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The following pages are the Lodging Establishment Ordinances for the City of Branson, Missouri. Adopted January 1, 2018. These ordinances **include** all changes proposed and accepted by the Board of Aldermen.

The Taney County Health Department enforces these ordinances at all Lodging Establishments inside the city limits of Branson, Missouri. If you have any questions, please feel free to contact one of our inspectors at (417) 334 – 4544.

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## LODGING ESTABLISHMENT ORDINANCE

Ordinance No. 2017-0187

### Sec. 46-3. - Definitions.

*Guest room* means any room or unit where sleeping accommodations are regularly furnished to the public.

*Health official* means the health officer of the city or his duly authorized agent.

*Imminent health hazard* means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent illness or injury based on the following:

- (1) Number of potential illnesses or injuries;
- (2) Nature, severity, and duration of the anticipated illness or injury;
- (3) Effect on the environment or the surrounding geographical area.

*Lodging establishment* means any building, group of buildings, structures, 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, motor hotel, apartment hotel, tourist court, resort, cabins, bunkhouse, time share (5 or more owned or managed privately or commercially), or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for any guests.

*Pre-open inspection fee* means inspections required during plan review process or at the time of change in ownership. These fees are to be charged in addition to all other fees.

*Restricted use pesticides* means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

#### Sec. 46-80. - Applicability.

The requirements set out in this article shall be equal to, if not greater than, the current state health department guidelines for the operation of a lodging establishment. In the event of a conflict, the more stringent shall apply.

#### Sec. 46-81. - Generally.

- (a) *License and permit required.* It shall be unlawful for any person to establish, maintain or operate a lodging establishment, as defined in this Code, within the city without first having obtained a lodging license from the state department of health and senior services, a lodging establishment permit from the health official, and any other permit or license as required by this Code.
- (b) *Application.* Any person desiring a lodging establishment permit shall make written application for a permit on forms provided by the health official. The application shall include the applicant's full name, address, telephone number, location of the proposed lodging establishment and such other information as may be required.
- (c) *Annual fee.* An annual fee shall be paid pursuant to the city fee schedule at the time the lodging establishment permit is issued.
- (d) *Expiration; transfer; existing establishments.* A lodging establishment permit may be granted at any time during the year. Lodging establishment permits shall not be transferable.
- (e) *Posting.* A current lodging establishment permit shall be posted at all times in a prominent and conspicuous place in the lodging establishment where it may be readily observed by lodging establishment patrons.

#### Sec. 46-82. - Inspections required.

- (a) Prior to approval of a lodging establishment permit, the health official shall inspect the lodging establishment to determine compliance with the requirements of this article.
- (b) The health official, after proper identification, shall be permitted to enter any lodging establishment at any reasonable time for the purpose of making routine, revisit and complaint investigation inspections to determine compliance with this article.
- (c) During an inspection, if the health official discovers that a permit holder has failed to comply with this article, or the rules and regulations of this Code, and the violation is, or may become an imminent health hazard or a life-threatening violation, they shall:
  - (1) Immediately lock, secure or close the area of violation and post a sign indicating that the room, area or lodging establishment is closed;
  - (2) Inform the permit holder or their agent, or employee in writing that a violation exists;
  - (3) Allow the permit holder an opportunity to correct the violation within a reasonable period of time, as determined by the health official; and
  - (4) Re-inspect the lodging establishment to determine if the violation still exists.

- (d) During an inspection, the permit holder shall correct any imminent health hazards or life-threatening violations of this article, and implement corrective actions to prevent violation from recurring.
  - (1) Considering the nature of the violation involved and the complexity of the corrective action needed, the health official may agree to or specify a longer time frame, not to exceed ten calendar days after the inspection, for the permit holder to correct an imminent health hazard or a life-threatening violation.
  - (2) For a non-imminent health hazard or life-threatening violation the permit holder shall correct the violation by a date and time agreed to or specified by the health official, but no later than 30 calendar days after the inspection.
  - (3) The health official may approve a compliance schedule that extends beyond the time limits specified within this section if a written schedule of compliance is submitted by the permit holder and no imminent health hazard exists or will result from allowing an extended schedule for compliance.
  - (4) If the health official finds the permit holder still in violation after three re-inspections, the health official shall notify the permit holder in writing of the intention to suspend or revoke the lodging establishment permit and allow the permit holder an opportunity for a hearing.

#### Sec. 46-83. - Revocation or suspension of permit.

- (a) Lodging establishment permits may be suspended by the health official for failure of the holder to comply with the requirements of this article. Whenever the health official finds unsanitary or other conditions in the operation of a lodging establishment which, in their judgment, constitute an imminent health hazard, or for interference with the health official in the performance of their duties, the health official may issue a written notice to the permit holder citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed an imminent health hazard, such order shall state that the permit is immediately suspended and all lodging establishment operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the health official shall be afforded a hearing within five days before the health official as hearing officer.
- (b) Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within five business days following the receipt of a written request, the health official shall make a reinspection. If the applicant is complying with the requirements of this article, the permit shall be reinstated.
- (c) For serious or repeated violations of any of the requirements of this article, or for interference with the health official in the performance of his duties, the permit may be permanently revoked after an opportunity for a public hearing as provided in chapter 30 of this Code for administrative hearings.

#### Sec. 46-84. - Remedies.

The health official may enforce the regulations of this article by any remedies provided by state statute, or the city may institute lawsuits for injunction, mandamus, abatement, or any other appropriate actions or proceedings to remedy, prevent, enjoin, abate, or remove such violations.

Sec. 46-85. - Operations and lodging establishment requirements.

- (a) *Sanitation and housekeeping.* Lodging establishments shall be kept in a clean and sanitary condition, in good repair, and shall be maintained and operated with strict regard to the health and safety of the patrons. The following items shall be held in compliance:
- (1) Walls, floors and ceilings of guest rooms shall be kept clean and in good repair. Furnishings, including draperies, beds, appliances, furniture and lamps, shall be kept clean and in good repair.
  - (2) Guest rooms and related facilities shall be cleaned and maintained as follows:
    - a. A room in use shall be cleaned at least each time a different guest rents the room. When the same guest continuously occupies a room, the room shall be cleaned and verified that all safety equipment is in place at least weekly.
    - b. Clean towels and washcloths shall be provided in the guest room each day that guest room is occupied by a different guest.
    - c. Clean bed linens shall be provided in the guest room each day that guest room is occupied by a different guest. If the same guest continuously occupies a room, bed linens and towels shall be changed at least weekly. Bedspreads shall be clean and maintained in good repair.
    - d. When the same guest continuously occupies a room, the permit holder shall provide to the city upon request a weekly checklist with dates and times that the room was provided bed linens, towels and a checklist addressing the following:
      - (i) Working smoke detectors hardwired and battery backup available.
      - (ii) No empty light sockets present.
      - (iii) All GFCI outlets in proper working condition.
      - (iv) No more than two, six-foot extension cords in the room.
      - (v) Fresh linens and towels provided to the guest.
      - (vi) No bare or frayed wiring exposed.
      - (vii) Egress routes available and in good repair.
      - (viii) Light bulbs in working order and do not exceed the wattage rating of corresponding light fixtures.
      - (ix) No garbage or refuse build up present.
      - (x) No insects or pests present at time of inspection.
    - e. Mattresses and box springs shall be clean and in good repair. The sleeping surfaces of a mattress in use shall be completely covered by a sheet. Excessively damaged or soiled mattresses or box springs shall be replaced.
    - f. Single-service drinking glasses, lids and utensils, if provided in guest rooms, shall be individually wrapped.
    - g. Reusable glasses and utensils, if provided, shall not be located within the room housing the toilet unless approved by the health official; and,
    - h. Reusable glasses and utensils, if provided, shall be washed, rinsed and sanitized using one of the following practices:
      - (i) A sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing the reusable items. Sink compartments shall be large enough to accommodate immersion of the largest piece of equipment and utensil;

- (ii) A mechanical dishwasher that meets the requirements for washing, rinsing and sanitizing as outlined in this Code; or
  - (iii) Other methods approved by the health official.
- (3) Ice provided for guests' use shall be from a commercial source or made from a potable water supply. The ice shall be protected from contamination, which shall include the following:
  - a. Ice machines, dispensers or chests shall be sheltered from the weather, kept in good repair and the ice compartment shall be kept clean and free of mold, rust, debris, foreign objects or other contaminants. All lodging establishments that replace or add a new ice machine shall only provide dispensing type self-service ice machines;
  - b. An approved scoop with a handle that is seamless and without cracks shall be provided for each bin-type ice machine or chest. The scoop may be stored in a holster in the ice compartment, in a smooth non-absorbent holder outside the ice machine or chest, or in another manner acceptable to the regulatory authority;
  - c. Refrigerators, ice machines and ice trays within guest rooms shall be kept clean and sanitary. Ice shall be removed from the ice bin and ice trays each time a different guest rents the room;
  - d. Individual ice buckets or containers, if provided, shall be kept clean, in good repair, and constructed of a smooth, nonabsorbent, food-grade material;
    - (i) If a food-grade single service liner is provided, the individual ice buckets or containers shall be washed, rinsed and sanitized as needed. Reuse of the food-grade single service liner is prohibited.
    - (ii) If a food-grade single service liner is not provided, the individual ice buckets or containers shall be washed, rinsed and sanitized at least each time a different guest rents the room using one of the following practices:
      - (a) A sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing the reusable items. Sink compartments shall be large enough to accommodate immersion of the largest piece of equipment and utensil;
      - (b) A mechanical dishwasher that meets the requirements for washing, rinsing and sanitizing as outlined in this Code; or
      - (c) Other methods approved by the health official.
  - e. Ice buckets or containers, if provided, shall not be located within the room housing the toilet unless approved by the health official.
- (4) Guest rooms shall be kept neat and free of refuse and debris, which shall include the following:
  - a. Garbage and refuse shall be stored in a durable, leakproof and pest-proof non-absorbent container; and
  - b. Garbage and refuse shall be disposed of on a routine basis;
- (b) *Insect and rodent control.*
  - (1) Every lodging establishment shall be constructed and maintained to prevent the entrance, harborage, or breeding of flies, cockroaches, bed bugs, fleas, rats, mice, birds, and all other insects and pests. Routine inspections of the premises shall be conducted to control and minimize the presence of pests and eliminate harborage conditions.
  - (2) Professional pest services shall be used for preventive maintenance and for control and elimination of the presence of pests, or the health official may approve the following:

- a. For the control of bed bugs, a lodging establishment may self-treat with commercial grade heat treating equipment. The person administering the heat treatment must be able to demonstrate knowledge of how to use equipment and also have in their possession a manufacturer's manual for the operation of the heat treating equipment. If knowledge cannot be demonstrated the lodging establishment's right to self-treat will be revoked and a professional pest control company will be required for treatment.
  - b. In the case the facility is not successful in self-treating for bed bugs, the health official will require professional pest control and a pest management program.
- (3) Pesticide application. Poisonous or toxic materials shall be:
- a. Used according to:
    - (i) This Code;
    - (ii) Manufacturer's use directions included in labeling;
    - (iii) The conditions of certification, if certification is required, for use of the pest control materials;
    - (iv) Additional conditions that may be established by the health official; and
  - b. Applied so that:
    - (i) A hazard to employees or guests is not constituted;
    - (ii) Contamination including toxic residues due to drip, drain, fog, splash or spray is prevented; and
    - (iii) A restricted use pesticide shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a person under the direct supervision of a certified applicator.
- (4) Removal. Dead or trapped birds, insects, rodents, and other pests shall be removed from pest control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

Secs. 46-86—46-94. - Reserved.