



CITY OF SPRING PARK
PLANNING COMMISSION AGENDA
AUGUST 21, 2019 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. APPROVAL OF MINUTES
 - a. Planning Commission Meeting Minutes from July 10, 2019
6. CONSIDERATION/DISCUSSION ITEMS
 - a. Short-Term/Rental Licensing Discussion
7. COMMUNICATIONS
8. MISCELLANEOUS
 - a. Park Sign Renderings
 - b. Mist Apartments Noise Testing
9. ADJOURNMENT



CITY OF SPRING PARK
PLANNING COMMISSION MINUTES
JULY 10, 2019 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER - The meeting was called to order by Chair Hoffman at 6:02 p.m.
2. PLEDGE OF ALLEGIANCE – Chair Hoffman led the audience in the Pledge of Allegiance.
3. ROLL CALL

Planning Commissioners Present: Jeff Hoffman, Chair; Max Avalos; Bruce Homan; Michael Mason; and Pete Kaczanowski

Staff Present: Dan Tolsma, City Administrator; Al Brixius, City Planner; Scott Qualle, Building Official; David Anderson, Assistant City Attorney; and Theresa Schyma, City Clerk.

4. ADOPT AGENDA

Commissioner Mason asked for Item #6a to be amended to add “Long-Term” to the title.

M/Avalos, S/Kaczanowski to approve the agenda as amended.

Motion carried 5-0.

5. APPROVAL OF MINUTES

- a. Planning Commission Meeting Minutes from June 12, 2019

M/Avalos, S/Homan to approve the minutes.

Motion carried 5-0.

6. CONSIDERATION/DISCUSSION ITEMS

- a. Short-Term/Long-Term Rental Licensing Public Hearing
 - i. Introductory Comments – City Planner Al Brixius

City Planner Brixius discussed the changes to the proposed draft since the May 8 public hearing and June 12 discussion of the Planning Commission. He discussed the removal of the disorderly conduct section from long-term rentals, required landlord contact

information, tiered licensing system, and the initial application, inspection and permit process.

Building Official Qualle discussed the proposed points system that will be used during the inspections process and how points will be assigned and weighted based on number of units. He further discussed some example scenarios for multi-family buildings and single-family homes including examples to address older buildings.

Rick Gorra, 8201 Stone Creek Drive, Chanhassen, and owner/landlord of Park Island Apartments, stated he believes that older buildings are being discriminated against and wanted to know if he would get points back if he corrects items after inspection.

Building Official Qualle responded that an inspection is a snapshot during a moment in time for a building and understands that things can happen between inspections. He stated that if an item is corrected during the inspection then no points are lost. He added that landlords will be given all information and checklists in advance so everything should be mostly ready before the inspector ever gets to the building.

City Planner Brixius discussed the complaint process, appeals hearing process, and revocations, suspensions, and fines. He stated that when the discussion for a potential rental licensing ordinance originally began, the first question was whether or not the City wanted to allow short-term rentals. Once the discussion veered toward allowing short-term rentals then the discussion was about setting standards and requirements for any issues that could occur. He further discussed parking requirements including not allowing on-street parking.

Commissioner Mason asked if the restriction of on-street parking means that an owner of a short-term rental or their guests would be allowed to park on the grass.

City Planner Brixius responded that parking on grass is currently not allowed per the City Code so that would not be allowed for short-term rental properties either.

Norina Dove, 4652 West Arm Road, asked why on-street parking isn't allowed for rental properties that live on streets that allow on-street parking.

City Planner Brixius responded that a site plan will need to accompany a rental application and that plan needs to identify appropriate parking. He added that Spring Park's roads are too narrow to allow on-street parking and maybe the only exception to that is Northern Avenue since it is much wider than the average Spring Park road.

ii. Open Public Hearing

Chair Hoffman re-opened the public hearing at 6:40 p.m.

iii. Receive Public Comments

Sarah Reinhardt, 4490 West Arm Road, stated she is not in favor of short-term rentals being allowed in the City. She added that there needs to be a clear purpose for new ordinances and there is a definite benefit for adding a long-term rental ordinance but she believes there hasn't been any clear purpose for allowing short-term rentals. She listed the surrounding communities that do not allow short-term rentals due to the way they disrupt neighborhoods with noise and traffic. She stated she has talked to a neighbor of a short-term rental property in another city and they had only negative things to say about living next to a short-term rental, describing it feeling like the 4th of July every weekend. She believes allowing short-term rentals will take away from the residential feel of Spring Park by allowing commercial businesses in residential areas. She added the current 2030 Comprehensive Plan and proposed 2040 Comprehensive Plan are the City's guiding documents and both plans are in conflict with allowing short-term rentals in Spring Park. She further detailed the City's landscape with narrow roads, shared driveways, and shared dock easements; adding that it is hard enough to get along with permanent neighbors let alone weekend renters. She recommends continued prohibition of short-term rentals in Spring Park.

Ian Maloney, 4710 West Arm Road, stated he is not in favor of allowing short-term rentals in Spring Park. He stated that the surrounding communities have prohibited short-term rentals for very good reasons including noise, party houses, and traffic. He added that there is no way to control the noise and other issues that are associated with short-term rentals because they turn into parties every weekend. He added that the proposed ordinance leaves it up to neighborhood to complain and enforce on their own neighbors who run short-term rentals.

Josh Clemons, 2486 Black Lake Road, stated that he appreciated the change in language regarding parking and that it must meet applicable requirements by zoning code. He stated that he has an older home and is unclear how the parking standards will be determined. He further discussed the maximum occupancy standards including when events are planned and stated that short-term landlords need to be careful when rejecting customers so that it does not appear they are discriminating.

City Planner Brixius responded that a site plan will need to accompany a rental license application and it will need to show the dimensions of the parking stalls and how all guest parking will fit entirely on the applicant's lot.

Mr. Clemons also discussed the minutes from the June 12 Planning Commission meeting about a short-term rental property having their guests parking at the city parks. He stated that renters at short-term properties are still guests to the community and if it was a problem then the City should have had the cards ticketed or towed. He added that more people want the opportunities for short-term rentals around the lake.

Mr. Gorra asked why this ordinance is even necessary and if the government really needs to come through every single unit in his apartment complex to ensure safety. He doesn't believe that his tenants are in danger if government doesn't come into and inspect his properties every few years. He further stated he doesn't believe it is fair to charge a landlord

for the administrative search warrant process if his tenant refuses to allow inspectors to have access to their apartment. He also does not believe charging a re-inspection fee is necessary. He also believes that if the ordinance is passed that landlords should have a choice of building inspector to ensure certain landlords aren't being targeted by one inspector.

Randy Bickman, 4652 West Arm Road, stated he is in favor of allowing short-term rentals but against the rental licensing process. He stated that there are no local hotels so many people want to visit Lake Minnetonka and want the option of a short-term rental. He stated that Spring Park began as a resort community many years ago and that tourism helped make Lake Minnetonka what it is today. He asked about the number of complaints received, where are all these party houses are, and if any residents and neighbors will actually be affected by allowing short-term rentals in the City.

City Planner Brixius responded that the City has not had the Hotel Del Otero for quite some time so land use has to be considered. If short-term rental becomes allowed in the City then it would be expanding a use that is currently not allowed. While the ordinance would be reliant on landlords to vet their renters and guests, it is the surrounding neighbors and neighborhood in general that have to endure any issues associated with those renters.

Chair Hoffman stated that a couple of years ago he and Mayor Rockvam knocked on the door of every single-family home in the City and the most common complaint that they received was about rental properties. He added that many complaints from tenants in single-family homes was that they had no means of getting resolution with their landlords.

Don Driggs, owner and landlord at 3990 Sunset Drive, stated that every tenant is regulated by Hennepin County and the tenants have rights through the County including an escrow process. He stated that he has had nightmare tenants in the past but doesn't believe staff can realistically regulate and inspect every rental property in the City. He further stated that there are a lot of rental property owners that simply cannot afford to improve their rental properties and they should not be penalized for that.

Mark Kozikowski, owner of Minnetonka Edgewater at 4177 Shoreline Drive, stated that most of the issues from tonight's public hearing are about short-term rentals so if there is not a problem with long-term rentals the issue could be delayed to another time. He also asked if a landlord could turn in the inspection report from their insurance company instead of having the building official conduct inspections on all units.

Joanna Widmer, 3882 Sunset Drive, stated she has long-term renters at her property and her insurance requires inspections which always turn out fine. She doesn't believe there is a problem with long-term renters in the City.

City Administrator Tolsma responded to the comment made by Mr. Driggs about duplication of efforts with Hennepin County. He stated that the intent with a City rental ordinance is to establish a minimum standard of living in the city for health, safety, and welfare; Hennepin County deals with rental issues on a case-by-case basis. The IPMC is

about life safety and is not about the age of property. A rental ordinance will never be perfect or cover every scenario but the intent is to address major life safety issues and get them resolved before someone perishes.

Mr. Gorra questioned why a landlord should be charged a re-inspection fee.

Chair Hoffman responded that Spring Park is a small city that pays for our contracted services by the hour and the City should not be responsible for the bill to re-inspect something that should have been correct in the first place. He asked why the taxpayers should have to cover the cost for a landlord's re-inspections.

Mr. Bickman stated that other cities include all inspections within the license fee.

Chair Hoffman responded that in order to include all re-inspections in the license fee the City would have to make the fee higher for everybody which penalizes landlords that had everything taken care of at their initial inspection and did not require a re-inspection. He further reiterated that the taxpayers should not have to pay the bills for a commercial business.

Ms. Dove stated that the City is trying to enact a rental licensing process to make profits and fill the city coffers.

Chair Hoffman responded that the City cannot make profits or generate income from fees so the City's fees are adjusted to break even on the licensing process.

Ms. Dove further stated that the proposed ordinance penalizes older homes and is duplicating efforts with the State and County. She added that there has not been enough discussion and that the City is trying to push this ordinance through without research.

There was discussion amongst the commissioners as to whether or not the public hearing should be closed or continued.

City Planner Brixius asked the Planning Commission to decide first if they are considering making any changes to the ordinance before deciding whether or not the hearing should be continued.

Chair Hoffman responded that he did take some notes and would like to discuss potential changes to the draft.

The Planning Commission consensus was to keep the public hearing open until the September 11 meeting. The Planning Commission will discuss potential changes to the draft ordinance at their August 14 meeting.

iv. Close or Table Public Hearing

M/Avalos, S/Kaczanowski to continue the public hearing to the September 11 Planning Commission Meeting at 6:00 p.m. at Spring Park City Hall.

Motion carried 5-0.

v. Discussion

vi. Table for Future Discussion or Recommend to Council

b. 2413 Black Lake Road Garage Variance Extension Request

Max Avalos, owner of 2413 Black Lake Road, addressed the Planning Commission asking for additional time to construct the garage that was approved in 2018.

City Administrator Tolsma discussed the variance process including the procedure for when an applicant requests an extension.

i. Recommendation to Council

M/Hoffman, S/Homan to recommend to the City Council to approve a one-year extension to City Council Resolution No. 18-15 for a variance to allow a garage at 2413 Black Lake Road.

Motion carried 4-0. (Avalos recused)

7. COMMUNICATIONS – None.

8. MISCELLANEOUS

Commissioner Mason asked staff to provide an update on the Mist Condominiums air handling unit noise issue at the next Planning Commission meeting.

9. ADJOURNMENT

M/Mason, S/Avalos adjourn the Planning Commission Meeting at 8:02 p.m.

Motion carried 5-0.

Date Approved: August 14, 2019

Dan Tolsma, City Administrator

Theresa Schyma, City Clerk



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PLANNING REPORT

TO: Dan Tolsma
FROM: Al Brixius / Ryan Saltis
DATE: 8/8/19
RE: Rental Housing
FILE NO: 175.01 18.18

BACKGROUND

The City of Spring Park has been in the process of reviewing short-term and long-term rental housing ordinance drafts and their regulations. The planning commission has asked city staff to conduct further research on licensing standards and applications for the State of Minnesota, Hennepin County and the proposed rental housing ordinance drafts. Licensing for each jurisdiction is explained in the Analysis section of this report. Comments also arose from residents at the July 10th Public Hearing and will be discussed in the Analysis section.

Attached for reference:

Exhibit A: Minnesota State Statutes Section 157.16
Exhibit B: Lodging Establishment Ordinance Hennepin County

ANALYSIS

Comments from Planning Commission members following the July 10th Public Hearing:

1. Should we remove penalty points for older housing units?

Response: While older homes generally have a greater need for repair and maintenance due to age, it is determined by city staff that older homes may not be penalized but rather be solely critiqued by the physical conditions of the unit. It is recognized that the age of the housing unit should not automatically decide what tier

it belongs to. Many housing units in the city are old, but have either been remodeled or have maintained a high level of upkeep, to compete with standards of surrounding communities.

2. Should the enforcement policy be changed that relies on complaints from residents? (leads to neighbor vs. neighbor issues)

Response: The code is intended to protect the neighboring properties in this respect that the complaint process provides protection and the ability to be made aware of problems that may not be witnessed by city staff during off hours or weekends. It will be the judgement of city staff to determine the legitimacy of complaints and will be treated as a case-by-case basis. Enforcement of these complaints will be handled first by city staff and then law enforcement depending on the severity of the complaint.

3. Do short-term rentals benefit or enhance the long range plan for the city? Or do they harm the city?

Response: At the very beginning of this study, Staff raise the question as to whether the city should even allow short-term rentals. In the past the city has had issues with party houses. The issue that Spring Park faces is that Lake Minnetonka is a major attraction that will draw the people to short-term rentals. The short-term rentals will consist mainly of single family homes on very small lots on very narrow streets. The size of the lots and proximity of neighbors present issues for the introduction of the short-term rentals (number of people at the property, parking of cars and watercraft trailers, dock use, outdoor activities, and potentially unruly tenant behavior within a single family neighborhood). In developing the short-term rental ordinance Staff has attempted to establish minimum standards to mitigate the aforementioned issues. The burden is on the property owner / landlord to demonstrate that their site and operation can meet these minimum standards to obtain a license. In cases where these standards cannot be met then a license should not be issued to that lot.

The proposed ordinance is intended to protect the adjoining single family neighborhoods rather than promote the short-term rental. The planning commission will determine if having short-term rentals is a benefit to the City and consistent with the City's Comprehensive plan.

The 2040 Comprehensive Plan for Spring Park provides specific goals and policies for the community, and shall be taken into effect when determining if rental housing ordinances comply with these standards set by the city. Goals and policies specific to the proposed rental housing ordinances are described below.

Goal 1: Protect and promote Spring Park's identity as a quaint lake community.

Policies:

- B. Strengthen community assets to communicate Spring Park's positive identity within the region.
 - Short-term rental properties will attract people to the community who are looking to enjoy Lake Minnetonka. Because of the lack of short-term housing options, it limits the amount of visitors to the city, relying on local residents to spend money in the community and support the economy. The only other option to bring in out of town guests would be to have them occupy existing housing in the form of short-term rentals.
- C. Build on and promote the use of the lake for recreation purposes.
 - By allowing short-term rental properties in Spring Park, this would promote recreation options for visitors, who would not otherwise be available in Spring Park.

Goal 2: Maintain or enhance the strong character of Spring Park's single family residential neighborhoods.

Policies:

- C. Prevent the intrusion of incompatible land uses into low density single family neighborhoods.
 - Rental Housing will be mainly located in R-1 Zoning Districts in Spring Park. It is determined that short-term home rentals are treated as a business, such as a hotel. With short-term rentals being located in residential neighborhoods, there is essentially an intrusion of commercial / income producing uses in a low density single family neighborhoods.

Goal 4: Ensure compatibility and strong functional relationships between land uses.

Policies:

- A. Prevent over-intensification of land use development, that is, development which is not accompanied by a sufficient level of supportive services and facilities (utilities, parking, access, etc.).
 - Prior to issuing a rental license, the property owner must provide parking information on site plans for review and approval by city staff. This is to ensure that there are sufficient parking spaces on the property and to enforce no

parking is permitted on city streets. Utilities and access of the property is assumed to remain the same.

- B. Accomplish transitions between distinctly differing types of land uses in an orderly fashion which does not create a negative (economic, social or physical) impact on adjoining developments.
- A majority of short-term rental properties will likely be located in residential areas within the city. Allowing these residential homes to be short-term rentals, will bring a commercial element into these zoning districts. To avoid the commercial look and feel in these residential areas, the rental housing ordinances set standards including limits to guests and that signs advertising the rental property are prohibited. Overall, the appearance of short-term rental properties will not look any different than long-term residential properties.

4. Can we have some competition from Inspection services OR have documentation that rates charged are competitive?

Response: MNSPECT, an inspection services company is expected to carry out inspections with rental properties in Spring Park. No outside or personal inspectors will be permitted, in order to maintain a consistency processing rental licenses. A contract between MNSPECT and the city will determine prices. It is not intended that the city will profit from inspections, but rather to pay for the services done by MNSPECT. This being said, prices for inspections will be reasonable for owners and will be a set charge agreed upon with the city and MNSPECT.

5. Can a resident ask for a certain inspector not to visit if there is a personality conflict?

Response: Inspectors will be brought in from MNSPECT so that this issue does not surface and will keep inspections consistent for all rental properties in the city. The current building inspector will not also be carrying out inspections for rental properties. The city has determined this to be the best way to handle possible personality conflicts.

6. Do we have some party complaint statistics from the past 5 years that we can use as evidence of this issue?

Response: There have been past complaints of party houses. We have not kept record of number of complaints.

7. Are there enough inspectors to do the work without a reasonable wait time?

Response: It is expected that there will be inspectors from MNSPECT who will review the conditions and livability of the rental properties. Since there are several licensed inspectors who work for this company, wait times are anticipated to be

minimal, or less than they would be if issued one inspector to review all rental properties in the city.

8. Are fees the lowest they can be to cover costs?

Response: The fees pertaining to the rental ordinances have been structured to cover any city costs that are associated including inspections and administration costs. It was not an intention for the city to make money from up-charging its residents.

Licensing

City staff has conducted further research on the licensing of both long-term and short-term rental properties at the state, county, and municipal level. After discussing licensing with representatives at the Minnesota Department of Health and Hennepin County, it was concluded that licensing would be enforced at these levels only under special circumstances. Keeping track of all rental properties at these levels proves to be hard to enforce, and the time it would take administratively handle would be overwhelming. The city has written into both rental housing ordinances that proper licensing will be needed from the state, county and city, however the city will be the main delegation regarding licensing and inspecting properties. Fees will be charged to the owner/landlord of a rental property for administrative purposes or to carry out inspections.

The State of Minnesota generally enforces establishments such as bed and breakfasts, larger scale lodging establishments, or vacation home rentals (i.e. time shares). The State gives partial delegation to counties and municipalities for short-term home rentals. This means that they are handled and enforced at a smaller scale. Further research was done regarding licensing in the State Statutes and can be found in Exhibit A attached to this report.

The ordinance for Licensing for Lodging Establishments in Hennepin County can be found in Exhibit B.

CONCLUSION

Comments from the July 10th, 2019 Public Hearing regarding Long-Term and Short-Term Rental Properties were taken into effect and discussed by city staff. These common issues were answered in the analysis section of this report to clear up inconsistencies in the ordinances and potential problems that may arise if the rental ordinances are passed. Licensing and Inspections were also discussed and determined that the city will be the main enforcer of inspections, fees and license approvals. The State of Minnesota and Hennepin County are at a scale too large for proper enforcement of licensing to be done and it is more time efficient and cost effective to have municipalities regulate long-term and short-term properties.

Office of the Revisor of Statutes

2018 Minnesota Statutes

Authenticate  PDF**157.16 LICENSES REQUIRED; FEES.**

Subdivision 1. License required annually. A license is required annually for every person, firm, or corporation engaged in the business of conducting a food and beverage service establishment, youth camp, hotel, motel, lodging establishment, public pool, or resort. Any person wishing to operate a place of business licensed in this section shall first make application, pay the required fee specified in this section, and receive approval for operation, including plan review approval. Special event food stands are not required to submit plans. Nonprofit organizations operating a special event food stand with multiple locations at an annual one-day event shall be issued only one license. Application shall be made on forms provided by the commissioner and shall require the applicant to state the full name and address of the owner of the building, structure, or enclosure, the lessee and manager of the food and beverage service establishment, hotel, motel, lodging establishment, public pool, or resort; the name under which the business is to be conducted; and any other information as may be required by the commissioner to complete the application for license. All fees collected under this section shall be deposited in the state government special revenue fund.

Subd. 2. License renewal. Initial and renewal licenses for all food and beverage service establishments, youth camps, hotels, motels, lodging establishments, public pools, and resorts shall be issued on an annual basis. Any person who operates a place of business after the expiration date of a license or without having submitted an application and paid the fee shall be deemed to have violated the provisions of this chapter and shall be subject to enforcement action, as provided in the Health Enforcement Consolidation Act, sections [144.989](#) to [144.993](#). In addition, a penalty of \$60 shall be added to the total of the license fee for any food and beverage service establishment operating without a license as a mobile food unit, a seasonal temporary or seasonal permanent food stand, or a special event food stand, and a penalty of \$120 shall be added to the total of the license fee for all restaurants, food carts, hotels, motels, lodging establishments, youth camps, public pools, and resorts operating without a license for a period of up to 30 days. A late fee of \$360 shall be added to the license fee for establishments operating more than 30 days without a license.

Subd. 2a. Food manager certification. An applicant for certification or certification renewal as a food manager must submit to the commissioner a \$35 nonrefundable certification fee payable to the Department of Health. The commissioner shall issue a duplicate certificate to replace a lost, destroyed, or mutilated certificate if the applicant submits a completed application on a form provided by the commissioner for a duplicate certificate and pays \$20 to the department for the cost of duplication.

Subd. 3. Establishment fees; definitions. (a) The following fees are required for food and beverage service establishments, youth camps, hotels, motels, lodging establishments, public pools, and resorts licensed under this chapter. Food and beverage service establishments must pay the highest applicable fee under paragraph (d), clause (1), (2), (3), or (4). The license fee for new operators previously licensed under this chapter for the same calendar year is one-half of the appropriate annual license fee, plus any penalty that may be required. The license fee for operators opening on or after October 1 is one-half of the appropriate annual license fee, plus any penalty that may be required.

(b) All food and beverage service establishments, except special event food stands, and all hotels, motels, lodging establishments, public pools, and resorts shall pay an annual base fee of \$165.

(c) A special event food stand shall pay a flat fee of \$55 annually. "Special event food stand" means a fee category where food is prepared or served in conjunction with celebrations, county fairs, or special events from a special event food stand as defined in section [157.15](#).

(d) In addition to the base fee in paragraph (b), each food and beverage service establishment, other than a special event food stand and a school concession stand, and each hotel, motel, lodging establishment, public pool, and resort shall pay an additional annual fee for each fee category, additional food service, or required additional inspection specified in this paragraph:

(1) Category 1 establishment, \$110. "Category 1 establishment" means a fee category that provides one or more of the following items or is one of the listed establishments or facilities:

(i) serves prepackaged food that is served in the package;

(ii) serves a continental breakfast such as rolls, coffee, juice, milk, and cold cereal;

(iii) serves soft drinks, coffee, or nonalcoholic beverages;

(iv) provides cleaning for eating, drinking, or cooking utensils, when the only food served is prepared off site;

(v) a food establishment where the method of food preparation meets the definition of a low-risk establishment in section [157.20](#);

or

(vi) operates as a child care facility licensed under section [245A.03](#) and Minnesota Rules, chapter 9503.

(2) Category 2 establishment, \$245. "Category 2 establishment" means an establishment that is not a Category 1 establishment and is either:

(i) a food establishment where the method of food preparation meets the definition of a medium-risk establishment in section 157.20; or

(ii) an elementary or secondary school as defined in section 120A.05.

(3) Category 3 establishment, \$385. "Category 3 establishment" means an establishment that is not a Category 1 or Category 2 establishment and is either:

(i) a food establishment where the method of food preparation meets the definition of a high-risk establishment in section 157.20; or

(ii) an establishment where 500 or more meals are prepared per day and served at one or more separate locations.

(4) Other food and beverage service, including food carts, mobile food units, seasonal temporary food stands, and seasonal permanent food stands, \$85.

(5) Lodging per sleeping accommodation unit, \$11, including hotels, motels, lodging establishments, and resorts, up to a maximum of \$1,100. "Lodging per sleeping accommodation unit" means a fee category including the number of guest rooms, cottages, or other rental units of a hotel, motel, lodging establishment, or resort; or the number of beds in a dormitory.

(6) First public pool, \$355; each additional public pool, \$200. "Public pool" means a fee category that has the meaning given in section 144.1222, subdivision 4.

(7) First spa, \$200; each additional spa, \$110. "Spa pool" means a fee category that has the meaning given in Minnesota Rules, part 4717.0250, subpart 9.

(8) Private sewer or water, \$60. "Individual private water" means a fee category with a water supply other than a community public water supply as defined in Minnesota Rules, chapter 4720. "Individual private sewer" means a fee category with an individual sewage treatment system which uses subsurface treatment and disposal.

(9) Additional food service, \$175. "Additional food service" means a location at a food service establishment, other than the primary food preparation and service area, used to prepare or serve beverages or food to the public. Additional food service does not apply to school concession stands.

(10) Additional inspection fee, \$250. "Additional inspection fee" means a fee to conduct the second inspection each year for elementary and secondary education facility school lunch programs when required by the Richard B. Russell National School Lunch Act.

(11) HACCP verification, \$175. "HACCP verification" means an annual fee category for a business that performs one or more specialized process that requires an HACCP plan as required in chapter 31 and Minnesota Rules, chapter 4626.

(e) A fee for review of construction plans must accompany the initial license application for restaurants, hotels, motels, lodging establishments, resorts, seasonal food stands, and mobile food units. A fee for review of an HACCP plan for specialized processing must be submitted and approved prior to preparing and serving the specialized processed food for human consumption. The fees for construction plan reviews and HACCP plan reviews are as follows:

Service Area	Type	Fee
Food	category 1 establishment	\$400
	category 2 establishment	\$450
	category 3 food establishment	\$500
	additional food service	\$250
	HACCP Plan Review	\$500
Transient food service	food cart	\$250
	seasonal permanent food stand	\$250
	seasonal temporary food stand	\$250
	mobile food unit	\$350
Lodging	less than 25 rooms	\$375
	25 to less than 100 rooms	\$400
	100 rooms or more	\$500
	less than five cabins	\$350
	five to less than ten cabins	\$400

ten cabins or more \$450

(f) When existing food and beverage service establishments, hotels, motels, lodging establishments, resorts, seasonal food stands, and mobile food units are extensively remodeled, a fee must be submitted with the remodeling plans. The fee for this construction plan review is as follows:

Service Area	Type	Fee
Food	category 1 establishment	\$300
	category 2 establishment	\$350
	category 3 establishment	\$400
	additional food service	\$250
Transient food service	food cart	\$250
	seasonal permanent food stand	\$250
	seasonal temporary food stand	\$250
	mobile food unit	\$250
Lodging	less than 25 rooms	\$250
	25 to less than 100 rooms	\$300
	100 rooms or more	\$450
	less than five cabins	\$250
	five to less than ten cabins	\$350
	ten cabins or more	\$400

(g) Special event food stands are not required to submit construction or remodeling plans for review.

(h) Youth camps shall pay an annual single fee for food and lodging as follows:

- (1) camps with up to 99 campers, \$325;
- (2) camps with 100 to 199 campers, \$550; and
- (3) camps with 200 or more campers, \$750.

(i) A youth camp which pays fees under paragraph (d) is not required to pay fees under paragraph (h).

Subd. 3a. Statewide hospitality fee. Every person, firm, or corporation that operates a licensed boarding establishment, food and beverage service establishment, seasonal temporary or permanent food stand, special event food stand, mobile food unit, food cart, resort, hotel, motel, or lodging establishment in Minnesota must submit to the commissioner a \$40 annual statewide hospitality fee for each licensed activity. The fee for establishments licensed by the Department of Health is required at the same time the licensure fee is due. For establishments licensed by local governments, the fee is due by July 1 of each year.

Subd. 4. Posting requirements. Every food and beverage service establishment, for-profit youth camp, hotel, motel, lodging establishment, public pool, or resort must have the original license posted in a conspicuous place at the establishment.

History: *1995 c 207 art 9 s 42; 1996 c 451 art 4 s 56; 1997 c 203 art 2 s 22; 1998 c 397 art 11 s 3; 1998 c 407 art 2 s 92; 1Sp2001 c 9 art 1 s 54; 2002 c 379 art 1 s 113; 1Sp2005 c 4 art 6 s 44-47; 2007 c 147 art 9 s 34; 2008 c 328 s 8; 2009 c 79 art 10 s 37; 2009 c 157 art 1 s 13, 14; 2010 c 285 s 2; 1Sp2010 c 1 art 21 s 2; 2016 c 179 s 38; 1Sp2017 c 6 art 10 s 131-133*

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Ordinance 6

Lodging Establishment

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Section I: State Health Department rules adopted

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For Hennepin County

"The Hennepin County Board of Commissioners ordains:"

Section I: State Health Department rules adopted

Pursuant to Minnesota Statutes 145A.01 – 145A.11, 157.011, 157.15, 375.51 - 375.55 and Minnesota Rules 4625 relating to lodging establishments, including all subsequent amendments thereto, are adopted by Hennepin County by reference. Reference to Board or Board of Health shall be to the Hennepin County Board of Commissioners and their authorized representatives.

Section II: Definitions

For the purpose of this ordinance the following words shall have the following meaning:

Subsection 1 "County"

Shall mean Hennepin County

Subsection 2 "Health authority"

Shall mean the Hennepin County Human Services and Public Health Department and its designated employees, agents, or contractors, as the Hennepin County Board may designate

Subsection 3 "Hotel" or "Motel"

Shall have the meaning given in Minnesota Statutes 157.15 subd.7 including all subsequent amendments thereto

Subsection 4 "Lodging establishment"

Shall have the meaning given in Minnesota Statutes 157.15 subd.8 including all subsequent amendments thereto

Subsection 5 "Boarding establishment"

Shall have the meaning given in Minnesota Statutes 157.15 subd.4 including all subsequent amendments thereto

Subsection 6 "Resort"

Shall have the meaning given in Minnesota Statutes 157.15 subd.11 including all subsequent amendments thereto

Section III: License required

It is unlawful for any person to operate or permit the operation of a lodging establishment, regardless of whether a fee is charged for such use, unless the County has issued a valid license therefore which is in full force and effect. Licensing of lodging establishments shall be done pursuant to County Ordinance No. 1. Only a person who complies with the provisions of this ordinance and ordinances applicable thereto of the city or cities in which the lodging facility is located shall be entitled to receive a license.

Section IV: License fees

Fees for licenses issued hereunder shall be those established from time to time by resolution of the County Board of Commissioners.

Section V: License expiration and renewal

Licenses issued under this ordinance shall expire and shall be renewed pursuant to Hennepin County Ordinance No. 1.

Section VI: Inspection of lodging establishments

The Health Authority shall inspect every lodging establishment as frequently as he may deem necessary to ensure compliance with this ordinance and based upon risk level established by and described in Minnesota Statute 157.20.

Section VII: Construction plan review

All persons who hereafter construct, remodel or convert buildings or facilities for use as a lodging or boarding facility shall conform and comply in their construction, erection or alteration with the requirements of this ordinance. Plans and specifications for such construction remodeling or alteration which shall show layout; mechanical, plumbing, and electrical specifications; construction materials; and location and type of equipment and facilities shall be filed by its owner in the Office of the Health Authority. The statutory or home rule charter city shall not issue a building permit for the facility or remodeling or alteration permit for the facility until such plans have the approval of the Health Authority. The lodging establishment shall be constructed and finished in conformance with the approved plans. The Health Authority shall inspect the lodging establishment as frequently as he may deem necessary during construction to ensure the construction occurs in conformance with the approved plans. He shall conduct a final inspection prior to the start of operations and issuance of an approved license.

Section VIII: Penalty

Any person violating a provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable pursuant to Hennepin County Ordinance No. 1.

Section IX: Separability

If any provision or application of any provision of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

Section X: Captions

The captions printed in boldfaced type before sections of this Ordinance are mere catch words to indicate the content of the section.

Section XI: Effective date

After passage by the Hennepin County Board of Commissioners, this Ordinance shall be effective on June 15, 2010.

Human Services and Public Health Department - Environmental Health

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