

# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax: (763) 434-9599

TO: Applicants of Hotel/Motel Licenses in the City of Ham Lake

Attached is:

1. A copy of Article 11-1100 of the City Code pertaining to Hotel/Motel Licenses and Lodging Tax
2. A copy of Article 1-500 of the City Code, regarding the payment of Real Estate taxes as it pertains to applications
3. Application forms to apply for a Hotel/Motel License in the City of Ham Lake

If you have further questions, please contact City Hall, at the number listed above.



CITY OF HAM LAKE  
15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
info@ci.ham-lake.mn.us

APPLICATION FOR BUSINESS LICENSE

Vending Machine  
Cabaret  
Hotel/Motel  
Recycling/Refuse Hauler  
Tobacco (also include State Form CT102)

Directions: This form must be filled out with a typewriter or by printing in ink. If the application is by an Individual person, by such person; if by a corporation, by an officer thereof, if by a partnership, by one of the partners; if by an unincorporated association, by the manager or managing officer thereof. If more space is needed, use additional sheets.

1. Name of applicant (name of individual, partnership, corporation or association):

\_\_\_\_\_

2. Business Name \_\_\_\_\_

IF BUSINESS IS TO BE CONDUCTED UNDER A DESIGNATION, NAME OR STYLE OTHER THAN THE FULL INDIVIDUAL NAME OF THE APPLICANT, ATTACH A COPY OF THE TRADE NAME CERTIFICATE, AS REQUIRED BY CHAPTER 333, MINNESOTA STATUTES, SECRETARY OF STATE'S OFFICE.

3. Premises Address \_\_\_\_\_

Email Address \_\_\_\_\_ Phone Number \_\_\_\_\_

4. Type of applicant:

\_\_\_\_\_ Individual  
\_\_\_\_\_ Corporation

\_\_\_\_\_ Partnership  
\_\_\_\_\_ Other Association \_\_\_\_\_

5. Minnesota tax identification number of business (or social security number if applicant is an individual):

\_\_\_\_\_

6. If applicant is an individual, state:

Full Name \_\_\_\_\_

Residence Address \_\_\_\_\_

Phone \_\_\_\_\_ Date of birth \_\_\_\_\_

7. If applicant is a partnership, provide the following information about the managing partner:

Full Name \_\_\_\_\_

Residence Address \_\_\_\_\_

Phone \_\_\_\_\_ Date of birth \_\_\_\_\_

8. If applicant is a corporation or association, state:

(a) State of Incorporation or Association \_\_\_\_\_

Local Address \_\_\_\_\_ Phone \_\_\_\_\_

Home Address \_\_\_\_\_ Phone \_\_\_\_\_

(b) Provide the following information about the operating manager or other agent in charge of the premises to be licensed:

Full Name \_\_\_\_\_

Residence Address \_\_\_\_\_

Phone \_\_\_\_\_ Date of birth \_\_\_\_\_

9. Are any real estate taxes, personal property taxes, special assessments, or other financial claims of the City of Ham Lake delinquent or unpaid for the premises to be licensed? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, give details \_\_\_\_\_

**FEE SCHEDULE**

Vending Machine License - \$15.00 per location plus \$15.00 per machine	Amount enclosed _____
Cabaret - \$200.00	Amount enclosed _____
Hotel/Motel - \$250.00	Amount enclosed _____
Recycling/Refuse - \$500.00	Amount enclosed _____
Tobacco - \$75.00	Amount enclosed _____

**ANY FALSIFICATION OF ANSWERS TO ABOVE QUESTIONS WILL RESULT IN DENIAL OF APPLICATION**

Subscribe and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**(Signature)** \_\_\_\_\_ Must be signed in front of a notary

\_\_\_\_\_  
(Notary Public/City Clerk)

\_\_\_\_\_  
(Printed Name)

## LICENSE APPLICANT

Pursuant to Minnesota Statue 270.72 Tax Clearance: Issuance of Licenses, the licensing authority is required to prove to the Minnesota Commissioner of Revenue your Minnesota Business Tax Identification number and Social Security Number of each license applicant. Under the Minnesota Government Data Practices Act and Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information.

1. This information may be used to deny the issuance, renewal or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties or interest;
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service;
3. Failure to supply this information may jeopardize or delay the processing of your licensing issuance or renewal application.

Please supply the following information and return along with your application to the agency issuing the license. DO NOT RETURN TO THE DEPARTMENT OF REVENUE.

LICENSE BEING APPLIED FOR OR RENEWED: \_\_\_\_\_

LICENSING AUTHORITY: \_\_\_\_\_  
(Name of City, County, or State Agency issuing license)

LICENSE RENEWAL DATE: \_\_\_\_\_

### PERSONAL INFORMATION:

APPLICANT'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

### BUSINESS INFORMATION:

BUSINESS NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

MINNESOTA TAX IDENTIFICATION NUMBER: \_\_\_\_\_

If a Minnesota Tax Identification Number is not required, please explain: \_\_\_\_\_  
\_\_\_\_\_

FEDERAL TAX IDENTIFICATION NUMBER: \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
POSITION (officer, partner, etc.)

\_\_\_\_\_  
DATE

**CERTIFICATE OF COMPLIANCE**  
**MINNESOTA WORKERS' COMPENSATION LAW**

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in an activity in Minnesota until applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage of Chapter 176. The information required is: the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. This information will be collected by the licensing agency and retained in their files.

This information is required by law, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if this information is not provided or falsely stated, it may result in a \$2,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

INSURANCE COMPANY NAME: \_\_\_\_\_  
(NOT the insurance agent)

POLICY NUMBER \_\_\_\_\_

DATES OF COVERAGE: \_\_\_\_\_ to \_\_\_\_\_

**OR**

I am not required to have workers' compensation liability coverage because:

- ☐ I have no employees
- ☐ I am self-insured (include permit to self-insure)
- ☐ I have no employees who are covered by the workers' compensation law  
(these include: Spouse, Parents, Children and Certain Farm Employees)

I certify that the information provided above is accurate and complete and that a valid workers' compensation policy will be kept in effect at all times as required by law.

NAME: \_\_\_\_\_

(last, first, middle)

DOING BUSINESS AS: \_\_\_\_\_  
(business name if different than your name)

BUSINESS ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP CODE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**NOTICE TO ALL APPLICANTS FOR MUNICIPAL PERMITS,  
LICENSES, OR OTHER MUNICIPAL ACTION**

1. If you are requesting municipal action on any request for any of the above, you will be required to furnish certain information about yourself, the project you are involved in, or other matters pertaining to the subject. Some of the information you are asked to provide is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.
2. The purpose of this information is to enable the City Staff, Commissions, Council or other government agencies to evaluate relevant factors in considering your request. You are not legally required to provide this information. If you do not provide the requested information, the City may not act upon your request.
3. The information you supply will be public and available to any entity requesting to inspect the information.

**DATA PRACTICES ADVISORY  
TENNESSEN WARNING  
REQUIRED BY MINNESOTA STATUTES CHAPTER 13.04**

BY: \_\_\_\_\_  
(SIGNATURE)

COMPANY/TITLE: \_\_\_\_\_

a peculiar and appropriate meaning in law are to be understood according to their technical import.

**1-420 Gender**

The use of either masculine, feminine, or neuter gender includes the other genders.

**1-430 Singular or Plural**

The use of either the singular or plural includes the other.

**1-440 Tense**

The use of either past, present, or future tense includes the other tenses.

**1-450 Computation of Time**

The time within which an act is to be done is computed by excluding the first day and including the last day. When the last day is a Sunday or legal holiday, such day is excluded and the last day is the next following business day.

**1-460 Minnesota Rules of Construction**

Unless they are clearly in conflict with the provisions of this Code, or otherwise clearly inapplicable, the rules of construction established for the State of Minnesota by statute or case law apply in the construction of this code.

**1-500 Payment of Real Estate Taxes**

Whenever any individual or entity applies for any type of permit, license, zoning approval, subdivision approval or other action for which municipal consent is required, the application shall automatically be rejected if at the time of application there are any delinquent taxes owing on the property affected by the application, unless the applicant is able to demonstrate a financial hardship, and that the approval requested will or is likely to result in the ability to pay the delinquent taxes.

The following conditions and limitations shall apply to such hardship requests:

- a)** In no case will payment of the delinquent tax amount extend beyond six months from the date that payment was due; and
- b)** In a request for extension of time, the applicant shall clearly document the reasons that applicant is unable to pay the taxes in a timely manner, supplying such level of detail as may be requested by City staff; and
- c)** No more than three such extensions shall be granted within any ten-year period of time.

**1-600 Severability**

If any section, subsection, sentence, clause or phrase of any ordinance in this Code is for any reason held to be invalid; that decision shall not affect the remaining portions of this Code.

necessary on said labels. Said labels should, as closely as possible, be similar to those examples noted on Figure No. 19, page 33, Figures Nos. 20 and 21 on page 34, and figure No. 22 on page 35, all of which are adopted by reference.

#### **11-1006 Inspection and Installation and Certificate of Compliance**

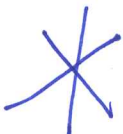
Following installation of any solid fuel burning appliance, the zoning officer shall inspect the installation thereof, and if found to be in conformance with the requirements of this ordinance a Certificate of Compliance shall be issued. Hereafter, in addition to such criminal sanctions as may be imposed for the violations of this ordinance, in the event that any fire call is necessitated as a result of a fire in connection with a solid fuel burning appliance installed after the effective date of this ordinance, and for which no permit was obtained or for which no Certificate of Compliance was obtained, then in that event, the actual cost to the City of Ham Lake of answering any such fire call shall be the responsibility of the building owner. All Certificates of Compliance shall bear the following disclaimer:

NOTICE: THE CITY OF HAM LAKE HAS ADOPTED CERTAIN STANDARDS FOR THE INSTALLATION AND OPERATION OF SOLID FUEL BURNING APPLIANCES, WHICH STANDARDS WERE PREPARED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS. THE CITY OF HAM LAKE WILL ENDEAVOR TO INSPECT ALL NEW INSTALLATIONS OF SUCH DEVICES TO INSURE COMPLIANCE, BUT CANNOT GUARANTEE TO ANY INDIVIDUAL BUILDING OWNER THAT SUCH INSPECTIONS WILL BE SUCCESSFUL AT DETECTING ERRORS IN CONSTRUCTION, MANUFACTURE, OR THE LIKE. THE CITY OF HAM LAKE DISCLAIMS ANY LIABILITY TO ANY BUILDING OWNER FOR ANY INJURY OR DAMAGE ARISING OUT OF THE USAGE OF ANY SOLID FUEL BURNING APPLIANCE BY ANY APPLICANT, AND ADVISES ALL APPLICANTS THAT THE USAGE OF SAID DEVICES ARE DONE AT THE RISK OF THE APPLICANT.

#### **11-1007 Miscellaneous**

- A. The standards and specifications contained within this ordinance are supplementary to, and not in place of any portion of the Uniform Building Code or the Minnesota State Building Code, also adopted by reference by the City of Ham Lake. All provisions of said building codes remain in full force and effect.
- B. One copy of the document entitled "Installation and Operation of Solid Fuel Burning Appliances", prepared by the International Conference of Building Officials, Copyright 1981, and any supplements thereto, shall be kept at all times at City Hall, and maintained by the Zoning Officer for inspection by members of the public. The City shall also endeavor to obtain copies of said documents for purchase by members of the public.

#### **11-1100 Hotels, Motels and Lodging Houses**





The City Council of the City of Ham Lake finds that there is a need to protect the safety and welfare of those members of the public utilizing the services of hotels, motels or lodging houses with the City. As a result of the high turnover rate for guests in such facilities, complaints about unsafe or unsanitary conditions are often not made to municipal authorities; however, as a result of the disproportionately high number of police calls to such facilities responding to problems and complaints, the City is aware that such complaints do exist. As a result of these public safety concerns, it is the intention of the City to enforce the licensing and regulatory provisions of the ordinance against existing as well as future hotels, motels and lodging houses.

### **11-1101 Definitions**

#### **11-1101.1 Hotel/Motel**

A hotel or motel refers to a business in which one or more units are rented out to persons for stays generally less than one month's duration, but which do not contain housekeeping facilities such as stoves or refrigerators, and which are not intended to serve as a temporary dwelling, but merely to provide temporary lodging.

#### **11-1101.2 Lodging House**

A Lodging House is a business engaged in the rental of dwelling units containing housekeeping facilities, including stoves, refrigerators and other food storage or preparation facilities to provide all of the basic habitation needs for occupancy thereof as a self-contained dwelling unit. Buildings that otherwise meet this definition, but which contain four or fewer dwelling units shall be exempt from this definition. In addition, a facility that would otherwise meet the definition of a Lodging House, but which is owned and/or operated by a government entity subject to operational and other standards promulgated by the federal housing administration, any state agency, or any local housing and redevelopment authority shall be exempt from this definition.

### **11-1102 License Required**

#### **11-1102.1 Annual license.**

Every hotel, motel or lodging house shall be required to secure a license from the City of Ham Lake. Licenses, when issued, shall be issued for one (1) year and a fee to be established from time to time by the City Council shall be charged for the issuance of the license.

#### **11-1102.2 Procedure for Issuance.**

Applications for issuance shall be prepared by the City Administrator. All applicants shall complete the application and present it to the City Administrator along with the required license fee. The application shall be referred to the Planning Commission for its review and recommendations, and final action shall be taken by the City Council after review by the Planning Commission.

**11-1102.3 Additional Conditions.**

In addition to the conditions imposed by the terms of this ordinance, the City Council may, in its discretion, impose such additional conditions as may be necessary to protect the public health, safety or welfare in any given case.

**11-1102.4 Existing Facilities.**

All existing hotels, motels and lodging houses shall be required to complete the above licensing procedure, but shall be entitled to the presumption that the usage of the property upon which the existing facility sits is appropriate and within the zoning codes. In addition, existing facilities shall have ninety (90) days from the effective date of this ordinance to apply for a license, and after the date of issuance, shall have twelve (12) months in which to come into compliance with all of the conditions imposed by this ordinance, and any other conditions which may be imposed as a condition of issuance of the license.

**11-1102.5 Violation of Terms.**

In the event that a violation of any of the terms of this ordinance or any of the conditions of an issued license are found to exist, the zoning officer shall issue a DEFICIENCY REPORT which shall be a written advisory to the licensee specifying the conditions which were found to be in violation. In the event the deficiency requires time to correct, the zoning officer shall also state in the deficiency report a reasonable period of time in which the licensee is to complete corrective action. If the deficiency report refers to only one or more certain individual rental units, then, as to those units, the licensee shall not rent them to any person until the corrective action has been taken. If the deficiency report refers to conditions which are general to the business, then the following shall apply:

- a. If the deficiency is physical in nature, requiring repair or other physical activity, then the licensee shall not be permitted to rent out any units to new customers until the corrective action has been completed;
- b. If the deficiency refers to a behavioral aspect such as failure to control noise or illegal activity, then the deficiency report shall advise the licensee that the license has been given probationary status, and that unless the behavioral deficiencies are found to be corrected in the ensuing ninety (90) days, that the City may take action to revoke the license. The zoning officer shall monitor the progress of the licensee, and if no further complaints are received in the ensuing ninety (90) days, the licensee shall be deemed to have corrected the deficiency. If, however, complaints continue to be received, the zoning officer shall refer the matter to the City Council for possible revocation.

**11-1102.6 Revocation.**

The following conditions shall be grounds for revocation of a license:

- a. Failure to correct a deficiency report within the prescribed timeframe;
- b. Chronic or repeated deficiency reports, whether or not corrected, covering the same subject matter.

The issuance of six or more deficiency reports within any twelve (12) month period shall be deemed to be chronic and repeated violations. If the zoning officer or City Council feels that revocation of a license is warranted, the City Council shall notify the licensee in writing, and provide a public hearing at a regular or special City Council meeting at which the licensee may appear to show cause why the license should not be suspended. At such a hearing, the Zoning Officer shall present to the City Council justification for revocation, and the licensee may present such evidence to the City Council as the licensee deems appropriate. The licensee is entitled to be represented by legal counsel and a written transcript shall be made. Following the hearing, the City Council shall take action by majority vote and if a majority of the City Council members voting determine to revoke the license, written notice of the reasons for the revocation, together with a notice of revocation, will be issued to the licensee. Upon revocation, the licensee shall be given thirty (30) days in which to cause all occupants of the facility to vacate the premises, after which time any usage of the premises as a hotel, motel or lodging house shall be prohibited unless a new license is obtained. The operation of any premise as a hotel, motel or lodging house without a valid license in place, shall be a misdemeanor.

### **11-1103 Standards of Operation**

#### **11-1103.1 Sanitation**

##### **a. Septic Systems.**

All septic systems located upon the premises of any hotel, motel or lodging house shall be constructed in accordance with applicable building and health codes. In addition, the Zoning Officer shall inspect on an annual basis the septic system at each hotel, motel or lodging house.

##### **b. Bathrooms.**

Group or shared bathrooms shall be prohibited. Each individual rental unit shall be provided with a separate and enclosed bathroom, including sink, toilet and shower.

##### **c. Washing Facilities.**

Lodging houses must provide facilities for washing and drying clothes and linens. Outside clothes lines shall be prohibited. Clothes washing facilities may be shared by occupants but at least one washing machine and dryer shall be provided for each six units.

**d. Cooking Facilities.**

For lodging houses, where cooking and food storage facilities are provided, stoves and refrigerators shall meet all applicable codes pertaining to electrical and gas connections; in addition, when occupancy of a particular unit changes, food storage in it shall be thoroughly emptied and disinfected prior to occupancy by another tenant.

**e. Recreation Facilities.**

Any outside cooking facilities, such as barbecues, picnic tables or the like, shall be cleaned on a regular basis and be kept free of grease or accumulated grime. All recreation areas or picnic areas shall be fenced and shall not be open to the general public.

**f. Trash Storage.**

All trash for pick-up by a sanitation service shall be stored in a single location, outside of the buildings in a container capable of being completely closed which container itself be enclosed in a fenced area made up of opaque material.

**g. Painting and Peeling.**

All exterior surfaces of the buildings comprising the business operation shall be maintained as follows:

**i. Wood Surfaces.**

For wood surfaces, all such surfaces shall be stained or painted, and maintained in such a manner as to prevent mildew, warping, rot, or other conditions which might tend to harbor or permit access to the building by vermin or rodents. All peeling paint surfaces shall be promptly scraped and repainted so as to prevent the possibility of ingestion by infant children.

**ii. Metallic Surfaces.**

All metallic surfaces shall be kept painted or otherwise treated in such a manner as to prevent rust, and to prevent deterioration which would attract nesting places or access points for vermin or rodents. As for wood, surfaces containing peeling paint shall be promptly scraped and repainted.

**iii. Concrete or Masonry Surfaces.**

Concrete or masonry surfaces shall be painted or otherwise treated so as to completely seal said surfaces to prevent nesting places or access points for vermin and rodents and any peeling paint shall be treated as for wood and metal surfaces.

**iv. Asphalt and Concrete Pavements.**

All asphalt and concrete surfaces shall be maintained so as to prevent cracks and holes, and all cracks and holes appearing shall be promptly filled or sealed. Parking lots shall be striped, and all parking lots shall be in sufficient size to provide for one parking stall for each rental unit,

one parking stall for each employee, and one additional parking stall for every five (5) rental units.

**v. Roof Surfaces.**

All roofing surfaces shall be maintained in good repair, completely covered by shingles or other suitable roofing materials so as to prevent leakage of water or melting snow into any of the buildings.

**11-1103.2 Health, Fire and Building Codes.**

**a. Observance.**

The licensee shall observe all health, fire, and building codes which apply to any aspect of the licensee's operation. In particular, for lodging houses, individual rental units shall meet the same standards for construction, wiring, plumbing and the like as are found for permanent residential dwellings.

**b. Sprinkler Systems.**

All new hotels, motels or lodging houses shall be equipped with a fire control sprinkler system or automatic sprinkler system meeting applicable fire codes.

**11-1103.3 Quiet Enjoyment and Safety.**

**a. Security.**

Every hotel, motel or lodging house shall have a designated security person on duty twenty-four (24) hours per day. The security person may be the desk clerk. The security person shall be available by telephone, or when on patrol, by a paging device. Commencing at 10:00 p.m. each day and every hour thereafter until sunrise, the security person shall make an hourly patrol of the premises, touring each and every corridor, inspect each and every entrance and exit, and tour the outside perimeter of the buildings and parking lot. This requirement may also be satisfied by the installation of a closed-circuit television monitoring system which provides constant surveillance of all such areas on a scanning basis, observable from the desk clerk's location, and capable of picking up sound.

**b. Disturbances.**

Every hotel, motel and lodging house shall post rules prohibiting excessive noise, disturbances and illegal activity of any kind from taking place within any rental unit. The security person shall be responsible to enforce these rules.

**c. Telephones.**

Every rental unit shall be equipped with a working telephone, capable of dialing outside the hotel, motel or lodging house, as well as capable of connecting to the security person, and capable of being separately traced by all operators to identify the source of any 911 call by unit number.

**d. Lighting.**

All entrances, exits, hallways and parking lots shall be sufficiently illuminated to prevent the concealment of persons or the placement of obstructions to pedestrian traffic.

**e. Tenant or Guest Complaints.**

All complaints received by the licensee from any guest or tenant regarding any physical condition or behavioral aspect found within or about the licensed premises, shall be reported to the Zoning Officer on forms to be prescribed by the Zoning Officer, within twenty-four (24) hours after the complaint is received. The report shall contain the description of the complaint, the name of the complaining party, and the remedial action, if any taken by the licensee.

**11-1103.4 Compliance with Zoning Code.**

It shall be the responsibility of each licensee to ensure that all aspects of the City's zoning code are observed by occupants of its rental units. If the licensee is aware of any zoning violation, such as the carrying on of a business from a hotel, motel or lodging house unit, or if the licensee is aware of any illegal activity, such as the sale or usage of controlled substances, it shall not only be the responsibility of the licensee to report such activity to the Zoning Officer, but it shall also be the responsibility of the licensee to evict occupants engaging in such activities. Failure by the licensee to control such activities shall be grounds for the issuance of a deficiency report and may be grounds for the eventual revocation of the license.

**11-1103.5 Nuisances.**

The following are declared to be public nuisances, and are the responsibility of the licensee to control. The failure on the part of the licensee to abate any of the following nuisances, after notification of their existence through a deficiency report, may be grounds for revocation of the license.

- a. The interior or exterior piling or storage of trash, debris, discarded property or the like;
- b. Loud noise or disturbances which interfere with the quiet enjoyment of the premises by other tenants or occupants;
- c. Illegal activities including but not limited to the usage or distribution of illegal drugs or controlled substances, the illegal or unlicensed sale of alcoholic beverages, acts of prostitution, or the commission of acts of domestic violence;
- d. Storage of unlicensed motor vehicles;
- e. Unrepaired conditions, including but not limited to windows, window screens, doors, locks, appliances, heating systems, air conditioning systems or electrical systems;
- f. Obstructions to pedestrian traffic in corridors, hallways, or other areas of pedestrian traffic;
- g. Exterior areas of bare ground;

To this end, all licensees shall be required to pave all surfaces upon which automobiles are stored or driven, provide paved sidewalks from the parking lots to all entrances and exits, and for all areas not paved, the licensee shall be required to maintain grass cover which is free of noxious weeds or heavy pollen producing vegetation.

- h. The storage of any rubbish or trash for pick-up in containers which are not completely closed and which are not completely enclosed by an opaque fence.
- i. Failure to promptly repair or repaint any deteriorating exterior surface of the building, roof, parking lot, or sidewalks.
- j. Maintenance of conditions which attracts, harbors or provides access points for vermin or rodents.
- k. The usage of any trailer or vehicle for storage of any stock in trade or item which would constitute a nuisance.

#### **11-1104 – LOCAL LODGING TAX**

**11-104.1 Definitions:** As used in this Article, the following words and terms shall have meanings given to them by this section.

- A. **ADMINISTRATOR**. The Administrator of the City.
- B. **CITY**. The City of Ham Lake.
- C. **LODGING**. The furnishing for consideration of lodging by a hotel, motel, rooming house, tourist court, or resort, except where such lodging shall be for a continuous period of thirty (30) days or more to the same lodger.
- D. **OPERATOR**. A person who provides lodging to others, or any officer, agent of employee of such person.
- E. **PERSON**. Any individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate or any other combination of individuals. Whenever the term "person" is used in any provision of this Article prescribing and imposing a penalty, the term as applied to a corporation, association, or partnership, shall mean the officers, or partners thereof as the case may be.
- F. **RENT**. The total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.
- G. **LODGER**. The person obtaining lodging from an operator.

**11-1104.2 Imposition of Tax.** There is hereby imposed a tax of three percent (3%) on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall

the tax imposed by this section upon an operator exceed the amount of tax which the operator authorized and required by this Article to collect from a lodger.

**11-1104.3 Collections.** Each operator shall collect the tax imposed by this Article at the time rent is paid. The tax collections shall be held in trust by the operator for the City. The amount of tax shall be separately stated from the rent charged for the lodging.

**11-1104.4 Exemptions.** An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the City to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing under penalty of perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns and collections are submitted as required by this Article.

**11-1104.5 Advertising No Tax.** It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any party thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent shall be considered an additional cent.

**11-1104.6 Payments and Returns.** The taxes imposed by this Article shall be paid by the operator to the City not later than twenty-five (25) days after the end of the month in which the taxes were collected. At the time of payment the operator shall submit a return upon such forms and containing such information as the City may require. The return shall contain the following minimum information:

- A. The total amount of rent collected for lodging during the period covered by the return.
- B. The amount of tax required to be collected and due for the period.
- C. The signature of the person filing the return or that of an agent duly authorized in writing.
- D. The period covered by the return.
- E. The amount of uncollectible rental charges subject to the lodging tax.
- F. A copy of the Minnesota State Sales and Use Tax Return submitted by the operator for the period covered by the return.



The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this Article previously paid as a result of any transaction the consideration for which became uncollectible during such reporting period, but only in proportion to the portion of such consideration which became uncollectible.

**11-1104.7 Examination of Return, Adjustments, Notices and Demands.**

The Administrator may rely upon the Minnesota State Sales and Use Tax Return filed by the operator with the State of Minnesota in determining the accuracy of a return filed under this Article. However, the Administrator shall be authorized to make any investigation or examination of the records and accounts of the person making the return, if the Administrator reasonably determines that such steps are necessary for determining the correctness of the return. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the City within ten (10) days after receipt of a notice thereof, given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the City within ten (10) days after determination of such refund.

**11-1104.8 Refunds.** Any person may apply to the Administrator for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one year after such tax was paid, or within one year from the filing of the return, whichever period is the longer. The Administrator shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the Administrator shall credit the amount of the allowance against any taxes due under this Article from the claimant and the balance of said allowance, if any, shall be paid by the Administrator to the claimant.

**11-1104.9 Failure to File a Return.**

**A.** If any operator required by this Article to file a return shall fail to do so within the time prescribed, or shall make,

willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within five (5) days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the Administrator shall make a return or corrected return, for such person from such knowledge and information as the Administrator can obtain, and assess a tax on the basis thereof, which tax, less any payments theretofore made on account of the tax for the taxable period covered by such return shall be paid within five (5) days of the receipt of written notice and demand for such payment. Any such return or assessment made by the Administrator shall be prima facie correct and valid, and such person shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

**B.** If any portion of a tax imposed by this Article, including penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.

**C.** Upon a showing of good cause, the Administrator may grant an operator one thirty (30) day extension of time within which to file a return and make payment of taxes as required by this Article provided that interest during such period of extension shall be added to the taxes due at the rate of ten percent (10%) per annum.

**11-1104.11 Penalties.** If any tax imposed by this Article is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to ten percent (10%) of the amount remaining unpaid. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of ten percent (10%) per annum from the time such tax should have been paid until it is paid. Any interest and penalty shall be added to the tax and be collected as part thereof.

**11-1104.12 Administration of Tax.** The Administrator shall administer and enforce the assessment and collection of taxes imposed by this Article. The Administrator shall cause to be prepared blank forms for the returns and other documents required by this Article and shall distribute the same throughout the City and furnish them on application, but failure

to receive or secure them shall not relieve any person from any obligation required of him or her under this Article.

**11-1104.13 Examination of Records.** The Administrator and those persons acting on behalf of the Administrator, authorized in writing by the Administrator, may examine the books, papers and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this Article. Every such operator is directed and required to give to the Administrator, or such other authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

**11-1104.14 Violations.** Any person who shall willfully fail to make a return required by this Article; or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any penalty or interest imposed by this Article, after written demand for such payment, or who shall refuse to permit the City to examine the books, records and papers under his or her control, or who shall willfully make any incomplete, false or fraudulent return shall be guilty of a misdemeanor.

**11-1104.15 Use of Proceeds.** Ninety-five percent (95%) of the proceeds obtained from the collection of taxes pursuant to this Article shall be used in accordance with Minnesota Statutes §469.190, as the same may be amended from time to time, to fund a local convention or tourism bureau for the purpose of marketing and promoting the City as a tourist or convention center.

**11-1104.16 Appeals.**

- A. Any operator aggrieved by any notice, order or determination made by the Administrator under this Article may file a petition for review of such notice, order or determination detailing the operator's reasons for contesting the notice, order or determination. The petition shall contain the name of the petitioner, the petitioner's address and the location of the lodging subject to the order, notice or determination.
- B. The petition for review shall be filed with the City within ten (10) days after the notice, order or determination for which review is sought has been mailed or served upon the person requesting review.
- C. Upon receipt of the petition, the City Administrator, or the Administrator's designee, shall set a date for a hearing and give the petitioner at least five (5) days prior written notice of the date, time and place of the hearing.
- D. At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order or determination should be modified or

withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's own expense.

- E. The hearing shall be conducted by the City Council.
- F. The City Council shall make written findings of fact and conclusion based upon the applicable sections of this Article and evidence presented. The City Council may affirm, reverse or modify the notice, order or determination made by the Administrator.

## **11-1200 Natural Gas Pipelines and Installers.**

### **11-1201 Legislative Purpose.**

The City Council of the City of Ham Lake, after study by a qualified consultant, finds that a potentially serious public safety hazard exists where natural gas pipelines from competing suppliers are charged with natural gas in locations in close proximity to charged lines of other natural gas suppliers. Specifically, the public safety hazards are:

- A. A loss of ability to identify the source of a leak or explosion, and a concomitant loss of ability to effect immediate repair;
- B. The danger of an explosion causing a nearby pipeline to rupture, thereby increasing the potential intensity of accidental leaks or explosions;
- C. Increased danger or ruptures where other underground construction is taking place;
- D. Increased congestion where emergency repair work is necessitated;

The purpose of this Ordinance is, therefore, to protect public safety by prohibiting the charging of natural gas pipelines in close proximity to charged pipelines which exist as of the effective date of the Ordinance.

### **11-1202 Prohibited Activity**

#### **A. Definitions.**

- 1. **Natural Gas** - a product in gaseous form designed and used for the purpose of incineration in furnaces and appliances, to supply energy for public or private consumption, and which is sold by utility companies subject to the regulatory authority of the Minnesota Public Utilities Commission;
- 2. **Pipeline** - any pipeline, above or underground, which has been installed by any party for the purpose of transmitting natural gas, including mains and lines connecting mains to individual buildings;
- 3. **Charged Pipeline** - any pipeline which is filled with natural gas.

#### **B. Conduct Prohibited**

- 1. **Crossing Charged Pipeline.** No person, corporation or other entity shall cause or permit a pipeline to become a charged pipeline where the pipeline to be charged is within 100 feet of another charged pipeline which exists as of August 21, 1989.
- 2. **Exception.**
  - a. **Mains.** A charged pipeline may exist within 100 feet of another charged pipeline where both charged pipelines are mains, and