

# Lodging Establishment Ordinance

For  
Goodhue County

“The County Board of Goodhue County ordains:”

**Section I PURPOSES.** The purpose of this Ordinance is to establish standards to protect the health, safety and the general welfare of the people of Goodhue County pursuant to powers granted under Minnesota Statutes Section 145.911 – 145.922 and 375.51 – 375.55.

These general objectives include the following:

1. Protect the public from unhealthy or unsanitary lodging facilities
2. Correct and prevent conditions that may adversely affect persons utilizing lodging facilities.
3. Provide minimum standards for the design, construction, operation and maintenance of lodging establishments.
4. Meet consumer expectations of the quality and safety of lodging establishments.

**SECTION II SCOPE.** To achieve these purposes this Ordinance incorporates the substance of existing Minnesota Health Statutes and Rules. This Ordinance shall be applicable to all lodging establishments such as: hotels, motels, lodging houses and resorts.

**SECTION III Definitions** For the purpose of this ordinance the following words shall have the following meanings:

**Subsection 1:** “County” shall mean Goodhue County and “County Board” shall mean the Goodhue County Board of Commissioners.

**Subsection 2:** “Health Authority” shall mean the Goodhue County Board of Health and the Goodhue County Public Health Service or its agent.

**Subsection 3:** “Hotel or Motel” shall mean any building or 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 for sleeping accommodations are furnished to the public and furnishing accommodations for a period of less than one week. (M.S. 157.01)

**Subsection 4:** “Lodging House” shall mean every building or structure or any part thereof, kept, used, 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 have five or more beds to let to the public. (M.S. 157.01)

**Subsection 5:** “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. (M.S. 157.01)

**Subsection 6:** “resort” shall mean any building, structure, or enclosure, or any part thereof, located on, or on property neighboring any lake, stream or 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. (M.S. 157.01)

**Subsection 7:** “Lodging Establishment” shall mean a hotel, motel, lodging house, boarding house, resort or similar facility where sleeping facilities are offered to the public. (M.S.157.01)

**Subsection 8:** “Approved” shall mean acceptable to the Health Authority following its determination as to conformity with established public health practices. (M.R. 4625.0100, Subpart 1)

**Subsection 9:** “Clean” shall mean the absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter. (M.R. 4625.0100, Subpart 2)

**Subsection 10:** “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. (M.R. 4625.0100, Subpart 4)

**Subsection 11:** “Usable Floor Space: means all floor space in a sleeping room not occupied by closets, toilet rooms, shower or bathrooms. (M.R. 4625.0100, Subpart 5)

**Subsection 12:** “Person” shall mean any individual, firm, partnership, corporation, trustee, or association, and with respect to acts prohibited or required herein, shall include employees and licensees.

**SECTION IV SANITATION REQUIREMENTS.** The construction, operation, maintenance and equipment of lodging establishments shall be regulated as follows: building, floors, walls and ceilings, screening, lighting and ventilation, space, bedding and linen, room furnishing, toilets, water supply, hand washing, eating utensils and drinking vessels provided in guest rooms, waste disposal, insect and rodent control, personnel health and cleanliness, cleanliness of premises, fire protection, plumbing and swimming pools, and sanitary dispensing of ice.

**Subsection 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. (M.R. 4625.0400)

**Subsection 2: Floors** The floors of all guest rooms, hallways, bathrooms, store rooms, and all other spaces used or traversed by guests shall be kept clean and in good repair. Cleaning of floors shall be done as to minimize the raising of dust and the 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. (M.R. 4625.0500)

**Subsection 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. (M. R. 4625.0600)

**Subsection 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 Health Authority 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. (M.R. 4625.0700)

**Subsection 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.

An area shall be considered well ventilated when excessive heat, odors, fumes, vapors, smoke or condensation is reduced to a negligible level and barely perceptible to the normal senses. During seasons when weather conditions require tempering of make-up air, adequate equipment shall be provided to temper the make-up air. Every gas-fired or oil-fired room heater and water heater shall be vented to the outside air. (M.R. 4625.0800)

**Subsection 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 3 feet apart when placed side by side. No sleeping quarters shall be provided in any basement having more than half its clear floor-to-ceiling height below the average grade of the adjoining ground. When strict compliance herewith is impracticable, the Health Authority may waive any of the provisions of this paragraph subject to such conditions as may be deemed desirable in the individual case. (M.R. 4625.0900)

**Subsection 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 out or unfit for further use. Pillow slips, 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, except that the proprietor will not be responsible for the sheets, towels, pillow slips, and bath linen furnished by a guest. (M.R. 4625.1000)

**Subsection 8: Room Furnishings** All equipment, fixtures, furniture, 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. (M.R. 4625.1100)

**Subsection 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 bath tubs 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 bath tub or shower for every twenty occupants, or fractions thereof. 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. Toilets and bathrooms shall be kept clean and in good repair and shall be well lighted and ventilated. Hand washing signs shall be posed in each toilet room used by employees. Every resort shall be equipped with adequate and convenient toilet facilities for its employees and guests. If privies are provided they shall be separate buildings and shall be constructed, equipped, and maintained in conformity with the standards of the Health Authority and shall be kept clean. (M.R. 4625.1200)

**Subsection 10: Water Supply** A safe, adequate supply of water shall be provided. The water supply system shall be located, constructed and operated in accordance with the rules of the State of Minnesota. After September 30, 1980, the temperature of hot water which is provided in any public area or guest room, including but not limited to lavatories, bathtubs or showers shall not exceed 130° F. (approximately 55° C.). (M.R. 4625.1300)

**Subsection 11: Hand washing** 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 hand washing sinks.

In the case of separate house keeping 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 dryers shall be provided at all lavatories for use by employees or the public. (M.R. 4625.1400)

**Subsection 12: Eating Utensils and Drinking Vessels provided in Guest Rooms**

1. After each usage, all multi-use eating utensils and drinking vessels shall be thoroughly washed in hot water containing 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 drainboards at each end. All mechanical dishwashing machines shall conform to Standard Number 3 of the National Sanitation Foundation, dated April 1, 1965.  
All dishes, glasses, utensils and equipment after washing and bactericidal treatment shall be permitted to drain and air dry.
2. Single service utensils or vessels as defined in the Goodhue County Food Protection Ordinance must be handled in a sanitary manner. Such utensils may not be re-used. (M.R. 4625.1500)

**Subsection 13: Waste Disposal** All liquid wastes shall be disposed of in an approved public sewerage system or in a sewerage system which is designed, constructed and operated in accordance with the rules of the Minnesota Pollution Control Agency, M.R. 7080.0010 to 7080.0200 and Goodhue County Zoning Ordinance Sanitation Standards, Section 5.9 (1980).

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. (M.R. 4625.1600)

**Subsection 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 for the elimination of such pests such as cleaning, renovation or fumigation shall be used. The Health Authority may order the facility to hire an exterminator licensed by the State to exterminate pests when: (M.R. 4625.1700)

1. The infestation is so extensive that it is unlikely that a non-professional can eradicate the pests effectively, or

2. The extermination method of choice can only be carried out by a licensed exterminator, or
3. Upon re-inspection, it is found that an establishment has not been brought into compliance with a prior order to rid the establishment of pests.

**Subsection 15: Personnel Health and Cleanliness** No person shall resume work after visiting the toilet without 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. (M.R. 4625.1800)

**Subsection 16: Cleanliness of Premises** The premises of all hotels, motels, lodging houses and resorts shall be kept clean and free of litter or rubbish. (M.R. 4625.1900)

**Subsection 17: Fire Protection** All lodging establishments shall provide suitable fire escapes which shall be kept in good repair and accessible at all times. Hallways shall be marked and exit lights provided; fire extinguishers shall be provided and 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 Marshall. (M.R. 4625.2000)

**Subsection 18: Plumbing and Swimming Pools** All new plumbing in hotels, motels, lodging houses and resorts, and all plumbing reconstructed or replaced after January 1, 1968 shall be designed, constructed and installed in conformity with the Minnesota Plumbing Code, M.R. 4715.0100 to 4715.6000.

All swimming pools and other artificial recreational bathing facilities shall be located, constructed and operated in conformity with Minnesota Rules (1983 edition) 4717.0100 – 4715.3900, which are incorporated in and made a part of this Ordinance.

**Subsection 19: 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:

1. Any new constructed lodging establishment which installs ice-making equipment, and any existing lodging establishment which replaces it's ice-making equipment, shall install only automatic dispensing, sanitary ice-making and storage equipment in areas to which the public has access. Any such establishment may install open-type ice bins only if the ice therefrom is dispensed in the manner provided in subpart S.2.

2. 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 bins, and shall dispense ice to guests only by having employees give out pre-filled, individual sanitary containers of ice, or by making available pre-filled, disposable, closed bags of ice.

## **SECTION V ADMINISTRATION**

**Subsection 1: License Required** No person shall operate a lodging establishment or engage in any of the following types of enterprises within the County unless a license for the current year of the applicable type described herein shall have been obtained pursuant to this Ordinance from the Health Authority.

- A. Hotel or Motel
- B. Lodging House
- C. Boarding House
- D. Resort

The Goodhue County Board of Health and their duly authorized agents are empowered to enforce the provisions of this Ordinance.

**Subsection 2: Transfer and Display of License** Only a person who complies with the requirements of this ordinance and ordinances applicable thereto of the city or town in which the lodging establishment is located shall be entitled to receive a license. Licenses shall not be transferable as to person or place. Each license shall expire on the 31<sup>st</sup> of December next following its issuance and any proprietor who operates a place of business after the expiration date without first having made application for a license and without having made payment of the fee therefor shall be deemed to have violated the provisions of this Ordinance.

**Subsection 3: License Fees** Fees for licenses issued hereunder, and plan review fees, shall be those established from time to time by resolution of the County Board of Commissioners. An additional fee shall be charged for each additional service or operation which is separate, distinct or unique from the central or main lodging establishment, as determined by the Health Authority. The fees required for a license shall be paid at the office of the Health Authority. No license shall be issued until the fees therefor, and all previously owing fees and penalties of the owner have been paid in full.

**Subsection 4: Penalty for Late Payment.** Every proprietor whose lodging establishment has been previously licensed who operates a lodging establishment after the expiration date of an existing license or without applying for a license as required by this ordinance shall be subject to a penalty for late payment to be paid to the Health Authority along with the regular license fee in an amount to be established by the Board of County Commissioners.

**Subsection 5: Application** The application for such 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 Licensing Procedures established by this Ordinance. The application for license shall be accompanied by the license fee together with any penalty applicable.

**Subsection 6: Inspection of Lodging Establishments** The Health Authority shall inspect every lodging establishment as frequently as it may deem necessary to insure compliance with this ordinance, but not less than one complete inspection per year.

**Subsection 7: Posting** Each inspection report shall 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 upon the inside wall of the lodging establishment shall constitute service of an official notification of the inspection by the Health Authority. The Health Authority may, in lieu of posting such report, deliver it to the licensee or his authorized agent in person or by certified or registered mail. A copy of the inspection report shall be filed with the records of the Health Authority.

**Subsection 8: Access to Premises and Records – Interference with Health Authority** The person operating the lodging establishment shall, upon request of the Health Authority and after proper identification, permit access to all parts of the establishment at any reasonable time for the purpose of inspection. No persons shall interfere with or hinder the Health Authority in the performance of his duties, or refuse to permit the Health Authority to make such inspections.

**Subsection 9: Removal and Correction of Violations** All licensees, owners, or operators of lodging establishments having a report posted in the lodging establishment or having received a report giving notification of one or more violations of this ordinance shall correct or remove each violation in a reasonable 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.

**Subsection 10: Construction – Plan Review** Whenever a lodging establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a licensed establishment under the provisions of this ordinance properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Authority for review and approval before construction, remodeling or conversion is begun. The plans



and specifications shall indicate the proposed layout, arrangement, plumbing specifications, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications shall be submitted in duplicate and drawn to scale, shall be legible and complete in all details. The Health Authority shall approve the plans and specifications if they meet the requirements of this ordinance. The facility shall be constructed and finished in conformance with the approved plans. The Health Authority shall inspect the lodging establishment prior to the start of operations, to determine compliance with the approved plans and specifications. (M.R. 4625.4700)

**Subsection 11: License Suspension and Revocation Procedures** A Licensing Board is hereby established. The Licensing Board shall consist of the senior county nurse, a Sanitarian III from the Minnesota Department of Health, and the Chairman of the County Board of Commissioners, or their designated representatives. The designated representative for the senior county nurse shall be a County Nurse, and the designated representative for the Chairman of the County Board of Commissioners shall be a County Commissioner. The County Commissioner shall act as Chairman of the Licensing Board.

If, after written notice and reasonable opportunity for compliance have been given a licensee under the terms of this Ordinance, the County Sanitarian finds upon re-inspection of a lodging establishment that the establishment is in violation of this Ordinance, he shall notify the Licensing Board in writing of his findings and shall request that the Licensing Board take appropriate action to suspend or revoke the license of the establishment. Nothing in this Section shall be construed to prevent the Sanitarian from extending the time period for correction of violations or from recommending closure only as to such portion of the premises or equipment as do not comply with provisions of this Ordinance and permitting the continued operation of the remaining portion of such premises or equipment which do comply.

Whenever the County Sanitarian finds that an emergency exists which requires immediate action to protect the public health, he may, after compliance with established procedures of the Health Authority, issue an order reciting the existence of such an emergency and require such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon filing a written petition with the Health Authority shall be afforded a hearing in the manner prescribed elsewhere in this Section.

Any person whose license to operate a lodging establishment or any owner of licensed property who has been affected by a notice of orders for changes or alterations, closure order or emergency order issued and served as provided in this Ordinance, shall be granted a hearing on the matter before the Licensing Board. A written petition requesting such a hearing and setting forth a brief statement on the grounds therefor shall be filed in the office of the Health Authority.

**Subsection 12: Date of Hearing** The hearing requested shall be held not more than ten days after the date on which the petition was filed. The Chairman of the Licensing Board may postpone the date of the hearing for a reasonable time beyond such ten-day period if, in his judgment, a good and sufficient reason exists for such postponement.

**Subsection 13: Notice of Hearing** The County Sanitarian shall cause five days written notice of the hearing to be given to the licensee and to the owner of the licensed premises by personal service or by registered mail addressed to the licensee at the address of the licensed establishment and to the owner of the premises at his last known address.

**Subsection 14: Proceedings** At such hearing the petitioner, his agent or attorney shall be given an opportunity to be heard and to show cause why the notice of orders for changes or alterations, the closure order or emergency order issued by the County Sanitarian should be modified or withdrawn. The Sanitarian shall present a detailed written statement of his findings and decision to the Licensing Board at the time of the hearing.

**Subsection 15: Decisions of the Board of Appeals** After such hearing, the Licensing Board shall sustain, modify or withdraw the notice of orders for changes or alterations, closure order or emergency order, depending upon its findings as to whether the licensed establishment is being operated in compliance with the provisions of this Ordinance. If the Licensing Board sustains, modifies or withdraws such closure order or emergency order, a copy of the decisions of the Licensing Board shall be served by mail to the licensee and the owner of the premises.

**Subsection 16: Variance** With respect to existing buildings, whenever it is not practical or advisable to require strict compliance with the structural requirements of this Ordinance, the Board of Appeals may approve a variance from such provisions when in its judgment existing conditions are of an acceptable compliance with the spirit and intent of the Ordinance and will reasonable protect the health and safety and welfare of the occupants and the public.

**Subsection 17: Record of Proceedings** The proceedings of each hearing held before the Licensing Board pursuant to petition, including the findings and the decision of the Sanitarian, shall be taken into the minutes and reduced to writing and entered as a public record in the office of the Sanitarian. Such record shall include a copy of every notice or order or stay or writing issued in connection with the matter.

**Subsection 18: Stays** Pursuant to petition, the Licensing Board may stay enforcement of an order made after a hearing provided the Licensing Board finds that immediate enforcement of the order would result in the extreme hardship to the person or persons affected and that no public health or safety hazard exists.

**Subsection 19: Open Hearing and Appeal** All hearings of the licensing Board shall be open to the public. Any person whose license under this Ordinance has been affected by a ruling or order of the Licensing Board shall have a right to appeal on questions of law and fact, within thirty (30) days after the receipt of notice of the Licensing Board's action, to the District Court in the County in which the affected license has been issued.

#### **SECTION VI. PAYMENT OF ALTERATIONS**

All alterations, changes, reconstruction work, fire-escapes, outside standpipes, inside standpipes, and necessary pumps, fittings, and connections, storm windows and screens, and all other changes, alterations, improvements, structural or otherwise to, in, on, and about any buildings ordered by the hotel inspector to meet the requirements of the Ordinance shall be ordered installed and paid for by the owner of the building in questions and not by the lessee. (M.S. 157.13)

#### **SECTION VII. LINENS AND OTHER FURNISHINGS**

All hotels and motels in this County shall hereafter provide each bedroom with at least two clean towels daily for each guest and provide the main public washroom with clean individual towels. Individual towels shall not be less than nine inches wide and thirteen inches long after being washed. This is not to prohibit the use of the acceptable hand drying devices. (M.S. 157.08)

#### **SECTION VIII. PUBLIC RECORDS REQUIRED**

The Community Health Service shall keep a set of books for public use and inspection showing the condition of all lodging establishments, together with the name of the owner, proprietor, or manager thereof, showing their sanitary condition, and any other information that may be for the betterment of the public service, and assist in the enforcement of this Ordinance. (M.S. 157.02)

#### **SECTION IX. REGISTRATION OF GUESTS**

It shall be the duty of every person conducting a lodging house to keep and maintain a record of guests. Such a record may be kept in a register or on separate cards and shall be opened for inspection by the Community Health Board at any reasonable time. The registry shall contain the name of guest, the date of registration, the date of departure, the daily rate charged and the motor vehicle license number or mode of transportation of the registrant. These records shall be kept for a minimum of three (3) calendar years. No two units may be assigned the same letter, name or number designation.

#### **SECTION X. ENFORCEMENT**

**Subsection 1: Misdemeanor** Any person who violates a provision of this County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished thereof as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**Subsection 2: Equitable Relief** In the event of a violation or a threat of violation of this Ordinance, the County Attorney shall take appropriate action to prevent, restrain, correct or abate such violations or threatened violations.

**SECTION XI. SEVERABILITY**

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

**SECTION XII. EFFECTIVE DATE**

This ordinance shall be effective upon passage by the County Board and publication according to the law.