

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

DRAFT ORDINANCE NO. 817

**AN ORDINANCE AMENDING CITY CODE
CHAPTER 507 (LODGING) AND
CHAPTER 604 (PUBLIC POOLS)**

WHEREAS, the City Clerk, working with the Minnesota Department of Health, has reviewed existing language of City Code related to hotels and motels, and to public swimming pools, and recommends the amendments to such language set forth in this Ordinance to better conform with the provisions of current Minnesota statutes and regulations.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 507 (~~Hotels and Motels~~ Lodging) of City Code. Chapter 507 of the City Code is hereby amended to read in its entirety as follows (~~struck~~ text deleted, underlined text added):

CHAPTER 507 ~~HOTELS AND MOTELS~~ LODGING

507.01 Definitions.

For the purposes of this Chapter the words and terms defined in Minn. Stats. § 157-01, shall have the meanings given them therein.

507.02 - Lodging Establishments Regulations Adopted.

The City herein adopts and incorporates by reference the rules regulating lodging establishments adopted by the Minnesota Department of Health as ~~Minn. R. 4625.0400~~ Minnesota Statutes and Rules 157, 327, and 4625.0100 through Minn. R. 4625.2355, including amendments thereto. ~~as amended. One copy of the regulations shall be marked "Wayzata — Official Copy" and shall be kept on file in the office of the City Clerk and open to inspection and use by the public.~~

507.03 License Required.

No person shall operate or engage in the business of operating a hotel, motel, lodging house or boarding house within the City without first having been issued an appropriate license therefor. A person wishing to operate a lodging establishment must first make an application to the City, pay any required fee, and receive approval from the City for operation of the lodging establishment, including ~~any required~~ plan review approval.

507.04 License Fees.

Fees for licenses issued under this Chapter are hereby adopted by reference and are as established by City Council resolution.

507.05 Emergency Closure of Licensed Lodging Establishments

1. If any of the following conditions exist, the license holder, operator or person in charge of the licensed lodging establishment may be ordered to discontinue all operations of the licensed lodging establishment until such time as the health authority confirms the correction of the violation:

- A. Failure to possess a license as required under this Chapter;
- B. Lack of potable, plumbed, hot or cold water to the extent that hand washing, laundry facilities or toilet facilities are not operational;
- C. Lack of electricity or gas service to the extent that hand washing, laundry facilities, ventilation, lighting, or toilet facilities are not operational;
- D. Evidence of an ongoing illness associated with the operation of the lodging establishment;
- E. Significant damage to the lodging establishment due to tornado, fire, flood, or other disaster;
- F. Evidence of an extensive infestation of rodents or other vermin;
- G. Evidence of cross contamination, filthy conditions, or poor personal hygiene to the extent of posing an imminent health risk;
- H. Misuse of poisons or toxic materials.

2. The license holder must request a re-inspection and obtain City approval prior to re-opening. Approval may be granted by the City Manager or health authority.

507.056 Lodging State Statutes Adopted.

~~The City hereby adopts and incorporates by reference Minn. Stats. § 157.20 and 327 including amendments thereto.~~

~~{Ord. 701 [11-10-2009]}~~

507.06 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

Section 2. Amendments to Chapter 604 (Public Swimming Pools) of City Code.

Chapter 604 of the City Code is hereby amended to read in its entirety as follows (~~struck~~ text deleted, underlined text added):

CHAPTER 604 - PUBLIC POOLS

604.01 Definitions.

A. "Swimming Pool" shall mean any structure, basin, chamber or tank containing an artificial body of water for swimming, diving, relaxation or recreational bathing. "Pool" means any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

B. "Private Residential Swimming Pool" shall mean any swimming pool located on private property under the control of a homeowner, the use of which is limited to swimming or bathing by members of the homeowner's family or their invited guests. "Private residential pool" means a pool connected with a single-family residence or owner-occupied duplex, located on private property under the control of the homeowner, the use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business.

C. "Public Swimming Pool" shall mean any swimming pool, other than a private residential swimming pool, intended to be used collectively by numbers of persons for swimming or bathing, regardless of whether a fee is charged for such use. "Public Pool" Any pool other than a private residential pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) open exclusively to members of an organization and their guests; (3) open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area; (4) open to patrons of a hotel or lodging or other public accommodation facility; or (5) operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under section 245A.14, subdivision 11, paragraph (a).

604.02 Public Swimming Pool Regulations Adopted.

The City herein adopts and incorporates by reference the rules establishing operation and maintenance, design, installation, and construction standards for public pools and facilities related to them adopted by the Minnesota Department of Health as Minn. Statutes and Rules R. 144.1222, 157.20, Parts 4717.0150 through 4717.39705, as amended, except 4717.0450 which provides plan review by the MN Department of Health. A copy of the regulations, together with any applicable amendments, shall be marked "Wayzata - Official Copy" and shall be kept on file in the office of the City Clerk and open to inspection and use by the public.

604.03 License Approval Required.

A. A person wishing to operate a public swimming pool must first make an application to the obtain plan review and approval from the Minnesota Department of Health. The applicant must also apply to the City, pay the required license fee, and receive approval a license from the City for operation of the public swimming pool and any plan review approval as well as receive approval from the Minnesota Department of Health. A license must be applied for and obtained annually.

B. A separate license must be obtained for each pool and water recirculation system on a property as defined in Minnesota Rules part 4717.2550 and amendments thereto.

C. The fee for a license under this Chapter shall be adopted annually by resolution and specified in section 501.03.

604.04 Public Pools – Operation.

When any of the following conditions are found, a public pool must be immediately closed and access restricted:

- a. closure criteria listed in Minnesota Rules 7417.3970 or amendments thereto;
- b. failure to possess a license as required by this Chapter; or
- c. any other condition which endangers the health, safety, or welfare of the public, as determined by the health authority.

The pool must remain closed and access restricted until the health authority has made a determination that the conditions have been corrected and issues a re-opening allowance notice to the license holder.

604.0405 State Statutes Adopted.

The City hereby adopts and incorporates by reference Minn. Stats. § 144.1222 (except subdivisions 1 and 1a) and § 157.20.

604.06 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

Section 3. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of September 2022.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

DRAFT