

CERTIFIED COPY OF ORDER

STATE OF MISSOURI }
County of Boone } ea.

December Session of the October Adjourned Term. 20 08

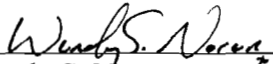
In the County Commission of said county, on the 11th day of December 20 08

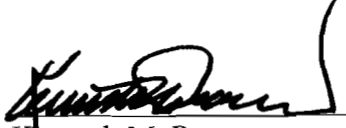
the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby approve the recommendations from the Job Classification Committee per the attached memorandum.

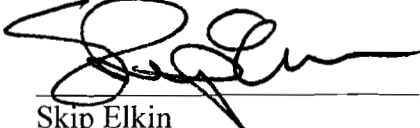
Done this 11th day of December, 2008.

ATTEST:


Wendy S. Noren
Clerk of the County Commission


Kenneth M. Pearson
Presiding Commissioner


Karen M. Miller
District I Commissioner


Skip Elkin
District II Commissioner

Boone County Human Resources

BETTY DICKNEITE
Director



601 E. Walnut-Room 211
Columbia, MO 65201
(573) 886-4395

December 11, 2008

TO: Ken Pearson, Presiding Commissioner
Karen Miller, District 1 Commissioner
Skip Elkin, District 2 Commissioner

FROM: Betty Dickneite, Chairperson
Job Classification Committee

RE: Recommendations from Job Classification Committee

The Job Classification Committee met on December 8th and 11, 2008 to review and discuss the proposed Public Information Officer classification in the Commission Office. At the 12/11 meeting, the Committee also reviewed a request to establish an Electronic Equipment Installer/Technician classification at the Sheriff's Dept.

The Job Classification Committee members unanimously* agreed to bring forward the following recommendations to the Commission:

1) Public Information Officer (Commission Office) - Establish a new position classification titled Public Information Officer at a pay range of 32. It is recommended that the position be placed in the Administrative Services Group with a class code number of 1010. (FLSA status of exempt or non-exempt to be determined by Legal Counsel)

2) Electronic Equipment Technician (Sheriff's Dept.) – Establish a new position classification titled Electronic Equipment Technician at a pay range of 31. It is recommended that the position be placed under Public Safety – Electronic Maintenance Series with a class code number of 4080. (FLSA status of exempt or non-exempt to be determined by Legal Counsel).

Should you have any questions, please let me know.

*Job Classification Committee Members present – Ken Pearson, Bettie Johnson, June Pitchford, Dwayne Carey, and Betty Dickneite.

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December Session of the October Adjourned Term. 20 08

In the County Commission of said county, on the 11th day of December 20 08

the following, among other proceedings, were had, viz:


Now on this day the County Commission of the County of Boone does hereby accept the Road and Bridge Advisory Committee Recommendation of Variance Requests:

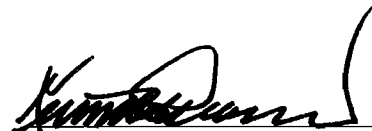
For Southfork of the Grindstone Plat I, Lot 2 & 3 proposing that sidewalks not be built until the construction occurs on site.

For Southfork of the Grindstone Plat I, proposing to allow for the constructed roadway width to be 40' instead of 42', which is the current requirement.

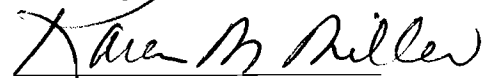
Done this 11th day of December, 2008.

ATTEST:


Wendy S. Noren
Clerk of the County Commission



Kenneth M. Pearson
Presiding Commissioner



Karen M. Miller
District I Commissioner



Skip Elkin
District II Commissioner

Road and Bridge Advisory Committee –December 4, 2008 – Minutes

Mr. Hight asked for clarification from the Committee on the voting process. He inquired if each variance needed to be voted on separately or could be voted on together. Mr. Yonke expressed that it could be done either way. The Committee agreed to do a single vote on both variances.

Mr. Hight made a motion to approve both variances as written. Mr. Martin seconded the motion. The motion carried.

2. Larry Kramer – Construct a 175' long retaining wall at 2125 N Trails West Avenue

Mr. Kramer presented pictures of his property taken at different stages of a County contracted roadway and drainage improvement project. He asked that he be allowed to use 18"x12"x8" landscaping bricks to create a 175' long retaining wall at a cost of approximately \$8000 to him. Mr. Kramer indicated a professional landscaper would do the work according to County specifications. Mr. Kramer expressed concern if he was not able to build the wall; trees would be removed, a water meter would need to be relocated and to get the correct slope he would feel uncomfortable mowing.

Mr. Yonke noted the retaining wall would be in the County right of way. Mr. Haid inquired if the County would maintain the wall once built. Mr. Yonke said with no uncertainty "no". Mr. Kramer stated he would maintain the wall.

Mr. Yonke reminded Mr. Kramer that he did dedicate his right of way and utility easement and this property has been platted. He dedicated 33' of right of way from the roadway plus an additional 20' utility easement. This occurred when Mr. Kramer sub divided his land.

Mr. Kramer reverted back to the slope and mowing. Mr. Zwiefel inquired as to how steep the slope was at present time. Mr. Kramer did not know but did not want it any steeper. At this point Mr. Kramer brought up the fact that he put the project to a halt. When asked by Mr. Pearson what the reasoning was behind this decision, Mr. Kramer explained that the contractor was digging into his yard (the right of way) and hauling the dirt across the street into his neighbor's yard to use as he wished. He did not see an end to the dirt removal at that time. Boone County Public Works employees made several attempts to explain to Mr. Kramer that they were actually working in the right of way and not his yard. They also tried to work with Mr. Kramer to come to a resolution both parties could agree upon. Mr. Kramer was obstinate in the fact that he wanted the project to stop.

Mr. Pearson inquired who would do the grading if we were to move forward with the project. Mr. Campbell explained the project was closed and would need to be rebid or done by a term and supply contractor. He also expressed that Public Works employees have tried to work with Mr. Kramer several times and he was not comfortable with any options. Mr. Kramer interjected that he was willing to do whatever the County wanted to do if the project moved forward. Mr. Campbell told Mr. Kramer there is no guarantee that the contractor won't haul the dirt across the street to his neighbors again. Mr. Kramer admitted at this point it did not matter where the dirt went he would work with the County to get the issues resolved. Mr. Campbell said he would leave the dirt hauling to be worked out between the contractor and Mr. Kramer if the project was to move forward.

Mr. Kramer stated he did not feel as though he was going to get the retaining wall. Mr. Yonke explained the process of the Road and Bridge Committee. The Committee votes and makes a recommendation, it then goes before the Commission for a final decision.

Mr. Cunningham and Mr. Yonke suggested a pipe rather than a retaining wall. Mr. Campbell explained a standard pipe is 40' this would need to be 115' and possibly

Road and Bridge Advisory Committee –December 4, 2008 – Minutes

hydraulically upsized. He suggested this would set a precedence the County would have a hard time following and would also bring up long term maintenance issues. Mr. Yonke agreed however did present it as another option.

Mr. Yonke made a motion to deny the variance as requested. Mr. Campbell seconded. The motion carried. Mr. Hight asked for any further discussion. Mr. Cunningham said the motion should include Public Works employees continuing to work with Mr. Kramer until a resolution is accepted by both parties. Mr. Kramer repeated that he did not have a preference where the dirt was hauled and that he would work with the County in any way to finish the project. Mr. Yonke suggested Mr. Kramer may need to come back for another variance asking for the pipe to be placed. Mr. Yonke moved to accept the amendment that we work further with Mr. Kramer. Mr. Campbell seconded the motion as amended. The motion carried.

V. **Old Business:**
None

VI. **New Business:**
Mr. Campbell was introduced to the Committee as the Interim Director of Public Works. Mr. Zweifel was introduced as a new Committee member. Mr. Hight announced the Bourbon District was vacant at this time.

VII. **Adjourn**
Mr. Hight asked if there was any other business to discuss. Mr. Yonke motioned to adjourn the meeting. Mr. Cunningham seconded the motion. The meeting was adjourned at 6:15 p.m.

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STATE OF MISSOURI }
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December Session of the October Adjourned Term. 20 08

In the County Commission of said county, on the

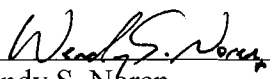
11th day of December 20 08

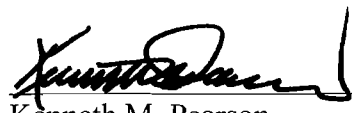
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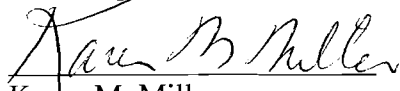
Now on this day the County Commission of the County of Boone does hereby authorize the County Commission to sign the HMEP Grant Application for the Local Emergency Planning Committee.

Done this 11th day of December, 2008.

ATTEST:


Wendy S. Noren
Clerk of the County Commission


Kenneth M. Pearson
Presiding Commissioner


Karen M. Miller
District I Commissioner


Skip Elkin
District II Commissioner

MISSOURI EMERGENCY RESPONSE COMMISSION

2009 HMEP FUNDING

AGENCY INFORMATION

NAME	<u>Boone County LEPC</u>	DATE	<u>10-Dec-08</u>
ADDRESS	<u>2201 I-70 Dr. NW</u>		
CITY	<u>Columbia</u>	LEPC	
EMAIL	<u>solsen@bcfdmo.com</u>	CONTACT	<u>Scott Olsen</u>
PHONE	<u>573-447-5000</u>		

CERTIFICATIONS

Signatures certify that the funds will be accepted and used in accordance with state law the attached guidelines

Scott Olsen
LEPC CHAIRPERSON (type or print)

MERC DIRECTOR (type or print)


LEPC CHAIRPERSON SIGNATURE

MERC DIRECTOR SIGNATURE

Terry Cassil
HAZMAT CHIEF (type or print)

HAZMAT CHIEF SIGNATURE - LISTED IN PLAN

Doug Westhoff
HAZMAT CHIEF (type or print)

HAZMAT CHIEF SIGNATURE - LISTED IN PLAN

HAZMAT CHIEF (type or print)

HAZMAT CHIEF SIGNATURE - LISTED IN PLAN

COUNTY (COUNTIES IF LEPC)

NAME (TYPE OR PRINT)

SIGNATURE OF COUNTY COMMISSIONER(S)
(LEPD - COMMISSIONER FROM EACH COUNTY MUST SIGN)


Ken Pearson



Karen Miller



Skip Elkin



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County of Boone } ea.

December Session of the October Adjourned Term. 20 08

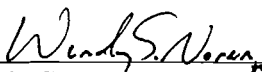
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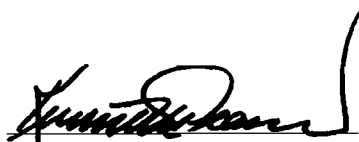
Now on this day the County Commission of the County of Boone does hereby approve the attached proposed changes to the Nuisance Ordinance and the Food Code.

Done this 11th day of December, 2008.

ATTEST:




Wendy S. Noren
Clerk of the County Commission



Kenneth M. Pearson
Presiding Commissioner



Karen M. Miller
District I Commissioner



Skip Elkin
District II Commissioner

**BEFORE THE COUNTY COMMISSION OF
BOONE COUNTY, MISSOURI**

In Re: Revisions to Chapters 6 (nuisances))
Enacting Chapter 9 (Food Code))
Boone County)
Code of Health Regulations)
)

Commission Order No. 562-2008

**ORDER ENACTING REVISIONS TO CHAPTERS 6 AND NEW CHAPTER 9
OF THE CODE OF HEALTH REGULATIONS FOR BOONE COUNTY, MISSOURI**

NOW on this 11th day of December, 2008, the County Commission of Boone County, Missouri met in regular session and entered the following order in regard to revisions to chapter 6 (nuisances) and enacting Chapter 9 (Food Code) of the Code of Health Regulations for Boone County, Missouri:

IT IS ORDERED that chapters 6 and 9, of the Code of Health Regulations for Boone County, Missouri, dealing with nuisances and food code regulations, be revised and/or enacted in accordance with the text attached hereto and incorporated by reference, and

IT IS FURTHER ORDERED that the foregoing revisions to Chapter 6 and newly-enacted Chapter 9 of the Code of Health Regulations shall be effective from and after the date this order in entered.

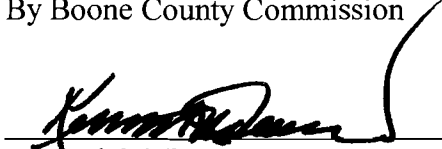
IT IS FURTHER ORDERED that the County Clerk of Boone County, Missouri, print and make available for distribution to the public copies of revised Chapter 6 and newly-enacted Chapter 9 of the Code of Boone County Health Regulations.

IT IS FURTHER ORDERED that the attached order pertaining to the enactment of the Code of Boone County Health Regulations be published for a period of three (3) successive weeks commencing within thirty (30) days of the date of this order.

IT IS FURTHER ORDERED that the remainder of the Code as currently published shall remain in full force and effect, and the County Clerk shall update the Code by inserting these newly revised chapters into the Code.

WITNESS the signatures and seal of the Boone County Commission on the day and year first above written.

Boone County, Missouri
By Boone County Commission



Kenneth M. Pearson
Presiding Commissioner

ATTEST:



Wendy S. Noren
Boone County Clerk

**BEFORE THE COUNTY COMMISSION OF
BOONE COUNTY, MISSOURI**

In Re: Revisions to Chapters 6 (nuisances))
Enacting Chapter 9 (Food Code))
Boone County)
Code of Health Regulations)
)

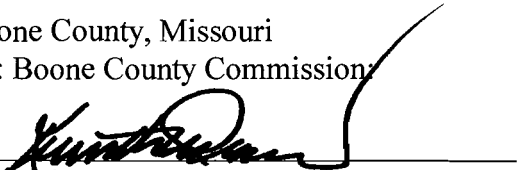
Commission Order No. 562-2008

ORDER FOR PUBLIC NOTICE

On the 11th day of December 2008, the County Commission for Boone County, Missouri, met in regular session and entered the following order in regard to revisions to chapters 6 and 9 of the Code of Health Regulations for Boone County, Missouri:


IT IS ORDERED THAT the County Clerk of Boone County, Missouri, make available to the public copies of the revised chapter 6 (nuisances) and newly-enacted chapter 9 (Food Code) of the Code of Health Regulations for Boone County, Missouri, adopted on the 11th day of December, 2008, by order of this Commission and that the general public is hereby notified that such regulations as revised are available for distribution to the public at the office of the County Clerk, Boone County, Missouri, Boone County Government Center, 801 E. Walnut, Columbia, Missouri 65201.

Boone County, Missouri
By: Boone County Commission



Kenneth M. Pearson
Presiding Commissioner

ATTEST:



Wendy S. Noren
County Clerk

Insertions:

CHAPTER VI
PUBLIC HEALTH HAZARDS AND PUBLIC NUISANCES

- 6.1 **Purposes:** The regulations in this chapter are enacted for the purpose of regulating and eliminating public health hazards and public nuisances in order to protect and promote the public health and safety and prevent the entrance of infectious, contagious, communicable or dangerous disease into Boone County, Missouri.
- 6.2 **Authority:** These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by sections 192.300 and 67.402, RSMo
- 6.3 **Definitions:** As used in this chapter, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:
- 6.3.1 **Agricultural Property** -Property which is zoned for agricultural uses under the zoning regulations of Boone County except properties within such zones which have been subdivided under the subdivision regulations of Boone County for residential uses.
- 6.3.2 **Dismantled vehicle** - Any vehicle missing significant body parts such as the hood, fender, cab, door or trunk lid.
- 6.3.3 **Health Director** - Any person appointed by the Boone County Commission to supervise the administration of this chapter or such other person(s) so designated on a temporary basis by order of the Boone County Commission.
- 6.3.4 **Health Official** - Any employee of the Boone County, Missouri Health Department or any other person so appointed by the Health Director with the advice and consent of the Boone County Commission to administer or enforce the provisions of this chapter.

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6.3.5 **Inoperable vehicle** - Any vehicle that does not possess an engine, has one or more flat or missing tires, or is otherwise incapable of being operated for lack of a major component of the vehicle.

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6.3.6 **Junk** - Worn, scrap, salvage or discarded materials of any nature including, but not limited to metal, glass, paper, cardboard, wood, clothing, furniture, carpeting, vehicle parts, appliances, construction material, or other trash and refuse.

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6.3.7 **Junk-filled vehicle** - Any vehicle used to store junk provided that the junk occupies more than one-half of the enclosed area of the vehicle, or junk is piled on the hood, roof or trunk of the vehicle, or if the vehicle is a truck, any junk in the bed of the vehicle extends higher than three feet above the bed of the vehicle.

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6.3.8 **Person** - Any natural person, business entity of any type, corporation, trust, association of any type, or any agent, officer or employee of any of the foregoing.

6.3.9 **Public Health Hazard** - Any condition upon real property which poses an immediate and direct hazard to human health due to the existence of the condition itself or due to the immediate threat of transmission of disease through insects, animals, or other means of transmission or infection.

6.3.10 **Public Nuisance** - A condition in real estate creating a potential danger or hazard to human health if left unremedied due to the existence of the condition itself or due to the potential transmission of disease through insects, animals or other means of transmission or infection. Such conditions may include the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or overgrown or noxious weeds in residential subdivisions which may endanger public safety or which are

unhealthy or unsafe and therefore declared to be a public health nuisance.

6.3.11 **Property Occupant** - Any person who owns real property upon which a public health hazard or nuisance exists, and any person in possession or charge of real property who has created, maintained, or otherwise facilitated a health hazard or public nuisance upon such property.

6.3.12 **Trash** - Any waste matter, including but not limited to, junk (as defined above) and fires.

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6.3.13 **Unlicensed vehicle** - Any vehicle that is not validly registered under the motor vehicle laws of the State of Missouri or the laws of any other jurisdiction and any vehicle that does not display a valid current license plate in conformance with the laws of the jurisdiction in which it is registered.

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6.3.14 **Vehicle** - Any device designed for the motorized transportation of persons or property over public ways.

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6.3.15 **Weeds** - The term weeds shall be interpreted to include all vegetation commonly known as weeds, excluding cultivated vegetation, which shall have attained a height of 12 inches or more and vegetation which may exhale unpleasant or noxious odors.

6.4 **Jurisdiction:** The regulations contained in this chapter shall be applicable to all unincorporated areas within Boone County, Missouri. Any incorporated area in Boone County not included in these regulations may be declared included by order of the Boone County Commission only after petition for such declaration has been filed by the governing body of such incorporated area and after public hearing thereon. These regulations shall particularly exclude agricultural interests which in these matters are regulated by other state and national agencies.

6.5 **Solid Waste Storage:** It shall be unlawful for any property occupant or other person who possesses or uses real estate in the jurisdiction to which these regulations are applicable to place, permit placement, or maintain upon such real estate an accumulation of junk, trash, rubbish, garbage, lumber, bricks, tin, steel, derelict and inoperable construction equipment, derelict and inoperable appliances, broken furniture or other refuse in a condition which constitutes a public nuisance, except that this section shall not apply to:

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6.5.1 **Temporary Storage** - Temporary storage of trash, garbage or other refuse in closed containers which prevent invasion of animals or insects for a time period not exceeding fourteen calendar days from the date they are disposed of lawfully,

6.5.2 **Composting** - Composting nontoxic agricultural, organic or domestic waste.

6.6 **Public Health Hazards/Public Nuisances/Rat Harborages:** It shall be unlawful to permit a public health hazard or public health nuisance as defined by sections 6.3.9 and 6.3.10 of this Chapter upon real property. It shall be unlawful to keep, maintain or store upon real property refuse in a manner or condition which is conducive to rat infestation or breeding; any such violation shall constitute a public health nuisance.

Comment [kv1]: The only section in the code that addresses mosquito harborage conditions or generic other miscellaneous nuisance/hazard conditions is listed in the definitions section (6.3) of the code as "Public Health Hazard" or "Public Nuisance". We should clearly state it is unlawful to permit a public health hazard or public nuisance in the violations section, somewhere in 6.5 -6.9.

6.7 **Weeds and Rank or Noxious Plants:** It shall be unlawful to permit the growth of weeds or other rank or noxious plants as the terms are defined in these regulations upon any residential lot or within any residential subdivision or district except agricultural property; provided, however, that this exemption for agricultural property does not supersede any provision of state law governing the control or elimination of weeds or other rank or noxious plants.

6.8 **On Site Sewage Treatment and Disposal:** It shall be unlawful to discharge untreated and uncontained household or human sewage effluent from any building or structure

above or below the ground surface. It shall be unlawful to operate or maintain or permit the operation or maintenance of a subsurface wastewater treatment system which causes chronic surface discharge of treated or untreated effluent. It shall be unlawful to operate or maintain or permit the operation or maintenance of a wastewater lagoon treatment system which causes chronic surface or subterranean discharge of treated or untreated effluent. Any unlawful discharge described herein shall constitute a public nuisance.

6.9 **Vehicle Nuisance; Exceptions** - The presence upon any private property within the jurisdiction to which these regulations are applicable of an unlicensed, dismantled, inoperable or junk-filled vehicle is declared to be a public nuisance and it is hereby declared unlawful for any person to cause, permit, maintain or allow the creation or maintenance of any vehicle nuisance in violation of this section. This declaration of nuisance in this section shall not apply to any property that is the site of a lawful motor vehicle sales or service business, a lawful towing or storage facility or a lawful junkyard; to any vehicle that is kept or stored in a garage or similar fully enclosed structure; to any vehicle that is enclosed within a locked fenced area and is not clearly visible from adjacent public or private property, and to any unlicensed vehicle that is kept or stored in a carport provided that the unlicensed vehicle is not also a dismantled or inoperable or junk-filled vehicle.

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6.10 **Abatement of Public Health Hazards and Public Nuisances:** Public health hazards and public nuisances shall be abated in accordance with the following rules and procedures:

6.10.1 **Determination of Public Health Hazards and Public Nuisances:** It shall be the duty of the Health Director and/or Health Official to determine whether or not a public health hazard or public nuisance as defined in these regulations exists. In the event the

Health Director or a Health Official determines that a public health hazard or nuisance exists upon any real estate, then he or she shall promptly give written notice of that determination to the property occupant, owner, and any other persons having an interest in the property as shown by the land records maintained by the Recorder of Deeds of the County, by personal service upon such persons, or by certified mail, return receipt requested, or if service cannot be had by either of these methods, then service upon them by publication in a newspaper of general circulation published within the geographic vicinity where the violation occurred. Such notice shall identify the nuisance and require the persons to whom notice was given to abate the nuisance within 15 days of receipt of notice, or such other shorter or longer time as reasonably determined by the Director or Health Official giving notice. Further, if the Director or Health Official determines that the immediate abatement is necessary to preserve the public health or safety, then in such cases immediate abatement may be ordered as provided in section 6.10.2 regardless of property occupant abatement obligations hereunder.

6.10.2 Governmental Abatement of Public Health Hazards and Public Nuisances –If a property occupant, or other person having interest in real estate upon which a public health hazard or nuisance has been ordered abated by the Health Director or Health Official fails to abate a health hazard or nuisance within the time specified in the notice for abatement, or if the property occupant, or other person having interest in real estate upon which a public health hazard or nuisance has been ordered abated fails to commence abatement within seven days of receipt of notice of the Health Director’s or Health Officials order for abatement and proceed continuously with abatement without unnecessary delay, then the Health Director or other Health Official may request a

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hearing before the County Commission for an order to abate any public health hazard or nuisance as defined in these regulations through use of governmental resources or by government contract with the expense of such abatement to be charged against the property as a special tax bill, or added to the real estate taxes due and owing for the year in which governmental abatement occurs. Notice of such hearing shall be given to all persons to whom a notice of abatement had been previously given and to such other persons who may have been disclosed to the Health Director or Health Official as having an interest in the property; such notice shall be given at least 10 days in advance of the hearing. At such hearing all persons to whom notice has been given shall have an opportunity to be heard as to whether the property is a public health hazard or public nuisance, or otherwise detrimental to the health, safety or welfare of the residents of the county, provided, however, it shall be presumed that the public health hazard or public nuisance exists upon such property if no appeal of the decision of the Health Director or Health Official that such public health hazard and nuisance exists is made in the time and manner as prescribed by section 6.10.3 of this regulation. Upon the conclusion of any such hearing the County Commission shall issue its order making specific findings of fact based upon competent and substantial evidence presented at such hearing, which shows the property does or does not constitute a public health hazard or public nuisance, or is otherwise detrimental to the health, safety and welfare of the residents of the County. If the County Commission finds such public health hazard or public nuisance exists, it may authorize the Health Director or Health Official to order abatement of such health hazard or nuisance at governmental expense if the property owner or other persons given notice of the hearing and having an interest in the property did not commence abatement

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previously ordered by the Health Director or Health Official within seven days of the receipt of the order for abatement issued by the Health Director or Health Official, with the cost thereof to be certified to the County Clerk and County Collector for purposes of issuance of a special tax bill or additional tax on the real estate tax bill to be collected as other real estate taxes as prescribed by §67.402.3 RSMo.

6.10.3 Right of Appeal: A property occupant or other person given notice by the Health Director or Health Official shall have the right to appeal such decision to the County Commission provided such appeal is made and filed with the County Commission within 15 days of personal service or receipt of written notice by certified mail of the Health Director's decision, or before the time specified for abatement, whichever is shorter. Decisions made by the County Commission concerning such appeals shall be final for purposes of judicial review.

Deleted: 6.10.2 . **Governmental Abatement of Public Health Hazards and Public Nuisances** –If a property occupant, or other person having interest in real estate upon which a nuisance has been ordered abated by the Health Director or Health Official fails to abate a health hazard or nuisance within the time specified in the notice for abatement, or if any such person fails to proceed continuously with abatement without unnecessary delay, then the Health Director or other Health Official may request a hearing before the County Commission for an order to abate any public health hazard or nuisance as defined in these regulations through use of governmental resources or by government contract with the expense of such abatement to be charged against the property as a special tax bill, or added to the real estate taxes due and owing for the year in which governmental abatement occurs. Notice of such hearing shall be given to all persons to whom a notice of abatement had been previously given and to such other persons who may have been disclosed to the Health Director or Health Official as having an interest in the property; such notice shall be given at least 10 days in advance of the hearing. At such hearing all persons to whom notice has been given shall have an opportunity to be heard as to whether the property is a public health hazard or public nuisance, or otherwise detrimental to the health, safety or welfare of the residents of the county, provided, however, it shall be presumed that the public health hazard or public nuisance exists upon such property if no appeal of the decision of the Health Director or Health Official that such public health hazard and nuisance exists is made in the time and manner as prescribed by section 6.10.3 of this regulation. Upon the conclusion of any such hearing the County Commission shall issue its order making specific findings of fact based upon competent and substantial evidence presented at such hearing, which shows the property does or does not constitute a public health hazard or public nuisance, or is otherwise detrimental to the health, safety and welfare of the residents of the County. If the County Commission finds such public health hazard or public nuisance exists, it may order abatement of such health hazard or nuisance at governmental expense with the cost thereof to be certified to the County Clerk and County Collector for purposes of issuance of a special tax bill or additional tax on the real estate tax bill to be collected as other real estate taxes as prescribed by §67.402.3 RSMo.¶

Food Safety Advisory Committee Summary of Recommendations

The Food Safety Advisory Committee met on April 25, May 9, May 16, May 30, June 6, June 13 and July 18 to review the 1999 Missouri Food Code and to recommend changes to the City of Columbia Food Service Ordinance of 1962. The following is a summary of suggested changes to Chapters 1 through 7 of the 1999 Missouri Food Code, recommendations for Chapter 8 – Compliance and Enforcement, and other discussion by the committee for consideration by the Board of Health.

Changes Chapters 1-7:

***page 9 delete language:

1-201.10 (31)(iv): A kitchen in a private home if only FOOD that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by LAW; ~~and if the CONSUMER is informed by a clearly visible placard at the sales or service location that the FOOD is prepared in a kitchen that is not subject to regulation and inspection by the REGULATORY AUTHORITY;~~

***page 88 add language (in bold):

6-301.12 Hand Drying Provision.

Each handwashing lavatory or group of adjacent lavatories shall be provided with **one or more of the following:**

- (A) Individual, disposable towels;
- (B) A continuous towel system that supplies the user with a clean towel;
- (C) A heated-air hand drying device.

***page 31 add language (in bold):

3-301.11 Preventing Contamination from Hands

(B) *Except when washing fruits and vegetables as specified und 3-302.15 or when otherwise APPROVED by the Health Director as per 8-103.10 and 8-103.11*, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves or dispensing EQUIPMENT.

Chapter 8 – Compliance and Enforcement

An additional Chapter must be developed by local jurisdictions for compliance and enforcement provisions. The proposed Chapter 8 for the City of Columbia is derived from the FDA model with modifications. Chapter 8 includes information on Code Applicability, Plan Submission and Approval, Permit to Operate, Inspection and Correction of Violations, and Prevention of Foodborne Disease Transmission by Employees. The following changes were suggested to Chapter 8:

1. ***8-304.30 Food Service Training Requirements: (addition of new section and language in bold:) This new section will contain the requirements for food service employee training such as food handler cards and food managers requirements. The training requirements (ie. course content, alternatives) will be part of the Health Department's operational policy and not outlined in the ordinance.

2. ***8-305 Permit may be suspended if:
Modify part (C) as follows:

(C) An inspection reveals violations which meet or exceed the following:

- 1) 10 critical violations, or**
- 2) 25 non-critical violations, or**
- 3) any combination of critical and non-critical violations totaling 30 or more violations.**

Add new language under (D):

(D) Upon reinspection, if violations are not corrected within the specified time frame, at the discretion of the Health Inspector, the operating permit may be suspended until violations are corrected.

If, after an initial inspection and one reinspection, additional reinspections are needed to verify correction of violations, an administrative service fee will be assessed for each additional inspection required.

Repeated or flagrant violations despite previous warnings by the Health Inspector may result in a formal hearing by the Health Director. Based on the findings, the Health Director may temporarily or permanently suspend the operating permit and/or levy administrative penalties. The Operator may appeal the decision of the Health Director to the Circuit Court of Boone County.

(E) Change the lettering to allow for section (D) being added.

Other Recommendations:

1. Inspection results will include the total number of critical and non-critical violations for a given facility. The Health Department will work with local news media to explain the inspection process and significance of the results, assuring that reporting done by local media clearly allows the consumer to understand the inspection results. Information requested by media and provided by the department would include: (1) current inspection: # of critical and # of non-critical violations with a bulleted listing explaining what the critical violations were; (2) average number of critical and non-critical violations over the previous four inspections.

RECOMMENDED CHANGES FOLLOWING PUBLIC HEARING

The Food Safety Advisory Committee was reconvened following the public hearing on proposed changes to the Columbia Food Service Ordinance. Comments from the public, including the Memorandum provided to you by John Lane (September 20, 2000) were presented to the Committee for further consideration. The following are the recommendations of the Food Safety Advisory Committee:

The Food Safety Advisory Committee discussed the issue of bare hand contact at length. The result is that the Committee continues to support the provisions related to bare hand contact as they are written.

The Committee recognizes that the elimination of bare hand contact is the requirement in the State of Missouri's Food Code and that the City of Columbia ordinance should not lower the standard. The Committee recommended an additional two changes be made:

Fingernails 2-302.11 Maintenance

(A) FOOD EMPLOYEES shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

(B) While preparing food, employees shall not wear artificial nails. Fingernail polish may be worn if gloves are worn during food preparation.

Preventing Contamination by Employees 3-301.11
Preventing Contamination from
Hands

(A) FOOD EMPLOYEES shall wash their hands as specified under 2-301.12.

(B) *Except when washing fruits and vegetables as specified under 3-302.15 or when otherwise APPROVED* by the Health Director as per 8-103.10 and 8-103.11, FOOD EMPLOYEES may not contact exposed, READY TO EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, SINGLE USE gloves, or dispensing EQUIPMENT.

(C) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY TO EAT form.

(D) Gloves shall be changed when they become worn or contaminated. Once removed, gloves shall not be re-worn or re-used.

CHAPTER IX

FOOD CODE

- 9.1 **Purpose** - These regulations are enacted for the purpose of enhancing the public health by preventing, reporting, controlling, treating and eliminating food borne illnesses and dangerous diseases and for that purpose they are intended to adopt Chapters 1 through 8, inclusive, of the City of Columbia, Missouri Food Code effective as of the date this Chapter is adopted by the County Commission of Boone County.
- 9.2 **Statutory Authority and Incorporation of Certain Regulations by Reference**- These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by section 192.300 RSMo. Chapters 1 through 8 of the “City of Columbia, Missouri, Food Code” adopted by the city council of the City of Columbia on January 16, 2001, as amended and effective as of the date this Chapter is adopted by the County Commission, is hereby adopted and shall be called the “Boone County Food Code” and is hereby incorporated by reference as if fully set forth herein verbatim except as modified by section 9.4 below.
- 9.3 **Definitions** - As used in this chapter, unless the context clearly indicates otherwise, the definitions found in Chapter I of this Code shall be applicable to this chapter and the following words and terms shall have the following special meanings:
- 9.3.1 **Health Director or Director** - The Health Director shall be the “regulatory authority” as the term is used in the Boone County Food Code. The Health Director shall generally supervise the administration of this chapter. As used in this chapter, the term Health Director or Director shall also include any person to whom the Director has delegated the performance of any duties required of the Health Director under this chapter. A Health Director also may be specially appointed if ordered by the Boone

County Commission under circumstances reasonably requiring such appointment. In the absence of special appointment and designation, the Health Director shall be the acting or permanent director of the Columbia/Boone County Health Department.

9.3.2 **Regulatory Authority** – The Health Director of the Columbia/Boone County Health Department.

9.4 **Modifications to Food Code** – For purposes of the Boone County Food Code, the following modifications shall be made to the “City of Columbia, Missouri, Food Code” adopted by the city council of the City of Columbia on January 16, 2001:

9.4.1 **Additions to Code** - Chapter 1-201.10(B)(31)(c) is modified to add the following exclusion from the definition of “Food Establishment:”

(viii) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food; that operates for 10 days or less as part of an organized event or festival.

9.4.2 **Deletions to Code** - Chapter 8-304.30 dealing with food service worker certificates and related training, and certificates is deleted in its entirety. All other references in the Boone County Food Code to Chapter 8-304.30 or parts thereof are further deleted.

9.4.3 **Deletion and Substitution to Code** – Chapter 8-302.14 is deleted and the following is substituted:

8-302.14 **Contents of the Application.**

The application shall include:

(A) The name, birth date, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the food establishment;

(B) Information specifying whether the food establishment is owned by an association, corporation, individual, partnership, or other legal entity;

(C) A statement specifying whether the food establishment:

(1) Is mobile or stationary and temporary or permanent, and

(2) Is an operation that includes one or more of the following:

(a) A Category 1 establishment defined as:

A business that prepares only food that is not potentially hazardous, and does not prepare, but offers for sale only prepackaged food that is potentially hazardous

(b) A category 2 establishment defined as:

A business that prepares, offers for sale, or serves potentially hazardous food only to order upon a consumer's request.

(c) A category 3 establishment defined as:

A business that prepares potentially hazardous food in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing; Prepares food for delivery to and consumption at a location off the premises of the food establishment where it is prepared,

(d) Prepares food under (C)(2)(b) of this section for service to a highly susceptible population.

(D) The name, title, address, and telephone number of the person directly responsible for the food establishment;

(E) The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified under 8-302.14(D) of this section such as the zone, district, or regional supervisor;

(F) The names, titles, and addresses of:

(1) The persons comprising the legal ownership as specified under (A) & (B) of this section including the owners and officers, and

(2) The local resident agent if one is required based on the type of legal ownership;

(G) A statement signed by the applicant that:

(1) Attests to the accuracy of the information provided in the application,
and

(2) Affirms that the applicant will:

(a) Comply with this Code, and

(b) Allow the regulatory authority access to the establishment as specified under § 8-402.11 and to the records specified under §§ 3-203.12 and 5-205.13 and Subparagraph 8-201.14(D)(6); and

(H) Other information required by the regulatory authority.

9.5 **Compliance Required** - It shall be unlawful for any person to violate any provision of these regulations or any directive issued by the Health Director or Health Department made for the purpose of implementing any section or provision of these regulations.

9.6 **Enforcement** - The Health Director is hereby authorized to seek the assistance of the circuit court in enforcement of these regulations, as necessary to protect the public health, including obtaining issuance of restraining orders and other orders of injunction, and other equitable remedy as may be necessary and appropriate under the circumstances.

9.7 **Interpretation and Severability:** The regulations enacted under this chapter are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation enacted thereunder. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provision and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and other applicable provisions of law. In the event of conflict between any regulation contained herein and any other rule, regulations or law, the provision more protective of the public health shall apply; provided, however, that in the event of irreconcilable conflict between any provision of these regulations and rules or regulations enacted by the Department of Health under Chapter 192 RSMo, or the Department of Social Services under Chapter 198 RSMo, the rules or regulations enacted by those

departments under those chapters shall prevail. These regulations also shall be liberally construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.

9.8 **Jurisdiction** - The regulations contained in this chapter shall be applicable to all incorporated areas in Boone County, Missouri, not otherwise adopting local ordinances or regulations which address the subject matter of the Boone County Food Code and unincorporated areas within Boone County, Missouri.

9.9 **Penalties and Remedies** - Any person who violates any requirement or provision of this Code shall be deemed guilty of a misdemeanor and shall be punished as provided section 192.300, RSMo, or as otherwise provided by law. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as principal, agent or accessory, shall be guilty of such unlawful act, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision hereof shall likewise be guilty. Every day any violation of any regulation of this Code shall continue shall constitute a separate offense unless otherwise specifically provided herein. The penal remedy provided herein shall not be exclusive and the Health Director or any health official may seek and obtain in their own name or in the name of the County any other judicial relief provided for in equity or at law, including but not limited to imposition of civil fines for violations of this Code as provided for in section 49.272, RSMo, and such other declaratory and injunctive relief as may be appropriate under the circumstances. Provided, however, the failure of the Health Director or Department to enforce any provision of these regulations, or to perform any duty prescribed for them hereunder, shall not itself constitute a violation

of these regulations, nor is any regulation in this chapter intended to create any legal responsibility or give rise to any legal liability on the part of the Health Director or Department to the benefit of any person who is or claims to be affected by any such failure or nonperformance. Except as otherwise provided by law, any judicial review of the actions taken by the Health Director or Department under authority of this chapter shall be as provided in chapter 536 RSMo.

9.10 **Fees** – The County Commission has the authority to establish reasonable fees to pay for the costs incurred in carrying out the terms of the Boone County Food Code. The County Commission may provide for inspection fees, administrative fees and/or other fees so long as such fees comply with the provisions of 192.300 RSMo and are otherwise authorized by law.

COLUMBIA DAILY

TRIBUNE

CLASSIFIED DEPARTMENT

COMPANY: Boone County Clerk	FROM: Ruby Wheeler Classified Asst Manager
ATTN: Joshua Norberg	PHONE: (573) 815-1856 or (800) 333-6799, ext 1856
FAX: (573) 886-4300	FAX: (573) 815-1851
NO. of PAGES: <u>2</u> (including cover)	EMAIL: rwheeler@tribmail.com

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PLEASE KEEP WITH FILE

Notice: Revision to Chapter 6/Enacting Chapter 9

Cost: \$141.51

Run Date: 12/17, 12/24, 12/31

Please let us know of any changes by noon tomorrow. We must receive confirmation by that time to run the ad.

- If changes are required, mark them clearly on the proof;
- If no changes are required, mark "OK" on the proof;
- Initial and date the notations made on the proof.

Once these notations have been made, please return the proof by fax to **Ruby Wheeler** at **573-815-1851**.

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Date 12/15/2008

Time 2:39 PM

ORDER FOR PUBLIC NOTICE

**BEFORE THE
COUNTY COMMISSION OF
BOONE COUNTY, MISSOURI**

In Re:
Revisions to Chapter 6 (nuisances)
Enacting Chapter 9 (Food Code)
Boone County
Code of Health Regulations

Commission Order No. 562-2008

On the 11th day of December 2008, the County Commission for Boone County, Missouri, met in regular session and entered the following order in regard to revisions to chapters 6 and 9 of the Code of Health Regulations for Boone county, Missouri:

IT IS ORDERED THAT the County Clerk of Boone County, Missouri, make available the public copies of the revised chapter 6 (nuisances) and newly-enacted chapter 9 (Food Code) of the Code of Health Regulations for Boone county, Missouri, adopted on the 11th day of December, 2008, by order of this Commission and that the general public is hereby notified that such regulations as revised are available for distribution to the public at the office of the County Clerk, Boone county, Missouri, Boone County Government Center, 801 E. Walnut, Columbia, Missouri 65201.

Boone County, Missouri
By: Boone County Commissions
Kenneth M Pearson (s)
KENNETH M PEARSON
Presiding Commissioner

ATTEST:
Wendy S. Noren (s)
WENDY S. NOREN
County Clerk

INSERTION DATES: December 17, 24, and 31, 2008.

Ad shown is not actual print size

CERTIFIED COPY OF ORDER

STATE OF MISSOURI }
 County of Boone } ea.

December Session of the October Adjourned Term. 20 08

In the County Commission of said county, on the

11th day of December 20 08


the following, among other proceedings, were had, viz:


Now on this day the County Commission of the County of Boone does hereby approve the following budget revision to cover increased Facilities Maintenance expenses:


Department	Account	Department Name	Account Name	Decrease	Increase
6100	26300	Fac. Maintenance	Material & Chem Supply		\$2,500.00
6100	86800	Fac. Maintenance	Emergency	\$2,500.00	

Done this 11th day of December, 2008.

ATTEST:


 Wendy S. Noren
 Clerk of the County Commission


 Kenneth M. Pearson
 Presiding Commissioner


 Karen M. Miller
 District I Commissioner


 Skip Elkin
 District II Commissioner