

MARION COUNTY HEALTH DEPARTMENT
AND
HOME HEALTH AGENCY
LODGING ESTABLISHMENT SANITATION
(Adopted November 10, 2014)

AN ORDINANCE GOVERNING THE CONSTRUCTION, RENOVATION, AND OPERATION OF LODGING ESTABLISHMENTS WITHIN THE COUNTY, REQUIRING CERTAIN PERMITS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION 1. AUTHORITY. This ordinance is enacted pursuant to Section 192.300, RSMo 1986, which provides, in part as follows: The county commissions and the county health boards of the several counties may make and promulgate orders and ordinances or rules and regulations, respectively, as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but orders or ordinance 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 under Chapter 315 RSMo.

SECTION 2. APPLICABILITY. These regulations apply to all lodging establishments in Marion County, as well as, the city limits of Hannibal Missouri:

SECTION 3. DEFINITIONS. The following words and phrases shall have the following meanings:

- 3.01 Board: The Marion County Health Department and Home Health Agency Board of Trustees.
- 3.02 The Code: Standards relating to fire safety, sanitation, electrical wiring, fuel-burning appliances, plumbing, swimming pools, spas, sewage and waste treatment disposal as adopted by local governing bodies and Missouri Department of Health and Senior Services. The governing body may incorporate in whole or parts of the code at its discretion.
- 3.03 Person in Charge: The individual present at a lodging establishment who is responsible for the operation at the time of inspection.
- 3.04 Lodging Establishment: Any building, group of buildings, structure, facility, place, or places of business where five 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, resort, cabins, or other similar place by whatever name called, and includes all such accommodations, operated for hire as lodging establishments for either transient guests, permanent guest, or for both transient and permanent guests. ***facilities that do not provide cleaning or linen service, the occupant signs a lease, considers the room to be their address as verified by mail delivery, utility bill, driver's license, or voter I.D. would NOT be considered a lodging facility.***
- 3.05 Regulatory Authority: The Marion County Health Department

SECTION 4. PERMIT COMPLIANCE PROCEDURES

- 4.01 **Valid Permit.** No person shall operate a lodging establishment who does not have a valid permit issued to him by the regulatory authority, as well as, the Missouri Department of Health and Senior Services. Only a person who complies with the requirements of this ordinance, local codes, and Missouri Department of Health and Senior Services rules governing lodging establishments shall be entitled to receive or retain such permit. Permits are not transferable. A valid permit shall be posted in every lodging establishment.
- 4.02 **Application for Permit.** Any person desiring to operate a lodging establishment shall make written application for a permit on forms provided by the regulatory authority and pay the appropriate fee.
- 4.03 **Approval for Permit.** Prior to approval of an application for a permit, the regulatory authority shall inspect the proposed lodging establishment to determine compliance with the requirements of this ordinance.
- 4.04 **Issuing of Permit.** The regulatory authority shall issue a permit to the applicant if the inspection reveals that the proposed lodging establishment complies with the requirements of this ordinance and they have paid the annual permit fee.
- 4.05 **Permit Suspension.** 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, or if the operation of the lodging establishment poses a hazard to public health. Suspension is effective upon service of the notice required by Section 4.06 of this ordinance. When a permit is suspended, lodging operations shall immediately cease and all guests shall exit the facility. 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.
- 4.06 **Opportunity 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.
- 4.07 **Repeat Violations.** 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 performance of duty.

- 4.08 **Prior to Revocation.** Prior to revocation, the regulatory authority shall notify, in writing, the holder of the permit or the person in charge, of the specific reasons(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.
- 4.09 **Serving of Notice.** 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.
- 4.10 **Hearing.** The hearing provided for in this ordinance shall be conducted by the regulatory authority at a time and place designed by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of this transcript. The regulatory authority shall make a final finding based upon the complete hearing 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.
- 4.11 **Final Revocation.** Whenever a revocation of a permit has become final, the holder of the revoked permit shall submit a written application for a new permit.
- 4.12 **Frequency of Inspection.** An inspection of a lodging establishment shall be performed annually. Additional inspections of the lodging establishment shall be performed as often as necessary for the enforcement of this ordinance.
- (a) All lodging establishment within the city limits of Hannibal shall also comply with all requirements of the Hannibal Fire and Building Departments.
- 4.13 **Right of Entry.** Representatives of 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. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to the establishment.
- 4.14 **Inspection Report.** Whenever an inspection of a lodging establishment is made, the findings shall be recorded on the inspection report. The inspection report shall summarize the requirements of this ordinance. Inspection remarks shall be written to reference the section number of the section violated. A copy of the completed inspection report shall be furnished to the person in charge of the establishment. The completed inspection report is a public document that shall be made available to the public according to law.

4.15 **Correction of Violations.** The completed inspection report shall specify a reasonable period of time for the correction of the violations found and correction 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 sewage backup into the facility, insect or rodent infestation, no hot water, structural defects, or a gas leak, the operation shall cease operations in the affected area or cease operations for the whole facility. Operations shall not resume until authorized by the regulatory authority.
- (b) All violations shall be corrected as soon as possible, within 30 working days following an inspection, or as specified by the regulatory authority. A follow-up inspection shall be conducted to confirm correction of the violations.
- (c) Violations not corrected by the specified date requiring another inspection to verify corrective action will result in an administrative penalty to the establishment. The penalty shall be paid directly to the Marion County Health Department within 10 days of the inspection. A follow up inspection shall be made in 10 days or as specified by the regulatory authority. If the violations are not corrected by that time the matter will be turned over to the Marion County Prosecuting Attorney for further action.
- (d) The inspection report shall state the failure to comply with any time given for corrections may result in cessation of lodging 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.
- (e) Whenever a lodging establishment is required under the provisions of Section 4.15 to cease operations, it shall not resume operations until it is shown on a reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for the reinspection shall be offered within a reasonable time.
- (f) Any person (or responsible officer of that person) who is the holder of a permit, or who otherwise operates a lodging establishment that does not comply with the requirements of this ordinance; shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than \$1,000 for each violation. Each day in which any such violation does continue shall be deemed a separate offense.
- (g) The regulatory authority may seek to enjoin violation of these ordinances.

- (h) If any article, chapter, sections, 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 portion of this regulation. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the regulatory authority.
- (i) Enforcement Interpretation: This ordinance shall be enforced by the regulatory authority.

4.16 **Review of Plans.** Whenever a lodging establishment is constructed or extensively remodeled, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction begins. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the types and model of proposed fixed equipment and facilities. The regulatory authority shall approve the plans and specifications if they meet the requirements of this ordinance. No lodging establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the regulatory authority.

- (a) Any lodging establishment constructed or remodeled within the city limits of Hannibal, MO shall also submit detailed plans to the Hannibal Fire Department and Hannibal Building Department and receive all necessary permits from said departments before construction or remodeling of the establishment.
- (b) Whenever plans and specifications are required by Section 4.16 (a) of this ordinance to be submitted to the regulatory authority, the regulatory authority shall inspect the lodging establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with requirements of this ordinance.

4.17 **Procedure When Infection is Suspected.** When the regulatory authority has reasonable cause to suspect possible disease transmission by an employee of a lodging it may secure a morbidity history of the suspect employee or make any other investigation as indicated and shall take appropriate action. The regulatory authority may require any or all the following measures:

- (1) The immediate exclusion of the employee from employment in the lodging establishment;
- (2) The immediate closing of the lodging establishment until, in the opinion of the regulatory authority, no further danger of a disease outbreak exist;
- (3) Restriction of the employee services to some area of the establishment where there would be no danger of transmitting disease;
- (4) Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

- 4.18 **Pest Control.** Any chemical or treatment applied at a lodging establishment for the purpose of rodent or pest control shall be applied by a licensed pest control operator. All recommendations of the licensed pest control operator shall be applied and will be strictly enforced by the regulatory authority. The regulatory authority may add additional measures as it deems necessary. All baits for the purpose of rodent or pest control must be in tamper resistant containers. Any room(s) or areas deemed infested by the regulatory authority will be closed to the public until cleared by the regulatory authority.
- 4.19 **Toxic Substances.** Any room(s) or areas exposed to toxic substances or residues ie: meth production will be required to be cleaned by a company with protocols for the specific substance or residue to be removed. All recommendations of the cleaning company will be strictly enforced by the regulatory authority. The regulatory authority may add additional measures as it deems necessary. Any room(s) or areas exposed to toxic substances or residues shall be closed to the public until cleared by the regulatory authority.

SECTION 5. PROMULGATION OF POLICIES AND PROCEDURES

- 5.01 The Board of Trustees of Marion County Health Department and Home Health Agency and/or the County Commission may promulgate policies and procedures to implement the provisions of the Ordinance and violations thereof shall be a misdemeanor pursuant to Section 192.300 RSMo.