

BOARD OF HEALTH: Establishment consisting of two  
TOURIST CAMPS: or more cabins and quartering  
permanent guests subject to re-  
gulation by State Board of Health.

-----

August 15, 1942

Hon. James Stewart, M. D.  
State Health Commissioner  
Jefferson City, Missouri



Dear Sir:

We have for answer your opinion request  
of August 7, 1942, which is as follows:

"The State Board of Health is attempting to enforce the laws of this state regarding tourist camps and resorts. A special effort in this regard is being exerted in the defense areas of this state where numerous workmen and families of military personnel are currently living in temporary quarters.

"In several instances we have encountered individuals who have assembled near a highway two or more one room buildings for rental purposes. These buildings are served by central facilities and to all outward appearances constitute a tourist camp. However, no advertising is posted and rentals are usually made by the week or month.

"Section 9955, Article 6, Chapter 58, Revised Statutes of Missouri, 1939, reads in part as follows:

'The State Board of Health is empowered and it is hereby made their duty through their depu-

ties to have inspected, at least annually and as often as shall be necessary, for the proper regulation and sanitation thereof, all tourist camps, cabins or resorts of whatever kind kept, used, maintained, or advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests in which two or more cabins, whether in combination or under separate roofs, are furnished for the accommodation of guests. For this purpose the said inspectors shall have the right of entry and access thereto at any reasonable time.'

"We believe the underlined portion of the above quotation clearly indicates these establishments to come under the jurisdiction of our resort laws. Our jurisdiction over these establishments has, however, been questioned.

"It is therefore, requested that you advise me whether or not an establishment consisting of two or more cabins and catering to permanent guests, but which maintain no direct advertising, come within the jurisdiction of Section 9955, Article 6, Chapter 58, Revised Statutes of Missouri, 1939."

Construing Section 9955, Article 6, Chapter 58, Revised Statutes of Missouri, 1939, as set out in the request, we refer you in the first instance

to an opinion of this office written December 17, 1941, by Hon. Lawrence L. Bradley, Assistant Attorney General, in which this office set out the following interpretation and construction of the Statute aforesaid:

" \* \* \* \* \* The law relating to tourist camps or resorts contemplates that it is a place where more than one room (cabin) is furnished for the accommodation of guests not in a single building or structure. The one complements the other, so that all places furnishing more than one room (except where the number is less than ten and are in one building or structure) for the accommodation of guests are subject to regulation. \* \* \* \* \*

The law is well settled in this state that where a statute is plain and unambiguous it is only necessary to take the obvious intent of the Legislature and act in accordance therewith. In *State v. Keller*, reported in 137 S. W. 2d 989, 1. c. 990, the Court said:

" \* \* \* \* \* In construing this statute the following well established rule should be kept in mind: Where the language of a statute is plain and unambiguous nothing contrary to the evident intent can be implied. *State ex rel. Jacobsmeyer v. Thatcher*, 338 Mo. 622, 92 S. W. 2d 640. A statute should be so construed as to give effect to the legislative intent. *State ex rel. Wabash R. Co. v. Shain*, 341 Mo. 19, 106 S. W. 2d 898. A statute that is clear in its terms and leaves no room for

construction must enforced as written.  
Dahlin v. Missouri Commission for Blind,  
Mo. App., 262 S. W. 420. \* \* \* \* \*

In the case of Fichtner v. Mohr, reported  
in 16 S. W. 2d 739 l.c. 741, the Court said as  
follows:

" \* \* \* \* \* We are bound to ascertain  
and give effect to the intention of  
the Legislature as expressed in the  
statute, and, where the language used  
is plain, it must be given effect by  
the courts. \* \* \* \* "

In the case of Cummins v. Kansas City Pub-  
lic Service Co. 66 S. W. 2d 921 l.c. 925, the  
court said as follows:

" \* \* \* \* \* The primary rule of con-  
struction of statutes is to ascertain  
the lawmakers' intent, from the words  
used if possible; and to put upon the  
language of the Legislature, honestly  
and faithfully, its plain and rational  
meaning and to promote its object, and  
'the manifest purpose of the statute,  
considered historically', is properly  
given consideration. See Grier and  
Meyering Cases; 2 Lewis, Sutherland  
on Stat. Const. (2d Ed.) section 303;  
Endlich on Interpretation of Statutes,  
section 329; and Maxwell on Statutes  
(5th Ed.) 425. \* \* \* \* "

CONCLUSION

It is, therefore, the conclusion of this office that inasmuch as the places you mentioned have two or more one-room buildings for rental purposes located on the highway they are tourist camps or resorts as contemplated by the Statutes. The fact that they have no posted advertising does not have any bearing whatsoever as the Statute says kept, used, maintained or advertised; hence they are subject to regulation and inspection by the State Board of Health.

Respectfully submitted,

JOHN S. PHILLIPS  
Assistant Attorney-General

APPROVED:

ROY McKITTRICK  
Attorney-General

GW:FS