

ORDINANCE NO. 16

AMENDMENT TO ORDINANCE NO. 16

ST. LOUIS COUNTY REQUIREMENTS FOR
LODGING ESTABLISHMENTS

AMENDMENTS TO ST. LOUIS COUNTY ORDINANCE NO. 4, GOVERNING THE DISPOSAL OF SEWAGE AND HUMAN EXCRETA; ORDINANCE NO. 5, RELATING TO SANITATION REGULATIONS FOR MILK AND MILK PRODUCTS; ORDINANCE NO. 6, RELATING TO SANITATION REGULATIONS FOR FOOD ESTABLISHMENTS; ORDINANCE NO. 16, ST. LOUIS COUNTY REQUIREMENTS FOR LODGING ESTABLISHMENTS; AND ORDINANCE NO. 17, SEWAGE PUMPERS ORDINANCE

Under authority provided in Minnesota Statutes, Section 145.53, be it ordained by the St. Louis County Board of County Commissioners: Section 8. Ordinance No. 16, Section 3(f), is amended to read as follows:

(f) The license fees to be paid for lodging establishment licenses shall be established by the St. Louis County Board of Health.

Section 11. These amendments shall take effect and be in force from and after January 1, 1975.

Commissioner Priley moved the adoption of the amendments and they were declared adopted upon the following vote:

Yeas: Commissioners Anderson, Priley, Hall, Shannon, Hoff, Barrett and Chairman Donaghy

Nays: None

Attest: Clerk of County Board Chairman of County Board

Passed and approved by the St. Louis County Board on the 28th day of January, 1974.

ORDINANCE NUMBER 16

ST. LOUIS COUNTY REQUIREMENTS FOR LODGING ESTABLISHMENTS

Under authority provided in Minnesota Statutes, Section 145.53, BE IT ORDAINED by the St. Louis County Board of County Commissioners:

ST. LOUIS COUNTY REQUIREMENTS FOR LODGING ESTABLISHMENTS ORDINANCE NO. 16

SCOPE: This ordinance shall be applicable to all lodging establishments, such as hotels, lodging houses, boarding houses and resorts.

SECTION 1. DEFINITIONS

- (a) BOARD. The term "Board" shall mean the St. Louis County Board of Health.
- (b) BOARDING HOUSE. The term "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.
- (c) HEALTH OFFICER. The term "Health Officer" shall mean the St. Louis County Health Officer or his duly authorized representative.
- (d) HOTEL. The term "hotel" shall mean every 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 where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week. The term hotel shall also include motel.
- (e) LODGING ESTABLISHMENT. The term "lodging establishment" shall mean a hotel, lodging house, boarding house or resort.
- (f) LODGING HOUSE. The term "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.
- (g) RESORT. The term "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, 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.

(h) STANDARDS. The term "standards" shall mean the minimum standards of compliance established by the St. Louis County Board of Health.

SECTION 2. COMPLIANCE STANDARDS.

The St. Louis County Board of Health is hereby empowered to adopt minimum standards for compliance by all persons, companies, corporations and to alter, rescind or adopt further such compliance standards, from time to time.

SECTION 3. ENFORCEMENT PROVISIONS.

(a) It shall be unlawful for any person to operate a hotel, lodging house, boarding house, or resort within the jurisdiction of the St. Louis County Board of Health who does not possess a valid license issued to him by the Health Officer as required by this ordinance. Only a person who complies with the requirements of this ordinance and the standards of the St. Louis County Board of Health shall be entitled to receive and retain such a license. Licenses shall not be transferable from one person to another person or place. A valid license or permit shall be posted in every lodging establishment. The license year shall be January 1 to December 31 next succeeding:

(b) Each year, every person, firm or corporation now engaged in the business of conducting a hotel, lodging house, boarding house or resort, or who shall hereafter engage in conducting any such business, shall be required to obtain a license from the Health Officer for each hotel, lodging house, board house or resort so conducted.

(c) Any person desiring to operate a lodging establishment shall make written application for a license on forms provided by the Health Officer. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation and, if a partnership, the names of the partners, together with their addresses shall be included; the location and type of the proposed lodging establishment; and the signature of the applicant or applicants. No oral or incomplete applications will be accepted.

(d) Each application for a license, together with the appropriate license fee shall be submitted to the Health Officer, who shall issue a receipt for the payment received.

(e) Upon receipt of such an application, the Health Officer shall make an inspection of the lodging establishment to determine compliance with the provisions of this ordinance and Board of Health standards. When inspection reveals that the applicable requirements have been met, a license or permit shall be issued by the Health Officer.

Whenever a license is denied, the applicant shall be provided an opportunity for a hearing before the Board of Health.

(f) The license fee for a lodging house, hotel or resort license shall be as follows:

	No. of Sleeping Rooms Units, and/or Cabins	Fee
1-18		\$ 7.50
19-35		15.00
36-100		20.00
101-and over		25.00

The license fee for a boarding house license shall be \$7.50.

A new business or a new operator shall pay one-half the fee when opening after October 1 until January 1 following.

(g) At least once every 12 months the Health Officer shall inspect each licensed lodging establishment located in the Board of Health jurisdiction and shall make as many additional inspections and reinspections as are necessary for the enforcement of this ordinance.

The Health Officer, after proper identification, shall be permitted to enter, at any reasonable time, any lodging establishment within the jurisdiction of the Board of Health for the purpose of making inspections to determine compliance with this ordinance.

Whenever the Health Officer makes an inspection of a lodging establishment, and discovers that any of the requirements of this ordinance have been violated, he shall notify the license holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Officer shall:

- (1) Set forth the specific violations found.
- (2) Establish a specific and reasonable period of time for the correction of the violations found.
- (3) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in suspension of the license.
- (4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Officer within the period of time established in the notice for correction.

Notices provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the license holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the license holder. A copy of such notice shall be filed with the records of the Health Officer.

(h) Licenses may be suspended temporarily by the Health Officer for failure by the holder to comply with the requirements of this ordinance or Board of Health standards. Whenever a license holder or operator has failed to comply with any notice requiring a corrective action, issued under the

provisions of this ordinance, the license holder or operator shall be notified in writing that the license shall be suspended after a stated time period which shall be no less than 30 days after service of notice. An opportunity for a hearing before the Board of Health will be provided if a written request for a hearing is filed with the Health Officer by the license holder.

Notwithstanding the other provisions of this ordinance, whenever the Health Officer finds insanitary or other conditions in the operation of a lodging establishment which, in his judgment, constitute a substantial hazard to the public health. He may without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition, specifying the corrective action to be taken; and if deemed necessary order immediate compliance and order the immediate vacation of certain stated accommodations such as rooms, beds, or cabins.

(i) Any person whose license 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 his opinion the conditions causing suspension of the license have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this ordinance and Board of Health standards, the license shall be reinstate.

(j) For serious or repeated violations of any of the requirements of this ordinance or Board of Health compliance standards, or for interference with the Health Officer in the performance of his duties, the license may be permanently revoked after an opportunity for a hearing before the Board of Health has been provided by the Health Officer. Prior to such action, the Health Officer shall notify the license holder in writing, stating the reasons for which the license is subject to revocation and advising that the license shall be permanently revoked at the end of thirty (30) days following service of such a notice, unless a request for a hearing is filed with the Health Officer, by the license holder, within ten (10) days.

(k) Hearings provided for in this ordinance shall be conducted by the Board of Health at a time and place designated by it. Based upon the record of such hearing, the Board shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the license holder by the Health Officer.

SECTION 4. PLAN REVIEW OF FUTURE CONSTRUCTION.

When a lodging establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a lodging establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials of work areas, and the location, size and type of fixed equipment and facilities shall be submitted to the Health Officer for approval before such work is begun. No such construction or remodeling shall commence until after the approval of the Health Officer shall have been given.

SECTION 5. PENALTY.

Any person who shall violate any of the provisions of Ordinance No. 16 shall be guilty of a misdemeanor and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

SECTION 6. COMPLIANCE.

All lodging establishments shall comply with all applicable provisions set forth in this ordinance and with compliance standards as these may be adopted by the St. Louis County Board of Health from time to time.

SECTION 7. VARIANCE.

Whereupon written application of the responsible person or persons the St. Louis County Board of Health finds that by reason of exceptional circumstances strict conformity with any provisions of the standards would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the St. Louis County Board of Health may permit a variance from these standards upon such conditions and within such time limitation as it may prescribe for prevention, control or abatement of any problem affecting the public health in harmony with the intent of the State and any applicable Federal laws.

SECTION 8. CIRCUMVENTION.

No person shall cause or permit the installation or use of any device of any means which, without resulting in correction of a public health problem conceals a violation of the standards.

SECTION 9. SEVERABILITY.

If any provision of any section or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provision of application, and to this end the provisions of all sections and the various applications thereof are declared to be severable.

SECTION 10. EFFECTIVE DATE.

This ordinance shall take effect January 1, 1973.

Commissioner Priley moved for the adoption of this ordinance and it was declared adopted upon the following vote:

Yeas: Commissioners Priley, Donaghy, Hall, Shannon, Hoff, Barrett and Chairman Anderson - 7.

Nays: None

Attest: Clerk of County Board

Chairman of County Board

Passed and approved by the St. Louis County Board on December 26, 1972.