

CHAPTER 327

HOTELS, PUBLIC RESORTS, MANUFACTURED HOMES

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327.10 LODGING ESTABLISHMENT OPERATOR, DUTIES.

Every person operating within this state a recreational camping area, lodging house, hotel or motel, or resort furnishing sleeping or overnight stopping accommodations for transient guests, shall provide and keep thereat a suitable guest register for the registration of all guests provided with sleeping accommodations or other overnight stopping accommodations thereat; and every such guest shall be registered therein. Upon the arrival of every such guest, the operator of the establishment shall require the guest to enter in such register, or enter for the guest therein, in separate columns provided in such register, the name and home address of the guest and every person, if any, with the guest as a member of the party; and if traveling by motor vehicle, the make of such vehicle, registration number, and other identifying letters or characters appearing on the official number plate carried thereon, including the name of the state issuing such official plate. Such registration shall be kept in an accurate and orderly manner and retained for one year so that the same will be always accessible for inspection by the proper authorities.

History: 1993 c 286 s 27

327.11 GUEST, REGISTRATION.

Every person, upon arriving at any lodging house, recreational camping area, hotel or motel or other resort described in sections 327.10 to 327.13 and applying for guest accommodations therein of the character described in section 327.10, shall furnish to the operator or other attendant in charge of the establishment the registration information necessary to complete the registration in accordance with the requirements of section 327.10, and shall not be provided with accommodations unless and until such information shall be so furnished.

History: 1993 c 286 s 28

327.16 APPLICATION.

[For text of subds 1 to 4, see M.S.1992]

Subd. 5. Permit. When the plans and specifications have been approved, the state department of health shall issue an approval report permitting the applicant to construct or make alterations upon a manufactured home park or recreational camping area and the appurtenances thereto according to the plans and specifications presented.

Such approval does not relieve the applicant from securing building permits in municipalities that require permits or from complying with any other municipal ordinance or ordinances, applicable thereto, not in conflict with this statute.

Subd. 6. Denial of construction. If the application to construct or make alterations upon a manufactured home park or recreational camping area and the appurtenances thereto or a primary license to operate and maintain the same is denied by the state

commissioner of health, the commissioner shall so state in writing giving the reason or reasons for denying the application. If the objections can be corrected the applicant may amend the application and resubmit it for approval, and if denied the applicant may appeal from the decision of the state commissioner of health as provided in section 144.99, subdivision 10.

History: 1993 c 206 s 21; 1993 c 286 s 29

327.18 [Repealed, 1993 c 206 s 25]

327.20 RULES.

Subdivision 1. Rules. No domestic animals or house pets of occupants of manufactured home parks or recreational camping areas shall be allowed to run at large, or commit any nuisances within the limits of a manufactured home park or recreational camping area. Each manufactured home park or recreational camping area licensed under the provisions of sections 327.10, 327.11, 327.14 to 327.28 shall, among other things, provide for the following, in the manner hereinafter specified:

(1) A responsible attendant or caretaker shall be in charge of every manufactured home park or recreational camping area at all times, who shall maintain the park or area, and its facilities and equipment in a clean, orderly and sanitary condition. In any manufactured home park containing more than 50 lots, the attendant, caretaker, or other responsible park employee, shall be readily available at all times in case of emergency.

(2) All manufactured home parks shall be well drained and be located so that the drainage of the park area will not endanger any water supply. No waste water from manufactured homes or recreational camping vehicles shall be deposited on the surface of the ground. All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When a municipal sewage system is not available, a sewage disposal system acceptable to the state commissioner of health shall be provided.

(3) No manufactured home shall be located closer than three feet to the side lot lines of a manufactured home park, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for the parking of motor vehicles and other property, if the vehicle or other property is parked at least ten feet from the nearest adjacent manufactured home position. The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the state commissioner of health in manufactured home parks when the variance is applied for in writing and in the opinion of the commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants.

(4) An adequate supply of water of safe, sanitary quality shall be furnished at each manufactured home park or recreational camping area. The source of the water supply shall first be approved by the state department of health.

(5) All plumbing shall be installed in accordance with the rules of the state commissioner of health and the provisions of the Minnesota plumbing code.

(6) In the case of a manufactured home park with less than ten manufactured homes, a plan for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions, such as tornadoes, high winds, and floods. The shelter or evacuation plan shall be developed with the assistance and approval of the municipality where the park is located and shall be posted at conspicuous locations throughout the park. Nothing in this paragraph requires the department of health to review or approve any shelter or evacuation plan developed by a park.

Failure of a municipality to approve a plan submitted by a park shall not be grounds for action against the park by the department of health if the park has made a good faith effort to develop the plan and obtain municipal approval.

(7) A manufactured home park with ten or more manufactured homes, licensed prior to March 1, 1988, shall provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a safe place of shelter within a reasonable distance of the park for use by park residents in times of severe weather, including tornadoes and high winds. The shelter or evacuation plan must be approved by the municipality by March 1, 1989. The municipality may require the park owner to construct a shelter if it determines that a safe place of shelter is not available within a reasonable distance from the park. A copy of the municipal approval and the plan shall be submitted by the park owner to the department of health.

(8) A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988, must provide the type of shelter required by section 327.205.

Subd. 2. Health and safety. The state department of health may prescribe such rules for the operation and maintenance of manufactured home parks or recreational camping areas and for safeguarding the health and safety of persons occupying licensed manufactured home parks and recreational camping areas as the department shall deem to be necessary and expedient. Such rules pertaining to health and safety shall have the force and effect of law.

[For text of subd 3, see M.S.1992]

History: 1993 c 206 s 22; 1993 c 286 s 30

327.24 ENFORCEMENT.

Subdivision 1. [Repealed, 1993 c 206 s 25]

Subd. 2. [Repealed, 1993 c 206 s 25]

[For text of subd 3, see M.S.1992]

327.26 LOCAL AUTHORITY OVER PARKS AND CAMPING AREAS.

Subdivision 1. **Local licenses prohibited.** No municipality may impose any license (1) upon any licensed manufactured home park or recreational camping area, or (2) upon any occupant of a licensed manufactured home park.

[For text of subd 2, see M.S.1992]

History: 1993 c 286 s 31

327.31 DEFINITIONS.

[For text of subds 1 to 10, see M.S.1992]

Subd. 11. **Manufactured home installer.** "Manufactured home installer" means any person, firm, or corporation that installs or repairs a manufactured home for others at the site of occupancy.

[For text of subds 12 to 20, see M.S.1992]

History: 1993 c 9 s 5

327.70 DEFINITIONS.

[For text of subds 1 and 2, see M.S.1992]

Subd. 3. **Hotel.** "Hotel" means a hotel, motel, resort, boarding house, bed and breakfast, furnished apartment house or other building, which is kept, used or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to guests for transient occupancy.

[For text of subds 4 to 6, see M.S.1992]

History: 1993 c 151 s 1

327.73 UNDESIRABLE GUESTS; EJECTION OF, AND REFUSAL TO ADMIT.

Subdivision 1. **Innkeeper's right to eject.** (a) An innkeeper may remove or cause to be removed from a hotel a guest or other person who:

- (1) refuses or is unable to pay for accommodations or services;
 - (2) while on the premises of the hotel acts in an obviously intoxicated or disorderly manner, destroys or threatens to destroy hotel property, or causes or threatens to cause a disturbance;
 - (3) the innkeeper reasonably believes is using the premises for the unlawful possession or use of controlled substances by the person in violation of chapter 152, or using the premises for the consumption of alcohol by a person under the age of 21 years in violation of section 340A.503;
 - (4) the innkeeper reasonably believes has brought property into the hotel that may be dangerous to other persons, such as firearms or explosives;
 - (5) violates any federal, state, or local laws, ordinances, or rules relating to the hotel; or
 - (6) violates a rule of the hotel that is clearly and conspicuously posted at or near the front desk and on the inside of the entrance door of every guest room.
- (b) If the guest has paid in advance, the innkeeper shall tender to the guest any unused portion of the advance payment at the time of removal.

Subd. 2. **Refusal of admission.** (a) An innkeeper may refuse to admit or refuse service or accommodations to a person who:

- (1) while on the premises of the hotel acts in an obviously intoxicated or disorderly manner, destroys or threatens to destroy hotel property, or causes or threatens to cause a public disturbance;
 - (2) the innkeeper reasonably believes is seeking accommodations for the unlawful possession or use of controlled substances in violation of chapter 152 or the use of the premises for the consumption of intoxicating liquor by a person under the age of 21 years in violation of section 340A.503; or
 - (3) the innkeeper reasonably believes is bringing property into the hotel that may be dangerous to other persons, such as firearms or explosives.
- (b) An innkeeper also may refuse to admit or refuse service or accommodations to a person who refuses or is unable to pay for the accommodations or services. An innkeeper may require the prospective guest to demonstrate an ability to pay. An innkeeper may require a parent or guardian of a minor to accept liability for the proper charges for the minor's accommodation, board, room, lodging, and any damages to the guest room or its furniture or furnishings caused by the minor, and provide a credit card to cover the charges. When the parent or guardian cannot provide a credit card, the innkeeper may require the parent or guardian to make an advance cash deposit to cover the charges for the guest room, plus a cash damage deposit in an amount not exceeding \$100 for payment of any additional charges by the minor or any damages to the guest room or its furniture or furnishings. The innkeeper shall refund the damage deposit to the extent it is not used to cover any reasonable charges or damages.
- (c) An innkeeper may limit the number of persons who may occupy a particular guest room in the hotel.

[For text of subds 3 and 4, see M.S.1992]

History: 1993 c 151 s 2,3

327.731 LIABILITY; NOTICE.

Subdivision 1. **Liability.** (a) A person who negligently or intentionally causes damage to the hotel or any furniture or furnishings within the hotel, is liable for damages sustained by the innkeeper, including the hotel's loss of revenue resulting from the inability to rent or lease rooms while the damage is being repaired.

- (b) A person who negligently or intentionally causes injury to any person or dam-

age to any personal property of the person on the hotel premises is liable for the injury or damage.

(c) A parent or guardian of a minor also is liable for acts of the minor described in paragraphs (a) and (b), if the parent or guardian provides a credit card or an advance cash deposit under section 327.73, subdivision 2, paragraph (b).

Subd. 2. **Notice required.** An innkeeper shall keep a copy of section 327.73 and this section clearly and conspicuously posted at or near the front desk and on the inside of the entrance door of every guest room.

History: 1993 c 151 s 4

327.74 SETTING FIRE TO HOTEL BELONGINGS.

Subdivision 1. **Penalty.** A person in a hotel who, by smoking or attempting to light or smoke cigarettes, cigars, pipes, or other smoking material, in any manner in which lighters or matches are used, negligently sets fire to a part of the building, or any furniture or furnishings within the building, so as to endanger life or property in any way or to any extent, is guilty of a gross misdemeanor.

[For text of subd 2, see M.S.1992]

History: 1993 c 151 s 5

327.742 SMOKING IN DESIGNATED NONSMOKING ROOMS.

Subdivision 1. **Smoking prohibited.** No person shall smoke cigarettes, cigars, pipes, or other smoking material in a hotel sleeping room designated nonsmoking.

Subd. 2. **Penalty.** A person who violates this section is guilty of a petty misdemeanor. Upon conviction, the court may require a person who violates this section to reimburse the innkeeper for actual costs, not to exceed \$100, incurred to restore the room to its previolation condition.

Subd. 3. **Notice.** Innkeepers shall post signs conspicuously in all nonsmoking sleeping rooms stating that smoking is not permitted and advising occupants of the provisions of this section.

History: 1993 c 66 s 1