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Title: ORDINANCE AMENDING CHAPTER 29, HOTELS, MOTELS AND MOTOR COURTS, REGARDING ACCESSORY HOME SHARE, ACCESSORY VACATION DWELLING UNIT AND VACATION DWELLING UNIT.

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ORDINANCE AMENDING CHAPTER 29, HOTELS, MOTELS AND MOTOR COURTS, REGARDING ACCESSORY HOME SHARE, ACCESSORY VACATION DWELLING UNIT AND VACATION DWELLING UNIT.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 29 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

CHAPTER 29.

HOTELS, MOTELS AND MOTOR COURTS.

Sec. 29-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Bed and breakfast. A bed and breakfast as defined in Section 50-41.2 of this Code.

Chief Administrative Officer. The Chief Administrative Officer of the city or a person designated by said Officer.

Hotel. Every building or structure kept, used, maintained, advertised or held out to the public to be a place where sleeping or rooming accommodations are furnished to the general public for a shorter period of time than one week, with or without meals, shall be deemed a hotel. A hotel as defined in Section 50-41.8 of this Code. The person in charge of any such hotel, whether as owner, lessee, manager or agent, shall, for the purpose of this Chapter, be deemed to be the proprietor of such hotel.

Motel or motor court. A building or group of buildings used for the temporary residence of motorists or travelers and held out to the public to be what is commonly known as a motel or motor court. The person in charge of any such motel or motor court, whether as owner, lessee, manager or agent, shall, for the purpose of this Chapter, be deemed to be the proprietor of such motel or motor court.

Sec. 29-2. License-required.

No person shall keep, maintain or operate a hotel, motel, or motor court, or bed and breakfast within the city without first having obtained a license to do so. For purposes of this Chapter, neither a vacation dwelling unit as defined by Section 50-41.22 of this Code nor an accessory home share or an accessory vacation dwelling unit as defined in Section 50-41.1 of this Code shall be required to obtain a license pursuant to this Chapter .

Sec. 29-3. Same--Investigation.

The city clerk, immediately upon receipt of an application for a license required by this Chapter, shall transmit a notice thereof to the administrative assistant who, in turn, shall give notice thereof to the director of public health. Upon receipt of such notice, the director of public health or his authorized agent, shall promptly investigate the circumstances and make a determination as to State commissioner of health with a request that said commissioner determine whether or not the establishment for which a license is being sought is in compliance with the minimum standards for regulation and conduct of hotels, as prescribed by Minnesota Statutes Annotated, 19572019, Chapter 157, sections 157.01 through 157.14, as they now read or may hereafter be amended to read:

In lieu of an actual inspection of the premises to be licensed, at his discretion, the director of public health may substitute therefor a statement to be filed with him from the chief of the division of hotels, resorts and restaurants of the state department of health or his deputies, setting forth that the establishment under consideration complies with the aforementioned statutes. A report of his findings and recommendations as to licensure shall be made to the administrative assistant by the director of public health or other officers of the city, as required by the administrative assistant before the granting of such license. Upon receiving a report of the commissioner's findings that the establishment meets said minimum standards, the Chief Administrative Officer shall approve issuance of the license. Upon receiving a report that the establishment does not meet said minimum standards, the Chief Administrative Officer shall deny the license.

No such license shall be issued until all the regulations relating to hotels, motels or motor courts have been complied with.

Sec. 29-4. Same--Fees.

The annual fee for each hotel, motel or motor court license shall be set in accordance with Section 31-6(a) of this Code for the first 25 rooms and an additional annual fee for each additional guest room shall also be set in accordance with Section 31-6(a) of this Code, which fees shall be paid to the city clerk with their application.

Sec. 29-5. Same--Expiration date.

All licenses issued under this Chapter shall expire on the 30th day of April next following the issuance of the same.

Sec. 29-6. Same--Revocation and suspension.

Any license to conduct a hotel, motel or , motor court, or bed and breakfast may be revoked by the city council in its discretion upon the receipt of a report from the chief administrative officer that the operations of such hotel, motel, or motor court, or bed and breakfast is are being conducted in a disorderly manner, that any immoral conduct or practices are being permitted therein or that such hotel, motel, or motor court, or bed and breakfast operations are is being conducted, operated or maintained in violation of any of the laws of the state, any provisions of this Code or other ordinances of the city; provided, that pending the action of the city council or between sessions of the same, whenever it shall appear that any hotel, motel or motor court shall be that such operations are being conducted in a disorderly manner as herein set forthprohibited, the administrative assistant chief administrative officer may, after due investigation, suspend the license of any such hotel, motel or motor court and cause the same to be temporarily closed pending the action of the city council.

Sec. 29-7. Reports to council by administrative assistantchief administrative officer.

The administrative assistant~~chief administrative officer~~, immediately upon the receipt of any information or knowledge that any hotel, motel, or motor court, ~~or bed and breakfast~~ is being conducted in a disorderly manner, that any immoral conduct or practices are being permitted in any hotel, motel or motor court, or that any law of the state, provision of this Code or other ordinance of the city is being violated by the conduct of such hotel, motel or motor court~~a manner violative of Section 29-6 above~~, shall report such fact to the city council. The city council, immediately upon receipt of such report, shall consider the same and may, in its discretion, revoke the license of such hotel, motel or , motor court ~~or bed and breakfast~~.

Sec. 29-8. Investigations.

The director of public health~~chief administrative officer~~ is hereby authorized to inspect any hotel, motel or , motor court, ~~or bed and breakfast~~ with whatever frequency and whenever, in his judgment, the circumstances call for such action. If after any such inspection it is found by the ~~chief administrative officer~~ director of public health that any such hotel, motel or , motor court, ~~or bed and breakfast~~ is being conducted in an unclean or unsanitary manner or in violation of any of the laws of the state, provisions of this Code or other ordinances of the city as to the public health or safety, the ~~chief administrative officer~~ director of public health shall make a full report thereof to the administrative assistant, who thereupon shall make report to the city council.

Sec. 29-9. Guest register required; limitations on assignment of rooms.

Every person operating a hotel, motel, or motor court, ~~or bed and breakfast~~ in the city shall, at all times, keep a suitable book, to be known as the guest register, in which it shall be required that every person to whom a room is let or assigned shall have his name registered therein in ink and shall set forth a proper statement of the date and the hour of the day at which the room was let or assigned. No person operating a hotel, motel, or motor court, ~~or bed and breakfast~~ under the provisions of the Chapter shall let or assign any room for sleeping accommodations or otherwise oftener than once in any period of ten hours following the time of its original assignment.

Sec. 29-10. Certain terms not to be used to designate or advertise premises without license.

Any person conducting or operating a hotel, motel, or motor court, ~~or bed and breakfast~~ without a license therefor, whose license is revoked by the city council, to whom a renewal of license shall be denied or to whom an original license is denied, shall immediately cease to operate such hotel, motel, or motor court, and shall immediately cease to employ the word "hotel," "motel" or "motor court" ~~or "bed and breakfast"~~ or any other word or sign in any place or upon any such building in designating or advertising the premises.

Sec. 29-11. Room security.

(a) The exit doors of every hotel or motel room or suite of rooms shall be equipped with deadbolt locks meeting the specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or key and shall have a lock throw of not less than one inch. Deadbolt locks shall provide a minimum of 1,000 interchange-free combinations if they are master keyed or have at least 5 tumblers or provide a minimum of 10,000 interchange-free combinations if they are not master keyed. All such locks shall be installed according to the manufacturer's specifications and be maintained in good working order. All deadbolt locks required by this Section shall be designed and installed in such a manner so as to be operable from the inside of the dwelling unit or rooming unit without the use of a key, combination or any other special knowledge or effort;

(b) All exterior windows in every hotel or motel room or suite of rooms located in whole or in part less than 12 feet above ground level shall be equipped with window sash locking devices which are maintained in good working order;

(c) Special purpose locking devices which do not conform to all of the requirements of this section may be used on hotel room and motel room doors if such locking devices are approved by the fire chief, the building official and the chief of police. The fire chief, building official and the chief of police shall not approve of any special purpose nonconforming locking device unless they find it provides both building security and fire safety that is equivalent to conforming deadbolt locks.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to update Chapter 29 of the Duluth City Code, 1959, as amended, which regulates the licensing of hotels, motels, and motor courts. This ordinance updates definitions to reflect updates to the city's uniform development chapter related to accessory home shares, accessory vacation dwelling units, and vacation dwelling units. This ordinance clarifies that accessory home shares, accessory vacation dwelling units, and vacation dwelling units that are permitted under the uniform development chapter are not required to obtain an additional hotel-motel license pursuant to Chapter 29. Accessory home shares, accessory vacation dwelling units, and vacation dwelling units, remain subject to all current zoning requirements and guest occupation requirements prescribed by the Duluth City Code and all lodging licensure requirements under State law. This ordinance also corrects punctuation, grammar and updates language to reflect current administrative references and functions.