

Callaway County Health Department Lodging Establishment Ordinance Enacted Jan 01, 2024

AN ORDINANCE GOVERNING AN ANNUAL LODGING ESTABLISHMENT PERMIT.

SECTION 1.01 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 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 infections, 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 the chapter or by the Department of Social Services under Chapter 198 RSMo.

SECTION 1.02 DEFINITIONS

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

Regulatory Authority: The Administrator of the Callaway 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 or entity 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, hostel, 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.

RSMo: Revised Statutes of Missouri

CSR: Code of State Regulations

SECTION 1.03 PERMIT AND LICENSE REQUIRED

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

SECTION 1.04 PERMIT

Any person or entity 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 January 1st through December 31st unless suspended or revoked.
- b. Pursuant to the authority of Section 192.300, the permit fee shall be \$200 per lodging establishment.

SECTION 1.05 OPERATIONS

All lodging establishments shall be in compliance with 19 CSR 20-3.050 Sanitation and Safety Standard for Lodging Establishments, 315 RSMo Hotel, Motel and Resort Regulations, and this ordinance.

SECTION 1.06 COMPLIANCE PROCEDURES

Prior to approval of lodging establishment permit, the Regulatory Authority shall inspect proposed lodging establishment to determine compliance with the requirements of 19 CSR 20-3.050 and this ordinance.

An inspection of a lodging establishment shall be performed at least once every calendar year. Lodging facilities are granted one annual inspection and one follow up re-inspection in accordance with Missouri Statute and local ordinances. If further inspection, beyond an annual and one (1) follow up, is required to ensure compliance with laws and ordinances additional fees may be levied upon the facility owner.

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 1.07 INSPECTION FREQUENCY AND RE-INSPECTION FEES

In accordance with 19 CSR 20-3.050 all initial lodging inspections will be completed prior to June 30th of the calendar year and all follow up inspections shall be completed and submitted to the State of Missouri Lodging Program Manager no later than August 31st of the calendar year. All lodging facility owner/operators not in compliance with the code of regulations by Aug 31st will be forwarded to the Missouri Lodging Program Manager for mitigation.

The \$200 Lodging Permit fee incorporates the cost for one initial annual inspection, and one re-inspection to ensure compliance with local laws and ordinances. If, for any reason, a lodging facility requires more than one re-inspection for compliance the Callaway County Health Department may levy an additional \$200 fee per re-inspection after the first re-inspection that is included with the permitting fee, and every re-inspection occurrence that follows until compliance is met.

Re-inspection fees may be waived at the discretion of the Callaway County Health Department Administrator or a designated agent.

Any lodging facility that also serves non pre-packaged and/ or potentially hazardous food items shall be subject to a retail food inspection in accordance with 192.300 RSMo. This inspection is in addition to a lodging inspection to ensure compliance with the 2013 Missouri Food Code.

SECTION 1.08 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 a 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, 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 the 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, 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 Callaway County Health Department Administrator and his/ her appointees shall conduct the hearing provided for in this ordinance at a time and place designated by him/ her. 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 Callaway County Health Department Administrator 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 Callaway 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 1.09 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 1.10 SERVERABILITY

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 construed to interfere with any additional requirements that may be imposed by the regulatory authority.

SECTION 1.11 ISSUANCE OF PERMITS AND LATE FEES

All lodging permit applications will be issued by the LPHA in December of the calendar and mailed to each lodging facility in that same month. All lodging permitting fees shall be paid by end of business on January 31st. Any outstanding lodging bill will be considered delinquent as of February 1st and may result in additional late fees being levied against the facility owner.

If extenuating circumstances exist that prevent lodging owners from submitting payment in a timely manner, then the facility owner may apply for a temporary continuance from the regulatory authority and each continuance will be reviewed, on a case by case basis, for merit. Granting of continuances is done at the discretion of the Callaway County Health Department Administrator or a designated representative.

Callaway County Health Department Lodging Establishment Ordinance

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

An ordinance adopting regulations regarding the administration of lodging establishment standards by the Callaway County Health Department and the Callaway County Commission.

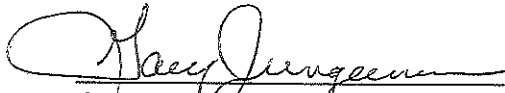
Be it ordained as follows:

- (1) The Commission hereby promulgates and adopts regulations regarding the administration of lodging establishment standards as recommended and requested by the Callaway County Health Department. 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, with the first publication occurring not later than thirty (30) days after the passage of this order.

SECTION 1.12 EFFECTIVE DATE

REGULATIONS SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE OF ITS PASSAGE AND APPROVAL.

PASSED THIS 18th DAY OF December 20 23.



Garry Jungermann
Presiding Commissioner

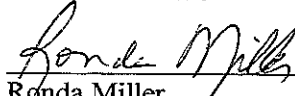


Randy Kleindienst
Eastern District Commissioner

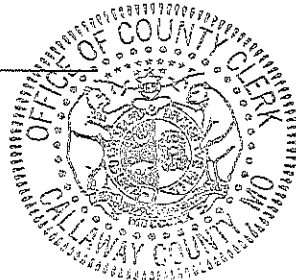


Roger Fisher
Western District Commissioner

ATTESTED TO:



Ronda Miller
County Clerk



Callaway County Health Department Lodging Establishment Ordinance

Appendix A Fee Schedule

Annual Permit Fee	\$200
Additional Re-Inspection, per occurrence (after initial and one re-inspection)	\$200
Late Fees	At the discretion of the LPHA Administrator

Callaway County Court Order

State of Missouri }
Callaway County } SS

October

Term 20 23

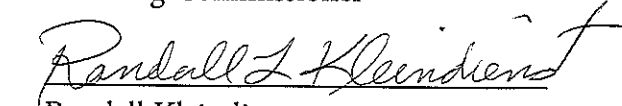
In the County Commission of said county, on the 18th day of December


20 23 the following, among other proceedings, were had, viz:

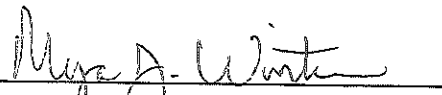
Now on this day, the Callaway County Commission does hereby approve the Callaway County Lodging Establishment ordinance, effective 01/01/2024 and authorize Presiding Commissioner Gary Jungermann, Eastern District Commissioner Randy Kleindienst, and Western District Commissioner Roger Fischer to sign on behalf of the county.

(see attached)


Gary Jungermann
Presiding Commissioner


Randall Kleindienst
Eastern Associate Commissioner


Roger Fischer
Western Associate Commissioner

Attest: 
Deputy to Commission