ROCK COUNTY

PUBLIC HEALTH
LODGING ESTABLISHMENTS
ORDINANCE

ADOPTED 06/19/12

ROCK COUNTY – PUBLIC HEALTH
LODGING ESTABLISHMENTS ORDINANCE

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ROCK COUNTY – PUBLIC HEALTH
LODGING ESTABLISHMENTS ORDINANCE

The County Board of Rock County ordains:

SECTION I - - PURPOSE

1.1 An Ordinance Providing for the Licensing and Inspection of Lodging Establishments, Regulating Their Design, Construction, Operation and Maintenance, and Providing for the Enforcement of this Ordinance, and the Fixing of Penalties throughout the entirety of Rock County, thereof be and thereby is established as follows:

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

1.2 The purpose of this Ordinance is to establish standards for all lodging establishments, and to protect the health, safety, and general welfare of the residents of Rock County, including the following general objectives:

A. Correct and prevent conditions that may adversely affect persons utilizing lodging establishments.

B. Provide minimum standards for the design, construction, operation, and maintenance of lodging establishments.

C. Meet consumer expectations of the quality and safety of lodging establishments.

D. Establish inspection requirements and associated procedures involved with administering and enforcing this Ordinance.

E. Comply with the delegation agreement that Southwest Health and Human Services has entered into with the Minnesota Department of Health.

SECTION II - - AUTHORITY

2.1 This Ordinance is enacted pursuant to Minnesota Statutes Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection, and enforcement duties authorized under the provisions of these sections.

SECTION III - - DEFINITIONS

3.1 Unless specifically defined in this section, words or phrases used in this Ordinance shall have the meaning given in Minnesota Rules, Chapter 4625; or successor rules, and Minnesota Statutes, Section 157.15; or successor statutes.

A. COMMUNITY HEALTH BOARD: Means the Southwest Health and Human Services Board of Health or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under the provisions of Minnesota Statute 145A.10, as the Board of Health.

B. COUNTY: Means the County of Rock.

C. COUNTY BOARD: Means the Rock County Board of Commissioners and their authorized representatives.

D. DEPARTMENT: Means Southwest Health and Human Services and its Environmental Health Services Staff.

E. ENVIRONMENTAL HEALTH SPECIALIST: Means the Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.

F. LICENSE: Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance or State law administered by the County for the operation of any business, service or facility.

G. LICENSEE: Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.

H. LODGING ESTABLISHMENT: Shall mean a hotel, lodging house, boarding house, resort or similar facility where sleeping facilities are offered to the public, or as given the meaning in Minnesota Statutes, section 157 or successor statutes.

SECTION IV - - ADMINISTRATION

4.1 The Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.

4.2 The Department shall have all powers necessary to administer and enforce the provisions of this Ordinance. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:

A. Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.

B. Obtain assistance and cooperation from other State and Local health, legal, and law enforcement officials in the administration and enforcement of this Ordinance.

C. Cooperate with Local and State personnel in the enforcement of this Ordinance and State regulations, rules, and requirements relating to lodging establishments.

D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Ordinance.

E. Enter upon the premises of any Lodging Establishment at any reasonable time for the purpose of administrating and enforcing this Ordinance.

F. The Department may impose additional requirements to protect against health hazards related to the conduct of their operation.

G. Interpret the provisions and intent of this Ordinance as may be necessary from time to time.

SECTION V - - ADOPTION OF LODGING ESTABLISHMENTS STANDARDS

5.1 The standards for Lodging Establishments outlined in Minnesota Rules Chapter 4625 are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4625 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated agents.

SECTION VI - - PUBLIC SWIMMING POOL ORDINANCE

6.1 The guidelines related to swimming pools and other artificial recreational bathing facilities of the Rock County Public Health Swimming Pool Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION VII - - ADOPTION OF THE SAFE DRINKING WATER ACT AND STANDARDS OF THE PUBLIC WATER SUPPLIES

7.1 The requirements of the Safe Drinking Water Act as outlined in Minnesota Statutes Chapter 144, Sections 144.381 to 144.387 and the standards for Public Water Supplies as outlined in Minnesota Rules Chapter 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4720 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

7.2 Every lodging establishment shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed, and operated in accordance with the provisions of Minnesota Rules Chapter 4725.

SECTION VIII - - LODGING RULE AND STATUTE

8.1 The following Lodging Rule and Statute, found in Minnesota Rules 4625.0100-4625.2355, as amended from time to time, contains regulations for the following that must be adhered to:

A. BUILDING REQUIREMENTS

B. FLOOR REQUIREMENTS

C. WALL AND CEILING REQUIREMENTS

D. SCREENING REQUIREMENTS

E. LIGHTING AND VENTILATION REQUIREMENTS

F. SPACE REQUIREMENTS

G. BEDDING AND LINEN REQUIREMENTS

H. ROOM FURNISHING REQUIREMENTS

I. TOILETS REQUIREMENTS.

J. WATER SUPPLY

K. HANDWASHING REQUIREMENTS

L. EATING UTENSILS AND DRINKING VESSELS PROVIDED IN GUEST ROOMS

M. WASTE DISPOSAL

N. INSECT AND RODENT CONTROL

O. PERSONNEL HEALTH AND CLEANLINESS

P. CLEANLINESS OF PREMISES

Q. FIRE PROTECTION

R. PLUMBING AND SWIMMING POOLS

S. SANITARY DISPENSING OF ICE

SECTION IX - - LICENSING AND COMPLIANCE PROCEDURES

9.1 Licenses needed. It shall be unlawful for any person to operate a lodging establishment within Rock County who does not possess a valid license issued to them by the Department, as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. All licenses expire as of December 31st each year.

9.2 Application for License.

A. Any person desiring to operate a lodging establishment shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31st each year, following expiration of the previous year's license, or in the case of a new lodging establishment, prior to the opening date of such lodging establishment. Any person who operates a lodging establishment without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.

B. License renewals shall be obtained on an annual basis. License Renewal applications shall be submitted on forms provided by the Department no later than December 31st of the year preceding the year for which application is made.

C. Proprietors of any lodging establishment shall pay an annual license fee, at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in section 9.2A.

D. From and after October 1 of each year, the license fee for new lodging establishments, or new operators, shall be one-half of the appropriate annual license fees plus any penalty which may be required.

E. The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1st of the licensing year.

SECTION X - - INSPECTIONS

The Department shall inspect lodging establishments according to Minnesota Statute 157 and rules adopted under Minnesota Statutes 157.

10.1 It shall be the duty of the Department to inspect each licensed or permitted lodging establishment in accordance with Minnesota Department of Health requirements. Re-inspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.

10.2 The Department, after proper identification, shall be permitted, at any reasonable time, to enter any lodging establishment for the purpose of making inspections to determine compliance with this Ordinance. The Department shall be permitted to examine the records of the lodging establishment, to obtain information pertaining to persons employed, and to obtain any other information that may be necessary to determine whether the establishment is in compliance with this Ordinance. Any interference with the Department in performance of his/her duties shall be grounds for immediate suspension of the license.

10.3 Whenever an inspection of a lodging establishment is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.

10.4 The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.

10.5 The frequency of inspections shall be based on the degree of hazard to the public, and to comply with the time frames established in Minnesota Statute, Section 157.20; or successor statutes.

10.6 EMERGENCY ORDERS: Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearings, issue an order reciting the existence of such an emergency and require that such

action be taken as it 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 petition to the Department, shall be afforded a hearing before the Appeals Board.

SECTION XI - - PLAN REVIEW OF FUTURE CONSTRUCTION

11.1 General. Whenever a lodging establishment is constructed or remodeled, or whenever an existing structure is converted to use as a lodging establishment, properly prepared plans and specifications for such lodging construction, remodeling, or conversion shall be submitted to the Department with applicable fees for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall show layout, mechanical, plumbing, and electrical specifications, construction materials, and location and type of equipment and facilities and shall be filed by its owner in the office of the Department. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

A. The Department shall approve the plans and specifications only if they meet the requirements of this Ordinance, Minnesota Rules, Chapter 4625.0300 to 4625.2200 and any other applicable Federal, State or Local laws and regulations.

B. The establishment shall be constructed and finished in conformance with the approved plans.

C. The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.

D. The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of such proposed construction, including, but not limited to; the Minnesota State Fire Marshall, the Minnesota Department of Labor and Industry Plumbing Division, or the appropriate county, city or township officials.

SECTION XII - - ADMINISTRATIVE ORDINANCE

12.1 The guidelines related to licensing, fees, and enforcement of licensed establishments of the Rock County Public Health Administrative Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION XIII - - MINNESOTA DEPARTMENT OF HEALTH

13.1 Minnesota Department of Health. The requirements contained in this ordinance are intended to be comparable to the Minnesota Department of Health Rules, and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

SECTION XIV - - PENALTIES

14.1 Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars ($1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Such person may be enjoined from continuing such violations.

14.2 In the event of a violation or a threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

SECTION XV - - SEVERABILITY

15.1 If any provision of this Ordinance or the application thereof, to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Ordinance are severable.

SECTION XVI - - REPEAL OF PREVIOUS ORDINANCE

12.1 This Ordinance, adopted 06/19/12, hereby repeals and replaces in its entirety, the Rock County Environmental Health Licensing Ordinance of July 6, 2010.

SECTION XVII - - EFFECTIVE DATE

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

Adopted this 19 **day of** June, 2012

Chairman
Rock County Board of Commissioners

Attest:

Kyle Oldre
Rock County Auditor