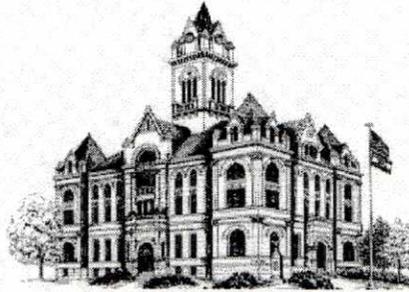


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ORDINANCE

AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR LODGING ESTABLISHMENTS IN COLE COUNTY TO BE ADMINISTERED BY THE COLE COUNTY HEALTH DEPARTMENT

WHEREAS, §193.300, RSMo., provides that the Cole County Commission and Cole County Health Department may make and promulgate orders and ordinances or rules and regulations as will tend to enhance public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into Cole County; and

WHEREAS, the Cole County Commission recognizes that ensuring that Cole County lodging establishments are safe and sanitary is necessary to protect the health and safety of Cole County residents and visitors and that a Cole County Lodging Establishment Ordinance is a proper and necessary means to ensure these protections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF COLE COUNTY, MISSOURI, AS FOLLOWS:

Section One: The Cole County Commission hereby promulgates and adopts rules and regulations regarding the administration of the Cole County Lodging Establishment Ordinance by the Cole County Health Department, and these rules and regulations are attached and incorporated by reference herein.

Section Two: These rules and regulations will go into effect on October 1, 2014.

Section Three: A copy of this order shall be published in a newspaper in this County on three successive weeks, within thirty (30) days after the passage of this order.

ADOPTED AND APPROVED THIS 6 DAY OF August, 2014.

ATTEST:

Marvin Register

Marvin Register
County Clerk



M. H. Ellinger

Marc H. Ellinger
Presiding Commissioner

Jeff Hoelscher

Jeff Hoelscher
Eastern District Commissioner

Kris Schepeler

Kris Schepeler
Western District Commissioner

Y. ...
R. ...



Y. ...
R. ...

Cole County, Missouri Lodging Establishment Ordinance

INTRODUCTION:

This ordinance governs lodging establishments, as defined by Missouri Law and the Department of Health and Senior Services' regulations, in Cole County, Missouri, and provides regulations for construction, renovation, and operation of these facilities and provides penalties for violation thereof.

These rules and regulations are used in conjunction with the LODGING ESTABLISHMENT ORDINANCE adopted by the Cole County Commission on August 6, 2014. These Rules and Regulations shall be liberally construed and applied to promote its underlying purpose of protecting the public's health. The effective date is October 1, 2014.

SECTION A. AUTHORITY:

This ordinance is enacted pursuant to Section 192.300, RSMo., which provides, in part, as follows:

The county commissions and the county health boards of the several counties may make and promulgate orders, ordinances, rules or 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 any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198.

SECTION B. APPLICABILITY:

These rules and regulations apply in Cole County, Missouri to all lodging establishments as defined by Missouri Revised Statutes 315.005-.065 and by the Department of Health and Senior Services regulation 19 CSR 20-3.050, governing sanitation and safety standards for lodging establishments.

SECTION C. DEFINITIONS:

Any words or phrases not defined herein shall have their common ordinary meaning. The meaning of words or phrases in the following regulations are as defined in the most recent Missouri Revised Statutes 315.005-065 and the Department of Health and Senior Services regulation 19 CSR 20-3.050.

SECTION D. OPERATIONS:

All lodging establishments shall comply with 19 CSR 20-3.050, Sanitation and Safety Standards for Lodging Establishments.

SECTION E. COMPLIANCE PROCEDURE FOR LICENSE:

1. The Cole County Health Department is the regulatory authority for the purposes of this ordinance and is hereinafter referred to as the Regulatory Authority.
2. Any persons that desire to operate a lodging establishment shall obtain a license from the Department of Health and Senior Services, pursuant to 19 CSR 20-3.050.
3. No person shall operate a lodging establishment that does not possess a valid lodging license issued by the Department of Health and Senior Services.
4. Licenses for lodging establishments shall be renewed on an annual basis. Licenses are valid from October 1st through September 31st. No additional fees will be collected by the regulatory authority.

SECTION F. CLOSURE ORDERS:

The Director of the Cole County Health Department shall have the authority to issue an order to the lodging

establishment to immediately cease operations for the following reasons:

1. Failure to have a valid lodging license issued by the Department of Health and Senior Services for more than 30 days without a compliance plan in place.
2. Unsanitary or dangerous conditions found during an inspection that would be considered an imminent health hazard by the Regulatory Authority.

The closure order will be lifted by the Director of the Cole County Health Department when:

1. The lodging facility passes an inspection, pursuant to the requirements of 19 CSR 20-3.050; or
2. The unsanitary or dangerous conditions have been remediated and an imminent public health hazard no longer exists.

Upon request, the Cole County Commission may conduct a hearing to review the Director's decision to issue a closure order, at a time and place designated by it. The Commission shall make a final finding based upon the complete hearing record and may sustain, modify or rescind any notice or order considered in the hearing.

SECTION G. VIOLATIONS AND PENALTIES:

Any person (or responsible officer or employer of that person) who violates a provision of these Rules and Regulations and any person (or responsible officer or employer of that person) who is the holder of a license of a lodging establishment that does not comply with any of its requirements (including safeguards established in connection with grants or variances or special exceptions) is guilty of a misdemeanor punishable as provided in 192.300, RSMo, and upon proper complaint shall be prosecuted.

SECTION G. ENFORCEMENT INTERPRETATION:

The Regulatory Authority shall enforce these Rules and Regulations in accordance with interpretations thereof contained in the Missouri Code of State Regulations promulgated by the Missouri Department of Health and Senior Services in 19 CSR 20-3.050, including any revisions, modifications and amendments to the rule, any re-adoption of the rule, and the adoption of any successor rule or rules, which may be enacted after the adoption of this ordinance.

SECTION I. UNCONSTITUTIONALITY CLAUSE OR INVALIDITY CLAUSE:

Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.