

STONE COUNTY HEALTH CODE  
LODGING ESTABLISHMENT ORDINANCE

DIVISION 6 - AN ORDINANCE ESTABLISHING AN ANNUAL LODGING ESTABLISHMENT PERMIT

SECTION 6.1 AUTHORITY

This ordinance is enacted pursuant to Section 192.300, RSMo, which provides, in part as follows: The county commission and the county health boards of the several counties may make and promulgate orders and ordinances or rules and regulation, respectively, as well tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but orders or ordinances and rules and regulations shall not be in conflict with any rules or regulations authorized and made by the Department of Health in accordance with this chapter or by the Department of Social Services under Chapter 198 RSMo.

SECTION 6.2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Regulatory authority: The Administrator of the Stone County Health Department or his/her designee.

Lodging Establishment: any building, group of buildings, structures, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests. This definition shall not apply to dormitories and other living or sleeping facilities owned or maintained by public or private schools, colleges, universities, or churches unless made available to the general public and not used exclusively for students and faculty, school or church sponsored events.

SECTION 6.3 PERMIT AND LICENSE REQUIRED

No person shall establish, maintain or operate a lodging establishment within Stone County without having first obtained a permit from the Regulatory Authority and a license from the Missouri Department of Health and Senior Services.

SECTION 6.4 PERMIT

6.4.1 Any person who desires to establish, maintain or operate a lodging establishment shall file a written permit application with the Regulatory Authority. Said application must contain such

information as the Regulatory Authority may, by rule, prescribe. A valid permit shall be posted in every lodging establishment in a conspicuous location.

- a. A permit is valid from October 1<sup>st</sup> through September 31<sup>st</sup> unless suspended or revoked.
- b. Pursuant to the authority of Section 192.300, the permit fee shall be based on the number of rooms leased by lodging establishments.

5 to 20 rooms.....	\$150.00
21 to 50 rooms.....	\$200.00
51 to 100 rooms.....	\$250.00
101 or more rooms.....	\$300.00

### SECTION 6.5 OPERATIONS

All lodging establishments shall be in accordance with 19 CSR 20-3.050 Sanitation and Safety Standards for Lodging Establishments.

### SECTION 6.6 COMPLIANCE PROCEDURES

- a. Prior to approval of lodging establishment permit, the Regulatory Authority shall inspect the proposed lodging establishment to determine compliance with the requirements of this Ordinance.
- b. An inspection of a lodging establishment shall be performed at least once every year.
- c. The Regulatory Authority, after proper identification, shall be permitted to enter any lodging establishment at any reasonable time for the purpose of making inspections to determine compliance with this Ordinance.

### SECTION 6.7 SUSPENSION AND REVOCATION OF PERMITS

The regulatory authority may, without warning, notice, or hearing suspend any permit to operate a lodging establishment if the holder of the permit does not comply with the requirements of this ordinance. Suspension is effective upon service of the notice required by this ordinance. When a permit is suspended, lodging establishment operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for hearing within 20 days of receipt of a request for hearing.

Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the regulatory authority by the holder of the permit within 10 days. If no written request for hearing is filed within 10 days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.

The regulatory authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this ordinance or for interference with the regulatory authority in the performance of duty.

Prior to revocation, the regulatory authority shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the 10 days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit within such 10-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.

A notice provided for in this ordinance is properly served when it is delivered to the holder of the permit, or the person in charged, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.

The Stone County Health Department Board of Trustees shall conduct the hearing provided for in this ordinance at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Stone County Health Department Board of Trustees shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority. An appeal can be made to the Circuit Court of Stone County, MO within ninety (90) days.

Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

## SECTION 6.8 REMEDIES

The Regulatory Authority may enforce these regulations by any remedies provided by state statute, or the Regulatory Authority may institute lawsuits for injunction, mandamus, abatement, or any other appropriate actions or proceedings to remedy, prevent, enjoin, abate, or remove such violations.

## SECTION 6.9 SEVERABILITY

If any article, chapter, section, clause or phrase of this regulation is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this regulation. No statement contained in this article shall be constructed to interfere with any additional requirements that may be imposed by the regulatory authority.

