare of the people of Waseca County, including the following general objectives:

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.

SECTION II – SCOPE

This ordinance shall provide for the licensing and inspection of all lodging establishments; regulation of the design, construction, operation and maintenance of such establishments; and the enforcement of violations of this ordinance.

This ordinance shall be applicable to all lodging establishments, such as hotels, motels, lodging houses, bed and breakfasts and resorts as defined in Minnesota Statutes, Chapter 157.

SECTION III – AUTHORITY

This ordinance is enacted pursuant to Minnesota Statute Chapter 157 which establishes the authority for the State to license lodging establishments and Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with Counties or Cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.

SECTION IV – DEFINITIONS

For the purpose of this regulation, the following definitions will apply:

- 4.1 Administrator as specified herein shall mean the Le Sueur / Waseca Community Health Services Administrator and any related staff acting under the Board’s authority.
- 4.2 Approved shall mean acceptable to the Health Authority following its determination as to conformity with departmental standards and established public health practices.

- 4.3 Bed & Breakfasts are owner occupied establishments which offer lodging and breakfast, without a limitation on the number of rooms offered. If breakfast is offered to more than 10 persons, a commercial kitchen is required.
- 4.3 Board shall mean the Le Sueur / Waseca Community Health Board as defined in Minnesota Statute 145A.02, Subdivision 2.
- 4.4 Boarding House shall mean every building or structure or enclosure, or any part thereof, used as, maintained as, or advertised as, or held out to be an enclosure where meals or lunches are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.
- 4.5 Clean shall mean absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.
- 4.6 Employee shall mean and include any person whose duties include the cleaning, maintenance, or housekeeping of any part of the building or buildings, the rendering of service to guests or performing duties of any type in connection with the operation of a lodging house or resort.
- 4.7 Garbage shall mean all putrescible organic waste resulting from the handling, storage, preparation, or cooking of food, as well as including refuse, such as paper, plastics, and cardboard that are contaminated with putrescible organic wastes.
- 4.8 Grade shall mean the average of the finished ground level at the center of the exterior walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalks.
- 4.9 Health Authority shall mean the Le Sueur / Waseca Community Health Board and its Public Health staff as specified herein.
- 4.10 Hotel-Motel shall mean a building, structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.
- 4.11 Infestation shall mean the presence, within or around a dwelling of any insects, rodents, or other pests.
- 4.12 Lodging establishment shall mean a hotel, lodging house, boarding house, resort or similar facility where sleeping facilities are offered to the public.
- 4.13 Lodging House shall mean every building or structure, or any part thereof, kept, used 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.
- 4.14 Person shall include an individual, partnership, corporation, association, or other legal entity.

- 4.15 Resort shall mean any building, structure, or enclosure, or any part thereof, located on, or on property neighboring any lake, stream, skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained or advertised as, or held out to the public to be an enclosure 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.
- 4.16 Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping.
- 4.17 Rooming House shall mean the same as lodging house.
- 4.18 Repair. The term "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.
- 4.19 Usable Floor Space shall mean all floor space in a sleeping room not occupied by closets, toilet rooms, showers, or bathrooms.

SECTION V - LICENSE NEEDED

- 5.1 It shall be unlawful for any person to operate a hotel, motel, lodging establishment, lodging house, bed and breakfast, boarding house, resort or similar facility within Waseca County who does not possess a valid license issued by the Public Health Department as required by this regulation. Only a person who complies with the requirements of this ordinance and ordinances applicable thereto of the city or township in which the lodging facility is located, shall be entitled to receive and retain such a license. Licenses shall not be transferable. The license year shall be from June 1st to May 31st next succeeding.

SECTION VI - APPLICATION FOR A LICENSE

- 6.1 Any person desiring to operate a hotel, motel, lodging establishment, lodging house, bed and breakfast, boarding house, resort or similar facility shall make written application for a license on forms provided by the Public Health Department. Such application shall include: the applicant's full name and address and whether such applicant is an individual, firm, partnership or corporation, the location and type of proposed lodging establishment, as well as the signature of the applicant or applicants, along with all State of Minnesota required information. If a partnership, the names of the partners, together with their addresses shall be included. Each application for a license, together with the appropriate license fee as described herein shall be submitted to the Community Health Board not later than June 1 each year, following expiration of the previous years license, transfer of ownership, or in the case of a new business, 10 days prior to the opening date of such a business. Any person who operates a lodging establishment without submitting a license application and appropriate fees shall be deemed to have violated this ordinance and shall be subject to prosecution as provided for in this ordinance.

SECTION VII - LICENSE FEES

- 7.1 Construction Plan Review All persons who hereafter construct, remodel or convert buildings or facilities for use as a lodging or boarding facility shall conform and comply in their construction or alteration with the requirements of this ordinance. Plans and specifications for such construction, remodeling or alteration which shall show layout; mechanical, plumbing and electrical specifications; construction materials; and location and type of equipment and facilities shall be filed by its owner with the office of the Health Authority. The statutory or home rule charter city shall not issue a building permit for the facility or remodeling or alteration permit for the facility until such plans have the approval of the Health Authority. The lodging establishment shall be constructed and finished in conformance with the approved plans. The Health Authority shall inspect the lodging establishments as frequently as deemed necessary during construction to ensure the construction occurs in conformance with the approved plans. The Health Authority shall conduct a final inspection prior to the start of the operations and issuance of an approved license.
- 7.2 Any hotel, motel, lodging establishment, lodging house, bed and breakfast, boarding house, resort or similar facility shall pay an annual license fee based on the number of sleeping rooms at a per-room rate specified by resolution of the Le Sueur / Waseca Community Health Board for Waseca County. Such rates may be changed by resolution of the Le Sueur / Waseca Community Health Board for Waseca County from time to time, as they shall deem appropriate. The license fee for change of ownership of a previously licensed establishment under this chapter for the same license period is one-half of the appropriate annual license fee, plus any penalty that may be required. The license fee for establishments opening on or after March 1 is one-half the appropriate annual license fee, plus any penalty that may be required.

SECTION VIII - INSPECTION

- 8.1 It shall be the duty of the Administrator to inspect every lodging establishment as frequently as may be necessary to insure compliance with this regulation. The person operating a lodging establishment shall, upon request of the Public Health Department and after proper identification, permit access to all parts of the establishment at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with this regulation.
- 8.2 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.

SECTION IX - SUSPENSION OF LICENSE

- 9.1 Licenses may be suspended temporarily by the Administrator at any time for failure by the holder to comply with the requirements of this ordinance. Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this ordinance, that license holder or operator may be notified in writing that the license upon service of notice is immediately suspended and that an opportunity for a hearing before the Appeals Board will be provided if a written request for appeal is filed within five (5) days with the Administrator by the license holder.

- 9.2 Notwithstanding the other provisions of this ordinance, whenever the Administrator finds unsanitary or other condition(s) in the operation of a lodging establishment which, in their judgment, may constitute a substantial hazard to public health, they can without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and if deemed necessary, such order shall state that the license is immediately suspended, and all lodging operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Administrator, shall be afforded an appeal before the Appeals Board as soon as the Appeals Board may be convened.
- 9.3 Any person whose license or permit has been suspended may at any time make application for a reinspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Administrator shall make a reinspection. If the applicant is in compliance with the requirements of this ordinance and MN Rules Chapter 4625, the license shall be reinstated.

SECTION X - REVOCATION OF LICENSE

- 10.1 For serious or repeated violations of any of the requirements of this ordinance or MN Rules Chapter 4625, the license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Administrator shall notify the license holder in writing, advising that the license shall be permanently revoked at the end of a five (5) day period.

SECTION XI APPEALS BOARD

- 11.1 The Appeals Board shall consist of the Chairperson and Vice Chairperson of the Le Sueur - Waseca Community Health Board or their designated appointee, and the Administrator or a designated agent. The Vice Chairperson of the Le Sueur – Waseca Community Health Board shall serve as Chairperson of the appeals board.
- A. REQUEST FOR HEARING. Any person affected by a notice of suspension, or revocation shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Administrator, written petition requesting such a hearing and setting forth a brief statement on the grounds therefore. Said petition shall be filed within ten (10) days after the notice was served.
- B. DATE OF HEARING. The hearing requested shall be held not more than ten (10) days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in the judgment a good and sufficient reason exists for such postponement.
- C. NOTICE OF HEARING. The Administrator shall cause five (5) days written notice of the hearing to be given to the petitioner or petitioners by personal service or by mailing to the petitioner or petitioner's last known address.

- D. PROCEEDINGS. At such hearing the petitioner, their agent or attorney shall be given an opportunity to be heard and to show cause why the notice of embargo, suspension, or revocation issued by the Administrator should be modified or withdrawn. The Administrator shall present a detailed written statement of their findings and recommendation(s) to the Appeals Board at the time of the hearing.
- E. DECISIONS OF THE APPEALS BOARD. The Appeals Board, within three (3) days after such hearing, shall sustain, modify or withdraw the notice of suspension, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by mail to the petitioner or petitioners. Any person aggrieved by the decision of the Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state.
- F. RECORD OF PROCEEDINGS. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the recommendation(s) of the Administrator shall be recorded and reduced to writing and entered as a public record in the office of the Administrator. Such record shall include a copy of every notice or order or writing issued in connection with the matter.
- G. NOTICES NOT APPEALED. Any notice served pursuant to the provisions of this ordinance shall automatically become final if a written petition for a hearing is not filed with the Administrator within ten (10) days after the notice is served.

SECTION XII

THE CONSTRUCTION, MAINTENANCE, AND EQUIPMENT OF LODGING ESTABLISHMENTS SHALL BE REGULATED AS FOLLOWS:

- 12.1 Building. Every building, structure or enclosure used to provide lodging accommodations for the public shall be kept in good repair, and so maintained as to promote the health, comfort, safety, and well being of persons accommodated.
- 12.2 Floors. The floors of all guest rooms, hallways, bathrooms, storerooms, and all other spaces used or traversed by guests shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair. Cleaning of floors shall be so done as to minimize the raising of dust and exposure of guests thereto. The requirements of this section shall not prevent the use of rugs, carpets, or natural stone which can be kept clean. Abrasive strips for safety purposes may be used wherever deemed necessary to prevent accidents.
- 12.3 Walls and Ceilings. The walls and ceilings of all rooms, halls, and stairways shall be kept clean and in good repair. Studs, joists, or rafters shall not be left exposed except when suitably finished and kept clean.
- 12.4 Screening. When flies, mosquitoes, and other insects are prevalent, all outside doors, windows and other outer openings shall be screened: Provided that such screening shall not be required for rooms deemed by the Board to be located high enough in the upper stories of the building as to be free of such insects, or in such areas where other effective means are provided to prevent their entrance.

- 12.5 Lighting and Ventilation. All rooms and areas used by patrons and guests and all other rooms or spaces in which lighting and ventilation, either natural or artificial, are essential to the efficiency of the business operation shall be well lighted and ventilated.
- 12.6 Space. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof. Under no circumstances shall there be provided less than 400 cubic feet of air space per occupant. Beds shall be spaced at least three feet apart when placed side by side. No sleeping quarters shall be provided in any basement having more than half of its clear floor to ceiling height below the average grade of the adjoining ground. When strict compliance herewith is impracticable, the Board may waive any of the provisions of this paragraph subject to such conditions as may be deemed desirable in the individual case.
- 12.7 Bedding and Linen. All beds, bunks, cots, and other sleeping places provided for guests in hotels, motels, resorts and lodging houses shall be supplied with suitable pillow slips and under and top sheets. All bedding including mattresses, quilts, blankets, pillows, sheets, spreads, and all bath linen shall be kept clean. No bedding, including mattresses, quilts, blankets, pillows, bed and bath linen, shall be used which are worn or unfit for further use. Pillowslips, sheets and bath linen after being used by one guest shall be washed before they are used by another guest, a clean set being furnished each succeeding guest. For any guest occupying a guest room for an extended period of time, a fresh set of sheets and pillow slips shall be furnished at least once each week, and at least two clean towels shall be furnished each day, except that the proprietor will not be responsible for the sheets, towels, pillow slips, and bath linen furnished by a guest.
- 12.8 Room Furnishings. All equipment, fixtures, furniture and furnishings, including, windows, draperies, curtains and carpets, shall be kept clean and free of dust, dirt, vermin and other contaminants, and shall be maintained in good order and repair.
- 12.9 Toilets. Every hotel, motel, and lodging house shall be equipped with adequate and conveniently located water closets for the accommodation of its employees and guests. Water closets, lavatories and bathtubs or showers shall be available on each floor when not provided in each individual room. Toilet, lavatory and bath facilities shall be provided in the ratio of one toilet and one lavatory for every ten occupants, or fraction thereof, and one bathtub or shower for every 20 occupants, or fraction thereof. Hot water shall not exceed 130 degrees Fahrenheit (approximately 55 degrees Celsius) at any shower, bath tub or lavatory facility. Every resort shall be equipped with adequate and convenient toilet facilities for its employees and guests. Toilet rooms shall be well ventilated by natural or mechanical methods. The doors of all toilet rooms serving the public and employees shall be self-closing. Toilet and bathrooms shall be kept clean and in good repair and shall be well lighted and ventilated. Handwashing signs shall be posted in each toilet room used by employees. If privies are provided, they shall be separate building and shall be constructed, equipped, and maintained in conformity with the standards of the Board and shall be kept clean.
- 12.10 Water Supply. Every lodging establishment shall obtain a safe, adequate supply of water from a community public water supply system, a non—community public water supply

system or a source of supply and system which is located, constructed and operated in accordance with all applicable State and Federal laws governing public water supplies including but not limited to Minnesota Rules, Chapter 4715 (Minnesota Plumbing Code) and Minnesota Rules, Chapter 4725 (Minnesota Wells & Borings Code), and Minnesota Rules, Chapter 4720 (Minnesota Public Water Supplies). The Public Health Department shall first approve the source of the water supply.

- 12.11 Handwashing. All lavatories for public use or furnished in guest rooms at hotels, motels, lodging houses and resorts shall be supplied with hot and cold running water and with soap. Scullery sinks should not be used as handwashing sinks.

In the case of separate housekeeping cabins at resorts not supplied with running hot water, equipment shall be provided for heating water in the cabin. Individual or other approved sanitary towels or warm-air hand dryers shall be provided at all lavatories for use by employees or the public.

- 12.12.1 Cleaning and Bactericidal Treatment. After each usage, all multi-use eating utensils and drinking vessels shall be thoroughly washed in hot water containing a suitable soap or synthetic detergent, rinsed in clean water and effectively subjected to a bactericidal process approved by the Health Authority. Approved facilities for manual dishwashing shall consist of a three-compartment sink with stacking and drain boards at each end.

Dishwashing machines shall be equipped with thermometers which will accurately indicate the temperature of the wash and rinse water. All dishwashing machine equipment installed on or after January 1, 1968, shall conform to NSF Standard Number 3.

All dishes, glasses, utensils and equipment after washing and bactericidal treatment shall be permitted to drain and air dry.

- 12.12.2 Eating utensils and drinking and vessels provided in guest rooms. Single service utensils or vessels as defined in the Waseca County Food and Beverage Ordinance must be handled in a sanitary manner. Such utensils may not be re-used.

- 12.13 Waste Disposal. All liquid wastes shall be disposed of in an approved public sewage system or in a sewage system which is designed, constructed and operated in accordance with the standards of the Board.

Prior to removal, all garbage and refuse in storage shall be kept in water-tight, non-absorbent receptacles which are covered with close-fitting, fly-tight lids. All garbage, trash and refuse shall be removed from the premises frequently to prevent nuisance and unsightly conditions, and shall be disposed of in a sanitary manner. All garbage receptacles shall be kept clean and in good repair.

- 12.14 Insect and Rodent Control. Every hotel, motel, lodging house and resort shall be so constructed and equipped as to prevent the entrance, harborage or breeding of flies, roaches, bedbugs, rats, mice and all other insects and vermin, and specific means necessary, such as cleaning, renovation or fumigation, for the elimination of such pests shall be used. The

department may order the facility to hire an exterminator licensed by the state to exterminate pests when:

1. The infestation is so extensive that it is unlikely that a nonprofessional can eradicate the pests effectively;
2. The extermination method of choice can only be carried out by a licensed exterminator; or
3. Upon reinspection, it is found that an establishment has not been brought into compliance with a prior order to rid the establishment of pests.

12.15 Personnel Health and Cleanliness. No person shall resume work after visiting the toilet without first thoroughly washing his hands.

Personnel of hotels, motels, lodging houses and resorts may be required to undergo medical examination to determine whether or not they are cases or carriers of a communicable disease.

12.16 Cleanliness of Premises. The premises of all hotels, motels, lodging houses and resorts shall be kept clean and free of litter or rubbish.

12.17 Fire Protection. All lodging establishments shall provide suitable fire escapes which shall be kept in good repair and accessible at all time. Hallways shall be marked and exit lights provided; fire extinguishers shall be recharged annually and kept accessible for use. No sleeping quarters shall be maintained in rooms which do not have unobstructed egress to the outside or to a central hall leading to a fire escape. ALL FIRE PROTECTION MEASURES SHALL BE IN ACCORDANCE WITH REQUIREMENTS OF THE STATE FIRE MARSHAL.

12.18 Plumbing and Swimming Pools. All new plumbing in hotels, motels, lodging houses and resorts, and all plumbing reconstructed or replaced after the effective date of the regulation shall be designed, constructed, and installed in conformity with Chapter 4715 the Minnesota Plumbing Code.

All swimming pools and other artificial recreational bathing facilities shall be located, constructed and operated in conformity with the standards of the Minnesota Department of Health and Waseca County Public Health Department.

12.19 Identification of Each Unit. The entrance door to every efficiency or rooming unit in any lodging establishment shall be plainly marked on the outside, either numerically or alphabetically. No two units may be assigned the same number or letter.

12.20 Sanitary Dispensing of Ice. Any lodging establishment which makes ice available in public areas, including but not limited to lobbies, hallways, and outdoor areas shall restrict access to such ice in accordance with the following provisions:

- A. After the effective date of this rule, any newly-constructed lodging establishment which installs ice-making equipment, and any existing lodging

establishment which replaces its ice-making equipment, shall install only automatic dispensing, sanitary ice-making and storage equipment, if the machine is to be located in public areas;

- B. After December 31, 1984, any existing lodging establishment which has not converted to automatic dispensing ice-making and storage equipment shall no longer permit unrestricted public access to open-type ice bins, and shall dispense ice to guests only by having employees give out prefilled, individual, sanitary containers of ice, or by making available prefilled, disposable, closed, bags of ice.

SECTION XIII - SEVERABILITY

- 13.1 The provisions of this regulation shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this regulation be declared invalid for any reason, the remainder of said regulation shall not be affected, thereby;

SECTION XIV - PENALTIES

- 14.1 Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.
- 14.2 In the event of a violation, or a threat of a violation, of this Ordinance, the County Attorney also may take other appropriate action to enforce this Ordinance, including but not limited to, 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.

SECTION XV - EFFECTIVE DATE

- 15.1 This regulation shall be in full force and effect upon publication and adoption pursuant to law.

Repeal of Previous Ordinance

This ordinance, adopted June 6, 1978 and amended May 18, 2010 hereby repeals and replaces in its entirety the Waseca County Lodging Ordinance of June 6, 1978.

Amended this 18th day of May, 2010.

COUNTY BOARD OF COMMISSIONERS

Chairperson, Commissioner James Peterson

ATTEST:

County Auditor/Treasurer, Joyce Oliver