

STONE COUNTY HEALTH CODE
BED AND BREAKFAST INN ORDINANCE

DIVISION 2. AN ORDINANCE GOVERNING THE CONSTRUCTION, RENOVATION, AND OPERATION OF BED AND BREAKFAST INNS WITHIN THE COUNTY, REQUIRING CERTAIN PERMITS, TRAINING, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION 2.1. 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 2.2. APPLICABILITY. These regulations apply to all Bed and Breakfast Inns in Stone County.

SECTION 2.3. DEFINITIONS. The following words and phrases shall have the following meanings:

Bed and Breakfast Inn: A business of not more than four guest rooms that offers bed and/or breakfast accommodations, and that:

Does not serve food or drink to the general public for pay.

Serves only the breakfast meal, and those meals are served only to overnight guests of the business.

Includes the price of breakfast in the room rate.

Board: The Stone County Health Department Board of Trustees.

2.3.3 Ordinance: The current regulations of the Stone County Health Department relating to Bed and Breakfast Inns.

2.3.4 Person: Any individual, firm, association, organization, partnership, business trust, corporation, or company.

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

SECTION 2.4. PERMIT COMPLIANCE PROCEDURES

No person shall operate a Bed and Breakfast Inn within Stone County who does not have a valid permit issued to him/her by the regulatory authority. Only a person who complies with the requirements of this ordinance and the Stone County Health Code shall be entitled to receive or retain such a permit. Every person who owns, operates or is employed in a Bed and Breakfast Inn shall comply with the Stone county Bed and Breakfast Inn Rules and Regulations, attached hereto and incorporated herein by reference, and referred to herein as the “ordinance”, as the same now exist and any future amendments. Permits are not transferable. A valid permit shall be posted in every Bed and Breakfast Inn.

Any person desiring to operate a Bed and Breakfast Inn shall make written application for a permit on forms provided by the regulatory authority. Such application shall include the name and address of each applicant, the location and type of the Bed and Breakfast Inn, the signature of each applicant, and pay a renewable annual fee of \$50.00. Each license shall expire on the thirtieth day of June next following its issuance.

Prior to approval of an application for a permit, the regulatory authority shall inspect the proposed Bed and Breakfast Inn to determine compliance with the requirements of this ordinance.

The regulatory authority shall issue a permit to the applicant if its inspection reveals that the Bed and Breakfast Inn complies with the requirements of this ordinance.

The permit holder or his designated representative shall attend a food safety training class offered by the regulatory authority.

The regulatory may, without warning, notice, or hearing suspend any permit to operate a Bed and Breakfast Inn if the holder of the permit does not comply with the requirements of this ordinance, or if the operation of the Bed and Breakfast Inn otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by section 2.4.7 of this ordinance. When a permit is suspended, Bed and Breakfast Inn 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 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 charge, 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.

2.4.11 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.

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

2.4.13 An inspection of a Bed and Breakfast Inn shall be performed at least once every 12 months. Additional inspections of the Bed and Breakfast Inn shall be performed as often as necessary for the enforcement of this ordinance.

2.4.14 Representatives of the regulatory authority, after proper identification, shall be permitted to enter any Bed and Breakfast Inn at any reasonable time for the purpose of making inspections to determine compliance with this ordinance. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.

Whenever an inspection of a Bed and Breakfast Inn is made, the findings shall be recorded on the inspection report. A copy of the completed inspection report form shall be furnished to the person in charge of the Inn at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public document according to law.

Correction of violations. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and corrections of the violations shall be accomplished within the period specified, in accordance with the following provisions:

- (a) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the Bed and Breakfast Inn the Bed and Breakfast Inn shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority.
- (b) The inspection report shall state that failure to comply with any time given for corrections may result in cessation of Bed and Breakfast Inn operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the regulatory authority within 10 days following cessation of operations. If a request for hearing is received, a hearing shall be held within 20 days of receipt of the request.
- (c) Whenever a Bed and Breakfast Inn is required under the provisions of section 2.4.16 to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

Review of plans.

- (a) Whenever a Bed and Breakfast Inn is constructed or extensively remodeled and whenever an existing structure is converted to use as a Bed and Breakfast Inn, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion begins.

Whenever plans and specifications are required, by section 2.4.17 (a) of this ordinance, to be submitted to the regulatory authority. The regulatory authority shall inspect the Bed and Breakfast Inn prior to the start of operations to determine compliance with approved plans and specifications required by this ordinance.

Procedure when infection is suspected.

- (a) When the regulatory authority has reasonable cause to suspect possible disease transmission by an employee of a Bed and Breakfast Inn, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:
 - (1) The immediate exclusion of the employee from employment in food service establishments;
 - (2) The immediate closing of the Bed and Breakfast Inn concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists;
 - (3) Restriction of the employee's services to some areas of the establishment where there would be no danger of transmitting disease;
 - (4) Adequate medical and laboratory examination of all employees associated with the Bed and Breakfast Inn under investigation.

SECTION 2.5. PENALTIES

Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by the Stone County Health Department Board of Trustees is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law.

SECTION 2.6. SEVERABILITY

- 2.6.1 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.

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This ordinance shall be liberally constructed and applied to promote its underlying purpose of protecting the public health.

An ordinance adopting regulations regarding the administration of Bed and Breakfast Inn standards by the Stone County Health Department Board of Trustees.

Be it ordained as follows:

(1) The Commission hereby promulgates and adopts regulations regarding the administration of Bed and Breakfast Inn standards as recommended and requested by the Stone County Health Department Board of Trustees. A copy of said regulations are attached hereto and made a part hereof by reference.

(2) The County Clerk is hereby ordered to have the attached regulations printed and available in their office for distribution to the public.

(3) A copy of this order shall be published in a newspaper in this county on three successive weeks, with the first publication occurring not later than thirty (30) days after the passage of this order.

SECTION 2.7. EFFECTIVE DATE

By order of the Stone County Commission and the Stone County Health Department Board of Trustees Passed and approved this 9th Day of December 1996.

Revised: March 9th, 2009