

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5408

AN ORDINANCE AMENDING ARTICLE 13-14 OF
CHAPTER 13 OF THE FARGO MUNICIPAL CODE
RELATING TO HOTELS & MOTELS

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be it Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Amendment.

Article 13-14 of Chapter 13 of the Fargo Municipal Code is hereby amended to read as follows:

ARTICLE 13-14 ~~HOTELS & MOTELS~~ LODGING ESTABLISHMENTS

13-1401. Definitions.

1. "Clean" – Shall mean ~~T~~the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly or extraneous matter.

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2. "Employee" – Shall mean ~~Any~~ person working in a ~~hotel or motel lodging establishment~~ including janitors, maids, porters, and other persons whose duties include the cleaning of rooms, toilets, or other parts of the building.
3. "Good repair" - ~~The term "good repair"~~ shall mean free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.
4. "Guest" - Shall mean an occupant of any ~~hotel or motel lodging establishment~~.
5. "Guest room" - Shall mean any room used by a guest for sleeping purposes.
6. "Health Department" - Shall mean ~~the City of Fargo Health Department~~ Fargo Cass Public Health.
7. "Health hazard" - Shall mean any chemical agent, source of filth, cause of sickness, or condition that is a health threat to employees or guests.
8. ~~"Hotel or Motel Lodging Establishment"~~ - Shall mean a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public for a charge and for periods of less than one week. The term does not include residential or personal dwelling units.
9. "Public restroom" - Shall mean any facility that provides toilet and handwashing facilities for the general public.

13-1402. Application.

All ~~hotels and motels lodging establishments~~ shall be subject to the requirements of this article and the rules or regulations promulgated hereunder.

13-1403. Rules and Regulations.

13-1403.1 Regulation by Health Department.

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The health department, and agents and employees thereof, shall have authority to regulate the public health and safety in the city of Fargo concerning use, design, operation, and maintenance of ~~hotels and motels~~ lodging establishments and shall have such authority to adopt regulations, rules, standards and practices. Such regulations, rules, standards, and practices shall be approved by the board of city commissioners, and are hereby adopted by reference and fully incorporated herein, ~~included~~ including any amendments hereinafter adopted, and shall be controlling within the jurisdiction of the ~~health department~~ city of Fargo.

13-1403.2 Health Department Approval of Construction Plans.

Before work is commenced on the construction of a ~~hotel or motel~~ lodging establishment, or there is any alteration, addition, remodeling, or other improvement, the plans and specifications ~~shall have been~~ must be approved by the health department.

13-1403.3 Inspection by Health Department.

The health department may inspect or cause to be inspected all ~~hotels and motels~~ lodging establishments within the city at such times as it may deem necessary to carry out the intent of this ordinance. In the event of the failure of compliance after due notice with the rules and regulations and requirements of this ordinance, the health department shall have the power to abate or cause a suspension of use of such ~~hotel or motel~~ lodging establishment until such time the health department deems there to be no longer a menace or a hazard to health, safety or morals. Yearly inspection fees shall be established by resolution of the board of city commissioners.

13-1404. Exterior maintenance and parking.

13-1404.1 Every building, structure, or enclosure used to provide lodging accommodations for the ~~pubic~~ public shall be kept in good repair, and so maintained as to promote the health, comfort, safety, and well-being of persons accommodated.

13-1404.2 There shall be at least one parking spot provided for each lodging room in ~~the hotel or motel~~ a lodging establishment and for all staff. The parking lot and all property

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used in connection with the ~~hotel or motel~~ lodging establishment shall be kept free of litter and refuse. Also, the walking and driving surfaces of all exterior areas shall be surfaced with concrete or asphalt or a similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling. Only articles necessary for the operation and maintenance of the lodging establishment shall be stored on the premises.

13-1404.3 Outside openings shall be protected against the entrance of insects and rodents by tight fitting, self-closing doors, closed windows, and screening or other approved means. Screen doors shall be self-closing, and screens for windows, doors, skylights, intake and exhaust air ducts and other openings to the outside shall be tight fitting and free of breaks or holes. Screening materials shall not be less than sixteen mesh to the inch.

13-1405. Restrooms and handwashing facilities.

13-1405.1 All public restrooms ~~should~~ shall be provided with mechanical ventilation, self-closing doors, and proper handwashing facilities. The handwashing sink shall be equipped with self-dispensing soap and self-dispensing disposable towels or a hand drying device providing heated air and a suitable waste receptacle. Handwashing sinks shall also provide hot and cold water tempered by means of a mixing valve or combination faucet. Hot water shall not exceed one hundred ~~thirty~~ twenty degrees (~~130~~ 120°F). Any self-closing, slow closing, or metering faucet shall be designed to provide a flow of water for at least fifteen seconds without the need to reactivate the faucet.

13-1405.2 Restroom facilities shall be conveniently located, and shall be accessible to employees and ~~guests~~ guests at all times.

13-1405.3 Handwashing facilities, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

13-1405.4 Walls, floors, and ceilings in restrooms shall be constructed of smooth, easily cleanable materials and shall be kept clean and in good repair.

13-1406. Guest rooms.

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13-1406.1 Walls, floors, and ceilings in guest rooms shall be constructed of smooth easily cleanable materials and shall be kept clean and in good repair. This includes furniture, drapes, curtains, lamp shades, carpeting and all other fixtures.

13-1406.2 All beds, bunks, cots, and other sleeping places provided for guests in ~~hotels and motels~~ lodging establishments shall be supplied with suitable pillow slips and top sheets. All bedding including mattresses, quilts, blankets, pillows, sheets, spreads and all bath linen shall be kept clean. No bedding, including mattresses, quilts, blankets, pillows, bed and bath linen shall be used which are worn out or unfit for further use. Pillow slips, sheets, and bath linen after being used by one guest shall be washed before they are used by another guest, so a clean set being is furnished after each succeeding guest. For any guest occupying a guest room for an extended period of time, a fresh set of sheets and pillow slips shall be furnished at least once each week, and at least two clean towels per guest each day if they are requested.

13-1406.3 Each ~~hotel or motel~~ lodging establishment must provide toilet, handwashing, and bathing facilities for its guests. There must be a ratio of 1 toilet and bathing facility for every 8 guests. These facilities must be maintained in good repair and cleaned at least between stays of different guests. All toilet and bathing facilities must also be well ventilated. An area is well ventilated when excessive heat, odors, fumes, vapors, smoke, or condensation is reduced to a negligible level and barely perceptible to the normal senses.

13-1406.4 All guest rooms must have a heating system able to maintain a minimum temperature of 67°F.

13-1406.5 The doors of all guest rooms used for sleeping in any ~~hotel or motel~~ lodging establishment shall be equipped with proper bolts or locks to permit the occupants to lock or bolt such doors securely from within the rooms. Such bolts or locks shall be constructed in a manner which will render it impossible to unbolt or unlock the door from the outside.

13-1407. Interior construction.

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13-1407.1\ Walls, floors, and ceilings in hallways, lobbies, and laundry rooms shall be constructed of smooth easily cleanable materials and shall be kept clean and in good repair.

13-1407.2 All laundry rooms and any other rooms used to store linen, cribs, roll away beds, food, or food service equipment must shield all lights or use shatterproof bulbs.

13-1408. Water supply.

13-1408.1 A safe adequate supply of potable water with both hot and cold under pressure shall be provided in all bathrooms and toilets.

13-1408.2 Guest room glasses must be single service or multi use glasses that are cleaned and sanitized between each different guest.

13-1408.3 Self-service ice provided for guests must be dispensed through the use of self-dispensing ice machines or prepackaged from an approved source. Self-service ice storage bins are not acceptable for guest use and must be kept in areas not accessible to guests. All self-dispensing ice machines shall be cleaned and sanitized internally every quarter (3 months).

13-1409. Plumbing.

All plumbing shall be properly maintained and meet all state and local plumbing codes.

13-1410. Garbage/Refuse disposal.

13-1410.1 All liquid wastes shall be disposed of in an approved public sewage system.

13-1410.2 Prior to removal, all garbage and refuse stored within the premises shall be kept in watertight, nonabsorbent receptacles which are covered with close fitting lids to prevent access to birds, rodents, and other vermin. These garbage receptacles shall be kept in good repair.

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13-1410.3 All garbage, trash, and refuse shall be removed from the premises frequently to prevent nuisance and unsightly conditions; and shall be disposed of in a sanitary manner.

13-1411. Miscellaneous.

13-1411.1 All cleaning operations must be conducted in a manner that minimizes contamination of the facility. Cleaning equipment, supplies, insecticides, paints, and other toxic materials must be stored properly. They may not be stored above or next to linens, food, or food service equipment. All cleaners, sanitizers, and disinfectants must comply with 21 CFR section 178.1010. An ingredient label and "direction for use" label on each chemical being used must be readily available for reference or inspection. All containers used for dispensing these chemicals must be prominently and distinctively labeled for identification of contents.

13-1411.2 Every ~~hotel and motel~~ lodging establishment shall be constructed, maintained, and equipped to prevent the entrance, harborage, or breeding of flies, roaches, bedbugs, rats, mice, and all other insects and vermin. They must also have means necessary to eliminate such pests such as cleaning, renovation, or fumigation. The ~~H~~Health ~~D~~epartment may order the facility to hire a licensed exterminator to exterminate pests when:

- A. The infestation is so extensive that it is unlikely that a nonprofessional can eradicate the pests effectively.
- B. The extermination method of choice can only be carried out by a licensed exterminator.
- C. Upon reinspection it is found that the establishment has not been brought into compliance with a prior order to rid the establishment of pests.

Section 2. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished

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by a fine not to exceed \$1000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

/s/
Timothy J. Mahoney, M.D., Mayor

Attest:

First Reading: 10-30-23
Second Reading: 11-13-23
Final Passage: 11-13-23
Publication: 11-22-23

/s/
Steven Sprague, City Auditor