

Sec. 14-31. Purpose of article. [Ord. No. 2-1999, § 2, 7-6-1999]

The purpose of this article is to establish a procedure and standards for the City to annually review the operations of bed and breakfast establishments. The City finds it is in the public health, safety and welfare to regulate such establishments.

Sec. 14-32. Penalty. [Ord. No. 2-1999, § 12.1, 7-6-1999]

Any person operating any class of a bed and breakfast establishment within the City without the required class of bed and breakfast license shall be subject to a civil penalty of \$100 per day for all days of operation without the required license.

Sec. 14-33. Applicability of state regulations; effect of suspension or revocation of state license. [Ord. No. 2-1999, § 12.2, 7-6-1999]

All bed and breakfast establishments shall be subject to all state regulations applicable to operation of a bed and breakfast license, such regulations being enforced by state agencies. It is not the intent of this article to establish a regulatory scheme that usurps state regulatory authority under state law. Accordingly, any suspension or revocation of a state license shall be considered as a suspension or revocation, as the case may be, of the bed and breakfast license issued under this article on the same terms as imposed by the state.

Sec. 14-51. Required; display. [Ord. No. 2-1999, § 3, 7-6-1999]

A license issued by the City shall be required for all bed and breakfast establishments that hold a victualer's license as a bed and breakfast establishment, and also shall be required for all new establishments that have met the requirements of the zoning regulations (chapter 102) which regulate bed and breakfast establishments. No person may conduct, control, manage or operate, for compensation, directly or indirectly, any class of bed and breakfast establishment unless reviewed and licensed as directed by this article for the specific class of establishment. Licenses must be displayed in a place readily visible to customers, City officials, or other persons using the licensed establishment.

Sec. 14-52. License classes. [Ord. No. 2-1999, § 4, 7-6-1999]

The City hereby establishes three classes of licenses for a bed and breakfast establishment, which are as follows:

- (1) Class 1 bed and breakfast: An establishment that has 10 or fewer sleeping rooms and whose license from the City does not allow it to host small functions or special functions.
- (2) Class 2 bed and breakfast: An establishment that has at least three but no more than 10 sleeping rooms and whose license from the City allows it to host small functions, but special functions are prohibited.
- (3) Class 3 bed and breakfast: An establishment that has at least three but no more than 10 sleeping rooms, and whose license from the City allows it to host small functions and special functions.

Sec. 14-53. Initial and renewal licenses. [Ord. No. 2-1999, § 5, 7-6-1999]

- (a) Initial license. Any person desiring to operate a permitted class of a bed and breakfast who is not already licensed by the City to operate such class of a bed and breakfast establishment must apply for and obtain an initial license.
- (b) Renewal license. Any person already licensed as a permitted class of a bed and breakfast who desires to continue operating beyond the expiration of a license must apply for and obtain a renewal license.

Sec. 14-54. Application. [Ord. No. 2-1999, § 7, 7-6-1999]

An application for a permitted class of bed and breakfast license, initial and renewal, shall be available in the City Clerk's office. The applicant must complete such application in its entirety, sign it, and submit it to the City Clerk, along with any reasonable documentation that may be required by written application instructions prepared by the City Clerk and approved by the City Council. The application shall include documentation that the applicant has submitted an application to the City Planning Board to determine compliance with the requirements of the zoning regulations (chapter 102) for the respective class of bed and breakfast establishment, and to the City Clerk to obtain a victualer's license.

Sec. 14-55. Term; transfer. [Ord. No. 2-1999, § 6, 7-6-1999]

Each bed and breakfast license issued for a permitted class of bed and breakfast establishment initially issued by the City shall be effective until the date of May 31 occurring after the date of issuance.

All such licenses must be renewed annually on or before May 31. No license is assignable or transferable.

**Sec. 14-56. New license required upon change in operation.
[Ord. No. 2-1999, § 8, 7-6-1999]**

Each license issued under this article is for operation pursuant to the information contained in the application when filed. If the licensee experiences or desires to make any material change in its operations, the licensee must apply for a new initial license. Such change, on the date it occurs, effectively terminates the licensee's authority to continue operating under the licensee's existing license.

Sec. 14-57. Fees. [Ord. No. 2-1999, § 9, 7-6-1999]

Each application for the respective class of bed and breakfast license, initial or renewal, must be accompanied by an administrative fee in an amount to be set by the City Council. No application will be considered without payment of such fee. The fee schedule for the respective classes of a bed and breakfast license are as follows:

- (1) Class 1 bed and breakfast: \$10.
- (2) Class 2 bed and breakfast: \$35.
- (3) Class 3 bed and breakfast: \$85.

Sec. 14-58. Issuance. [Ord. No. 2-1999, § 10, 7-6-1999; Ord. No. 43-2002, 6-4-2002]

- (a) Initial license. Upon receipt of a completed application for a bed and breakfast license and the required application fee, the City Clerk shall schedule the request for an initial license on the public hearing agenda of the City Council. All initial licenses shall be approved by the City Council prior to their issuance by the City Clerk.
- (b) Renewal license. Upon receipt of a completed application and the required application fee, the City Clerk shall schedule the request for a renewal license under the permit/license section of the City Council agenda. The completed application shall include an annual report on the number of meals served to guests and nonguests. This report shall identify the number of meals served on a daily basis. A bed and breakfast establishment shall submit an annual report to the council documenting the number of meals served to guests and non-guests. All renewal licenses shall be

approved by the City Council prior to their issuance by the City Clerk.

- (c) Standards for issuance. The council shall approve issuance of an initial or renewal bed and breakfast license provided the applicant is in compliance with the City victualer's license requirements, the zoning regulations (chapter 102), the technical standards (chapter 98), and other applicable City ordinances and City land use regulations and state and local health and safety codes and regulations.

Sec. 14-59. Inspection of premises. [Ord. No. 2-1999, § 11, 7-6-1999]

The City code enforcement officer, fire inspector, and health officer and any other appropriate City official shall have the right to enter and inspect the premises of any establishment for which an application for a license as a bed and breakfast establishment has been completed and submitted to the City Clerk. Inspections will be based on public health, safety and welfare performance requirements stated in the latest edition of the state department of human services' "Rules Relating to Eating and Lodging Places, Life Safety 101" (as amended to regulate such facilities as home occupations) and the applicable zoning regulations (chapter 102), plumbing code, electrical code, and building code adopted by the City. Inspection will include, but not be limited to, fire safety, sanitation and food handling, water supply and waste disposal. The primary responsibility for safety under the (amended) fire safety code (NFPA 101) shall be with the appropriate fire inspector. No entry or inspection shall be made without the permission and presence of the owner or the owner's designee. Entry and inspection shall be during business hours, or at a reasonable time.

Sec. 14-60. Suspension or revocation. [Ord. No. 2-1999, § 12.3, 7-6-1999]

In addition to the remedies provided in sections 14-32 and 14-33, the City council, upon notice and hearing, for cause, may at any time suspend or revoke a bed and breakfast license issued pursuant to this article. Cause shall mean the violation of any license provision or any provision of this article, or any condition causing a threat to the public health, safety, or welfare, including but not necessarily limited to the following: neighborhood disruption, disorderly customers, or excessively loud or unnecessary noise that initiates complaints to or requires a response from police, fire or other City regulatory bodies

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or employees, or failure to abide by parking requirements in the zoning regulations (chapter 102).