CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill 2023-458 – amending Chapter 62, Health and Sanitation by enacting a new Article XI, Lodging Establishments.

MEETING DATE
November 20, 2023

ORIGINATING DEPARTMENT
Health Department

ATTACHMENTS
CB2023-458 Council Bill.

REVIEWED BY
Dept. Head: Ryan Talken; Director of Finance: Leslie Haase; City Attorney: Peter Edwards; City Manager: Nicholas Edwards.

SUMMARY
This Council Bill amends Chapter 62, Health and Sanitation by enacting a new Article XI, Lodging Establishments.

BACKGROUND
The City of Joplin Health Department has conducted annual and complaint lodging inspections on behalf of the State of Missouri for the 23 lodging establishments located in the City of Joplin. The Joplin Fire Department has also conducted annual fire safety inspections, The State of Missouri issues lodging permits and is the enforcement agency for compliance issues pertaining to the State Lodging Rule. This ordinance intends to give local control to ensure compliance and includes connectivity to the property maintenance ordinance.

This ordinance adopts the State of Missouri lodging code as a regulatory tool for City of Joplin use and requires annual confirmation of good standing from the Health, Fire, Building and Planning Zoning departments. Status of good standing will be determined by annual inspections utilizing this ordinance and existing ordinances currently found in Joplin City Code. This ordinance grants the authority to deny renewal of City of Joplin business license for establishments deemed not in good standing or uncorrected life, health, and public safety violations. A valid city business license is required to conduct business in the City of Joplin.

The Joplin City Council has been updated throughout the process and advised staff to develop a lodging ordinance for consideration. The proposed lodging ordinance was presented to the Joplin Chamber of Commerce Convention and Visitors Bureau Advisory Board who invited local hoteliers to attend via the SW MO Lodging Association. An informational meeting was held on October 17, 2023 with 5 hoteliers in attendance. Edits were made to the ordinance from the feedback received at this meeting. The hoteliers in attendance were generally supportive of the ordinance. Concerns were expressed on additional fees being imposed on lodging establishments. The proposed fee is a reinspection fee that will be applied to facilities with ongoing compliance issue.

FUNDING SOURCE
Health Fund

RECOMMENDATION
Staff recommends adoption of this Council Bill on First Reading

COUNCIL BILL NO. 2023-458 ORDINANCE NO.

AN ORDINANCE amending Chapter 62, Health and Sanitation, by enacting a new Article XI, Lodging Establishments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 62, Health and Sanitation, is amended by enacting a new Article XI, Lodging Establishments, as follows:

Sec. 62-370. - Definitions.

Lodging establishment means any building, group of buildings, structure, facility, place, or place 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, tourist home, bunkhouse, 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. However, *lodging establishment* shall not be construed to include any *Short-term Rental* as defined in Ordinance No. 2022-001.

Sec. 62-371. – Requirements for Obtaining and Renewing a Business License for a Lodging Establishment.

It shall be unlawful for any person to establish, maintain, or operate a lodging establishment without first having obtained a business license. Any person desiring to obtain a business license for a lodging establishment shall make written application pursuant to the provisions of chapter 30 of this code. In addition to any other requirements of this code, the following must be satisfied in order to obtain or renew a business license for a lodging establishment:

(a) Proof of State Lodging License in good standing; and

(b) Annual confirmation of good standing with this code from the health department, fire department, building department, and planning & zoning department.

Sec. 62-372. - Requirements for Operating a Lodging Establishment.

In addition to any other requirements of state law, specifically Chapter 315, RSMo., the requirements for operating a lodging establishment are as follows:

(a) Pest 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 of concern.

2. Professional, licensed pest services shall be contracted and used at a frequency no less than one time per month for preventive maintenance and for control and elimination of the presence of pests, with an allowance for the following:

    i. 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 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.

    ii. In the case the facility is not successful in self-treating for bed bugs, the establishment will be required to utilize professional, licensed pest control services.

    iii. 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.

3. Rooms in which evidence of pest harborage is present shall be taken out of service until the presence of pests has been mitigated. Evidence of harborage can include, but is not limited to, live pests, droppings, nests, dead or trapped bodies, and eggs. Rooms discovered to be harboring pests during an inspection will be ordered to be taken out of service by the regulatory authority and may not be reopened until the regulatory authority verifies that presence of pests has been mitigated.

Sec. 62-373. – Inspections; right of entry.

The departments specified in Sec. 62-371(b) shall inspect or cause to be inspected as often as shall be deemed necessary but at least annually every lodging establishment in the city to implement the provisions of this article. For this purpose, said departments shall have the right to entry and access thereto at all reasonable times and no order of court shall be necessary therefore.

Sec. 62-374. - Notice of violation; correction of violations.

(a) Imminent health hazard violations; opportunity to correct.

1. An 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:

    i. The number of potential illnesses or injuries;

    ii. the nature, severity, and duration of the anticipated illness or injury; and

iii. the effect on the environment or the surrounding geographical area.

2. If the director of health discovers that the holder of a business license for a lodging establishment has failed to comply with this code or state law, and the violation is constituting an imminent health hazard, he or she shall:

i. Immediately lock, secure or close the area of violation and post a sign indicating that the room, area, and/or lodging establishment is closed;

ii. inform the license holder, his agent, or employee in writing that a violation exists;

iii. allow the license holder an opportunity to correct the violation immediately or within a reasonable period, not to exceed 10 days, as determined by the director; and

iv. re-inspect the lodging establishment to determine if the violation still exists.

(b) Non-health-hazardous or life-threatening violations; opportunity to correct. During an inspection, if the director of health discovers that the holder of a business license for a lodging establishment has failed to comply with this code or state law, and the violation is not life-threatening or a potentially serious health hazard, he or she shall:

1. Inform the license holder, his agent, or employee in writing that violation(s) exist;

2. allow the license holder an opportunity to correct the violations within a reasonable period, not to exceed 30 days, as determined by the director; and

3. re-inspect the lodging establishment to determine if the violation(s) still exist.

4. The director may approve a compliance schedule that extends beyond the time limits specified under (b)2 of this section if a written schedule of compliance is submitted by the license holder and no health hazard exists or will result from allowing an extended schedule for compliance.

Sec. 62-375. - Penalty.

In addition to any other penalties and remedies for violations that may exist in law or equity, any person violating any of the provisions of this article shall be subject to the penalties set forth in section 1-5 of this code.

Sec. 62-376. Fees.

There will be a reinspection fee when extra inspections are necessary for each reinspection trip beginning with the second reinspection for uncorrected violations. Fees will not be charged for initial inspection and first reinspection. For each eligible reinspection $150.

(a) Fee review process. City council shall review the costs of services with all user fees at least on a biennial basis during the budget process to determine the appropriateness of the fees charge.

Sec. 62-377—62-379. - Reserved."

Section 2. That the sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with an dependent upon the void section that it cannot be presumed that this Council would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

Section 3. That this Ordinance shall be in full force and effect from and after its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 20th day of November 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney