

Boone County Code of Health Regulations



Rev. 4/2017

**CODE OF HEALTH REGULATIONS
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CHAPTER I

GENERAL PROVISIONS AND ADMINISTRATION

- 1.1 **Name of Code and Purpose:** There is hereby adopted a Code of Health Regulations, to be known as the Boone County Code of Health Regulations, which may be referred to as “the Code” or “Code,” and shall be comprised of all of the health regulations of Boone County, Missouri. The Code shall be organized into chapters, sections, subsections and parts thereof under a suitable system of codification adopted, approved and from time-to-time revised by or under the direction of the County Clerk of the County.
- 1.2 **Authority:** The Code and the regulations adopted thereunder are enacted under the general authority vested in the County Commission of Boone County, Missouri by section 192.300 RSMo. Supp. 1989 as enacted by S.B. 68 of the 85th General Assembly, and any other special authority applicable under the Revised Statutes of Missouri as now and hereafter in effect.
- 1.3 **Definitions:** Terms used in this Code shall have the plain meaning used in general dictionaries as applicable in the context of the sentence, paragraph, section or subsection that is applicable. Special terms may be defined in each chapter of the Code as necessary and the special meaning of defined terms shall be applicable and control unless the context indicates otherwise.
- 1.4 **Administration and Enforcement:** The provisions of this Code shall be administered as follows:
- 1.4.1 **Health Director and Officials, Appointment and Duties** -The provisions of this Code shall be administered by the Health Director, who shall be appointed by the Boone

County Commission and serve at the pleasure of the Commission. The Health Director is hereby authorized to appoint or designate such other officials authorized by this Code for the purpose of assisting the Health Director in administering or enforcing the provisions of this Code. All such appointments shall be subject to the discretionary review and approval of the Boone County Commission.

1.4.2 Interference with Health Officials and Employees Prohibited - No person shall knowingly interfere with any person appointed under the provisions of this Code in the performance of his or her official duties as prescribed by this Code or as provided by state law.

1.4.3 Inspections – Persons requiring permits under this Code shall be obligated to authorize Health Officials charged with enforcement of this Code to conduct inspections as reasonably necessary to determine compliance with the regulations applicable to such permits. Aside from inspections conducted to determine compliance with permits issued under this Code, Health Officials are hereby authorized to enter private property for the purpose of conducting inspections for the sole purpose of determining compliance with the Code and these regulations so long as such inspections are conducted outside of homes, sheds, outbuildings or other enclosures or structures, and are otherwise outside areas which an ordinary and reasonable person would believe the owner or occupant intended to be an area of privacy shielded from public view; such inspections shall be conducted during normal business hours except in cases of emergency or other exigent circumstance and such inspections shall be conducted in a manner which does not infringe upon ordinary, reasonable expectations of privacy. Any other inspection conducted for purposes of determining compliance with or

enforcement of these regulations shall be pursuant to a lawfully issued search warrant except in those cases when a search warrant is not required by law.

1.4.4 **User Fees** - The County Commission may by order from time-to-time establish or ratify the establishment or imposition of reasonable fees recommended by the Health Director or determined by the Health Director to be reasonably necessary in order to pay for any costs incurred in carrying out the administration and enforcement of the Code, however, the establishment or imposition of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury or otherwise deposited and credited to the county as may be prescribed in the annual budget. All fees generated under the provisions of this Code shall be used to support the public health activities for which they were generated.

1.5 **Interpretation and Severability:** The regulations enacted in this Code 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. These regulations also shall be liberally and harmoniously construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.

1.6 **Jurisdiction:** Unless and except as otherwise specifically provided in a chapter of this Code dealing with a particular aspect of public health, the regulations

contained in this Code shall be applicable to all unincorporated areas within Boone County, Missouri.

- 1.7 **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.
- 1.8 **Repeal of Regulations** - The repeal of any regulation or part of any regulation shall not affect any act done or right accrued or established in any proceeding, action, suit or prosecution had or commenced prior to the time when such repeal shall take effect, but every such act, right or proceeding shall remain and continue as valid and effectual as if such repeal has not taken place. No offense committed, and no fine, forfeiture or penalty incurred previous to the time when the repeal of

any regulation shall take effect, shall be affected, released or in any way discharged by such repeal, but the trial, conviction and punishment of all such offenses and the recovery of all such fines, forfeitures and penalties shall be had in all respects as if such repeal had not taken place. No action, prosecution, suit or proceeding pending at the time the repeal of any regulation or part of any regulation shall take effect shall be affected by such repeal. Each such action, prosecution, suit or proceeding as set out in the preceding paragraph shall be continued and prosecuted to a final determination, or judgment or execution, as if such repeal had not taken place.

1.9 **Headings, Titles, and Catchlines** - The headings, titles and catchlines of the several chapters and sections of this Code are intended as mere summary descriptions to indicate the contents of the chapter, section, or subsection, and shall not be deemed or taken to be headings, titles, or catchlines imparting special meaning to such chapters, sections, or subsections, nor to be a part of the chapter, section, or subsection, nor, unless expressly so provided, shall they be so deemed when any of such chapters or sections or subsection, including the headings, titles and catchlines, are amended or reenacted.

1.10 **Maintenance of Code** - The original and supplements to this Code shall be prepared and printed whenever authorized or directed by the County Clerk and the Code shall be maintained by the County Clerk or such persons or officers as the County Commission may otherwise direct from time-to-time by order of the Commission. A supplement to the Code shall include all substantive permanent and general parts of regulations passed by the County Commission during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the

Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest regulations included in the supplement. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages. When preparing a supplement to this Code, the County Clerk or other person or officer designated as provided herein may make formal, nonsubstantive changes in regulations and parts of regulations included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, but not by way of limitation, the County Clerk or other designated person or officer may: may publish the Code in printed form and in electronic media; organize the Code and provide appropriate headings, titles, and catchlines for the chapters, sections, subsections and other parts of the Code; prepare tables of contents, indexes, appendices, covers, and other publication features in original electronic or printed form and in supplement; make changes in such headings, titles and catchlines; assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subsection or part numbers; change the words "this regulation" or words of the same meaning to "this chapter, " "this section, " "this subsection, " etc., as the case may be, or to "sections_____to_____"(inserting section numbers to indicate the sections of the Code which embody the substantive sections of the regulations incorporated into the Code); and make other nonsubstantive changes necessary to preserve the original meaning of regulation chapters and sections inserted into the Code; but in no case shall the County Clerk or other designated

person or officer make any change in the meaning or effect of regulation material included in the supplement or already embodied in the Code.

CHAPTER II
ANIMAL CONTROL

- 2.1 **Purpose:** The regulations in this chapter are enacted for the purpose of regulating the ownership and possession of animals in order to protect and promote the public health and safety and prevent the entrance of infectious, contagious, communicable or dangerous diseases into Boone County, Missouri.
- 2.2 **Authority:** These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by section 192.300, RSMo, and sections 322.090 - .130, RSMo.
- 2.3 **Definitions:** As used in this chapter, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:
- 2.3.1 **Animal Control Officer** - Any individual employed or appointed to enforce the animal control regulations established by order of the Boone County Commission.
- 2.3.2 **Dangerous Exotic Animal** - Lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, canada lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote, nonhuman primate, or dangerous or venomous reptile, or any other exotic animal declared by the Health Director to be dangerous.
- 2.3.3 **Feral Cat** - Any cat of any breed that is or becomes undomesticated, untamed, wild or is not a pet.
- 2.3.4 **Health Director** - Any person appointed by the Boone County Commission to supervise the administration of this chapter or such other person so designated on a temporary basis by order of the Boone County Commission.

2.3.5 **Health Official** - An employee of the Boone County, Missouri Health Department or any other person so appointed by the Health Director to administer or enforce the provisions of this chapter.

2.3.6 **Nuisance Dog** - A dog of any breed which repeatedly demonstrates threatening behavior by growling, or lunging, or chasing, or baring teeth, towards an individual or individuals, or bicyclists, or motor vehicles, or domesticated animals or livestock off the Owner's property.

2.3.7 **Own or Possess** - A property interest in an animal, actual or claimed, or the exercise of dominion or control over an animal, or the intent to exercise dominion or control over an animal with the present ability to do so.

2.3.8 **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.

2.3.9 **Rabies Compendium** - The most current edition of a document by that name published by the National Association of State Public Health Veterinarians which serves as a standard for rabies vaccine, treatment and policy.

2.3.10 **Urban Service Area** - Those geographic areas located in Boone County, Missouri which are described in the appendix to this chapter, and all duly platted and recorded residential subdivisions and mobile home parks (as defined in the Boone County Zoning Regulations) containing twenty-five or more developed residential lots. Urban Service Areas shall also include any other mobile home park (as defined in the Boone County Zoning Regulations), or any other recorded subdivision, which for purposes of this chapter has been declared an Urban Service Area by order of the Boone County Commission after petition for such declaration has been filed by fifty-one percent or more of the real estate owners within such mobile home park or subdivision and after public hearing thereon.

2.3.11 **Vicious Dog** -Any dog of any breed which without provocation or command demonstrates a pattern of unequivocal viciousness, bites or injures a human being or exhibits a pattern of behavior of biting or attacking or attempting to bite or attack human beings at any location or inappropriately attacks animals off the owner's or possessor's property. No dog shall be defined or considered vicious if the dog is working for a law enforcement agency or any law enforcement officer in the performance of law enforcement work, or is protecting its owner or possessor's person or premises from someone committing a crime. No dog shall be defined or considered vicious solely because of its breed.

2.3.12 **Vicious And Nuisance Dog Advisory Board** - An advisory board consisting of persons appointed by the Boone County Commission which evaluates evidence concerning dogs which are claimed to be vicious or a nuisance dog as defined in these regulations and makes a recommendation on their classification and disposition to the Health Director. The board shall consist of five (5) members appointed by the Boone County Commission and shall consist of one licensed veterinarian, one animal control officer, one member from the Boone County Board of Health, one member from the public with a working knowledge of dogs, and one member of the public at large. Each member shall serve for a term of three (3) years without compensation. The board shall convene at the request of the Health Director to review any appeal concerning a claim that a dog is vicious or nuisance dog. There shall be no required quorum of board members to hold an appeals hearing.

2.4 **Animal Care:** Any person who owns or possesses an animal subject to these regulations shall abide by the following requirements for animal care:

2.4.1 Duty of Animal Owners - It shall be the duty of every person who owns or possesses any animal to exercise normal and prudent attention to the needs of any such animal, including providing wholesome food, clean water, shelter and health care as necessary to maintain good health in the specific species of animal. It shall also be the duty of every person who owns or possesses any animal to take all reasonable and necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity. In the event that the owner or possessor of any animal is a minor, the parent(s) or guardian(s) of such minor shall be responsible for ensuring compliance with the provisions of these regulations.

2.4.2 Vicious Dogs - The following regulations shall be applicable to determining whether dogs are vicious and to the management and control of vicious dogs:

2.4.2.1 Procedure For Classification of Vicious And Nuisance Dogs

The following procedure shall be applicable for classifying a dog as vicious or a nuisance:

2.4.2.1.1 Complaint and Investigation - A complaint may be presented to any law enforcement officer or law enforcement department having jurisdiction, or to an animal control officer or to a health official. A complaint shall be investigated by a health official or animal control officer or other person designated by the Health Director to determine if there is probable cause to believe that a dog is vicious or a nuisance dog as defined by these

regulations. Complaints shall be investigated only when submitted by a citizen who is willing to testify that the dog has acted in a manner which may reasonably cause it to be classified as a vicious or nuisance dog as defined in these regulations, or the complaint is based upon a dog bite report filed with a law enforcement officer, animal control officer, or a health official, or an animal control officer, health official, or law enforcement officer observes the dog to act in a manner which may reasonably cause it to be classified as a vicious or nuisance dog as defined in these regulations. The results of all investigations shall be submitted to the Health Director for review and determination of whether a dog should be classified as a vicious or nuisance dog under these regulations.

2.4.2.1.2 Vicious or Nuisance Dog Declaration - When the Health Director determines after review of investigation reports submitted that there is probable cause to believe that a dog is vicious or a nuisance, then the Health Director may issue a declaration that a specific dog is classified as a vicious or nuisance dog. The declaration shall be in writing and shall contain a description of the animal, the name and address of the owner or possessor of the animal (if known), the whereabouts of the animal (if it is not in the custody of the owner), the facts upon which the vicious or nuisance dog declaration is based, the availability of an appeal and hearing in case the owner or possessor objects to the declaration and that a request for a hearing must be made within five (5) business days of service of the declaration upon the owner

or possessor, the restrictions placed on the animal as a result of the vicious or nuisance dog declaration, and the penalties for violation of the restrictions, including the possibility of destruction of the animal and imposition of fine or imprisonment. The vicious dog declaration shall be in writing and shall be personally served on the owner or possessor of the dog, or if the owner or possessor cannot be served personally, then served by regular mail to the last known address of the owner or possessor, or if the owner or possessor cannot be located, then service can be made by publication in a newspaper of general circulation in the closest city or town having such a newspaper where the dog was observed or seized.

2.4.2.1.3 Appeals of Vicious or Nuisance Dog Declarations

Any owner or possessor of a dog declared a vicious or nuisance dog may appeal that determination by filing a written request with the Health Director to review and set aside that declaration within five (5) business days of being served with notice of the declaration. The Health Director shall schedule an informal hearing with the owner or possessor of a dog subject to such declaration within fifteen (15) business days of receipt of such request for review. The hearing shall be conducted before the Health Director or his or her appointed representative, available members of the Vicious and Nuisance Dog Advisory Board, and shall include upon request the voluntary attendance of the dog owner or possessor and/or his or her representative, an animal control officer having personal knowledge of the dog, the

complainants and/or their representative, and any other interested parties or witnesses. At such hearing the Health Director or his or her appointed representative shall receive all relevant evidence presented by the complainant, the dog's owner/possessor, as well as the health official or animal control officer or law enforcement officer involved, and the recommendation of the Vicious and Nuisance Dog Advisory Board. The Health Director or his or her appointed representative shall decide at the conclusion of the hearing whether to affirm or set aside the declaration. Any final determination by the Health Director that a dog is a vicious dog or nuisance dog as defined in these regulations or any such declaration to which no timely request for review is made shall create a conclusive presumption that the dog determined to be a vicious dog or nuisance dog is in fact and in law a vicious dog or nuisance dog as defined in these regulations for purposes of any legal proceedings after such final determination applicable to such dog, or owner or possessor thereof. However, a finding that a dog is a vicious dog or nuisance dog pursuant to the provisions of these regulations shall not be a condition precedent to institution of any civil, quasi-criminal or criminal proceeding under these regulations, or any other provision of law. In any legal proceeding where a final determination has not been made pursuant to these regulations, the question of whether or not a dog is vicious or a nuisance shall be a factual issue to be determined as a part of such proceeding. Any final decision of the Health Director shall be in

writing stating the facts upon which it is based, and whether under these regulations such dog is in fact a vicious dog or nuisance dog.

Any further appeals thereafter shall be as provided by law.

2.4.2.2 Vicious Dog and Nuisance Dog Management and Control - No

person shall own or possess a vicious dog or nuisance dog except in accordance with the following requirements:

2.4.2.2.1 Vicious and Nuisance Dog Permits - No person shall own or possess a vicious dog or nuisance dog without an annual permit issued by the Health Director. Any person owning or possessing a vicious dog or nuisance dog shall obtain and maintain a permit authorizing the possession and ownership of such dog within 10 business days of the Health Director declaring such dog to be vicious or a nuisance. Any appeal of the Health Director's declaration of a dog to be vicious or nuisance shall not affect the requirement for an annual permit or requirements for management and control of vicious dogs and nuisance dogs established by these regulations, but in the event that the declaration of the Health Director is set aside by the Health Director or final decision of a court of competent jurisdiction, then such permit shall be void and any permit fees paid to the Health Director for such permit shall be refunded. The Health Director shall furnish permit application forms containing such information as deemed reasonable by the Health Director. A permit applicant shall pay such user fees as are established by order of the County Commission as are reasonably necessary for administration and enforcement of these regulations

for the management and control of vicious dogs. Permits issued for vicious dogs shall expire one year from date of issuance unless renewed; all such permits shall be renewed annually unless the vicious dog or nuisance dog which is the subject of the permit is dead or the ownership and possession of such dog has been permanently transferred outside of geographic jurisdiction of these regulations; a prorated refund of any annual permit fee is authorized in the discretion of the Health Director if it is proven to the Health Director's reasonable satisfaction that a vicious dog or nuisance dog subject to the annual permit is dead or has been permanently transferred outside of the jurisdiction as well as the date of such event.

2.4.2.2.2 Vicious Dog and Nuisance Dog Confinement - All vicious dogs shall be securely confined within a building or in a securely enclosed and locked kennel; all nuisance dogs shall be confined on the owner's or possessor's property within a fence or other barrier of sufficient height to prevent the animal from leaving the property. The owner or possessor of such dogs shall be so confined within 30 calendar days of the Health Director's declaration that the dog is vicious or a nuisance regardless of any appeal therefrom unless the Health Director extends the time for compliance for good cause shown. Any dog declared to be vicious or a nuisance shall be confined and controlled as required under these regulations regardless of appeal and any animal control officer shall have the right to enter upon and inspect the building or

kennel or other permissible barrier in which a vicious dog or nuisance dog is confined at all times; the refusal of any owner or possessor of a vicious dog or nuisance dog to permit an animal control officer to inspect a building or kennel in which such dog is confined for compliance with these regulations shall be grounds for impoundment of such dog. In addition, any dog declared to be vicious or a nuisance which is not confined and controlled as required by these regulations shall be impounded by an animal control officer until the owner or possessor of such dog has complied with the requirements of these regulations and such dog has been redeemed or such dog has been disposed of as otherwise provided in these regulations. All vicious dogs and their places of confinement shall be inspected by an animal control officer at least bimonthly to ensure compliance with the following regulations. All nuisance dogs and their places of confinement shall be inspected by an animal control officer at least quarterly to ensure compliance with the following regulations.

2.4.2.2.3 Standards for Vicious Dog Kennels - A kennel used for keeping a vicious dog must have secure sides of sufficient height and a secure top attached to the sides to prevent escape. Such kennel must have a secure bottom or floor attached to the sides of the kennel, or the sides of the kennel must be embedded in the ground no less than two (2) feet. The kennel must be locked with a key or combination lock when such animals are within the structure. Any such kennel must comply with all applicable

zoning and building regulations. The Health Director or his representative may permit alternative pen construction, if the other construction is determined to be equivalent or superior in safety to the above requirements. In Urban Service areas, any such kennel must be located at least ten (10) feet from any property line.

2.4.2.2.4 Building Confinement of Vicious Dogs - When confined within a building, no vicious dog may be kept on a porch, patio or in any part of building that would allow the dog to leave such building on its own volition. No such dog may be kept in a building when windows are open or when screen windows or screen doors are the only obstacle preventing the dog from leaving the building.

2.4.2.2.5 Control of Vicious and Nuisance Dogs - No person shall permit a vicious dog to go outside its kennel or building unless the dog is muzzled and secured on a leash no longer than four (4) feet in length with a minimum tensile strength of 300 pounds and a person has physical control of the leash. The muzzle shall be constructed in such a manner that it will prevent the dog from biting any person or animal but also will not cause injury to the dog or interfere with its vision or respiration. No person shall permit a nuisance dog to go outside of its fenced yard or yard barrier unless the dog is secured on a leash no longer than six (6) feet in length with a minimum tensile strength of 300 pounds and a person has physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings. All

vicious dogs and nuisance dogs shall be implanted with a microchip at the cost of the owner or possessor as required by the Health Director within 7 days of being initially declared a vicious dog or nuisance dog by the Health Director or 7 days after hearing thereon if timely request for hearing has been made, whichever occurs later; no additional appeal of a vicious dog or nuisance dog declaration shall be grounds for delay in implanting a microchip in such dogs except the Health Director may extend the time for implanting a microchip for good cause shown.

2.4.2.2.6 Vicious Dog and Nuisance Dog Signage - Signs shall be conspicuously posted upon kennels of vicious dogs and all buildings used to confine vicious dogs and made plainly visible from all sides in letters at least four (4) inches high stating the following: "Beware of Vicious Dog." Signs shall be conspicuously posted upon fences or other barriers of nuisance dogs in letters at least four (4) inches high stating the following: "Beware of Dog"

2.4.2.3 Removal from the List of Vicious and Nuisance Dogs - The owner or possessor of a dog that has been declared vicious or a nuisance may petition the Health Director for a hearing to reconsider the vicious or nuisance dog declaration after 12 months from the initial declaration, but no more than once per calendar year. If sufficient reason is determined to warrant reconsideration, a hearing will be called to include the Health Director, the dog's owner and/or representative, the complainant(s) and/or representatives, and available members of the Vicious and Nuisance Dog Advisory Board. After hearing, the Health Director may declare the dog

which is the subject of the hearing to no longer be vicious or nuisance; a vicious dog may only be declassified to a nuisance dog and nuisance dog may be declared exempt from permitting; alternatively, the Health Director may deny declassification of the vicious dog to a nuisance dog or deny exemption of a nuisance dog from the permitting requirement. Any further appeal of the Health Director's decision shall be as provided by law.

2.4.2.4 Transfer of Ownership or Possession of a Vicious or Nuisance

Dog - If a dog which has been declared vicious or a nuisance is sold, given away, or the possession of such dog is otherwise transferred, the previous possessor/owner shall notify the new possessor/owner in writing of the dog's classification as a vicious dog or nuisance dog and required compliance with these regulations. The previous possessor/owner shall also notify the Health Director in writing if the dog is sold or otherwise transferred within three (3) business days of the transfer of the dog. The notification shall include the name and address of the new owner/possessor.

2.4.2.5 Destruction of Vicious Dogs - Unless stayed upon order of a circuit or associate circuit judge, a vicious dog shall be ordered humanely destroyed by order of the Health Director if the Health Director finds after hearing that a dog is vicious as the term is defined in these regulations by presumption or otherwise and that one of the following factors are applicable:

- The owner or possessor of such vicious dog has previously pled guilty to or been found guilty of any offense pertaining to such dog which involves failing to adequately confine or control such dog, or
- The owner or possessor has factually failed to comply with the provisions of these regulations pertaining to the confinement and control of vicious dogs on one or more occasions after such dog has been determined to be a vicious dog and the owner or possessor was served with notice thereof, or
- The vicious propensities of the vicious dog are such that such dog presents an imminent threat to the public health and safety, or
- The vicious dog has seriously injured or killed a human being.

A hearing under this section shall be conducted within 30 days of impoundment of the vicious dog provided notice of impoundment is provided to the owner or possessor of such dog; an order to destroy the vicious dog pursuant to this section shall be made in writing and contain findings of fact supporting the order based upon the evidence presented at such hearing; if a circuit judge or associate circuit judge issues a stay of an order for destruction of a vicious dog, the owner or possessor of such dog shall deposit with the Health Director a sum of money sufficient to pay the expense of impounding and maintaining such dog pending judicial review of the order as reasonably determined by the Health Director and failure to deposit such sum with ten days of being given notice thereof shall be

grounds for the court to dissolve a stay of the Health Director's order of destruction. In addition, the Health Director may alternatively seek an order of destruction provided for in this section by independent civil equitable proceeding or may request such order as relief as a part of any quasi-criminal or criminal proceeding applicable to a vicious dog or owner or possessor thereof. Regardless of the disposition of a vicious dog under this section the owner or possessor of a vicious dog shall be liable for the expenses of impoundment, boarding and/or destruction as authorized by this chapter if the dog is in fact a vicious dog.

2.4.3 Vaccinations for Dogs and Cats - No person shall own or possess a dog or non-feral cat over three months of age unless such dog or cat is kept vaccinated appropriately with a vaccine approved and listed in the current year's Rabies Compendium and administered as specified therein.

2.4.4 Confinement and Control of Dogs in Urban Service Areas - It shall be unlawful for any dog to be unconfined or unrestrained within an urban service area, or for any person who owns or possesses a dog to permit such dog to be within an urban service area unconfined or unrestrained, unless such dog is on real estate owned or lawfully possessed by such owner or possessor, or such dog is on real estate owned or lawfully possessed by another person who has expressly consented to the presence of such dog, or such dog is in a motor vehicle being driven or parked upon a public road, or such dog is engaged with its owner or possessor in hunting or training, or such dog is under the immediate control of its owner or possessor by means of a leash or trained command. The provisions of this section are not intended, nor shall be construed, to abrogate or modify any

other provisions of law pertaining to trespass or the rights and privileges pertaining to the ownership or possession of real or personal property.

2.4.5 Confinement and Control of Dogs near Schools - It shall be unlawful for any dog to be unconfined or unrestrained, or for any person who owns or possesses a dog to permit such dog to be unconfined or unrestrained within five hundred feet (500') of a school building, unless such dog is on real estate owned or lawfully possessed by such owner or possessor, or such dog is on real estate owned or lawfully possessed by another person who has expressly consented to the presence of such dog, or such dog is in a motor vehicle being driven or parked upon a public road, or such dog is engaged with its owner or possessor in hunting or training, or such dog is under the immediate control of its owner or possessor by means of a leash or trained command. The provisions of this section are not intended, not shall be construed, to abrogate or modify any other provisions of law pertaining to trespass or the rights and privileges pertaining to ownership or possession of real or personal property.

2.4.6 Female dogs in heat: In Urban Service Areas as defined in these regulations, the owner or person responsible for a female dog in heat shall confine the animal within a building or secure enclosure and otherwise handle such dog in such a manner that the animal shall not be accessible to other dogs except for planned breeding.

2.4.7 Permitting Dogs to Bite or Attack Prohibited, Exceptions - No person who owns or possesses a dog shall permit such dog to bite or attack another human being or domesticated animal. This subsection shall not apply to the use of dogs by law enforcement agencies, or dogs in defense training involving a

consenting person properly prepared as an attack target, or dogs lawfully defending persons or property.

2.4.8 Possession of Ferrets, Vaccinations- It shall be unlawful for any person to own, or allow to remain on the person's premises, any ferret over four (4) months of age unless the ferret has received a rabies vaccination by a licensed veterinarian within the past twelve (12) months and the person exhibits proof of such vaccination upon the demand of a Health Official.

2.5 Possession and Sale of Dangerous Exotic Animals; Registration and Permitting; Impoundment; Disposition - No person shall keep, harbor, own or knowingly allow to be in or upon his the person's premises any dangerous exotic animal unless such dangerous exotic animal shall be registered, licensed or permitted as lawfully required by the Missouri Department of Conservation, the United States Department of Agriculture or such other applicable federal, state of Missouri, or county agency; in the event no federal, state of Missouri, or county agency requires registration, licensing or permitting of a particular exotic animal, then such animal shall be registered with and permitted by the Health Director. No person or business shall sell or offer for sale any dangerous exotic animal unless the seller is registered, licensed or permitted as lawfully required by the Missouri Department of Conservation, the United States Department of Agriculture, or such other applicable federal, state of Missouri, or county agency; in the event no federal, state of Missouri, or county agency requires registration, licensing or permitting of a particular dangerous exotic animal, then such animal shall be registered with and permitted by the Health Director. The provisions of this subsection shall not apply to a properly maintained and regulated zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital. Any animal that is determined by the Health Director or Health Official to be an unregistered, unlicensed, or

without an applicable permit as a dangerous exotic animal in compliance with these regulations, or otherwise not in compliance with any provision of these regulations applicable to dangerous exotic animals, may be immediately impounded. Except for exigent circumstances, if the owner of such dangerous exotic animal does not consent to removal of the animal, or if the owner of the property on which the animal is located does not consent to entry onto the property, the Health Director or Health Official shall enter the property and remove the animal only pursuant to a warrant issued by a judge. Any impounded dangerous exotic animal shall remain impounded until the Health Director or a Health Official determines that the animal is not a dangerous exotic animal, or the owner or possessor satisfies the Health Director or Health Official that the animal is registered or permitted as required by these regulations and will be kept in a lawful manner; or the owner relinquishes ownership of the animal and the animal is either humanely destroyed or placed with a person who shall keep the animal in a lawful manner as required under these regulations; or a person charged with a violation of this section has been found not guilty and the judge orders the animal released; or an circuit or associate circuit court judge determines that the animal is not a dangerous exotic animal.

2.5.1 **Permits, In General:** All persons or businesses that sell or offer for sale any dangerous exotic animals shall obtain an annual permit from the Health Director. The Health Director shall make such permit forms available containing such information as deemed reasonable by the Health Director. Any person who shall keep, harbor, own or knowingly allow to be in or upon their premises any dangerous exotic animal not otherwise registered, permitted, or regulated by the Missouri Department of Conservation, or the United States Department of Agriculture, or such other applicable federal, state of Missouri, or county agency

not otherwise exempt from these regulations shall obtain an annual permit from the Health Director. Such permits shall only be issued after an inspection by a Health Official to check and verify cage and health standards suitable for the species being housed. All cage and health requirements shall meet or exceed the standards of the Animal Welfare Act, 7 U.S.C. §§ 2131-2159 and Regulations issued by the United States Department of Agriculture, 9 CFR Ch. 1, Subch. A, Parts 1-4, applicable to the dangerous exotic animal which is permitted. Any person or business that possesses, sells or offers for sale any dangerous exotic animal subject to a permit required under these regulations shall allow the Health Director and Health Officials access to all parts of every building that is used to house said dangerous exotic animals at reasonable hours for purposes of determining compliance with and enforcement of these regulations. The annual permit fee shall be established by the order of the County Commission as are reasonably necessary for administration and enforcement of these regulations. The permit shall expire one year from the date of issuance and shall be renewed annually unless the person that possesses, sells or offers for sale can provide proof that they no longer possess or are no longer engaged in the business of selling or offering for sale any dangerous exotic animal; if such proof is provided to the satisfaction of the Health Director, a prorated refund of the annual fees may be granted.

2.5.2 Permit Administration - No dangerous exotic animal permit shall be renewed except by the Health Director making a written endorsement of renewal upon the existing permit prior to the expiration date of such permit and payment by the permittee of required fees at the time of renewal. Failure to request or obtain renewal prior to the expiration date shall require the permittee to submit an

application for new permit. Dangerous exotic animal permits may not be transferred to a successor owner or possessor of a dangerous exotic animal. The Health Director may deny issuance of a permit to possess or sell or offer to sell a dangerous exotic animal, or may terminate an existing permit, for violation of or having violated the regulations governing dangerous exotic animals or in cases where the Health Director has reasonable grounds to believe that the applicant for a permit will be or is unable to comply with the requirements of the regulations governing dangerous exotic animals. In the event the Health Director denies issuance of a permit or terminates a permit, the applicant or permittee shall be notified in writing of the reason or reasons for denial or termination. An applicant denied a permit or who has had a permit terminated may request in writing a hearing before the Director of the Department of Health stating the grounds in support of the request within thirty (30) days of the notification of denial or termination. The ruling of the Director shall be final; any further appeal or review of the decision shall be as provided by Chapter 536, RSMo.

2.6 **Administration and Enforcement of Animal Control Regulations:** The provisions of this chapter shall be administered as follows:

2.6.1 **Health Director and Officials, Appointment and Duties** - The provisions of this chapter shall be administered by the Health Director, who shall be appointed by the Boone County Commission and serve at the pleasure of the Commission. The Health Director is hereby authorized to appoint or designate such other officials authorized by this chapter for the purpose of assisting the Health Director in administering or enforcing the provisions of this chapter. All such appointments shall be subject to the discretionary review and disapproval of the Boone County Commission.

2.6.2 Animal Control Officers, Appointment and Duties - The Health Director shall appoint one or more persons as animal control officers whose duty it shall be to enforce the provisions of this chapter and any other provisions of state law pertaining to the abuse or neglect of animals.

2.6.3 Animal Shelter, Establishment - The Boone County Commission, with the advice of the Health Director, shall provide an animal shelter or shelters for the reception and humane care of impounded animals and for this purpose may contract with any governmental entity, not for profit corporation or association or licensed kennel upon such terms and conditions as are mutually deemed appropriate.

2.6.4 Interference with Health Officials and Animal Control Officers Prohibited - No person shall knowingly interfere with any person appointed under the provisions of this chapter in the performance of his official duties as prescribed by this chapter or as provided by state law.

2.6.5 Refusal to Deliver Animals to Animal Control Officers Prohibited - No person shall refuse to deliver an animal to an animal control officer when requested to do so under impoundment provisions of this chapter.

2.6.6 Removal of Animals from Animal Control Officers or Shelters Prohibited - No person shall remove an animal from the custody of an animal control officer or county animal shelter by force, deceit or otherwise, when such animal has been impounded by such officer under the provisions of this chapter or state law unless such person has first obtained the express consent from such officer for removal.

2.7 Animal Impoundment: Animals subject to the provisions of this chapter or state law may be impounded in accordance with the following regulations:

2.7.1 Impoundment, General - Any animal owned, possessed or otherwise found to be in violation of this chapter or other provision of state law may be impounded and placed in a county animal shelter by an animal control officer, a law enforcement officer or other person authorized by law to impound animals.

2.7.2 Dog and Cat Impoundment for Observation - Any dog or cat which bites or otherwise injures any human being shall be impounded for observation under the requirements of subsection 2.7.5.

2.7.3 Impoundment of Suspected Rabies Carrier - Any warm-blooded animal other than a dog or cat which is reasonably suspected to be infected with rabies in the opinion of an animal control officer or health official may be seized, impounded, and upon direction of the Health Director, may be humanely euthanized and submitted for rabies diagnosis.

2.7.4 Redemption and Disposal of Impounded Animals - Unless otherwise specified in this chapter, any animal impounded pursuant to the provisions of subsection 2.7.1 of this chapter may be redeemed by its owner or possessor at a county animal shelter during normal business hours or as authorized by the supervisor of that facility provided the owner or possessor thereof proves to the satisfaction of the supervisor of the facility or a health official or animal control officer that he/she has complied with the provisions of subsection 2.4.2 of this chapter, if applicable. The supervisor of the facility or Health Official shall make a reasonable effort to identify and notify the owners or possessors of the impoundment of their animals and of the redemption and disposal procedures prescribed herein. Any animal which is not redeemed within five days after impoundment under subsection 2.7.1, or such other time period not to exceed 30 days, shall be disposed of as follows in the discretion of the Health Director:

2.7.4.1 release of the animal to any person desiring such animal upon payment of any applicable impoundment and boarding charges and compliance with subsection 2.4.2, if applicable.

2.7.4.2 release of the animal to a humane society at no charge.

2.7.4.3 humane euthanization provided the owner or possessor cannot be notified of impoundment after reasonable effort to notify the owner or possessor, or, the owner or possessor thereof fails to redeem such animal within the redemption period after notification thereof. No owner or possessor shall be relieved of liability for payment of an impoundment or boarding charge incurred as may be prescribed by law by virtue of an animal being euthanized as provided herein.

2.7.5 Impoundment for Observation, Disposition - Any dog or cat impounded pursuant to subsection 2.7.2 of this chapter shall be securely confined by an animal control officer at the county animal shelter or by a licensed veterinarian of the owner's or possessor's choice for a period of ten days after the reported bite or injury to a human being for observation for symptoms or manifestations of rabies. If such dog or cat exhibits symptoms or manifestations of being infected with rabies, in the opinion of a licensed veterinarian, then such dog or cat shall be euthanized and submitted for rabies diagnosis upon authorization of the Health Director. If such dog or cat exhibits no symptoms or manifestations of rabies after the required observation period, then such animal may be redeemed or disposed of in accordance with the provisions of 2.7.4. The Health Director may authorize other secure confinement of a dog or cat for the observation period specified above by the owner or possessor of such animal whenever Boone County and its contiguous counties are not under a rabies alert issued by the State

Department of Health and it is proven to the director's satisfaction that the bite was provoked and such animal had been vaccinated for rabies at the time the bite or injury to a human being occurred.

2.7.6 Isolation and Quarantine - The Health Director may order the temporary isolation or quarantine of domestic or wild animals reasonably suspected of having a contagious communicable disease which may directly or indirectly effect human health or food or water supplies until such time as the state veterinarian or other state or federal agency having jurisdiction assumes responsibility for animal disease management and determination of the need for further disease control measures.

2.8 Jurisdiction: The regulations contained in this chapter shall be applicable to all unincorporated areas within Boone County, Missouri, and by order of the Boone County Commission in incorporated municipalities which petition to be included. Any petitioning municipality shall also be defined as an urban service area under section 2.4.3 if the petition so requests.

APPENDIX
CHAPTER II
ANIMAL CONTROL

Geographical Description of Urban Service Areas

The following geographical areas within Boone County, Missouri, shall constitute the Urban Service Areas as used in chapter one of the Boone County Code of Health Regulations. All incorporated municipalities shall be excluded from this description unless expressly included by subsequent order of record issued by the Boone County Commission.

Within Township 49 North, Range 12 West, the following sections outside the city limits of Columbia:

All of Sections 16, 17, 19, 20, 21, 23, 26, 27, 28, 29, 30, 33, 34, 35, 36, West ½ of Sections 15 and 24.

The South ½ of the Northeast ¼ of Section 8, the North ½ of the Southeast ¼ of Section 8, that section of the Southeast ¼ of the Northwest ¼ of Section 8 situated east of Clay's Fork Creek, that section of the Northeast ¼ of the Southwest ¼ of Section 8 situated east of Oakland Gravel Rd.

The South ½ of the NW ¼ of Section 9, the Southwest ¼ of Section 9, that section of the West ½ of the Southeast ¼ of Section 9 situated west of State Highway B, that section of the South ½ of the Northeast ¼ of Section 9 situated west of State Highway B.

Within Township 48 North, Range 11 West, the following sections outside the city limits of Columbia:

The West ½ of Sections 6 and 7.

Within Township 48 North, Range 12 West, the following sections outside the city limits of Columbia:

All of Sections 1, 2, 3, 10, 11, 12, 14, 15, 16, 21, 22, 23, 28, 29, 31, 32 and 33.

Within Township 47 North, Range 12 West, the following sections outside the city limits of Columbia:

All of Section 4, the West ½ of Section 3, the North ½ of Section 6.

Within Township 47 North, Range 13 West, the following sections outside the city limits of Columbia:

All of Sections 2, 3 and 4, the North ½ of Section 1, the North ½ of Section 10, and the North ½ of Section 11.

Within Township 48 North, Range 13 West, the following sections outside the city limits of Columbia:

All of Sections 4, 5, 6, 7, 8, 17, 20, 27, 28, 29, 33, 34 and 36.

Within Township 49 North, Range 13 West, the following sections outside the city limits of Columbia:

All of Sections 23, 24, 25, 26, 33, 34, 35 and 36.

Within Township 48 North, Range 14 West, the following sections outside the city limits of Columbia:

All of Sections 1, 2, 11 and 12.

All of Sections 9, 10, 11, 14, 15 and 16 Township 46 North, Range 12 West located outside the municipal limits of Ashland.

All of Sections 3, 9, 10, 11, 14, 15, 16, 21, 22 and the E ½ of Section 4 and the E ½ of Section 17, of township 51 North, Range 11 West located outside the municipal limits of Centralia.

All of Sections 13, 14 and 23 of Township 50 North, Range 12 West located outside the municipal limits of Hallsville.

All of Sections 10, 11, 13, 14 and the W ½ of Section 12 of Township 50 North, Range 14 West located outside of the municipal limits of Harrisburg.

All of Section 8, Township 45 North, Range 12 West located outside the municipal limits of Hartsburg.

All of Section 1, Township 48 North, Range 15 West and Section 6, Township 48 North, Range 14 West, located outside of the municipal limits of Rocheport and located within Boone County.

All of Sections 5 and 8 and the E ½ of Section 7 and the N ½ of Section 17, Township 51 North, Range 12 West located outside of the municipal limits of Sturgeon.

CHAPTER III

SMOKING IN GOVERNMENT BUILDINGS

- 3.1 **Purpose:** The regulations in this chapter are enacted for the purpose of regulating and eliminating public health hazards and nuisances caused by the use of smoking materials and products in County government buildings 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.
- 3.2 **Authority:** These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by section 192.300 RSMo.
- 3.3 **Smoking in County Government Buildings Prohibited:** It shall be unlawful for any person to possess lighted smoking materials in any form including, but not limited to, the possession of lighted cigarettes, cigars, pipes, or other tobacco or spice or herbal smoking products, in any public building owned, leased, possessed, used or occupied, in whole or part, by the government of Boone County, Missouri.
- 3.4 **Jurisdiction:** The regulations contained in this chapter shall be applicable to all geographic areas within Boone County, Missouri.

CHAPTER IV

SMALL ON-SITE WASTEWATER SYSTEMS

- 4.1 **Purpose:** The regulations in this chapter are enacted for the purpose of regulating the design, construction and modification of small on-site wastewater systems as the term is defined in these regulations in order to protect and promote the public health and to prevent the entrance of infectious, contagious, communicable or dangerous diseases into Boone County, Missouri.
- 4.2 **Authority:** These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by Section 192.300 RSMo
- 4.3 **Definitions:** As used in this chapter, unless the context clearly indicates otherwise or the definition of the term is found in a regulation adopted by reference in this regulation, the following words and terms shall have the following meanings:
- 4.3.1 **Health Director** - Any person appointed by the Boone County Commission to supervise the administration of this chapter or such other person so designated on a temporary basis by order of the Boone County Commission.
- 4.3.2 **Health Official or Administrative Authority**- An employee of the Boone County, Missouri Health Department or any other person so appointed by the Health Director to administer or enforce the provisions of this chapter.
- 4.3.3 **Permit** - Written authorization issued by the Boone County Health Department which authorizes the permittee to construct or modify the small on-site wastewater systems regulated under this chapter. This permit is not intended to be construed to be a permit regulating the operation of a small on-site wastewater system after completion of construction or modification.

- 4.3.4 **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.
- 4.3.5 **Small On-site Wastewater System** - Any subsurface sewage treatment system, lagoon disposal system or other waterborne waste disposal method employing basic hydrologic or engineering principles which receives 1500 gallons or less of waterborne waste per day.
- 4.3.6 **Construction** - Any act of building and/or installing a new small on-site waste system in order to make it operational and functional or any act of repairing or replacing a small on-site wastewater system other than routine maintenance.
- 4.3.7 **Modification** - Any act or work upon an existing small on-site wastewater system which changes the design or function of system other than routine maintenance.
- 4.4 **Small On-site Wastewater System Design and Construction Standards:** All small on-site wastewater systems shall be designed, constructed or modified in accordance with the standards set forth in 19 CSR 20-3.060 **Minimum Construction Standards for On-Site Sewage Disposal Systems**, as amended, the same being incorporated by reference as if fully set out in this regulation verbatim and maintained on file in the office of the Boone County Health Department, Boone County Planning & Building Inspection Department and Boone County Clerk's office except to the extent the same is modified by these regulations.
- 4.4.1 **Exceptions to Design and Construction Standards** - The Regulations 19 CSR 20-3.060 **Minimum Construction Standards for On-Site Sewage**

Disposal Systems, as amended, are hereby amended for purposes of this chapter as follows:

4.4.1.1 **Soil Scientist** - The term "soil scientist" defined in 19 CSR-20 3.060(1)(A)61 shall be defined as follows - A soil scientist shall have a minimum of 15 semester credit hours of courses in soil sciences including a minimum of 3 credit hours in the area of soil morphology and interpretation as well as a minimum of 3 years field experience by employment or otherwise in interpreting soil texture, color, structural and stratigraphic properties relative to temporal fluxes of water in soil landscapes.

4.5 **Permit Required for Construction or Modification of Small On-site Wastewater Systems:** From and after the effective date of these regulations no small on-site wastewater system shall be constructed or modified except in accordance with the terms and conditions of a valid permit issued pursuant to these regulations. The issuance of a permit in accordance with these regulations does not relieve the permittee of the responsibility to properly plan, design, construct, install, modify, operate or maintain the system as may be otherwise regulated by law, rule or regulation, nor does issuance of such permit guarantee that the system will function in compliance with these regulations or other applicable laws, rules or regulations.

4.5.1 **Permit Applications** - Any person seeking a permit to construct or modify a small on-site wastewater system shall submit a written application for same on forms provided by the administrative authority; such application shall be accompanied by plans, including site plans indicating the location of percolation test holes or soil profile holes, test results, lot lines, proposed location of treatment systems in relation to buildings and lot lines, specifications, design data and other pertinent information required by the administrative authority. All plans and specifications shall conform to the design standards required under these regulations. All permit applications including site plans shall demonstrate in writing and graphically that the proposed small on-site wastewater system to be constructed or modified is in compliance with the requirements of these regulations.

4.5.2 **Permit Application Processing Procedures** - The administrative authority shall review all permit applications initially for completeness; incomplete applications shall be returned to the applicant for completion. The administrative authority shall take final action on all completed permit applications within fifteen (15) calendar days of submission by either approving the application and issuing the permit, issuing the permit with modifications necessary for compliance with these regulations, or denying the permit. Any permit issued with modifications or denied shall be accompanied by written reasons for such modification or denial and in the case of denial, the administrative authority at its discretion may recommend corrective action. Any applicant aggrieved by the issuance of a permit with modifications or denial of a permit may appeal such issuance or denial to the Board of Review within 30 days of such issuance or denial in accordance with the provisions of these regulations.

4.5.3 **Compliance with Permit** - No small on-site waste water system shall be constructed or modified except in compliance with the terms and conditions of the permit issued for same and approved application therefor; unauthorized changes, deviations or modifications shall constitute a violation of the permit and subject the permittee to permit suspension, revocation and/or prosecution.

4.5.4 **Operation of Small On-site Wastewater System** - No small on-site wastewater system shall be operated unless and until a final inspection of same is conducted by the administrative authority and the system is approved and found to be in compliance with these regulations. No final inspection shall be conducted or approval granted unless the system is exposed for inspection without backfilling so that the system can be examined for compliance with these regulations. Any small on-site wastewater system which has been backfilled in whole or part or otherwise covered such that a complete inspection for compliance cannot be conducted shall upon request of any representative of administrative authority be uncovered, re-excavated or otherwise exposed at the sole expense of the permittee such that a complete inspection can be conducted for purposes of determining compliance with these regulations. Any permittee who shall fail to expose a small on-site wastewater system for inspection under the provisions of these regulations shall be subject to permit suspension or revocation. Any permittee who shall fail to expose a small on-site sewage system to inspection after construction or modification within thirty (30) days after request of a representative of the administrative authority shall be subject to permit revocation.

4.5.5 **Permit Modification** - No small on-site wastewater system shall be

constructed or modified in deviation from the terms and conditions of the permit and approved application therefore unless a new application or amended application for such permit has been first filed with the administrative authority and approved by such authority or a waiver of permit modification has been granted pursuant to section 4.5.6.

4.5.6 Waiver of Permit Modification - Submission of a new or amended application for small on-site wastewater system permit may be waived by the administrative authority in cases where approved materials and/or procedures cannot be used under the terms and conditions of the existing permit and alternative materials or procedures will meet minimum standards without substantial change in the small on-site wastewater system approved under the existing permit and which will not result in any violation of these regulations. The administrative authority may grant such waiver orally upon oral request provided the request and waiver is documented on forms approved by the Administrative authority and signed by the permittee and a representative of the Administrative authority granting the waiver. Failure or refusal of the administrative authority to grant an oral waiver shall not entitle the permittee to appeal such decision to the Board of Review.

4.5.7 General Permit Conditions - The following general conditions shall be applicable to all small on-site wastewater system permits:

4.5.7.1 Expiration of Permit - All small on-site waste water system permits shall be valid for six months after date of issuance and the administrative authority shall record the expiration date on each such permit. Permits may be renewed for additional ninety (90) day periods after the initial period of validity for good cause provided there have been

no changes in the plans for construction or modification of the system under the initial permit and application for renewal is made prior to the expiration date of the permit. No small on-site wastewater system permit shall be renewed except by the administrative authority making a written endorsement of renewal upon the existing permit prior to the expiration date of such permit. Failure to request or obtain renewal prior to the expiration date shall require the permittee to submit an application for new permit.

4.5.7.2 Transfer of Permit - Small on-site wastewater system permits may be transferred only to successor property owners prior to completion of construction or modification for which the permit is issued by completion of ownership transfer documents issued and approved by the administrative authority. All terms and conditions of issued permits for construction or modification shall be automatically applicable to any successor property owner upon transfer of ownership.

4.5.8 Permit Denial - The administrative authority may deny an on-site wastewater system permit for any of the reasons enumerated in sections 4.5.8.1 through 4.5.8.3. In the event the administrative authority denies issuance of a permit the applicant shall be notified in writing of the reason or reasons for denial. An applicant denied a permit may request in writing a hearing before the Director of the Department of Health stating the grounds in support of the request within thirty (30) days of the notification of denial. The Director shall consider the application, the facts presented by the applicant at the hearing, the facts presented by the administrative authority at the hearing, and will render a decision on the application on the basis of the substantial and competent evidence adduced at the

hearing. The applicant shall bear the burden of proof to establish facts supporting the issuance of a permit. The hearing is not a review of the decision of the administrative authority. The hearing shall be for the purpose of the Director to render an independent decision on the application on the basis of the record. Such a determination after hearing shall be the final decision of the Department of Health on the application. The ruling of the Director shall be final; any further appeal or review of the decision shall be as provided by Chapter 536, RSMo.

4.5.8.1 Denial Due to Violation of Design and/or Construction

Standards - A small on-site wastewater system permit may be denied because application for such permit is incomplete or does not meet applicable minimum design and/or construction standards established by these regulations.

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Standards - A small on-site wastewater system permit may be denied because application for such permit is incomplete or does not meet applicable minimum design and/or construction standards established by these regulations.

4.5.8.2 Denial Due to Violation of Applicable Building, Subdivision or

Zoning Regulations - A small on-site wastewater system permit may be denied if the system to be constructed or modified will cause a violation of applicable building, subdivision or zoning regulations.

4.5.8.3 Denial Due to Location Within Reasonable Distance of Public

Sanitary Sewer - A small on-site wastewater system permit may be denied because the building lot upon which it is to be located is within a reasonable distance of a public sanitary sewer to which connection is

practicable and is permitted by the governmental agency or utility owning or operating the sanitary sewer, or in the case of a nonconforming on-site wastewater system under section 4.8, no such permit shall be issued where such a system constitutes a nuisance as otherwise prohibited in these regulations and the building lot upon which such system exists is located within a reasonable distance of a sanitary sewer to which connection is practicable. The administrative authority shall consider all relevant factors in determining if a public sanitary sewer connection is practicable and within a reasonable distance, including, but not limited to, the topography of the lot and surrounding land, the cost of connection, the cost of connection relative to an engineered on-site system (including cost estimates for ongoing maintenance), the watershed the lot is located within, and any other relevant factor bearing on the public health.

In circumstances in which an existing on-site wastewater treatment system has been declared a nuisance under the Code and due to lot size, topography, or other factors, it is impracticable to install an on-site wastewater treatment system which complies with these regulations, then in such circumstances it shall be presumed that connection to a public sanitary sewer is practicable. It shall be the responsibility of the person seeking a permit to investigate and demonstrate to the satisfaction of the Administrative Authority that no public sanitary sewer connection is available and/or practicable under these criteria as a condition of issuance of a permit.

4.5.9 Permit Suspension and Revocation - The administrative authority may suspend or revoke a permit before construction or modification of a small on-site

waste water system is completed due to noncompliance with the terms of the permit or these regulations, unapproved modifications in design or construction, false information submitted in the application for permit, changing site conditions which would result in a violation of one or more of the provisions of these regulations, submission of false percolation test data or false soil morphology/landscape data, permittee misrepresentation concerning compliance with these regulations, or any other reasons necessary for protection of the public health or safety. Except in cases where continued construction or modification under permit would present an imminent threat to human health, life or safety, a permittee shall be given at least five (5) days advance written notice of the administrative authority's intent to suspend or revoke a permit which shall contain a written statement of the reasons for the proposed suspension or revocation, duration of suspension (if applicable) together with notice of corrective actions (if applicable) necessary to authorize the permittee to retain the permit. The permittee may appeal a notice of suspension or revocation to the County Commission by submitting a written notice of appeal to the administrative authority on or before the date suspension or revocation is to take effect. An appeal shall not stay the suspension or revocation of a permit unless so ordered by the County Commission upon a showing of good cause or with consent of the administrative authority. The County Commission shall determine the appeal of any suspension or revocation as soon as reasonably practicable; the decision of the County Commission shall be final and any further appeal or review shall be as prescribed by Chapter 536 RSMo.

- 4.6 **Health Director Oversight; Variances and Appeals:** The Health Director shall review and determine applications for variances as authorized by these regulations

and hear and determine appeals from administrative authority decisions as are authorized and prescribed by these regulations. The Health Director may grant variances from the strict application of these regulations in cases where a property owner or occupant qualify for a permit to construct or modify a small on-site wastewater treatment system under section 4.5 of these regulations, would not otherwise be able to effectively or properly use a small on-site wastewater system, and the grant of a variance would not result in contamination of surface waters or ground water or present a nuisance or health hazard to any person and would not result in the discharge of treated or untreated domestic sewage or human waste off the property subject to the permit. No variance shall be granted on the condition of reduced water usage or maximum specified water usage. The Health Director may impose such conditions on a variance as deemed appropriate for purposes of preventing contamination of surface waters or ground water or preventing a nuisance or health hazard condition to other persons or preventing discharge of treated or untreated domestic sewage or human waste off the property subject to the permit.

- 4.7 **Certification of Small On-site Wastewater System Installers, Percolation Test Technicians and Inspectors:** No person shall construct or modify a small on-site wastewater system unless certified as an installer for such system by the administrative authority. No person shall administer a soil percolation test for purposes of complying with these regulations unless certified as a percolation test technician. No person shall perform or administer a soil morphology/landscape analysis for purposes of complying with these regulations unless qualified as a soil scientist as defined herein. From and after January 1, 1995, no person shall inspect any small on-site wastewater system for purposes determining compliance

with these regulations or any other law, rule or regulation if such inspection is performed for compensation or performed in order to report inspection findings to any person other than a governmental agency which regulates small on-site wastewater systems unless such person inspecting such system is currently certified as small on-site wastewater system inspector under these regulations by the administrative authority.

4.7.1 Certification Requirements for Installers - An individual may be certified as a small on-site wastewater system installer if such person has attended a training as required by the administrative authority consisting of instruction on the application of these regulations. The administrative authority is authorized to establish such courses of instruction and/or testing as it may deem appropriate from time to time to insure installer compliance with these regulations.

4.7.2 Requirements for Percolation Test Technician Certification - A natural person may be certified as a soil percolation test technician under these regulations who meets the criteria of any applicable state regulations and has a working knowledge of the proper procedure for administering soil percolation tests and the application of these regulations pertaining thereto. The administrative authority may provide training and require testing in proper procedure for administering soil percolation tests and these regulations as they apply to them.

4.7.3 Homeowner Exemption for Installer Certification - Any individual who owns real estate upon which a small on-site wastewater system is to be constructed or modified and who resides on such real estate or shall reside upon such real estate upon completion of construction of a residence may construct or modify a small on-site wastewater system pursuant to these regulations so long as such individual has obtained written exemption from the administrative authority

pursuant to this regulation and is primarily responsible for the actual construction or modification of the small on-site wastewater system constructed or modified on such real estate. Exemption from this certification requirement may be revoked by the administrative authority due to noncompliance with these regulations or permitting a non-certified person to assume responsibility for the actual construction or modification of the small on-site wastewater system authorized under such exempted person's permit.

4.7.4 Certification Requirements for Inspectors - A natural person may be certified as a small on-site wastewater system inspector under these regulations if such person receives instruction and meets minimum qualifications required of the administrative authority pertaining to the operation of small on-site wastewater systems and the application of these regulations to such systems. The Administrative authority is authorized to establish such courses of instruction and testing as it may deem appropriate from time to time to insure inspections are properly performed under these regulations and may issue exemptions from the training and testing requirements for persons it finds qualified as inspectors due to education and experience. It shall be the responsibility of the party requesting exemption to prove to the Administrative authority's reasonable satisfaction their qualification for exemption.

4.7.5 Records and Reports: All small onsite wastewater systems percolation test technicians, installers and inspectors certified under these regulations shall upon request of the administrative authority make available for inspection and copying all records which such persons prepare or retain with respect to work which is performed which is subject to a permit issued under these regulations. In addition, all inspectors certified under the provisions of these regulations shall

prepare a written report of any inspection performed and shall provide the administrative authority with all such written reports within 15 days after preparation unless the administrative authority requests a copy of any such report in writing within a shorter time.

4.7.6 Revocation of Certification - The administrative authority may revoke the certification of any small onsite wastewater system installer or soil percolation test technician or inspector who is found to intentionally violate any provision of these regulations or who after written warning of violation of a particular regulation is found to violate the same regulation on one or more subsequent occasions regardless of whether or not such person intended violation. The administrative authority may also revoke the certification of any small onsite wastewater system inspector who either intentionally or repeatedly fails to disclose any violation of these regulations in an inspection report or who intentionally or repeatedly makes any misleading or erroneous statement concerning the compliance or noncompliance of any small onsite wastewater system with these regulations in an inspection report. Any certification revoked by the administrative authority may be appealed in writing to the Board of Review within ten (10) days after notice of revocation has been served upon the person whose certification is to be revoked. The Board of Review shall hear and determine such appeal as soon as reasonably practicable and may for good cause shown stay revocation prior to hearing. The decision of the Board of Review shall be final and any appeal thereafter shall be as prescribed by Chapter 536 RSMo.

4.8 Nonconforming Small On-site Wastewater Systems: Except as provided below, all small on-site wastewater systems existing as of the effective date of this chapter shall be presumed to be in compliance with these regulations unless such

system is found to be public health nuisance or hazard under this Code, or is in violation of state law pertaining to wastewater systems. When any such condition exists the owner of the real estate upon which such system exists shall then be subject to the provisions of these regulations and shall be required to apply for a small on-site wastewater permit in order to modify the existing system or construct a new system within a reasonable time as prescribed by the administrative authority except in cases in which the Administrative Authority determines that a permit should be denied under section 4.5.8.3 of these regulations, in which case the Administrative Authority shall grant the property owner or occupant a reasonable time to connect to a public sewer as warranted under the circumstances. No small on-site wastewater system shall be presumed to be in compliance with these regulations which has not been operable or used for a period of one hundred eighty (180) or more consecutive days or for which a construction permit has been issued pursuant to these regulations. No on-site sewage treatment lagoon otherwise subject to these regulations which existed on or before the date these regulations were first enacted that has a minimum surface area of nine hundred square (900') feet and is surrounded by a thirty-nine (39") inch or taller fence or other fence designed to prevent animals and children from entering the enclosed area and that is without observable functional deficiencies shall be considered to be in violation of the foregoing sections or other applicable law, rules or regulations based solely upon size or location or general condition. No subsurface sewage treatment system otherwise subject to these regulations which existed on or before the date these regulations were first enacted that does not exhibit any chronic surface discharge shall be considered to be in violation of the foregoing sections or other applicable law, rule or regulation based solely

upon known or unknown design, components or configuration unless there is other evidence demonstrating one or more violations of said sections or other applicable law, rules or regulations.

- 4.9 **Discharge of Wastewater Off Property Prohibited:** No person or property owner may operate an on-site waste water treatment or sewage disposal system or transport and dispose of waste removed therefrom in such a manner that may result in the contamination of surface waters or groundwater or present a nuisance or imminent health hazard to any other person or property owner and that does not comply with the requirements of these regulations or sections 701.025 to 701.059 and the on-site sewage disposal rules promulgated under sections 701.025 to 701.059 by the department, whichever standards are higher. No person shall permit treated or untreated wastewater or effluent to discharge from the real estate upon which an onsite wastewater treatment or sewage disposal system exists or is required by these regulations or state law except that any person may discharge treated wastewater on to the property owned by another if such person has an easement or other lawful possessory interest in real estate which permits such person to discharge such treated wastewater on to such real estate within the boundaries described by such easement or possessory interest.
- 4.10 **Jurisdiction:** The regulations contained in this chapter shall be applicable to all unincorporated areas within Boone County, Missouri and by order of the Boone County Commission in incorporated municipalities which petition the Boone County Commission to be included and the Boone County Commission agrees to order their inclusion after public hearing thereon.
- 4.11 **Fees:** The County Commission may from time to time impose such user fees, such as permit fees or inspection fees, as it may deem appropriate so long as such

fees comply with the provisions of Section 192.300, RSMo, and are otherwise authorized by law.

CHAPTER V

REGULATION AND LICENSING OF TATTOO ARTISTS AND DERMAGRAPHIC TECHNICIANS AND RELATED BUSINESSES

- 5.1 **Purpose** - The regulations in this chapter are enacted for the purpose of regulating and licensing tattoo artists and dermagraphic technicians and persons working for and under them as well as tattoo and dermagraphic technician businesses 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.
- 5.2 **Authority** - These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by section 192.300 RSMo.
- 5.3 **Definitions** - As used in this chapter, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:
- 5.3.1 **Health Director or Director** - Any person appointed by the Boone County Commission to supervise the administration of this chapter or such other person so designated on a temporary basis by order of the Boone County Commission. 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.
- 5.3.2 **Operator** - A person who practices the art of tattooing or otherwise administers a tattoo or acts as a dermagraphic technician for compensation of any type.
- 5.3.3 **Patron** - A person who enters a tattoo establishment for the purpose of obtaining a tattoo or who is tattooed in any manner at tattoo establishment.

5.3.4 **Person** - "Person" shall mean any individual, firm or corporation, owner or operator of a tattooing establishment.

5.3.5 **Tattooing** - "Tattooing" shall mean any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink, natural pigments or colors, by the aid of needles or instruments.

5.3.6 **Tattooing Establishment** - Any place or facility where the art of tattooing is performed by an operator as defined in these regulations.

5.4 **Permit Required** - It shall be unlawful for any person owning, controlling or leasing, acting as agent for, conducting, managing or operating any tattooing establishment to practice the art of tattooing or to be an operator as the term is defined in these regulations or engage in the practice of tattooing without first applying for and receiving a permit from the director in the manner herein provided or for any such person to act as a tattoo operator or operate a tattooing establishment while such permit is under suspension or revocation.

5.5 **Permit Issuance** - Upon approval of an operator's application for a permit to engage in the practice of tattooing and after on-site inspection by the Health Director demonstrates that an applicant's tattoo establishment is in compliance with these regulations, the Health Director shall, upon payment of a license fee hereinafter provided, issue the permit to the designated permittee. Every person engaged in the business of conducting, managing or operating a tattooing establishment shall pay a permit user fee each year or for any portion of the year as established by order of the Boone County Commission, payable annually in advance to the Boone County Department of Health. Upon approval of an application for a permit to engage in the practice of tattooing, the director shall, upon payment of a license fee hereinafter provided, issue the permit to the

designated permittee. Every person engaged in the business of conducting, managing or operating a tattooing establishment shall pay a permit user fee each year or for any portion of the year as established by order of the Boone County Commission, payable annually in advance to the Boone County Department of Health. A permit for a tattooing establishment may be granted at any time during the year, but all permits issued hereunder shall expire on the thirty-first day of the next succeeding December. No permit shall be transferable or assignable. All permits and these regulations shall be posted at all times in a conspicuous place in the establishment.

5.6 Permit Suspension and Revocation - The Health Director may suspend a tattoo establishment permit for failure of the permittee to comply with the requirements of these regulations if the Health Director has issued notice of violation(s) specifying corrective action to be taken and prescribed a reasonable time for the permittee to remedy the violation(s) and the permittee fails to take timely corrective action as required. The Health Director also may suspend a permit immediately without issuance of notice of violation and opportunity to take corrective action if the Health Director finds that the violations of these regulations are an immediate and substantial threat to the public health or safety. A permit suspension shall continue until corrective actions are taken and the permit is reinstated or when corrective actions are not timely taken, for a reasonable time specified by the Health Director not to exceed 30 days unless the permittee's permit is revoked. The Health Director may revoke a permit if a permittee fails to take prompt corrective action after permit suspension under these regulations, if the permittee continues to operate a tattoo establishment after permit suspension but before permit reinstatement, for repeated violations of these

regulations regardless of whether corrective actions are taken, for violations of these regulations that require permit revocation, and for interference with the Health Director's performance of duties under these regulations. Any permittee whose permit issued under these regulations has been suspended or revoked may appeal the suspension or revocation and the Health Director shall grant such permittee hearing within five business days of suspension or revocation and provide the permittee notice of the hearing. Failure of permittee to timely appeal a permit suspension or revocation order after being notified of such order in person or by regular mail at the permittee's address shown in Health Director's records shall constitute a complete waiver of the right to appeal unless the Health Director allows untimely appeal for good cause shown. A hearing may be continued by the Health Director upon application for good cause shown. No permit suspension or revocation shall be stayed pending hearing except upon application of the permittee and a finding by the Health Director that the public health or safety will not be endangered by grant of a stay of suspension or revocation; the Health Director may establish conditions for issuance of a stay in permit suspension or revocation pending hearing as are necessary in the Health Director's judgment to protect the public health and safety. After hearing, the Health Director shall promptly render a decision in writing concerning the appeal and grant or deny relief as requested or modify the order of suspension or revocation as is reasonably appropriate under the circumstances. Any further appeal of the decision of the Health Director shall be as provided under the requirements of chapter 536 RSMo.

5.6.1 Permit Reinstatement After Suspension - Any tattoo establishment operator whose permit has been suspended until corrective actions are taken may at any time make written application for the reinstatement of the permit. The

Health Director shall reinspect a tattoo establishment under permit suspension within three business days after the health Director receives an application for permit reinstatement accompanied by a statement signed by the applicant to the effect that the violated provision(s) of these regulations have been corrected. If the Health Director finds satisfactory compliance after inspection, then the Health Director shall reinstate the permit unless the suspension is for failure to take timely corrective actions after notice of violation(s) or the Director finds that the corrective actions taken are inadequate to protect the public health or safety.

5.7 **Tattoo Administration Requirements** - Any person maintaining, conducting, operating or managing any tattooing establishment must comply with the following regulations with respect to the administration or application of tattoos:

5.7.1 **Minimum Age Requirements** - No tattoo may be administered to any person less than 18 years of age without parental consent. Where there is doubt about such age, the tattooist will obtain proof of age before the tattoo procedure is done.

5.7.2 **Patron Notification** - Before administering a tattoo, the patron must be advised that the tattoo should be considered permanent; that it can be removed only with a surgical procedure; and that any effective removal may leave permanent scarring and disfigurement. A written cautionary notice to that effect shall be furnished to and signed by the patron and retained on file at the establishment.

5.7.3 **Skin Condition** - The skin surface to be tattooed must be free of rash, pimples, infection or recent scar tissue. The patron must be in apparent good health, and the skin to be tattooed generally free of all appearances of pathological conditions. The skin should not appear jaundiced (yellowed).

- 5.7.4 **Patron Sobriety** - Tattoos may not be administered to any person under the influence of drugs or alcohol, and the tattooist is charged with the responsibility of making reasonable observation and inquiry to assure himself that the patron is, in fact, sober, and not under the influence of drugs or alcohol.
- 5.7.5 **New Tattoo Care Patron Instructions** - Written instructions, approved by the Director, regarding the proper care of the tattooed skin as a precaution against infections shall be provided to each patron following the tattoo procedure.
- 5.7.6 **Tattoo Removal Prohibited** - The regulations herein provided shall in no way be construed to allow nor permit the removal of any tattoo nor shall the tattoo operator perform or attempt to perform any procedure which is intended to remove any tattoo. Any attempt to perform a tattoo removal procedure by a tattoo operator known by the Director, shall result in the revocation of the tattoo operator's permit.
- 5.8 **Tattoo Establishment Premises** - Tattoo establishment premises shall be governed by the following regulations:
- 5.8.1 **Sanitation** - Premises and equipment must be maintained in a sanitary manner. This includes physical cleanliness as well as antiseptic precautions. Floors, walls and ceilings shall be clean and in good repair and maintained in a clean condition. All tables and chairs used in the tattooing process shall be constructed of a material allowing easy and thorough cleaning and shall be maintained in a clean and sanitary condition. Adequate equipment and facilities shall be provided for the disposition of cigarette butts and other disposal items.
- 5.8.2 **Hygiene Facilities** - All tattoo establishments shall be equipped with hot and cold running water. Adequate toilet facilities with soap and towels properly installed and in compliance with applicable ordinances, rules and regulations of

the county of Boone and State of Missouri shall be provided.

5.8.3 **Insects, Vermin and Litter** - The premises shall be kept clean and free of vermin at all times. There shall be no fly or mosquito breeding places or rodent harborage on the premises. Non-human animals shall not be allowed in the tattooing room. Litter under the control of the tattoo artist or operator shall not be permitted to accumulate on the premises.

5.8.4 **Lighting** - All tattoo establishments shall be well lit with not less than fifty (50) foot-candles in all cleaning and working areas.

5.8.5 **Ventilation** - All tattoo establishments shall have ventilation as required by applicable ordinances/rules and regulations of Boone County, Missouri.

5.8.6 **Size** - All tattoo establishments shall be of sufficient size to accommodate required equipment and business done therein.

5.8.7 **Inspection** - The Director shall be permitted access to all areas of the premises and records at any reasonable time.

5.9 **Equipment** - Tattoo operators shall comply with the following regulations with respect to equipment:

5.9.1 **Instruments** - Non-reusable items like needles, gauze, styptic pencils, etc., shall be treated as contaminated and be disposed of in appropriate isolation boxes in accordance with state and federal guidelines.

5.9.2 **Inks** - Individual cups of ink or colors shall be used for each patron and be discarded after use.

5.9.3 **Sanitation** - Needles and other instruments used in administering the tattoo, including hand pieces, needle bars, and razor blade holders must be thoroughly rinsed and sterilized after each use. All styptic pencils, gauze, gloves, etc., shall be used for one (1) patron only and disposed of after a single use.

5.9.4 **Sterilization** - Sterilization of equipment shall be done by steam pressure sterilization (autoclave), for a minimum of thirty (30) minutes at 270 degrees Fahrenheit followed by a drying time of not less than fifteen (15) minutes. To prepare for steam pressure sterilization, each needle shall be flushed with distilled water and left distinctly moist, just before the sterilization process is initiated. The tubes containing the needles should rest on their sides in the sterilizer to facilitate the air removal and steam contact to each tube and needle. When an autoclave procedure is used, indicator tape or other acceptable test method shall be used to check the effectiveness of sterilization. A daily log shall be kept of tests of equipment. Records of methods of sterilization together with temperature cycle for each sterilization process shall be kept on file for inspection by the Director. All instruments and needles shall be stored in a closed metal or glass container. All acetate tattoo stencils shall be cleaned with 70 percent isopropyl alcohol between customers or individual transfers of tattoo designs shall be used once and discarded. All furniture or items splashed with blood or body fluid shall be cleaned with a bactericidal cleaner. All tubes, hoses, and reusable equipment shall be cleaned with soap and water or ultrasounded double wrapped in sterilizer paper or in peel pouches and appropriately sterilized.

5.10 **Operator and Aseptic Technique Requirements** - The following requirements shall be applicable to tattoo operators and use of aseptic techniques:

5.10.1 **Vaccinations** - Tattoo operators shall have received the Hepatitis B vaccine unless this requirement is waived by the Director for good cause shown. The Health Department may make these vaccinations available to operators at cost.

5.10.2 **Foods, Beverages and Smoking Prohibited** - Neither the patron or tattoo

operator shall consume or bring food or drink into the tattooing area and shall not smoke during the procedure or in the room(s) where the tattooing takes place.

5.10.3 Diseases Prohibited - The tattoo operator must be free from communicable disease while administering tattoos and present no pustular lesions of the hands or arms.

5.10.4 Tattoo Administration Procedures and Reporting Requirements- Immediately before administering a tattoo, the tattoo operator must thoroughly wash his/her hands in hot water with soap, using a short-bristled brush and then dry the hands with a disposable paper towel. The tattoo operator shall wear a clean and easily cleanable smock and latex/rubber single use disposable gloves while administering the tattoo procedure. The tattoo operator, while administering a tattoo, shall wear an effective hair restraint, must have clean fingernails and shall in general pay particular attention to his/her personal hygiene. The skin surrounding the area where the tattoo is to be placed shall first be washed with a germicidal soap and then shaved with a disposable blade. Individual razor blades shall be used when customer is shaved and disposed of in an isolation container. During any phase of the tattoo procedure, should the tattoo operator be interrupted for other duties, i.e., answering phones, etc., the tattoo operator shall wash his/her hands as prescribed above before resuming the tattoo procedure. The tattoo shall be bandaged with a sterile non-stick type bandage when tattoo is finished. All infections resulting from the practice of tattooing shall be reported to the Director by the person owning or operating the tattooing establishment within five (5) business days. The operator shall advise the patron to seek appropriate medical treatment for the infection.

5.11 Jurisdiction - The regulations contained in this chapter shall be applicable to all

unincorporated areas within Boone County, Missouri and by order of the Boone County Commission in incorporated municipalities which petition the Boone County Commission for inclusion and the County Commission agrees to order their inclusion after public hearing thereon.

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.

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.

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.

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.

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 tires.

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.

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

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:
- 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.
- 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.

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 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 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.

CHAPTER VII
COMMUNITY AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM

- 7.1 **Purpose-** The regulations in this chapter are adopted for the enhancement and protection of public health under 192.300 RSMo and to develop and implement a county-wide automated external defibrillator (AED) program under 190.192 RSMo, which will establish rules for AED use, training and data collection, as well as requirements and procedures for implementing and using all existing and new AEDs in the community.
- 7.2 **Applicability-** Notwithstanding any provisions of any other county regulations to the contrary, this chapter and sections thereunder shall apply to, and be enforced in, the incorporated as well as the unincorporated areas of Boone County. Hospitals are exempt from the provisions of these regulations.
- 7.3 **Requirements and Procedures-** The following shall be the requirements and procedures for use, training and data collection of the AED program:
- 7.3.1 **Use of AEDs** - No AED shall be used in the incorporated or unincorporated areas of Boone County without first complying with the requirements and procedures set forth in this chapter. No AED used outside of a health care facility shall be used except in accordance with a medical protocol for use with the AED which is approved by a licensed physician.
- 7.3.2 **Notification** - The Columbia/Boone County Health Department (Department) will be notified of the purchase or implementation of an AED by any individual, entity, organization or company purchasing or otherwise assuming responsibility for implementation of an AED. Written notification shall be provided using an AED registration form provided by the Department. The form shall be submitted prior to the implementation of the AED and updated annually

thereafter. The Department is authorized and directed to determine the content of the form and requirements for registration.

7.3.3 Training - Prior to implementing an AED, the individual, organization or company assuming responsibility for implementing the AED shall provide for training of all intended users. The training shall consist of a class provided by a nationally recognized or Department approved training organization, including, but not limited to the American Heart Association, American Red Cross, or the National Safety Council. The curriculum shall include basic cardiopulmonary resuscitation training and demonstrated proficiency in the use, maintenance and inspection of AED's. The training organization will issue individual certification, for a period not to exceed two years, that the training has been completed.

Recertification training of users shall be provided for by the individual, organization or company assuming responsibility for implementing the AED prior to the expiration of the intended users certification

7.3.4 Standards for AED Maintenance - The individual, organization or company assuming responsibility for implementing the AED will ensure that the AED is maintained and tested in accordance with manufacturers' operational guidelines and specifications.

7.3.5 Quality Assurance Review - The individual, organization or company assuming responsibility for implementing the AED shall conduct a quality assurance review of each AED use based on the physician provided medical protocol. The Department may conduct a quality assurance review of AED usage that includes gathering clinical data and information from the person that used the AED, the written records of the AED use and from the AED itself.

7.3.6 Consent to Quality Assurance Review - The owner and user of the AED shall not withhold consent to the quality assurance review by the Department after the use of an AED or the retrieval of clinical data from the device itself.

CHAPTER VIII
REGULATIONS GOVERNING
COMMUNICABLE DISEASES

8.1 **Purpose** - These regulations are enacted for the purpose of preventing, reporting, controlling, treating and eliminating communicable, environmental, and occupational diseases and for that purpose they are intended to adopt Missouri Department of Health regulations dealing with Communicable Diseases codified in the Code of State Regulations effective as of the date this chapter is adopted, 19 CSR 20-20.010 through 19 CSR 20-20.100 as the same may be adopted and enforced by local health authorities and departments.

8.2 **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. The provisions of 19 CSR 20-20.010 through 19 CSR 20-20.100 of the Code of State Regulations are hereby incorporated by reference as if fully set forth herein verbatim as existing on the date this chapter is adopted.

8.3 **Definitions** - As used in this chapter, unless the context clearly indicates otherwise, the definitions found in 19 CSR 20-20.010 shall be applicable to this chapter and the following words and terms shall have the following special meanings:

8.3.1 **Health Director or Director** - The Health Director shall be the same person and perform the same functions as the Local Health Authority described in 19 CSR 20-20.010(24). 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.

8.3.2 **Health Department** - The Columbia/Boone County Health Department is hereby designated the Local Public Health Agency as defined in 19 CSR 20 20.010(25).

8.3.3 **Person** - "Person" shall have the same meaning as defined in 19 CSR 20 20.010(28) and in addition thereto shall include any legal entity of any type and any group or association of individuals.

8.4 **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, including but not limited to any reporting or record keeping requirement, any order or directive for isolation or quarantine when issued pursuant to these regulations, and compliance with any requirement or directive intended to control, treat, or eliminate a communicable, environmental or occupational disease regulated hereunder.

8.5 **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.

- 8.6 **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.
- 8.7 **Jurisdiction** - The regulations contained in this chapter shall be applicable to all incorporated and unincorporated areas within Boone County, Missouri.
- 8.8 **Penalties and Remedies** - Any person who violates any requirement or provision of these regulations shall be deemed guilty of a misdemeanor and shall be punished as provided by law; each day of violation of any such regulation shall constitute a separate and distinct offense. The penalty provided in this section shall not be construed to be exclusive but is intended to be supplementary and in addition to any other remedy provided or authorized by law or equity for enforcement of these regulations. 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 not 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. In any circumstance deemed to be or declared to be a health emergency, the Health Director or the County Commission may convene an Emergency Administrative Review Board consisting of three members with such qualifications as may be appropriate for the appointment as established by the appointing person or body. The Emergency Administrative Review Board shall be a fact-finding quasi-judicial body formed to provide prompt review and advisory rulings on an expedited basis of all written complaints, grievances, and petitions for redress not involving claims for monetary compensation, concerning actions taken to enforce the powers granted the Health Director and Department hereunder, and requests for variances from the enforcement of these regulations on the basis of unnecessary hardship which variance shall have no detrimental impact or effect on the public health, safety or welfare. Rulings of the administrative review board shall be in writing with a written statement of the facts upon which the ruling is made and an explanation of the reasons for the ruling. Such rulings shall be promptly forwarded to the Health Director or County Commission for such action as may be permitted 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.

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 April 21, 2014, Ordinance No. 022040, 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 **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.

9.4.2 **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. It shall be unlawful to conduct any food operation required to have a permit by virtue of these regulations without first having obtained said permit.
- 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, unless said incorporated area now has, or shall hereafter have, a population of seventy-five thousand or greater and which are maintaining organized health departments, and all 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 not 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 pursuant to Section 192.300 RSMo. The County Commission may, by separate Commission Order, impose such fees from time to time as it may deem appropriate to administer this program.

CHAPTER X

PRESCRIPTION DRUG MONITORING

10.1 **Purpose and Applicability** – The provisions of the ordinance will serve to enact the development and administration of a program for monitoring the prescribing and dispensing of schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense such substances within Boone County; and establishing penalties for violations thereof. In order to enhance the public health and prevent the entrance of disease in Boone County, the provisions of this ordinance shall apply to all areas in Boone County except those areas within the municipal boundaries of cities excepted under RSMo Sec. 192.310 (cities with a population of seventy-five thousand or more which are maintaining organized health departments). The provisions of this ordinance shall not apply to persons licensed pursuant to Chapter 340 RSMo. This ordinance follows the provisions and guidelines set forth in compliance with Ordinance Number 26352 (3-1-2016) established by St Louis County.

10.2 **Statutory Authority** – These provisions are enacted under the authority provided in RSMo Sec. 192.300 and serve to enhance the public health and prevent the entrance of dangerous diseases into Boone County. The County Commission finds on the basis of the legislative record before it that opioid dependence is a dangerous disease and preventing opioid drug addiction would serve to enhance the public health.

10.3 **Definitions** – The following terms shall have meanings ascribed to them as follows:

- a. Controlled Substance means a drug, substance, or immediate precursor in schedules II through IV as set out in Chapter 195 RSMo.
- b. Department means St Louis County Department of Public Health (DPH).
- c. Director means the Director of the St Louis County Department of Public Health, or

the person or persons duly designated by the Director to carry out the duties of the Director specified in this ordinance.

- d. Local Public Health Department (LPHD) means the Columbia/Boone County Department of Public Health and Human Services.
- e. Dispenser means a person who delivers a Schedule II, III, or IV controlled substance to a patient. However, the term does not include:
 - i. a hospital as defined in Section 197.020 RSMo that distributes such substances for the purpose of inpatient care, or dispenses prescriptions for controlled substances at the time of discharge from such facility;
 - ii. a practitioner or other authorized person who administers such substance; and
 - iii. a wholesale distributor of a Schedule II, III, or IV controlled substance;
 - iv. a hospice as defined in section 197.250(5), RSMo, that distributes such substances for the purpose of physical or psychological care for dying persons.
- f. Patient means a person who is the ultimate intended user of a drug for whom a prescription is issued, or for whom a drug is dispensed, not including a hospice patient enrolled in a Medicare certified hospice program who has controlled substances dispensed to him or her by such hospice program.
- g. Schedule II, III, IV controlled substance means a controlled substance listed in Schedules II, III, IV as set out in chapter 195 RSMo or the Controlled Substance Act 21 U.S.C Section 812.

10.4 **Establishment of Monitoring Program**

- a. Boone County, by and through its LPHD, shall join St Louis County Department of Public Health to establish and maintain a program for monitoring the prescribing and

dispensing of all Schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense such substances in Boone County, and may implement such rules which are necessary to implement such program.

- b. St. Louis County Health Department holds the contract with Apriss, the company operating the prescription drug monitoring database. Boone County will have a subscription to participate.
- c. This ordinance gives authority for St Louis County Health Department to receive information from Boone County through the Apriss system.
- d. The program established and maintained shall operate so as to be consistent with Federal law concerning regulation of narcotics and with privacy of lawful users of same. The rules may provide for the county to suspend the requirement of reporting a particular category of information if it is determined that so reporting will conflict with the collection of other reported information by the collection management system of the monitoring program. The rules shall be effective upon approval of the Boone County Commission.
- e. Boone County, by and through its LPHD, will submit all required documentation from the County through the Prescription Drug Monitoring Program approved by St Louis County Department of Health.

10.5 Responsibilities of Dispensers

- a. Within seven (7) business days of having dispensed a schedule II, III, or IV controlled substance all Dispensers must submit by electronic means, information regarding such dispensing through the approved vendor system.
- b. The information submitted for each dispensing site to the Prescription Drug Monitoring Program shall at a minimum include:

- i. The pharmacy's Drug Enforcement Number (DEA);
 - ii. The date of dispensation; and
 - iii. If dispensed via a prescription: the prescription number; whether the prescription is a new or a re-fill; the prescriber's DEA or National Provider Identifier number; the national drug code of the drug dispensed; the quantity and dosage of the drug dispensed; and an identifier for the patient for whom the drug was dispensed, including but not limited to any one of the following: driver license number, government issued identification number, insurance cardholder identification number, or the patient's name, address, and date of birth.
- c. The dispenser's submission of the required information to the Prescription Drug Monitoring Program shall be in accordance with the transmission standards established by the American Society for Automation in Pharmacy, or any of its successor organizations.
- d. All data submitted to the current vendor, Apriss, will be monitored and reviewed by St. Louis County Public Health Department.
- e. It shall be unlawful for a dispenser to knowingly fail to comply with the requirements of this section.
- f. It shall be unlawful for a dispenser to knowingly fail to comply with a prescription drug monitoring program regulation established by the director or LPHD.
- g. It shall be unlawful for a dispenser to knowingly provide false information to the prescription drug monitoring program.

- h. The requirements of this section shall not apply to controlled substances to be administered to an animal which are dispensed pursuant to a prescription issued by a licensed veterinarian.

10.6 Information a closed record

- a. Except when provided to persons or agencies authorized by this ordinance to receive such information, dispensation information submitted to the Prescription Drug Monitoring Program is a closed record and not subject to public disclosure except as provided by law as the same contains, among other confidential information, protected health information. No person shall provide such information to any person or agency not authorized by this ordinance to receive it. A request for information made under Chapter 610, RSMo, shall be referred to the county counselor who shall take all reasonable and lawful steps to ensure nondisclosure of the information except as required by law.
- b. The Director of the Prescription Drug Monitoring Program shall develop and maintain procedures to ensure that the privacy and confidentiality of patients, and personal information collected, recorded, transmitted, and maintained are not disclosed to persons not authorized by this ordinance to receive dispensation information.

10.7 Use of Monitoring System Information by Dispensers not in Boone County

- a. St Louis County Public Health Department may permit dispensers located in counties to participate in the Prescription Drug Monitoring program and allow data entered to be viewed by dispensers, prescribers and other registered users as allowed by law. The Local Public Health Department will receive aggregate reports that describe prescribing patterns and trends. The LPHD will not have access to individual patient

records. All Missouri counties and states participating will have access to data entered by Boone County's LPHD. Permission for access shall be conditional upon the participant complying in all respects with the provisions of the St. Louis County ordinance.

10.8 **Persons Authorized to be Provided Dispensation Information**

- a. Dispensation information and other data compiled by the Prescription Drug Monitoring Program may be provided to the following persons upon a duly made request of the St Louis County Department of Public Health:
 - i. Persons who are authorized to prescribe or dispense a controlled substance if the requesting person demonstrates that the request is made for the purpose of providing medical or pharmaceutical care for a patient. This includes persons within or outside the state of Missouri.
 - ii. Persons who request their own dispensation information in accordance with the law.
 - iii. The State Board of Pharmacy.
 - iv. Any state board charged with regulating a healthcare professional authorized to prescribe or dispense controlled substances, and which has duly requested the information or data in the course of a current and open investigation into the acts of a professional under the jurisdiction of a state board. Only information related to the subject professional shall be provided.
 - v. Local, state, and federal law enforcement, or prosecutorial officials, both inside or outside of Missouri, who are engaged in the administration, investigation, or enforcement of laws governing prescription drugs based on a specific case and under subpoena issued pursuant to court order.

- vi. The MO HealthNet Division of the Missouri Department of Social Services regarding MO HealthNet program recipients.
- vii. A judge or other judicial officer under a subpoena issued pursuant to a court order.

10.9 Obedience to Law Required

- a. No person, absent lawful authority, shall knowingly access or disclose prescription or dispensation information maintained by the Prescription Drug Monitoring Program, or knowingly violate any other provision of this ordinance.
- b. Any person who violates any provision of this ordinance shall be subject to the penalties and remedies set out Chapter 1 of the Code of Health Regulations.

10.10 Revisions or Revocation of Chapter – If the County Commission finds that the provisions of this Prescription Drug Monitoring Program are substantially similar to a statute of the State of Missouri regulating the same subject, the County Commission may by Order suspend any or all of the provisions of this Chapter, or amend its provisions, as necessary.

10.11 Effective Date – These regulations shall become effective as of the date this Chapter of the Boone County Code of Health Regulations is adopted by the County Commission of Boone County.