CHAPTER 23-09.1
BED AND BREAKFAST FACILITIES

23-09.1-01. Definitions.

As used in this chapter:

1. "Bed and breakfast facility" means a private home that is used to provide accommodations for a charge to the public, with not more than seven lodging units, in which no more than two family-style meals per day are provided.
2. "Department" means the department of health and human services.
3. "Family-style meal" means a meal ordered by persons staying at a bed and breakfast facility which is served from common food service containers, as long as any food not consumed by those persons is not reused or fed to other people if the food is unwrapped.

23-09.1-02. Bed and breakfast facilities - Powers of department.

The department shall establish by rule the procedures for licensing, qualifying, classifying, inspecting, and regulating persons providing bed and breakfast facilities in private homes, including rules affecting the health and safety of the facility and the persons using the facility. No political subdivision, including a home rule city or county, may impose health and safety, licensure, or inspection requirements that exceed the requirements of this chapter or rules adopted by the department.

23-09.1-02.1. Inspection.

The department shall inspect each bed and breakfast facility at least once every two years. Any duly authorized officer, employee, or agent of the department may enter and inspect any property or place on or at which a bed and breakfast facility is located or is being constructed, installed, or established at any reasonable time for the purpose of ascertaining the state of compliance with this chapter and rules adopted under this chapter.

23-09.1-02.2. License required - Application - Issuance.

Before any bed and breakfast facility may operate in this state, the facility must be licensed by the department. Licenses expire on December thirty-first following the date of issuance unless canceled by failure to comply with this chapter or with any of the rules adopted to implement this chapter. Renewal application for license must be made to the department during December of every year. A license must be issued upon compliance by the applicant with provisions of this chapter and any rules adopted to implement this chapter. The application must be in writing on forms furnished by the department and must be accompanied by the required fee. Licenses issued by the department are not transferable nor applicable to any premises other than those for which the license was issued. The department may adopt rules establishing the amount of and the procedures for the collection of annual license fees. License fees collected pursuant to this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

23-09.1-03. License fee.

Repealed by S.L. 2005, ch. 32, § 19.

23-09.1-04. Injunction proceedings.

Whenever in the judgment of the department any person has engaged in or is about to engage in any acts or practices which constitute a violation of this chapter, or any rule or order issued under this chapter, the department may maintain an action in the name of the state enjoining the action or practices or for an order directing compliance and, upon a showing by the department that the person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

23-09.1-05. Penalty.

Any person who willfully violates this chapter or any rule or order of the department must be punished by a civil penalty of not more than three hundred dollars per day of violation.