

BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 14th day of January, 2019, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to hospitality accommodations.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. 2018-17

AN ORDINANCE AMENDING CHAPTER 23 OF THE BROOKLYN CENTER CITY CODE REGARDING HOSPITALITY ACCOMMODATIONS

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Brooklyn Center City Code, Chapter 23, Sections 23-2400 through 23-2415 are hereby amended by deleting them in their entirety and replacing them with the following:

HOSPITALITY ACCOMMODATIONS

Section 23-2400. PURPOSE. It is the purpose of these Sections 23-2400 through 23-2415 to ensure that hotels and motels (referred to collectively in these Sections as a "hospitality accommodation") are complying with certain minimum standards and are implementing measures as may be needed to discourage the use of their facilities for criminal activities in order to protect the safety of their guests and the public. Those owning and operating hospitality accommodations in the City have a responsibility to ensure their guests and visitors have accommodations that are safe, secure, free from unreasonable noise, nuisances, and threats to their safety and security.

Section 23-2401. LICENSE REQUIRED. It is unlawful for any person, firm, or corporation to operate a hospitality accommodation in the City without a hospitality accommodation license issued pursuant to Sections 23-2400 through 23-2415. A separate license is required for each hospitality accommodation property.

Section 23-2402. DEFINITIONS. A. "Annual calls for service" – The aggregate total of all the points, specified in Section 23-2404(E), assigned to the calls for service to a hospitality accommodation property in a calendar year divided by the total number of lodging units in the hospitality accommodation as determined by the City.

B. "Call for service" – Includes any of the following:

1. Any report made to the police department of criminal activity, violation of the city code, or a general call for service requiring a police response from or concerning a hospitality accommodation in connection with an incident occurring at that hospitality accommodation property, except calls for a medical emergency or domestic assault; or

2. Any incident observed by police concerning a hospitality accommodation property and is responded to by a police officer.

Only a call for service that is verified by the responding police officer as being a valid call for service shall be included in the annual calls for service calculation for the purposes of these Sections 23-2400 through 23-2415.

C. "Hospitality accommodation" – Any facility such as a hotel, motel, condominium, resort, or any other facility or place offering six or more lodging units to guests for periods of less than thirty days, but not including jails, hospitals, care facilities, senior living centers, residential treatment facilities, prisons, detention homes, and similar facilities.

D. "Hospitality accommodation property" – Any land containing a facility for hospitality accommodation including any associated parking areas, recreation areas, loading areas, or other amenities located on the same parcel of property.

E. "Hospitality accommodation license" or "license" – A license issued by the City to a level I hospitality accommodation, a level II hospitality accommodation, or a level III hospitality accommodation.

F. "Level I hospitality accommodation" – Any hospitality accommodation whose annual calls for service are less than .20 calls per lodging unit.

G. "Level II hospitality accommodation" – Any hospitality accommodation whose annual calls for service are at least .20 calls per lodging unit, but less than .40 calls per lodging unit.

H. "Level III hospitality accommodation" – Any hospitality accommodation whose annual calls for service are at least .40 calls per lodging unit or greater.

I. "Lodging unit" – One self-contained unit within a hospitality accommodation designated by number, letter, or some other method of identification that is designed or used for overnight accommodations. A lodging unit shall not include areas or rooms not utilized for overnight accommodations such as banquet rooms, meeting rooms, business centers, pool areas, and workout rooms.

J. "Part 1 crime" – Any crime identified in the Uniform Crime Reporting Program as a Part 1 crime, but which does not constitute a "violent crime" as defined in this Section. Part 1 crimes include, but are not necessarily limited to, theft, auto theft, burglary, or arson (first, second, or third degree).

K. "Police department" – The City of Brooklyn Center Police Department.

L. "Property safety inspection" – An annual inspection of level II and level III hospitality accommodations conducted by the City based on a hospitality accommodation inspection checklist developed by the City and adopted by the City Council.

M. "Violent crime" – Is any homicide (any degree), robbery, criminal sexual conduct (first, second, or third degree), or assault (first, second, or third degree).

Section 23-2403. RESTRICTIONS ON ISSUING LICENSES.

A. A hospitality accommodation license shall not be issued or renewed if any of the following circumstances exist:

A. The applicant submits an incomplete license application or fails to submit the required application fee;

B. The applicant is untruthful in any of the information provided to the City as part of its request for a license;

C. The hospitality accommodation is not in compliance with the requirements associated with the particular license level applicable to the hospitality accommodation;

D. The applicant has failed to correct any violations noted in a correction order issued as a result of safety inspection required under Section 23-2412; or

E. The hospitality accommodation property is not in compliance with any applicable federal, state, or local law, rule, regulation, or ordinance.

Section 23-2404. LICENSING PROCESS AND RENEWAL.

The level of a hospitality accommodation license shall be determined and the licensed shall be issued in accordance with this Section.

A. A new hospitality accommodation shall obtain a hospitality accommodation license from the City prior to opening for business. A new hospitality accommodation that had not previously operated within the City shall initially qualify for a level I hospitality accommodation license. The City may charge a reduced license fee for a new hospitality accommodation license based on the number of months remaining in the particular licensing period.

B. The annual renewal of a hospitality accommodation license shall be in accordance with the following timelines:

1. By February 1st the City shall notify each existing hospitality accommodation in writing of its annual calls for service for the previous year and the level of hospitality accommodation license for which it must apply;

2. By April 1st each hospitality accommodation shall submit to the City a complete application for the appropriate level of license;

3. By May 1st each hospitality accommodation must obtain the required level of hospitality accommodation license from the City; and

4. By June 1st each hospitality accommodation shall be in full compliance with any conditions placed on the license by the City Council, unless a different compliance date is indicated in the license or a provisional license is issued because of change in licensing levels.

C. The City Council shall issue a hospitality accommodation license upon submission of a complete application, payment of applicable fees, compliance with the applicable special requirements, compliance with any correction orders, and proper licensing with all applicable government agencies, including the Minnesota Department of Health.

D. If a hospitality accommodation is required, based on its annual calls for service, to transition to a stricter licensing level, the City Council may issue a provisional license to allow additional time for the hospitality accommodation to come into compliance with the additional special requirements applicable to the new level. The hospitality accommodation is required to come into full compliance with the requirements applicable to the new license level and any additional conditions placed on the license by the City Council by the date indicated in the provisional license. The City shall conduct an inspection and if it determines the hospitality accommodation has complied, the license automatically becomes a regular license for the particular license level without further action by the City. If the hospitality accommodation is not in compliance by the date indicated, the provisional license shall terminate unless the City Council acts to extend it. Any such extension approved by the City Council shall be subject to any additional conditions the City Council may place on the license.

E. The following scale shall be used to calculate the number of points assigned to a hospitality accommodation for the calls of service to determine the level of license the hospitality accommodation is required to obtain.

Type of Call for Service	Points
Violent Crime	5 Points
Part 1 crime	3 Points
Any other crime or call for service	2 Points

If an employee of the hospitality accommodation originated the call for service, the number of points assigned to the particular call for service shall be reduced by one point.

F. To determine the type of hospitality accommodation licenses required, the City shall divide the annual calls for service at a hospitality accommodation, calculated using the point system set out in paragraph E of this Section, by the total number of lodging units in the hospitality accommodation.

G. A hospitality accommodation may be subject to a property safety inspection as provided in Section 23-2412 and any such hospitality accommodation shall comply with any correction orders issued as a result of the inspection.

H. Failure of a hospitality accommodation to comply with the requirements applicable to the license level, any additional conditions issued by the City Council, or a correction order shall constitute sufficient grounds for the revocation, suspension, or nonrenewal of the hospitality accommodation license.

Section 23-2405. LICENSE FEE.

The fee for a hospitality accommodation license shall be as set forth by City Council resolution. The City Council may establish a separate fee for each licensing level.

Section 23-2406. LICENSE PE-RIOD.

All hospitality accommodation licenses shall expire on April 30 each year and must be renewed in accordance with Section 23-2404.

Section 23-2407. TRANSFER OF LICENSES.

A hospitality accommodation license may be transferred to a new owner of a hospitality accommodation continuing to operate on the same hospitality accommodation property for which the license was issued. The transfer shall not affect the current license level and the calls for service that occurred prior to the transfer shall be used in calculating the license level at renewal. Written notice of the transfer shall be provided to the City within ten business days after the transfer. The notice shall include the name and address of the person, firm, or corporation taking ownership or control of the hospitality accommodation. A hospitality accommodation license shall not be transferred or relocated to a hospitality accommodation located on a different site.

Section 23-2408. LEVEL I HOSPITALITY ACCOMMODATION.

A level I hospitality accommodation is required to meet the special requirements in this Section, which constitute the minimum performance standards for all hospitality accommodations.

A. Have clear check-in policies that, at a minimum, require all guests reserving or renting a room to use a credit card to guarantee the reservation or rental.

B. Provide and keep a register for the registration of all guests, and every guest must be registered. Upon the arrival of each guest, the operator of the hospitality accommodation must require the guest to provide the name and home address of the guest and every person with the guest as a member of the party, and if the guest is traveling by motor vehicle, the make of the vehicle and license plate number, including the name of the state or country issuing the license plate. The method of payment must be noted as part of the registration information. The registration information must be recorded in the guest register and kept in an accurate and orderly manner. The guest register must be retained for one year and made available for inspection by the City upon reasonable request.

C. Work cooperatively with the City to provide training no less than annually to all staff members directly involved in registering guests and housekeeping staff.

D. Provide the City the name, address, e-mail address, and telephone number of the president, vice-president, secretary, and treasurer of the ownership group of the hospitality accommodation.

E. Provide the City the name, e-mail address, and telephone number of all managers and other responsible employees of the hospitality accommodation.

F. Require a manager or other responsible employee to be on premises of the hospitality accommodation property at all times.

G. Inspect rooms of guests who refuse housekeeping service for three consecutive days or who behave suspiciously in a manner staff reasonably suspect, based on training and experience, may be engaged in unlawful activity.

Section 23-2409. LEVEL II HOSPITALITY ACCOMMODATION.

A level II hospitality accommodation is required to meet the special requirements required of a level I hospitality accommodation and the additional special requirements in this Section, which are designed to deter crime, in order to be eligible for a hospitality accommodation license, and shall comply with any conditions the City Council may impose on the license.

A. Submit a management plan to the City detailing steps the hospitality accommodation intends to take to reduce criminal activity.

B. Consult with the police department to obtain such inspection services and advice regarding crime prevention as may be needed to address the types and calls for service made to the hospitality accommodation property.

C. Consult with the police department to keep apprised of police activity occurring on the hospitality accommodation property.

D. Install and operate a surveillance camera, with a recorder, in the lobby at all times.

E. Consult with the police department to undergo a "crime prevention through environmental design" (CPTED) inspection and incorporate the recommendations into the hospitality accommodation property.

F. Issue parking passes to all vehicles allowed to park on the transient accommodation property, each pass marked with an issued date and expiration date.

G. Submit to semi-annual audits by the City to verify compliance with the requirements of this Section.

Section 23-2410. LEVEL III HOSPITALITY ACCOMMODATIONS.

A level III hospitality accommodation is required to meet the special requirements of a level II hospitality accommodation, and including those applicable to a level I hospitality accommodation, and the additional special requirements in this Section, which are designed to deter crime, to be eligible for a hospitality accommodation license, and shall comply with any conditions the City Council may impose on the license.

A. Conduct background checks on all owners, managers, and employees of the hospitality accommodation in accordance with Section 23-2411.

B. Enforce the following guest rules:

1. Lodging units cannot be rented for less than a six-hour period;

2. Prohibit guests from producing loud noises that unreasonably disturb the tranquility of the other guests or those adjacent to the hospitality accommodation property; and

3. Alcohol may not be consumed in common areas except for designated banquet or reception rooms or areas.

C. Remove all graffiti and repair all vandalism within seven days of occurrence.

D. Install lighting in all common areas with minimum maintained lighting of 1.5 foot-candles at ground level.

E. Install and continually operate video monitoring equipment in all parking lots on the hospitality accommodation property that are monitored and recorded at the front desk at all times.

F. Have a licensed, armed, and uniformed security guard on the premises every day from 6:00 p.m. until 6:00 a.m.

Section 23-2411. BACKGROUND CHECKS.

A. A hospitality accommodation required to conduct background checks on its owners, managers, and employees, such background checks must comply with and include the following:

1. A Minnesota statewide criminal history check covering at least the last three years, which must be conducted by a company providing criminal history check services utilizing the most recent update of the Minnesota criminal history files;

2. A statewide criminal history check from the person's previous states of residence covering the last three years if the person has not resided in Minnesota for at least the three years preceding the history check; and

3. A criminal history check conducted in all seven counties in the Twin Cities metropolitan area (the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) covering at least the last three years, including all misdemeanor, gross misdemeanor, and felony convictions.

B. The hospitality accommodation shall retain the criminal history check information for the duration of the person's employment, but in no case less than two years, and shall make the information available for inspection upon request by the City Manager or the City Manager's designee.

Section 23-2412. PROPERTY SAFETY INSPECTION.

The City shall conduct property safety inspections in accordance with the provisions of this Section.

A. The City shall annually conduct a property safety inspection of all level II and level III hospitality accommodations for the purpose of enforcing the property maintenance code and the standards in this Section. The property safety inspection is required prior to the issuance of a level II or level III hospitality accommodation licenses. The City may, at all reasonable times enter and inspect all lodging units, common areas, and operational areas of the hospitality accommodation. Except when otherwise authorized by law or in an emergency, the City shall not inspect an occupied lodging unit without the consent of the occupant.

B. Property safety inspections shall include the following:

1. At least 15% of all lodging units in the hospitality accommodation shall be inspected. The City shall determine which lodging units to inspect and shall rotate the lodging units inspected to ensure all lodging units will be inspected periodically;

2. All common areas and operational areas of a hospitality accommodation shall be inspected as part of each property safety inspection; and

3. The inspection shall be based on a hospitality accommodation inspection checklist and the City shall inspect each item on the list during each inspection.

C. Any violations found during the property safety inspection shall be corrected in the timeframe established in the correction order issued by the City. The City shall conduct a reinspection of the hospitality accommodation to confirm compliance with the correction order. Failure to correct any of the violations noted in correction order within the established timeframe may result in the suspension, revocation, or nonrenewal of the hospitality accommodation license, as provided in Section 23-2413.

Section 23-2413. REVOCATION AND SUSPENSION OF LICENSE.

A hospitality accommodation license may be revoked, suspended, or not renewed by the City Council, upon recommendation of the City Manager, in accordance with this Section.

A. The City Council may revoke, suspend, or not renew a hospitality accommodation license upon any of the following grounds:

1. A false statement, misrepresentation, or fraudulent statement on any application or other information or report required by these Sections 23-2400 through 23-2415;

2. Failure to pay the application fee, fine, penalty, reinstatement fee, special assessment, real estate taxes, or other financial claim due to the City under this Code;

3. Failure to comply with any of the special requirements applicable to the level of license held by the hospitality accommodation;

4. Failure to comply with any of the conditions placed on the license by the City Council;

5. Failure to comply with any part of a correction order issued by the City.

6. Failure to continuously comply with any zoning, health, building, nuisance, or other Code requirements;

7. Failure to obtain or maintain any licenses required for the hospitality accommodation; or

8. Failure to comply with any other applicable federal, state, or local law, rule, regulation, or ordinance.

B. A decision to revoke, suspend, or not renew a hospitality accommodation license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity to request a hearing before the City Council before final action is taken to revoke, suspend, or not renew the license. An applicant or licensee waives its right to a hearing if it fails to submit a written request for a hearing to the City within ten days of the issuance of the written notice. If a timely request for a hearing is received, the City Council shall conduct a hearing at the next regularly scheduled City Council meeting and provide the applicant or licensee an opportunity to be heard.

C. The written decision to revoke, suspend, or not renew a hospitality accommodation license shall identify the specific grounds for the decision. Upon issuance of the written decision, no lodging unit within the hospitality accommodation may be offered or used for any period of time by guests until a new hospitality accommodation license is issued in accordance with Section 23-2414.

Section 23-2414. REAPPLICATION AFTER LICENSE ACTION.

Reapplication for a hospitality accommodation license after the City Council has revoked, suspended, or not renewed a license shall be in accordance with this Section.

A. A hospitality accommodation license may be suspended for up to ninety (90) days and may, after the period of suspension, be reinstated to comply with these Sections 23-2400 through 23-2415 and any conditions imposed by the City Council at the time of suspension.

B. A hospitality accommodation license revoked or not renewed by the City Council will not be reinstated or issued until the owner has applied for and secured a new hospitality accommodation license and complied with all conditions imposed at the time of revocation or nonrenewal. The City Council may impose a period following the revocation or nonrenewal of the owner's previous license during which a new hospitality accommodation license may not be submitted. A decision not to renew a hospitality accommodation license may take the form of a suspension or revocation.

C. An application for a new hospitality accommodation license following the revocation, suspension, or nonrenewal of the license must be accompanied by a reinstatement fee, as specified by City Council resolution, in addition to all other application and related fees.

D. The conditions of approval of any subsequent application for a license to operate a hospitality accommodation on the same property following a period of revocation or denial of renewal of a hospitality accommodation license shall be based upon the hospitality accommodation property's history of annual calls for service prior to the revocation or non-renewal.

E. No subsequent application for a hospitality accommodation license on the same property following a period of revocation or nonrenewal shall be approved unless the applicant presents a corrective action plan that is approved by the City to help ensure the conditions and causes of the prior revocation or nonrenewal are appropriately addressed. Implementation of, and compliance with, the corrective action plan shall be a condition of the license.

Section 23-2415. VIOLATIONS.

A. Any person, firm, or corporation who violates any provision of these Sections 23-2400 through 23-2415 is, upon conviction, guilty of a misdemeanor. The penalty that may be imposed for a misdemeanor is a sentence of not more than 90 days or a fine of not more than \$1,000, or both. Each day upon which a violation of these Sections 23-2400 through 23-2415 occurs constitutes a separate offense.

B. In lieu of issuing a criminal citation, the City may issue an administrative citation and impose a civil penalty on any person, firm, or corporation who violates any provision of these Sections 23-2400 through 23-2415.

C. Any person required to register at a hospitality accommodation who intentionally presents false identification, provides a false or assumed name, or otherwise provides false guest register information is guilty of a misdemeanor.

D. Nothing in this Section shall be construed as a waiver of any applicable state license requirements or from compliance with all applicable civil and criminal laws.

Article II. Brooklyn Center City Code, Chapter 23, Section 23-006.05 is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Section 23-006.05. PAYMENT OF PROPERTY TAXES REQUIRED.

No license shall be granted or renewed for tobacco related products; bowling alleys; public dancing; filling stations; pawnbrokers; secondhand goods dealers; motor vehicle dealerships; saunas and sauna baths; massage parlors; rap parlors, conversation parlors, adult encounter groups, adult sensitivity groups, escort services, model services, dancing services, or hostess services; transient hospitality accommodations; or amusement devices for operation on any property on which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes, Section 278.01 through 278.03, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.

Tim Willson, Mayor

ATTEST: Barb Suci

City Clerk

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