

Washington County Lodging Ordinance #221



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**WASHINGTON COUNTY DEPARTMENT
OF PUBLIC HEALTH AND
ENVIRONMENT LODGING ORDINANCE**

Section 1 Purpose and Authority

- 1.1** The purpose of this Ordinance is to establish standards and authority to protect the public health, safety, and general welfare of the people of Washington County pursuant to powers granted under Minnesota Statutes, Chapters 145A, 157, 327, and 375 as now constituted and from time to time amended. The general objectives of this Ordinance include the following:
- (1) Provide a minimum standard for the design, construction, operation and maintenance of Licensed Establishments as defined below;
 - (2) Correct and prevent conditions that may adversely affect persons utilizing Licensed Establishments; and
 - (3) Meet consumer expectations for quality and safety of Licensed Establishment.
- 1.2** This Ordinance establishes the minimum standards, as defined in Minnesota Statutes, Chapter 157 and 327, Minnesota Rules, Chapter 4625, and this Ordinance, for the design, construction, operation and maintenance of Licensed Establishments located in Washington County, so that health and safety hazards are minimized. Whenever, and if, this Ordinance conflicts with other applicable laws, regulations and Ordinances, the most restrictive shall prevail.
- 1.3** A Licensed Establishment that meets the definition of a Public Water Supply must comply with Minnesota Rules, Chapter 4720 and the Safe Drinking Water Act (Minnesota Statutes, sections 144.381 to 144.387).

Section 2 Scope

- 2.1** This Ordinance shall be applicable to all Lodging Establishments, Hotels, Motels, Boarding Establishments, Bed and Breakfasts, and Resorts as defined in Minnesota Statutes, 157, within the scope of, Minnesota Rules, part 4625, and this Ordinance, which are located in Washington County.

Section 3 Administration

- 3.1** This Ordinance shall be administered by the Washington County Department of Public Health and Environment, hereinafter referred to as the “Department” or the “Health Authority.”
- 3.2** All of the provisions of the Washington County Administrative Ordinance shall apply as if fully set forth herein.

Section 4 Definitions

- 4.1** For the purpose of this Ordinance, definitions of words, phrases, and terms used in this Ordinance shall be those set forth in Minnesota Statutes, Chapter 157, Minnesota Rules, Chapter 4625, and the Washington County Food Code Ordinance. The following words shall have the following meanings:
- (1) **Bed and Breakfast** as defined in the Washington County Food Code Ordinance.
 - (2) **Change or Transfer of Ownership** shall mean a legal transaction whereby the ownership of an establishment is changed from one person to another person. This transaction can occur by sale, exchange, repossession, or other legal means.
 - (3) **County** shall mean Washington County.
 - (4) **County Board** shall mean the Washington County Board of Commissioners.
 - (5) **Health Authority** shall mean the Washington County Department of Public Health and Environment, its Director or other designated agent. The use of the term “Health Authority” shall be synonymous with the term “Department”, and “Commissioner” as used in this ordinance, Minnesota Rules 4625, and Minnesota Statutes 157.
 - (6) **Imminent Health Hazard** shall mean a significant threat or danger to health that exists when there is evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation.
 - (7) **Licensee** shall mean the Person who has been given the authority by the issuance of a license by the County to establish, operate, manage, and/or maintain a facility or activity regulated by County Ordinances or as otherwise designated in the County Ordinance.
 - (8) **Licensed Establishment** shall mean any of the license types defined by this Ordinance or as defined by Minnesota Statutes, section 157.15, including Bed and Breakfast, Boarding Establishment, Hotel or Motel, Lodging Establishment or Resort.
 - (9) **Public Water Supply** shall have the meaning given to “public water system” in the Federal Safe Drinking Water Act.
 - (10) **Public Water System** shall mean a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any special irrigation district. A public water system is either a community water system or a non-community water system.

- (11) **Remodeling** shall mean an addition or change to the physical facility or an equipment installation that results from changes in the services or menu offered to the public. Remodeling does not include redecorating or cosmetic refurbishing.
- (12) **Seasonal** shall mean an operation which is closed five (5) or more consecutive months of the year or more.
- (13) **Variance** shall mean a modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.

Section 5 Licensing and Fees

- 5.1 No Person shall operate, advertise or broker the use of, a Licensed Establishment, unless a license for the current year of the applicable type shall have been obtained pursuant to this Ordinance from the Health Authority.
- 5.2 Only a Person who complies with the requirements of this Ordinance shall be entitled to receive a license. Licenses shall not be transferable as to Person or place. The original copy of all licenses obtained for a Licensed Establishment shall be conspicuously located for public inspection.
- 5.3 Fees for licenses, plan reviews and other services shall be those established by the County Board. Additional fees may be charged for each additional service which is separate, distinct or unique, as determined by the Health Authority.
- 5.4 All outstanding fees shall be paid in full before the issuance of a renewal license.
- 5.5 Licensed Establishments that Change Ownership or otherwise begin operations at various times during the year shall have their license fees prorated as follows:
 - (1) Seventy-five percent (75%) of the total required license fees for establishments beginning operations on or after April 1, but before July 1;
 - (2) Fifty percent (50%) of the total required license fees for establishments beginning operations on or after July 1, but before October 1;
 - (3) Twenty-five percent (25%) of the total required license fees for establishments beginning operations on or after October 1, but on or before December 31.

This proration of license fees is applicable only to the total required license fee. It does not include any required plan review fees or other fees which may be applicable. Proration of fees does not apply to Licensed Establishments that operate on a Seasonal basis.
- 5.6 If the Health Authority receives plans and specifications for a Licensed Establishment less than thirty (30) calendar days before construction or Remodeling begins, fifty percent (50%) of the original plan review fee will be assessed for a late fee.
- 5.7 Licenses are valid through December 31 annually. License renewal applications shall be

received by the Health Authority by December 1 of each year.

- 5.8 The application for licenses shall be made on forms furnished by the Health Authority and shall set forth the general nature of the business, the location, and other information as the Health Authority may require. The issuance of such licenses and their maintenance, termination and administration shall be in accordance with and subject to all conditions of the Washington County Administrative Ordinance relative to the general requirements for licenses in Washington County.
- 5.9 Late penalty fees for Licensed Establishments shall be assessed as described in the Administrative Ordinance.
- 5.10 An existing Licensed Establishment that has been out of business for more than thirty (30) calendar days is considered a new establishment when re-opening with the same ownership and is subject to a pre-licensing inspection.
- 5.11 A license granted by the Department means that the requirements of the Department for conducting the licensed business have been met. There may be additional legal requirements, including requirements from other governmental entities that must be met in order to conduct the business. The granting of a license by the Department does not exempt the business from any additional legal requirements, nor does it mean those requirements have been met.

Section 6 Inspections

- 6.1 The Health Authority shall inspect Licensed Establishments as frequently as necessary to ensure compliance with this Ordinance, but not less than the minimum frequency established by Minnesota Statutes 157.20.
- 6.2 The Health Authority shall have the right to enter and have access to the Licensed Establishment at any time during the conduct of business. No persons shall interfere with or hinder the Health Authority in the performance of its duties or refuse to permit the Health Authority to make such inspections.
- 6.3 The Health Authority shall inspect each Licensed Establishment prior to issuing a license for a new establishment or Change of Ownership. A license shall not be issued until the corrections required by the Health Authority, as a result of the pre-licensing inspection, have been made to the satisfaction of the Health Authority.
- 6.4 The Health Authority shall document the findings of the inspection in a report which will include but not be limited to code violations, corrective actions, and compliance dates and provide a copy of the completed report to the licensee or to the person in charge.
- 6.5 All Licensees, owners, or operators of Licensed Establishments which have received an inspection report giving notification of one or more violations of this Ordinance shall correct or remove each violation in a reasonable length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report. The failure to remove or correct each such violation

within the time period noted on the inspection report shall constitute a separate violation of this Ordinance.

Section 7 Standards for Health and Safety

- 7.1 Minnesota Rules, Chapter 4625, with the exception of 4625.2300, Minnesota Statute 157, with the exception of section 157.16, Minnesota Statute 327.10 and 327.11 in effect on the effective date of this Ordinance, and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.
- 7.2 Standards Amended. The laws adopted under section 7.1 are hereby amended as follows:
 - (1) Minnesota Statute 157.177 is modified as follows: all instances of the phrase “hotel or motel” shall be deleted and replaced with the phrase “Licensed Establishment”.
- 7.3 Whenever a Licensed Establishment is constructed or Remodeled or whenever an existing structure is converted to use as an establishment which would be licensed under the provisions of this Ordinance, properly prepared plans and specifications for each construction, Remodeling or conversion shall be submitted, along with the appropriate plan review fee, to the Health Authority for review and approval at least thirty (30) calendar days prior to the time that construction, Remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout; mechanical, plumbing, and electrical specifications; construction materials and location; equipment specifications; and menu. The plans and specifications shall be submitted in the form requested by the Department. The Licensed Establishment shall be constructed and finished in accordance with the approved plans.
- 7.4 A Licensed Establishment that meets the definition of a Public Water Supply must comply with Minnesota Rules, Chapter 4720 and the Safe Drinking Water Act (Minnesota Statutes, sections 144.381 to 144.387).
- 7.5 Food service operations within a Licensed Establishment shall also comply with the Washington County Food Code Ordinance. Public Pools on the premises of a Licensed Establishment shall comply with the Washington County Public Pool Ordinance. Licensed Establishments that have a Subsurface Sewage Treatment System shall also comply with the Washington County Subsurface Sewage Treatment System Ordinance.
- 7.6 The Health Authority may require that employees at Licensed Establishments attend a training once per year on topics related to compliance with this Ordinance. Notice of the training requirement must be provided by the Department at least sixty (60) days prior to the training date and the training must not exceed two (2) hours in length. There shall be no charge to the Licensed Establishment for the training.
- 7.7 Upon written recommendation by a law enforcement agency with jurisdiction over a Licensed Establishment which outlines suspected contributing factors of trafficking at the Licensed Establishment, the Health Authority may require that a Licensee develop and implement a trafficking prevention plan as a condition of licensing. The trafficking

prevention plan must analyze operational or infrastructural factors of the Licensed Establishment which may enable trafficking to occur and identify critical control points which proactively address those factors to prevent trafficking.

Section 8 Variances

- 8.1 A Variance from this Ordinance may be granted if it is deemed that the strict enforcement of any provision of the standards of the Ordinance would cause unnecessary hardship or that strict conformity with the standards would be unreasonable and impractical or not feasible under the circumstances. The Department may permit a Variance upon such conditions as it may prescribe for management consistent with the general purposes and intent of the applicable Ordinance and of all other applicable state and local regulations and laws.
- 8.2 Variances will be granted in accordance with the procedures defined in the Washington County Administrative Ordinance and Minnesota Rules, part 4717.7000.

Section 9 Enforcement

- 9.1 Any Person who violates a provision of this County Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- 9.2 In addition to any other remedy provided by law, in the event of a violation or a threat of a violation of this Ordinance, the Health Authority 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.
- 9.3 The Department of Public Health and Environment may, in lieu of or in addition to issuance of a citation or other enforcement action, order the Licensee, owner, or operator to appear for a compliance meeting at a Washington County office at the time and date prescribed by the Department. The Licensee, owner, or operator must be given written notice at least twenty-four (24) hours in advance of the compliance meeting and such notice shall specify the Ordinance violations to be discussed. Failure to appear shall constitute a violation of this Ordinance.
- 9.4 Citations may be issued by the Health Authority, and the Health Authority may suspend, summary suspend and revoke licenses in accordance with the Washington County Administrative Ordinance.
- 9.5 The Health Authority may order specific rooms or areas of the Licensed Establishment which are determined to be an Imminent Health Hazard to be kept out-of-service and inaccessible to the public. The spaces must remain out-of-service for violations of this ordinance until the Imminent Health Hazard has been abated and the licensee demonstrates compliance with this Ordinance.

Section 10 Severability

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

Section 11 Effective Date

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

BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2025-134

DATE December 2, 2025
MOTION
BY COMMISSIONER Miron

DEPARTMENT Public Health & Environment
SECONDED BY
COMMISSIONER Cox

RESOLUTION ADOPTING WASHINGTON COUNTY LODGING ORDINANCE #221

WHEREAS, the Minnesota Local Public Health Act Minn. Stat. Chapter 145A, imposes upon the counties the responsibility of protecting and promoting the health of its citizens through the prevention of disease, injury, disability and preventable death, and

WHEREAS, Minn. Stat. § 145A.03 requires counties to undertake the responsibility of a board of health or establish a board of health; and

WHEREAS, Washington County Department of Public Health and Environment is the county agency given responsibility by the Washington County Board of Health to administer the County's statutory mandate; and

WHEREAS, Minn. Stat. § 145A.04 authorizes counties to enforce laws, regulations and ordinances attendant to the local Board of Health; and

WHEREAS, Minn. Stat. § 145A.05 authorizes county boards to adopt ordinances to regulate actual or potential threats of public health consistent with the Minnesota Local Public Health Act; and

WHEREAS, the Minnesota Department of Health has delegated lodging establishment oversight authority to Washington County through a delegation agreement, including enforcement of Minn. Stat. § 157.177; and

WHEREAS, the current Washington County Lodging Establishment Ordinance #181 does not adopt by reference the standards of Minn. Stat. § 157.177; and

WHEREAS, the Washington County Board of Health finds additional ordinance requirements may help to further prevent public health threats from sex trafficking and human trafficking in lodging settings; and

WHEREAS, on November 25, 2025, the Washington County Board of Commissioners conducted a public hearing pursuant to Minn. Stat. § 375.51, to adopt the Washington County Lodging Ordinance #221.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Lodging Ordinance #221.

BE IT FURTHER RESOLVED, that the Washington County Lodging Ordinance #221 attached hereto shall be effective upon and after the publication of this ordinance according to law.

BE IT FURTHER RESOLVED, that the Washington Board of Commissioners hereby repeals Washington County Lodging Establishment Ordinance #181, with said repeal to take effect on the date that Washington County Lodging Ordinance #221 becomes effective.

ATTEST:

Kevin Corbid

COUNTY ADMINISTRATOR

Stan Karwoski

COUNTY BOARD CHAIR

YES NO

**MIRON
KARWOSKI
COX
BIGHAM
CLASEN**

<u>X</u>	_____
<u>X</u>	_____
<u>X</u>	_____
	Absent
	Absent