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

LAKE COUNTY REQUIREMENTS FOR LODGING ESTABLISHMENTS  
ORDINANCE NO. 10

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

SECTION 1. DEFINITIONS.

(a) BOARD. The term "Board" shall mean the Lake County Board of Health.

(b) Health Officer. The term "Health Officer" shall mean the Lake County Health Officer or his duly authorized representative.

(c) 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.

(d) LODGING ESTABLISHMENT. The term "lodging establishment" shall mean a hotel, lodging house or resort.

(e) 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.

(f) 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.

(g) STANDARDS. The term "standards" shall mean the minimum standards of compliance established by the Lake County Board of Health.

SECTION 2. COMPLIANCE STANDARDS.

The Lake 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, subject to ratification by the County Board, for the preservation of the public health.

SECTION 3. ENFORCEMENT PROVISIONS.

(a) It shall be unlawful for any person to operate a hotel, lodging house, or resort within the jurisdiction of the Lake 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 Lake County Board of Health shall be entitled to receive and retain such a license. Licenses shall not be transferable as to 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) By each January 1, every person, firm or corporation now engaged in the business of conducting a hotel, lodging 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 or resort so conducted. License renewals received after January 1 shall pay a \$10.00 penalty fee.

(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 an application for a new establishment, 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 | <u>Fee</u> |
|---|------------|
| 1-18  | \$25.00    |
| 19-35                                       | \$30.00    |
| 36-100                                      | \$45.00    |
| 101- and over                               | \$75.00    |

A new business or a new operator shall pay one-half the fee when opening after October 1 until January 1 following. For a change of ownership the new owner must obtain a license within two weeks of date of possession.

(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 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.

Any lodging establishment, new or existing, shall comply with the provisions of the Lake County Health Code, Ordinance Number 1, and/or the Minnesota Pollution Control Agency Regulation, WPC-40 for the treatment of sewage. Those establishments found to have substandard sewage treatment systems shall be required to bring said system into compliance with the current standards of the aforementioned regulations in accordance with the following procedure:

1. Upon notice from the Lake County Health Department that a substandard sewer system exists the owner of the premises shall, within 12 months, submit plans and an application for a new sewage treatment system to the Health Department.
2. Upon approval and issuance of a sewage treatment permit the owner will have an additional 12 months in which to construct the system and call for a final inspection.

Notice of a sub-standard system shall be based upon the results of a routine inspection or an inspection in response to a formal complaint duly signed by the complainant.

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 judgement, constitute 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 reinstated.

(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 decisions 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 this ordinance 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 Lake County Board of Health from time to time.

SECTION 7. VARIANCE.

Whereupon written application of the responsible person or persons the Lake 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 Lake 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, 1979.

SECTION 11. ORDINANCE CERTIFICATION

DATED AT TWO HARBORS, MINNESOTA, THIS 28th DAY OF November, 1978.

SUBMITTED BY THE LAKE COUNTY BOARD OF HEALTH:

October 17, 1978

PUBLIC HEARING HELD JOINTLY BY LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AND LAKE COUNTY BOARD OF HEALTH:

November 28, 1978

ADOPTED:

November 28, 1978

EFFECTIVE DATE:

January 1, 1979

Edwin W. Hansen  
Chairman, Lake County Board of Commissioners

Carl E. Schreyer  
Chairman, Lake County Board of Health

ATTEST:  
Malroy Peterson  
Lake County Auditor

## COMPLIANCE STANDARDS FOR LODGING ESTABLISHMENTS

SCOPE (a) This regulation shall be applicable to all lodging establishments, such as hotels, motels, lodging houses and resorts as defined in Minnesota Statutes, Chapter 157.

## SECTION I DEFINITIONS

(a) BOARD. The term "Board" shall mean the Lake County Board of Health and the Lake County Department of Health, which terms shall be synonymous.

(b) APPROVED. The term "approved" shall mean acceptable to the Board following its determination as to conformity with departmental standards and established public health practices.

(c) CLEAN. The term "clean" shall mean the absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.

(d) GOOD 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.

(e) STANDARDS. The term "standards" means the criteria of compliance of the Board and available on request.

(f) USABLE FLOOR SPACE. The term "usable floor space" means all floor space in a sleeping room not occupied by closets, toilet rooms, shower or bathrooms.

SECTION II SANITATION REQUIREMENTS. The construction, operation, maintenance and equipment of lodging establishments shall be regulated as follows:

(a) 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.

(b) FLOORS. The floors of all guest rooms, hallways, bathrooms, store rooms, 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.

(c) 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.

(d) 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.

(e) 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. Air replacement vents shall be designed to permit the entrance of an equal volume of displaced air and to prevent the entrance of insects, dust or other contaminating materials. 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.

(f) SPACE. Every room occupied for sleeping purposes by one person shall contain at least 70 sq. ft. of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 sq. ft. of usable floor space for each occupant thereof. Under no circumstances shall there be provided less than 400 cu. ft. of air space per occupant. Beds shall be spaced at least 3 ft. 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 Board may waive any of the provisions of this paragraph subject to such conditions as may be deemed desirable in the individual case.

(g) 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, 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.

(h) 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.

(i) 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. Separate toilet, lavatory and bath facilities shall be provided in the ratio of one toilet and one lavatory for every ten(10) occupants of each sex, or fraction thereof, and one bath tub or shower for every twenty (20) occupants of each sex, or fraction thereof. 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.

(j) 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 standards of the Board. When strict compliance herewith is impracticable the Board may waive any of the provisions for location and construction specified in this item, subject to such conditions as may be deemed desirable in the individual case.

(k) 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.

(l) 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 installations installed on or before January 1, 1968 shall conform to Standard Number 3 of the National Sanitation Foundation, dated April, 1965.

Either of the following bactericidal processes for manual dishwashing is regarded as approved:

- (1) Complete immersion in clean water at a temperature of not lower than 170° Fahrenheit for at least two minutes. The bactericidal compartment must be properly equipped with a heating unit or other means to maintain the specified temperature while in use.
- (2) Complete immersion in clean water containing not less than 50 parts per million of available chlorine if hypochlorites are used; or not less than 200 parts per million if chloramines are used, for not less than two minutes. Other compounds acceptable to the Board may be used in accordance with standards recommended at the time of acceptance.

Any other processes acceptable to the Board may be used for machine or manual dishwashing.

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

(m) 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, nonabsorbent 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.

(n) 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.

(o) 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.

(p) CLEANLINESS OF PREMISES. The premises of all hotels, motels, lodging houses and resorts shall be kept clean and free of litter or rubbish.

(q) 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 ACCORDANCE WITH REQUIREMENTS OF THE STATE FIRE MARSHAL.

(r) 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 this 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 Board.

SECTION III EFFECTIVE DATE:

(a) This regulation shall take effect January 1, 1979.

DOC. NO. 102987

OFFICE OF COUNTY RECORDER

STATE OF MINNESOTA, } ss.  
COUNTY OF LAKE

I hereby certify that the within instrument was filed for record in this office on the 15<sup>th</sup> day of December A.D. 1928 at 3 o'clock

P. M. and was duly recorded in book 7 at MS records page 694

Edward Miller  
County Recorder

By \_\_\_\_\_ Deputy

DOC. NO. 14156

OFFICE OF REGISTRAR OF TITLES

STATE OF MINNESOTA, } ss.  
County of Lake

I hereby certify that the within instrument was filed in this office the 15<sup>th</sup> day of December A.D. 1928 at 3 o'clock P. M. and was duly registered in Book \_\_\_\_\_ of Registrar of Titles page \_\_\_\_\_

Edward Miller  
Registrar of Titles

By \_\_\_\_\_ Deputy