

COUNTRYSIDE PUBLIC HEALTH SERVICE

ENVIRONMENTAL HEALTH

AN ORDINANCE PROVIDING FOR THE REGULATION
OF HOTELS, MOTELS, LODGING ESTABLISHMENTS
AND RESORTS WITHIN BIG STONE, CHIPPEWA,
LAC QUI PARLE, SWIFT AND YELLOW MEDICINE
COUNTIES

EFFECTIVE JANUARY 1, 1982

FILED

AUG 20 1981

COUNTY AUDITOR
YELLOW MEDICINE COUNTY

Per _____

I N D E X

<u>Section I</u>	
Definitions	1-2
<u>Section II</u>	
License Needed	2
<u>Section III</u>	
Application for a License	2-3
<u>Section IV</u>	
License Fees	3
<u>Section V</u>	
Inspection.	3
<u>Section VI</u>	
Notice of Suspension	3
<u>Section VII</u>	
Emergency Orders	3
<u>Section VIII</u>	
Appeals from Suspension of License	4
<u>Section IX</u>	
Appeals Board	4
<u>Section X</u>	
Construction, Maintenance and Equipment of Lodging Establishments Regulations	5-8
<u>Section XI</u>	
Severability	8
<u>Section XII</u>	
Penalties	8
<u>Section XIII</u>	
Effective Date.	8

BE. IT AND IT IS HEREBY RESOLVED, by the _____ County Board of Commissioners, County of _____, State of Minnesota, under authority provided in Section 145.915, subdivision 2 of Minnesota Statutes, that:

A Regulation providing for the Inspection and Licensing of Hotels, Motels, Lodging Establishments and Resorts; Regulating their Design, Construction, Operation and Maintenance and providing for the Administration and Enforcement thereof be and hereby is established as follows:

SECTION I - DEFINITIONS

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

- 1.1 Approved shall mean acceptable to the Board following its determination as to conformity with departmental standards and established public health practices.
- 1.2 Basement shall mean that portion of a building between floor and ceiling which is below or partly below grade.
- 1.3 Board shall mean the Countryside Public Health Service Board acting under the provisions of Minnesota Statutes 145.913, Subdivision 1 (d) as the Board of Health.
- 1.4 Clean shall mean absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.
- 1.5 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.
- 1.6 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.
- 1.7 Grade shall mean the average of the finished ground level at the center of all 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.
- 1.8 Health Department shall mean the Countryside Public Health Services Board and its Community Health Services staff as specified herein.
- 1.9 Director as specified herein shall mean the Countryside Public Health Services Board's Environmental Health Director and any related staff.
- 1.10 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.

- 1.11 Infestation shall mean the presence, within or around a dwelling of any insects, rodents, or other pests.
- 1.12 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.
- 1.13 Person shall include an individual, partnership, corporation, association, or other legal entity.
- 1.14 Plumbing Code shall mean the Minnesota Plumbing Code (Minnesota Health Department, 120-135, Chapter 13, 1969) or local plumbing code adopted by municipality having jurisdiction.
- 1.15 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.
- 1.16 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, but not for cooking or eating purposes.
- 1.17 Rooming House shall mean the same as lodging house.
- 1.18 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.
- 1.19 Standard shall mean the criteria for compliance of the Board and shall be available on request.
- 1.20 Usable Floor Space shall mean all floor space in a sleeping room not occupied by closets, toilet rooms, showers, or bathrooms.
- 1.21 Meaning of Certain Words. Whenever the words "rooming house", "lodging house", "rooming unit", "premises", "hotel", "motel", are used in this regulation, they shall be construed as though they were followed by the words or any other part thereof.

SECTION II - LICENSE NEEDED

- 2.1 It shall be unlawful for any person to operate a hotel, motel, lodging establishment, or resort within Big Stone, Chippewa, Lac Qui Parle, Swift or Yellow Medicine County who does not possess a valid license issued to him by the Health Department as required by this regulation. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a license. Licenses shall not be transferable. The license year shall be from January 1 to December 31 next succeeding.

SECTION III - APPLICATION FOR A LICENSE

- 3.1 Any person desiring to operate a hotel, motel, lodging establishment, or resort shall make written application for a license on forms provided by the Health Department. Such application shall include the general nature of the business, location, and such general information as the Health Department may require. Each application for a license together with the appropriate license fee as described herein shall be submitted to the Health Department not later than January 31 following expiration of the previous license, or in the case of a new or seasonal business, not later than 30 days after the opening date of such business. A penalty of \$10.00 shall be added to the amount of the license fee and paid by the applicant if the application has not reached the Health Department office by the dates designated above. Any person who operates a hotel, motel, lodging establishment, or resort without submitting an application and appropriate fee shall be deemed to have violated this regulation and shall be subject to prosecution as provided in this regulation.

SECTION IV - LICENSE FEES

- 4.1 Any hotel, motel, lodging house, or resort shall pay an annual license fee based on the number of sleeping rooms at a per-room rate specified by resolution of the County Boards of Commissioners for Big Stone, Chippewa, Lac Qui Parle, Swift or Yellow Medicine Counties. Such rates may be changed by resolution of the County Boards of Commissioners for Big Stone, Chippewa, Lac Qui Parle, Swift or Yellow Medicine Counties from time to time as they shall deem appropriate.

SECTION V - INSPECTION

- 5.1 It shall be the duty of the Director 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 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.

SECTION VI - NOTICE OF SUSPENSION

- 6.1 Whenever, upon inspection of any hotel, motel, lodging house, or resort, the Director finds that conditions or practices exist which are in violation of any provision of this regulation, the Director shall give notice in writing to the operator of such business, that unless such conditions or practices are corrected within a reasonable period to be determined by the Director, the operator's license may be suspended. At the end of such period, the Director shall reinspect such hotel, motel, lodging house, or resort and if he finds that such conditions or practices have not been corrected, he may give notice in writing to the operator that the latter's license has been suspended. Upon receipt of notice of suspension of the license, such operator shall immediately cease operation of the hotel, motel, lodging house, or resort, and no person shall occupy for sleeping purposes any unit therein except the owner's quarters when existing in the same building.

- 6.2 Nothing in this section shall be construed to prevent the Director from suspending a license only as to such portion of the premises that do not comply with the provisions of this regulation and permitting the continued operation of the remaining portions of such premises which do comply.

SECTION VII - EMERGENCY ORDERS

- 7.1 Whenever the Director finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearings, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this regulation, such order shall be effective immediately.

Any person to whom such order is directed shall comply therewith immediately but upon petition to the Director shall be afforded a hearing before the Appeals Board.

SECTION VIII - APPEAL FROM SUSPENSION OF LICENSE

- 8.1 Any person whose license to operate a hotel, motel, lodging house, or resort has been suspended, or who has received notice from the Director that his license is to be suspended unless existing conditions or practices are corrected, may request and shall be granted a hearing on the matter before the Appeals Board and the procedure provided by Section IX of this regulation; provided that if no petition for such hearing is filed within ten days following the day on which such license was suspended, such license shall be deemed to have been revoked.

SECTION IX - APPEALS BOARD

- 9.1 Appeals Board. The Appeals Board shall consist of five members from Countryside Public Health Service Board such that one member from each county is included. The Chairman of the Health Services Board will be the Appeals Board Chairman and will be included as one of the five members.
- A. Request for Hearing. Any persons affected by a notice of suspension or emergency order which has been issued and served as provided in Section VI and VII shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Director written petition requesting such hearing and setting forth a brief statement on the grounds therefore. Said petition shall be filed within ten days after the notice was served.
- B. 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 Appeals 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.
- C. Notice of Hearing. The Director shall cause five days written notice of the hearing to be given to the petitioner or petitioners by personal service or by mailing to the petitioner's last known address.

- D. 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 suspension or emergency order issued by the Director should be modified or withdrawn. The Director shall present a detailed, written statement of his findings and decision to the Appeals Board at the time of the hearing.
- E. Decisions of the Appeals Board. After such hearing, the Appeals Board shall sustain, modify, or withdraw the notice of suspension or emergency order, depending upon its findings as to whether the licensed establishment is being operated in compliance with the provisions of this regulation. A copy of the decisions 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 decision of the Director, shall be recorded and reduced to writing and entered as a public record in the office of the Director. Such record shall include a copy of every notice, order, or writing issued in connection with the matter.
- G. Notices not Appealed. Any notice served pursuant to the provisions of this regulation shall automatically become final if written petition for a hearing is not filed with the Director within ten days after the notice is served.

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

- 10.1 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.
- 10.2 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 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.
- 10.3 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.

- 10.4 Screening. When flies, mosquitos, 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 buidling as to be free of such insects, or in such areas where other effective means are provided to prevent their entrance.
- 10.5 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.
- 10.6 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.
- 10.7 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. 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, 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.
- 10.8 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.
- 10.9 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 20 occupants, or fraction thereof. Hot water shall not exceed

130 degrees Fahrenheit (approximately 55° C.) 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 buildings and shall be constructed, equipped, and maintained in conformity with the standards of the Board and shall be kept clean.

10.10 Water Supply. A safe, adequate supply of water shall be obtained from either a public community water supply system or a public non-community water supply system. In either case, the source of supply and the system must be operated, located and constructed in accordance with the appropriate rules of the Minnesota Department of Health.

10.11 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.

10.12 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 Board. 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, 1982, shall conform to Standard Number 3 of the National Sanitation Foundation, dated November, 1977

Any of the bactericidal processes listed in sections 5.103 or 5.104 of the Board of Health regulations governing Food and Beverage establishments shall be considered as an approved means of sanitization.

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

10.13 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 standards of the Board.

Prior to removal, all garbage and refuse in storage shall be kept in water-tight, non-absorbant 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.

- 10.14 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.
- 10.15 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.
- 10.16 Cleanliness of Premises. The premises of all hotels, motels, lodging houses and resorts shall be kept clean and free of litter or rubbish.
- 10.17 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 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.
- 10.18 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 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.
- 10.19 Preparation of Meals. No occupant of a lodging establishment shall prepare meals in a sleeping room unless such room is part of an efficiency unit.
- 10.20 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.

- 10.21 Notice of Construction. The Health Department shall be notified thirty days prior to initiating construction of new lodging establishments or permanent additions, alterations or modifications of existing structures. Such notifications shall be made by the owner for the purpose of permitting a review of features having public health significance.
- 10.22 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 XI - SEVERABILITY

- 11.1 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 XII - PENALTIES

- 12.1 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 thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.) or by imprisonment of not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

SECTION XIII - EFFECTIVE DATE

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

