

**THIS IS A DRAFT OF AN ORDINANCE TO BE PROPOSED AT THE DECEMBER 4, 2017
WAITE PARK CITY COUNCIL MEETING**

ORDINANCE 105 REGULATION OF HOTELS/MOTELS/LODGING ESTABLISHMENTS..... 105-1

SECTION 105.1. DEFINITIONS..... 105-1

SECTION 105.2. LICENSE TO OPERATE..... 105-2

SECTION 105.3. MINIMUM STANDARDS OPERATION..... 105-6

SECTION 105.4. ENFORCEMENT 105-8

SECTION 105.5. INVESTIGATION..... 105-8

ORDINANCE 105 REGULATION OF HOTELS/MOTELS/LODGING ESTABLISHMENTS

Section 105.1. Definitions. For purposes of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) **Calls for Service.** “Calls for Service” includes but is not limited to any and all calls to emergency services (police, fire, and medical), that result in a representative being dispatched or directed to the lodging establishment, hotel or motel. That shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be traced to the lodging establishment, hotel or motel staff and/or registered guest(s) and/or visitor(s). Calls for service includes any self initiated activity and/or investigation based on the observation(s) of an emergency services representative.
- (b) **Guest.** “Guest” means any person that occupies a guestroom.
- (c) **Guestroom.** “Guestroom” means a sleeping room in a lodging establishment, hotel or motel designed and included to be used as lodging.
- (d) **Hotel or Motel.** “Hotel or motel” means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for less than one week pursuant to Minn. Stat. Section 157.15, subd. 7. Hotels or motels are considered temporary sleeping accommodations for people who have established residence elsewhere.
- (e) **Lodging establishment.** “Lodging Establishment” means (1) a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to 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; or (2) a building, structure, or enclosure of any part thereof located within ten miles distance from a hospital or medical center and maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished exclusively to patients, their families, and caregivers while the patient is receiving or waiting to receive health care treatments or procedures for periods of one week or more, and no supportive services, as defined under section 157.17, subdivision 1, paragraph (a), or health supervision services, as defined under section 157.17, subdivision 1, paragraph (b), or home care services, as defined under section 144A.471, subdivisions 6 and 7,

**THIS IS A DRAFT OF AN ORDINANCE TO BE PROPOSED AT THE DECEMBER 4, 2017
WAITE PARK CITY COUNCIL MEETING**

are provided pursuant to Minn. Stat. Section 157.15, subd. 8. Lodging establishments are considered temporary sleeping accommodations for people who have established residence elsewhere.

- (f) **Nuisance-related Calls.** “Nuisance-related Calls” includes emergency or 911 service calls which annoys, injures or endangers the safety, health, and welfare of the public. Nuisance-related calls also include 911 service calls which relate to suspected illegal activity on the premises of the lodging establishment, hotel or motel.
- (g) **Guest.** “Guest” means any person that occupies a guestroom.
- (h) **Guestroom.** “Guestroom” means a sleeping room in a lodging establishment, hotel or motel designed and included to be used as lodging.
- (i) **Owner or Operator.** “Owner or Operator” means any person, firm, association, partnership, limited liability company, or corporation, which is the record owner, part owner, lessee, receiver, sublessee, or franchisee of real property as listed on the last equalized assessment roll as maintained by the City of Waite Park at which a lodging establishment, hotel or motel business is operated, which offers and accepts payment for rooms, guest rooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the guestroom on behalf of himself/herself or any entity listed above.

Section 105.2. License to Operate. In addition to the other licensing requirements set out by Minnesota Statutes and the Minnesota Department of Health, it is unlawful to operate a lodging establishment, hotel or motel without a valid license through the City of Waite Park. The annual license to operate shall be applied for to the City Administrator, or his or her designee, on a yearly basis by the owner or operator of a lodging establishment, hotel or motel. The deadline for submitting the application, processing fee, and background check fee shall be October 1st, or if this date lands on a Saturday or Sunday, on the next business day to the City of Waite Park. The application and background check fees are set forth in Appendix B. The license shall be issued or denied within ninety (90) days. The City Council shall approve or deny each application.

In the event that a new lodging establishment, hotel or motel operator applies for a license during the year prior to October 1st, the license will be issued or denied within ninety (90) days. Any subsequent permit may be applied for on or before October 1st of the following year and issued or denied within ninety (90) days.

Subd. 1. Application Requirements. In addition to filling out the necessary application paperwork, applicants will need to complete the following:

- (a) Participate in training each year as directed by Law Enforcement; and
- (b) The owner(s), operator(s), and manager(s) of the lodging establishment, hotel or motel shall submit to a criminal background check.

**THIS IS A DRAFT OF AN ORDINANCE TO BE PROPOSED AT THE DECEMBER 4, 2017
WAITE PARK CITY COUNCIL MEETING**

Subd. 2. Grounds for Denial. The license to operate may be denied for any of the following reasons:

- (a) Failure to comply with the minimum standards of operation as outlined in this ordinance.
- (b) The lodging establishment, hotel or motel has an unabated notice of violation.
- (c) The excessive nature of nuisance-related calls after being served First, Second, and Third Notices.
- (d) A serious nuisance-related call which warrants immediate revocation.
- (e) Failure to maintain the licensed premises to all building, fire, mechanical, zoning or licensing codes.
- (f) The owner, operator, or manager has multiple criminal misdemeanor convictions that relate to the lodging establishment, hotel or motel or has been convicted of a felony that relates to the licensed activity. This subsection shall not apply to corporations, limited liability companies, or partnerships, but shall apply to all officers, directors of any such corporations and members of any such limited liability companies, and partners of any such partnerships.

Subd. 3. Nontransferability. Each license to operate issued pursuant to this ordinance shall be separate and distinct from all others and shall not be transferable from the person, firm or corporation to whom issued to any other person, firm or corporation.

When a change of owner or operator occurs at an existing lodging establishment, hotel or motel, the new owner or operator shall apply for a license to operate. If the prior owner or operator's license to operate for the lodging establishment, hotel or motel was denied or revoked, a provisional license to operate may be issued with special conditions as designated by the City Administrator, or his or her designee.

Subd. 4. Report of Changes to the Application. Whenever an owner or operator sells or transfers title to, or assigns the lease or subleases a lodging establishment, hotel or motel while the application for the license to operate is pending, the owner or operator shall notify the City Administrator in writing within five (5) business days of such transfer.

Every operator of a lodging establishment, hotel or motel shall report any change in information such as any change to the manager(s) and operator(s) and/or owner(s) as defined in this ordinance to the City Administrator in writing within five (5) business days after the change has occurred. A change in the information on the application is subject to review by the City Administrator and may be grounds for revocation of the license to operate.

Subd. 5. Revocation. The license to operate shall be subject to revocation upon good cause shown that the operation of the lodging establishment, hotel or motel is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the residents or businesses of the neighboring community by any of the following:

**THIS IS A DRAFT OF AN ORDINANCE TO BE PROPOSED AT THE DECEMBER 4, 2017
WAITE PARK CITY COUNCIL MEETING**

- (a) Noncompliance with federal, State, and City of Waite Park municipal codes;
- (b) Noncompliance with this ordinance;
- (c) Nuisance-related Calls;
- (d) Arrests related to illegal activity which occurred on the lodging establishment, hotel or motel's premises;
- (e) Any other conditions, problems, issues, concerns or facts that are deemed relevant.

Subd. 6. Revocation Investigative Report. In processing a revocation of the license to operate, the City Administrator, or his or her designee, shall prepare an investigation report that details the circumstances that have led to the revocation proceeding.

- (a) The investigative report may include any or all of the following that are applicable:
 - 1. Frequency or occurrence of violations, arrests, or nuisance-related calls.
 - 2. Seriousness of the violations, arrests, or nuisance-related calls in relation to its threat or impact upon public health, safety or welfare.
 - 3. History of the violations, arrests, or nuisance-related calls.
 - 4. Good faith efforts taken by the lodging establishment, hotel or motel to correct, reduce and/or alleviate violations, arrests, or nuisance-related calls.
 - 5. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem.
 - 6. The impact of the violations, arrests, or nuisance-related calls on the surrounding property and community.
 - 7. The financial impact to the City of Waite Park.
- (b) Prior to a revocation investigative report being issued, the following notices must be provided:
 - 1. First Notice. Upon determination that the lodging establishment, hotel or motel has received _____ (X) nuisance-related calls or complaints or the lodging establishment, hotel or motel was used in a manner in violation of any of the provisions enumerated in this ordinance, the City Administrator, or his or her designee, will notify the owner or operator by certified mail, and direct the owner or operator to take steps to prevent further violations at the lodging establishment, hotel or motel.

**THIS IS A DRAFT OF AN ORDINANCE TO BE PROPOSED AT THE DECEMBER 4, 2017
WAITE PARK CITY COUNCIL MEETING**

2. Second Notice. If _____ (X) additional nuisance-related calls or violations of any provisions enumerated in this ordinance occurs at the premises within twelve (12) months of incidents for which the first notice was already provided, (total of _____ (X)), the owner or operator will be required to submit a written report explaining each call or complaint and will detail all actions taken by the owner or operator and its employees in response to all notices of violations at the lodging establishment, hotel or motel within the preceding twelve (12) months. This written report must be submitted to the City Administrator, or his or her designee, within fifteen (15) days, excluding intervening weekends and holidays, of the notice of violations. Failure to respond within fifteen (15) days is grounds for revocation of a license to operate. The City Administrator, or his or her designee, may serve a revocation investigative report and notice of hearing after failing to respond.

3. Third Notice. If additional calls for service or violations of any provisions enumerated in this ordinance occur on the premises within twelve (12) months of incidents for which previous notices have been given, (total of _____ (X) or more), the City Administrator, or his or her designee, may issue a revocation investigative report and notice of a hearing for revocation. ____ (X) or more nuisance-related calls or violations of any provisions in this ordinance are grounds for revocation of a license to operate.

4. Immediate Action Required. One single serious nuisance-related call or violation may be grounds for revocation. If the City Administrator, or his or her designee, determines that a serious nuisance-related call or violation which severely threatens public safety has occurred at the lodging establishment, hotel or motel, the City Administrator, or his or her designee, may serve a revocation notice with a copy of the revocation investigative report detailing the serious violation regardless of the number of notices the lodging establishment, hotel or motel has already received.

Subd. 7. Notice of Hearing. Upon good cause shown in the revocation investigation report issued by the City Administrator, or his or her designee, a notice of the hearing date, time, and location shall be served upon the owner or operator of a lodging establishment, motel or hotel personally or by certified mail ten (10) days prior to the scheduled hearing in front of the City Council to determine whether the license to operate should be revoked or not. The lodging establishment, hotel or motel shall be provided a copy of the revocation investigation report with the notice of hearing. The owner, operator, or other designated representatives shall be given the opportunity to be heard and present any evidence necessary at the revocation hearing. The City Council shall issue a final order determining whether the license to operate shall be revoked or not.

Subd. 8. Notice of Revocation. Upon confirmation and final decision issued by the City Council, the Chief of Police, or his or her designee, shall post a copy or copies of the notice of revocation of license to operate at the lodging establishment, hotel or motel.

**THIS IS A DRAFT OF AN ORDINANCE TO BE PROPOSED AT THE DECEMBER 4, 2017
WAITE PARK CITY COUNCIL MEETING**

Subd. 9. Removal or Tampering with Posted Notice. A posted notice of revocation of license to operate may only be removed by an authorized City of Waite Park official.

Subd. 10. Surrender Following Revocation. The lodging establishment, hotel or motel operation shall cease within fifteen (15) days of posting the notice of revocation of license to operate and surrender its license to operate to the City of Waite Park.

Subd. 11. Reissuance of license after revocation. A license to operate that is revoked shall not be reissued for a period of one (1) year from the date of such revocation, unless the period of revocation is either delayed or shortened by the City Council due to voluntary mitigation action by the owner or operator, and such mitigation action is approved by the City Council.

Subd. 12. Violations and Penalties. It is unlawful to operate a lodging establishment, hotel or motel without a valid license to operate in the City of Waite Park and it is unlawful to operate a lodging establishment, hotel or motel by failing to comply with any of the requirements established by this ordinance.

Section 105.3. Minimum Standards of Operation. In order to maintain the license to operate issued through the City of Waite Park, the owner or operator of a lodging establishment, hotel or motel shall comply with the following minimum standards of operation:

- (a) No person shall be allowed to rent guestrooms without providing suitable identification at the time of registration, a copy of which shall be retained upon check in. The guest shall verify his or her identification through production of a driver's license, passport, government-issued identification, or some other type of identification. A copy of the identification shall be recorded and maintained by the owner or operator for at least ninety (90) days.
- (b) The true name of all persons occupying rented guestrooms shall be listed on the register at the time of registration. Any person who remains in a room after midnight (12:00 a.m.) shall be presumed to be a guest. Guestroom occupancy lists shall be recorded and maintained by the owner or operator for at least ninety (90) days.
- (c) The owner or operator of a lodging establishment, hotel or motel shall immediately, upon notice that a registration was incomplete or inaccurate, terminate the rental agreement and evict from the premises all guests occupying the guestroom for which such incomplete or inaccurate registration was provided.
- (d) No owner or operator of a lodging establishment, hotel or motel shall knowingly permit the premises to be used for any illegal purpose.
- (e) The owner or operator of a lodging establishment, hotel or motel shall report observed or suspected illegal activity to the police within a reasonable period of time.

**THIS IS A DRAFT OF AN ORDINANCE TO BE PROPOSED AT THE DECEMBER 4, 2017
WAITE PARK CITY COUNCIL MEETING**

- (f) The owner or operator of a lodging establishment, hotel, or motel shall install video surveillance in all common areas of the building.
- (g) The owner or operator of a lodging establishment, hotel or motel shall take all steps reasonable and necessary to insure that video surveillance and recording equipment is in good working order at all times.
- (h) Video surveillance records shall be retained a minimum of ninety (90) days from the day of creation.
- (i) Each guestroom shall be numbered in a plain, conspicuous manner. Such numbers shall be placed and maintained on the outside of the outer door of each guestroom, and no two guestrooms units shall be labeled with the same number.
- (j) No guest shall be able to purchase the guestrooms on an hourly basis. All guestrooms must be rented for overnight purposes.
- (k) Any lodging establishment, hotel or motel license issued by the City of Waite Park shall be conspicuously displayed in the office or lobby of the licensed establishment.
- (l) The operation of any lodging establishment, hotel or motel shall be supervised by a manager, or his or her designee, in charge of the property at all hours.
- (m) No guest shall be able to establish permanent residency at the lodging establishment, hotel or motel.
- (n) The owner or operator of a lodging establishment, hotel, or motel shall maintain and follow all building, mechanical zoning, or licensing codes. In addition to the all required applicable building codes, property maintenance laws and state health laws, each guestroom shall maintain the following minimum requirements:
 - 1. A proper entry door, windows, beds, and bedding;
 - 2. Toilet room;
 - 3. Lavatory;
 - 4. Bathtub or shower;
 - 5. Heating and air conditioning;
 - 6. Clothes closet or alcove with clothes rod or clothes rack permanently affixed or luggage rack or luggage support counter;
 - 7. Twenty-four (24) hour free emergency telephone access to the front desk and to 911 services.

**THIS IS A DRAFT OF AN ORDINANCE TO BE PROPOSED AT THE DECEMBER 4, 2017
WAITE PARK CITY COUNCIL MEETING**

Subd. 1. Maintenance of Records. Every owner or operator of a lodging establishment, hotel or motel shall keep a register of persons who board or lodge in such establishment. The record is a written documentation of information about a guest that may be maintained electronically, in a book, or on cards:

- (a) The record shall be kept on the premises in the guest reception or guest check-in-area or in an office adjacent to that area.
- (b) No person shall alter, deface, or erase the record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct or interfere with any inspection of record under this section.
- (c) Any record maintained in the form of a book shall be permanently bound, each page shall be sequentially numbered and the book shall be the minimum size of eight by ten inches and numbered consecutively and used in sequence. Any card numbered within the sequence of utilized cards shall be preserved as part of the record even if it is not used for a room rental. The numbers shall be printed or otherwise indelibly affixed to the cards. If maintained electronically, the record shall be printable.
- (d) Nothing in this section absolves the owner or operator from maintaining the record for longer than ninety (90) days in order to comply with any other provision of law.

Subd. 2. Inspection of Premises. In order to ensure compliance with this ordinance, random inspections of the lodging establishment, hotel, or motel may occur. Notice of inspection shall be given seventy-two (72) hours prior to the inspection by personal service or certified mail.

Subd. 3. Inspection of Maintained Records. The maintained video, written, and electronic records shall be made available to any law enforcement officer made upon a reasonable request.

Section 105.4. Enforcement. Enforcement of this ordinance shall be directed by the City Administrator with the administrator delegating the enforcement to the appropriate department which may be the police department, building inspector, or city planner.

Section 105.5. Investigation. If a guest or employee of a lodging establishment, hotel or motel makes an emergency call for service or reports any suspicious or illegal activity going on at the lodging establishment, hotel or motel to law enforcement, the owner or operator of the lodging establishment, hotel or motel shall cooperate with law enforcement during the ongoing investigation.