



Missouri Department of Health and Senior Services

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TO: Local Public Health Agency Administrators
Local Public Health Agency Environmental Public Health Specialists
Bureau of Environmental Health Services Environmental Public Health Specialists

FROM: Eric Hueste, Bureau of Environmental Health Services, Chief 

SUBJECT: Technical Bulletin L1-17 *Compliance with Local Ordinances*, (form E9.03)

DATE: April 14, 2017

Differences in how agencies were documenting compliance with the allowance in 315.019 RSMo, prompted the Bureau of Environmental Health Services to develop a form to standardize what is submitted.

Section 315.019 RSMo, allows a local city or county ordinance to be used in place of the lodging rule; when that ordinance is for one of the following areas:

- Fire safety,
- Installation and maintenance of electrical wiring,
- Venting of fuel-burning appliances,
- Installation and maintenance of plumbing, and
- Installation and maintenance of swimming pools and spas.

Since the lodging statute has a provision that would allow the facility to meet the local code and not the state's code, a method that could be used uniformly statewide was needed. For a local city or county ordinance to exempt a lodging facility from the lodging rule, the agency must have jurisdiction, conduct inspections, and sign the *Compliance with Local Ordinances*, (form E9.03).

The *Compliance with Local Ordinances*, (form E9.03) form will be completed annually during the lodging inspection. It will be provided to the owner or manager. Inspectors need to be familiar with what local ordinances may apply to lodging establishments and complete the E9.03 form accordingly. It is the owner or manager of the lodging establishment who is responsible for pursuing the allowance; not the inspector. When conducting the inspection the inspector should document all observed violations. When it is necessary to complete the E9.03 form, only those violations in the five categories listed previously will need to be recorded. The E9.03 form would need to be completed for violations noted in these sections of the inspection form: D4 and D7; all of E, F, and G; and H1 and H4. In order for the local code to be used in lieu of the lodging rule, the local city or county agency, with jurisdiction for the areas noted in 315.019 RSMo, must sign the E9.03 form. If that agency doesn't sign the form, the lodging establishment must address the violations and comply with the lodging rule. An "approved" lodging inspection cannot be issued until all violations are corrected.

When a local city or county exempts an establishment from a portion of the lodging rule, the inspector should note this on the comment page of the inspection form. For example: "*City fire department signed E9.03 form on 12/30/16, stating that smoke detectors do not need to be hard-wired with battery back-up.*" The original signed E9.03 form should be retained in the lodging establishment file. For questions or concerns please contact Ellen Dettman, the Retail Food and Program Manager at 573-751-6095.

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