

**ORDINANCE NO. 2009-10**

**AN ORDINANCE AMENDING CITY CODE SECTIONS 805, 815 AND 830  
REGARDING SWIMMING POOLS AND FOOD AND LODGING ESTABLISHMENTS**

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The City of Minnetonka Ordains:

Section 1. City code §805.030, subdivision 1 is amended as follows:

805.030. Public Swimming Pools - Licenses.

1. ~~A person must not operate or maintain a public swimming pool unless he/she has obtained a city license to operate it. A person wishing to operate a public swimming pool must first make an application to the city, pay the required fee, and receive approval from the city for a license to operate and from the Minnesota department of health for plan review.~~ A license issued expires on December 31 of each year unless otherwise revoked for cause. A license applicant and licensee must comply with this section and applicable Minnesota department of health rules in order to receive and retain a license. A license is valid only for the person to whom it is issued, and no licensee may transfer or attempt to transfer its license to another person.

Section 2. The city code is amended by the addition of a new section 805.046 to read as follows:

805.046. Additional Provisions.

1. The provisions contained in Minn. Stat. section 144.1222, except subdivisions 1 and 1a, and the provisions contained in Minnesota Rules parts 4717.0150 through 4717.3975, including all future revisions of them, are adopted by reference as part of this ordinance.

2. The provisions of Minn. Stat. section 157.20, including all future revisions of them, are adopted by reference as part of this ordinance.

Section 3. City code §815.015 is amended as follows:

815.015. Definitions.

Unless the context clearly indicates otherwise, certain words are defined for the purpose of this section as follows.

1. The definitions contained in Minn. Stat. section 157.15, including all future

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The ~~stricken~~ language is deleted; the underlined language is inserted.

revisions of them, are adopted by reference as part of this ordinance.

2. "Health authority" means the supervisor of the city of Minnetonka environmental health division or his/her designated agent. The health authority is the local regulatory authority under the Minnesota food code, Minnesota rule 4626.0020, Subp. 70.

Section 4. City code §815.020, subd. 1 is amended as follows:

1. License required. A person wishing to operate a food establishment must first make an application to the city, pay the required fee, and receive approval from the city for a license to operate, including plan review approval. A person who operates a food establishment must have a valid and current food establishment license of the correct type from the city. An additional facility license is required when a food establishment has a service or operation that is physically or operationally separate from the main food or beverage services.

Section 5. The city code is amended by the addition of a new section 815.021 to read as follows:

815.021. Inspections; Orders.

The provisions of Minn. Stat. section 157.20, including all future revisions of them, are adopted by reference as part of this ordinance.

Section 6. City code §830.010 is amended as follows:

830.010. License Required.

~~A person must not keep or maintain a lodging establishment in the city without first obtaining a license as provided in this section.~~ A person wishing to operate a lodging establishment must first make an application to the city, pay the required fee, and receive approval from the city for a license to operate, including plan review approval. A license can be obtained and retained only by persons, corporations and/or other operating entities who comply with this section and Minnesota department of health rules regulating lodging establishments.

Section 7. City code §830.025 is amended as follows:

830.025. Conditions of License.

A lodging establishment must be maintained in a manner that complies with this section

and Minnesota Rules Chapter 4625, including all future revisions of it, which is ~~hereby~~ adopted by reference as a part of this ordinance.

Section 8. The city code is amended by the addition of a new section 830.030 to read as follows:

830.030. Inspections; Orders.

The provisions of Minn. Stat. section 157.20, including all future revisions of them, are adopted by reference as part of this ordinance.

Section 9. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 10. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on August 3, 2009.

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Terry Schneider, Mayor

ATTEST:

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David E. Maeda, City Clerk

**ACTION ON THIS ORDINANCE:**

Date of introduction: July 13, 2009

Date of adoption: August 3, 2009

Motion for adoption: Wagner

Seconded by: Greves

Voted in favor of: Ellingson, Greves, Hiller, Schneider, Wagner

Voted against:

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The ~~stricken~~ language is deleted; the underlined language is inserted.

Abstained:

Absent: Allendorf, Wiersum

Ordinance adopted.

Date of publication:

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on August 3, 2009.

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David E. Maeda, City Clerk