

Chapter 11

HEALTH AND SANITATION*

* **Cross References:** Alcoholic beverages, Ch. 4; animals and fowl, Ch. 5; plumbing code, § 6-51 et seq.; minimum properties standard code, § 6-71 et seq.; civil defense, Ch. 7; fire prevention and protection, Ch. 9; offenses against public safety, § 16-231 et seq.; noise regulations, § 16-256 et seq.; sanitation regulations for parks, § 17-66 et seq.

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ARTICLE I.

IN GENERAL

Sec. 11-1. When sewer connections required.

It shall be the duty of the owner of any house or other building used or occupied by human beings, and abutting on a street having city water, and within two hundred twenty-five (225) feet, measured from the nearest property line, of a city sewer, to install upon such premises any standard type of flush water closet approved by the health officer, and to provide sewer and water laterals by means of which sufficient water is provided for flushing the sewer connection and permitting free passage of whatever enters such connection, and to connect such closet to the city sewer.

(Code 1964, § 10.060; Ord. No. 13201 § 1, 12-16-91)

Sec. 11-2. Sanitary closet required where there is no sewer.

It shall be the duty of the owner of any house or other building used or occupied by human beings and abutting on a street in which there is no city water, or which is not within one hundred fifty (150) feet of a city sewer, to provide on such premises a sanitary closet of any standard type approved by the health officer. The contractor, builder or other person having the management and control of construction work shall prevent the commission of any nuisance by the workers on the premises connected therewith, and if a temporary privy is located on the premises, it shall be properly screened and maintained in a sanitary manner.

(Code 1964, § 10.070)

Sec. 11-3. Cleanliness of privies or water closets.

It is hereby made the duty of each owner or lessee to keep clean any privy or closet on premises owned, leased or controlled by him and to clean such closet within such time as shall be fixed by the health officer or his subordinates, and if the same shall not be cleaned within such time limit, the health officer or his subordinates shall cause the same to be cleaned and the expense incurred in cleaning such closet shall be paid by the owner, or lessee owning, leasing or controlling the property, and all disputes between lessees or owners shall be adjusted among themselves, but each, all or any of them shall be liable to the city for any expenses incurred by reason of such cleaning, which may be collected by suit or otherwise.

(Code 1964, § 10.080)

Secs. 11-4--11-15. Reserved.

ARTICLE II.
ADMINISTRATION*

* **Cross References:** Powers and duties of health department in regard to swimming pools, § 11-282.

DIVISION I.
GENERALLY

Sec. 11-16. Clinical treatment of indigent persons; registration.

As may be required in the public interest and for the protection of the health of the community, the director of health services may maintain a clinic for the observation, care and medical treatment of indigent persons who are residents of the city. The director shall maintain a registration of all such persons receiving observation, care and treatment at such clinic.

(Code 1964, § 10.050)

Sec. 11-17. Charges for health services.

Patrons of the health department shall pay the following fees for personal health services. No one will be denied health services for inability to pay.

Immunization administration fee for state provided vaccines (per visit) \$15.00

Purchase vaccines vaccine cost plus \$15.00 administrative charge

PPD cost plus \$10.00 administrative charge

Well woman's exam Sliding scaled fee based on income eligibility and
Title X/Medicaid guidelines

STD clinic visit (non-Boone County resident) \$20.00

STD clinic visit (Boone County resident) \$10.00

Pregnancy test cost plus \$5.00 administrative charge

Contraceptive method fees based on sliding scale established for Federal Title X requirements.

Dental co-pay \$10.00

Prescription eye glass co-pay \$10.00

Laboratory Testing Cost of lab work plus \$15.00 drawing fee

(Ord. No. 16592, § 1, 9-18-00; Ord. No. 17019, § 1, 9-17-01; Ord. No. 18217, § 1, 9-20-04; Ord. No. 18686, § 1, 9-19-05; Ord. No. 19208, § 1, 9-18-06; Ord. No. 20044, § 2, 9-15-08; Ord. No. 20410, § 1, 9-21-09)

Secs. 11-18--11-30. Reserved.

DIVISION 2.

DIRECTOR OF HEALTH SERVICES*

* **Cross References:** City officers and employees generally, § 2-121 et seq.

Sec. 11-31. Appointment; qualifications.

There shall be a director of health services appointed by the city manager. Such person shall be qualified by training and experience in public health work to the satisfaction of the city manager. Whenever the title "director" appears in this chapter, it shall mean and refer to the director of health services.
(Code 1964, § 10.010)

Sec. 11-32. Powers and duties, generally.

The director shall have power and shall be required to:

- (1) Exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof.
- (2) Enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those providing for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, processing, transportation, storage and sale of foodstuffs.
- (3) Direct and supervise the inspection of all articles or commodities offered for sale within the city for human consumption, including the storage thereof, and including the inspection of places where the same are produced, handled, processed, stored or offered for sale or consumption.
- (4) Promote cooperation and coordination between the several providers of health care within the city to ensure delivery of the highest possible level and quality of service to all residents.
- (5) With consent of the city manager, appoint, supervise and direct the assistants, inspectors and all other employees of the city engaged in health and inspection work referred to in this chapter.
- (6) Perform such other duties as may be required by law, by ordinance or by the city manager.

(Code 1964, § 10.020)

Secs. 11-33--11-45. Reserved.

DIVISION 3.

BOARD OF HEALTH*

* **Cross References:** City administration generally, Ch. 2.

Sec. 11-46. Created; composition; compensation; terms; vacancies.

(a) There shall be an eleven (11) member board of health which shall be composed of at least one physician, one veterinarian, one nurse, one dentist, and one health care worker. The remaining members shall have an interest in public health. Seven (7) members shall be appointed by the city council. Four (4) members shall be appointed by the county commission. All members shall serve without compensation for a term of three (3) years and until their successors are appointed and qualified.

(b) The chair of the board is authorized to excuse any member from attendance at a board meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular board meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair of the board to promptly notify the city council or the county commission of the vacancy.

(Code 1964, § 10.030(A), (C); Ord. No. 9991, § 1, 11-7-83; Ord. No. 17658, § 1, 4-21-03; Ord. No. 19742, § 1, 11-19-07)

Sec. 11-47. Officers; quorum.

(a) The board shall select its own chair, and the director of health services shall serve as secretary.

(b) A quorum for the transaction of business at meetings of the board shall be a majority of the duly appointed and acting members of such board.

(Code 1964, § 10.030(A), (B); Ord. No. 17658, § 1, 4-21-03)

Sec. 11-48. Duties, generally.

The board of health shall act as an advisory board to the city manager, health officer and the city council on matters pertaining to public health and animal control and shall perform such other duties as may be prescribed by law or by ordinance.

(Code 1964, § 10.040; Ord. No. 11203, § 2, 9-15-86)

Secs. 11-49--11-60. Reserved.

ARTICLE III.

RESERVED*

* **Editors Note:** Ord. No. 17135, § 1, adopted Jan. 7, 2002, called for a special election on April 2, 2002, to consider repealing Art. III of Ch. 11 of the Code. The proposition passed at the election, therefore repealing Art. III, §§ 11-61--11-69, which pertained to

deposits on beverage containers and derived from the 1964 Code, §§ 7.1185, 10.10200, 10.10205, 10.10210, 10.10220, 10.10230, 10.10250; Ord. No. 14513, § 1, adopted June 5, 1995; and Ord. No. 16911, § 1, adopted May 21, 2001.

Secs. 11-61--11-80. Reserved.

ARTICLE IV.

DISEASES

DIVISION 1.

GENERALLY

Sec. 11-81. Penalty for violation of article.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor.
(Code 1964, § 10.240)

Secs. 11-82--11-95. Reserved.

DIVISION 2.

COMMUNICABLE*

* **Cross References:** Authority of city to promulgate regulations for the prevention of contagious diseases, RSMo. § 77.530.

Sec. 11-96. Reports of cases required.

Every physician shall report in writing to the director every patient he may have in the city suffering from tuberculosis, smallpox, diphtheria, typhoid fever, scarlet fever, infantile paralysis or any other communicable disease that may be declared by the director to be dangerous to the public health, together with the precise locality where such patient may be found, within twenty-four (24) hours after diagnosis is made; and the director shall keep a record of every case so reported to him.
(Code 1964, § 10.180)

Sec. 11-97. Authority of director to require medical examination.

Whenever it shall be deemed necessary by the director to establish the true character of any disease which is supposed to be communicable, medical examination of the person infected by such disease may be made by the director. Any person who shall interfere with or refuse to permit such examination shall be deemed to have violated the provisions of this article.
(Code 1964, § 10.190)

Sec. 11-98. Powers and duties of director in event of epidemic.

Whenever the director shall declare that any malignant, infectious or contagious disease is or may become epidemic in the city, or any part thereof, he shall immediately, or as soon thereafter as possible, give notice to that effect to the citizens of the city and the country surrounding the same, and shall also give notice of the rules and regulations adopted by him for the enforcement of quarantine within the city or portion thereof. He shall take such steps and adopt such measures as he may deem necessary to prevent the introduction and spreading of such disease, and to this end he shall have power to quarantine the city against persons coming into or leaving the city during the continuation of such epidemic. Whenever he shall deem it necessary, he shall have the power to forbid and prevent the assembling of congregations of persons within the city and to order and enforce the closing of places of business and amusements.
(Code 1964, § 10.210)

Sec. 11-99. Isolation of patient; disinfection or destruction of belongings.

In all cases where the health officer shall deem it necessary, persons with communicable diseases shall be isolated under such regulations and rules as the health officer shall prescribe, and belongings infected by germs of dangerous contagious diseases shall be disinfected as the health officer may direct, or destroyed when public health demands.
(Code 1964, § 10.200)

Sec. 11-100. Leaving abode after notice of infection.

No person shall leave his abode and be found going about the city or within five (5) miles of the city after he has been advised that he has a contagious or infectious disease of any character or kind.
(Code 1964, § 10.220)

Sec. 11-101. Infected children not to attend school.

No parent or guardian or any person having the legal custody, charge or control of any child shall send such child to any of the schools within the city, or within five (5) miles of the limits of the city, or permit him to enter or go to such schools after the parent, guardian or person having legal charge or control of such child has been advised that such child is affected with, or has been exposed to any such contagious or infectious disease.
(Code 1964, § 10.230)

Secs. 11-102--11-110. Reserved.

DIVISION 3.

SEXUALLY TRANSMITTED

Sec. 11-111. Declared dangerous to public health.

The several sexually transmitted diseases, designated and listed by the director and on file at the health department, are hereby recognized and declared to be contagious, infectious, communicable and dangerous to the public health.
(Code 1964, § 10.250)

Sec. 11-112. Reports of physicians and officers of institutions.

It shall be the duty of every licensed physician and of every superintendent or manager of a hospital, dispensary or other institution devoted to the care of the sick in the city, to notify the director, on a card furnished by the director, of any case of sexually transmitted disease, in the infectious stage, under their supervision or care. Such card shall state the age, sex, color, social condition, number of children and occupation of such diseased person, the character and previous duration of such disease and the probable source of infection. Such report cards shall be mailed within three (3) days after the diagnosis has been made of such diseased person; provided, that except as hereinafter required, the name and address of such diseased person need not be reported to the director, but instead the person may be identified by a file number. Upon the receipt of a report card by the director where the name and address is not given, the card shall be stamped with the file number of the division and an acknowledgment card mailed to the physician bearing this file number, which shall be preserved by the physician for his future reference.
(Code 1964, § 10.260)

Sec. 11-113. Reports to be confidential.

All information and reports concerning persons infected with venereal diseases shall be confidential and shall be inaccessible to the public, except insofar as publicity may attend the performance of the duty imposed upon the director by this article or the laws of the state.
(Code 1964, § 10.300)

Sec. 11-114. Powers and duties of director.

It is hereby made the duty of the director, and he is hereby directed and empowered as follows:

- (1) In all suspected cases of sexually transmitted disease in the infectious stage, owing to the prevalence of such diseases among prostitutes, all prostitutes may be considered as suspected persons. In such cases the director shall use every available means of determining whether the person suspected of being infected is suffering from such disease in the infectious state. Whenever such disease is found to exist, the director shall, whenever possible, ascertain the source of such infection. In such investigations the director is hereby vested with full powers of inspection, examination, isolation and treatment of all persons, places and things as provided in this article.
- (2) Inasmuch as prostitution is a prolific source of sexually transmitted infection, the director and all other subordinate officers shall use every proper means of suppressing the same, and all such officers are hereby prohibited from issuing certificates or other evidences of freedom from sexually transmitted disease.
- (3) Cases of gonococcus infection shall be regarded by the director as infectious until at least two (2) successive bacteriological examinations, taken not less than twenty-four (24) hours apart, fail to show gonococci.
- (4) The director may isolate persons infected with any of such sexually transmitted diseases in a place provided by the city whenever and as long as isolation is necessary to protect the public

health.
(Code 1964, § 10.320)

Sec. 11-115. Disobeying order of director.

It shall be unlawful for any person to neglect or refuse to obey any order of the director authorized by this article or to interfere with or obstruct such director, or his subordinates, in the performance of the duties herein required.
(Code 1964, § 10.380)

Sec. 11-116. Examinations of certain suspects; quarantine.

When any person is arrested for being a prostitute, a keeper, inmate or frequenter of a house of ill fame, prostitution or assignation, or for lewd or lascivious conduct, such person shall be subjected to a physical examination by the health officer for the purpose of determining if such person is infected with a venereal disease in the infectious stage. If such examination should reveal that such person is suffering from and afflicted with a venereal disease in the infectious stage, such person shall be quarantined and detained in a place provided by the city until such time as such person is no longer capable of conveying such disease to others; provided, however, that any person so quarantined and detained may, at his option, be cared for at his own expense by his own physician.
(Code 1964, § 10.330)

Sec. 11-117. Parents responsible for compliance of minors.

When any minor has acquired a sexually transmitted disease and such minor is living with his parents or legal guardian, such parents or legal guardian shall be legally responsible for the compliance of such minor with the requirements of this article.
(Code 1964, § 10.310)

Secs. 11-118--11-130. Reserved.

ARTICLE V.

FOOD CODE*

* **Editors Note:** Ord. No. 16761, § 1, adopted Jan. 16, 2001, repealed the former Art. V, §§ 11-131--11-159, and enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter. See the Code Comparative Table.

Cross References: Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 11-131. Food code adopted by reference.

The "City of Columbia Food Code," adopted by the city council on January 16, 2001, is made a part of this Code as fully as if set forth in its entirety. Copies of the food code shall remain on file in the office of the city clerk and in the office of the director and shall be available for public use, inspection and examination.
(Ord. No. 16761, § 1, 1-16-01)

Sec. 11-132. Fees.

(a) Food establishments shall pay an annual inspection fee based on their annual gross receipts according to the following schedule:

- (1) Annual Gross Receipts less than \$250,000.00 \$165.00
- (2) Annual Gross Receipts of \$250,000.00--\$750,000.00 225.00
- (3) Annual Gross Receipts more than \$750,000.00 420.00

(b) The annual inspection fee shall be paid to the business license administrator when the application for business license or business license renewal is submitted.

(c) For food establishments other than convenience stores, the annual gross receipts used in determining the amount of the annual inspection fee shall be the same as the annual gross receipts submitted by the food establishment as part of its business license application. The annual gross receipts used in determining the amount of the annual inspection fee for a convenience store shall be the same as the annual gross receipts submitted by the convenience store as part of its business license application less gross receipts from fuel sales.

(d) Only one annual inspection fee shall be charged for each food establishment, even if more than one operating permit is issued.

(e) Food establishments shall pay an administrative service fee of one hundred dollars (\$100.00) per inspection for the second and subsequent reinspections required to correct violations noted during the inspection process. The administrative service fee shall be paid to the business license administrator when the next application for a business license renewal is submitted.

(f) Persons conducting a temporary food event (an event lasting less than fifteen (15) days) shall pay an inspection fee as follows:

One--Three day event \$30.00

Four--Fourteen day event 60.00

The temporary food event inspection fee shall be paid to the business license administrator prior to receipt of the operating permit.

(g) There shall be a fee of ten dollars (\$10.00) for each new or renewed food manager's certificate and a fee of two dollars (\$2.00) for each duplicate food manager's certificate.

(h) There shall be a fee of ten dollars (\$10.00) for each new or renewed food handler's certificate and a fee of two dollars (\$2.00) for each duplicate food handler's certificate.

(i) There shall be a food establishment plan review fee of:

(1) Facilities classified as low risk \$100.00

(2) Facilities classified as medium risk 150.00

(3) Facilities classified as high risk 300.00

(Ord. No. 16761, § 1, 1-16-01; Ord. No. 17019, § 1, 9-17-01; Ord. No. 19208, § 1, 9-18-06; Ord. No. 20044, § 2, 9-15-08; Ord. No. 20410, § 1, 9-21-09)

Sec. 11-133. Penalty.

Any person who violates any provision of the City of Columbia Food Code shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding three (3) months or by both such fine and imprisonment. Each day that a violation continues is a separate offense.

(Ord. No. 16761, § 1, 1-16-01)

Secs. 11-134--11-175. Reserved.

ARTICLE VI.

JUNK DEALERS AND JUNKYARDS*

* **Cross References:** Refuse collection generally, § 22-156 et seq.

DIVISION 1.

GENERALLY

Sec. 11-176. Definitions.

Except when otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this article:

Business premises or *premises* shall mean the area of a junkyard as described in a junk dealer's license or application for license, as provided for in this article.

Junk shall mean old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any accumulation of wrecked, abandoned or dismantled motor vehicles no longer used as such, however obtained or accumulated, to be used for scrap metal or stripping of parts. "Junk" shall not include any objects accumulated by a person as by-products, waste or scraps from the operation of his own business, except for wrecked or dismantled motor vehicles, or any materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes, or material collected to be utilized by charitable or eleemosynary institutions.

Junk dealer shall mean a person who operates a junkyard, as herein defined, within the city, and shall not include charitable organizations or eleemosynary institutions.

Junkyard shall mean a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk, as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale such junk, in whole units or by parts for a business or commercial purpose; except, that places used for the storage, use or distribution of materials gathered or utilized by charitable or eleemosynary institutions shall not be deemed "junkyards" within the meaning of this article. (Code 1964, § 10.10500; Ord. No. 10779, § 1, 11-4-85)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 11-177. Enforcement.

It is hereby made the duty of the director to enforce all provisions of this article, and for this purpose he or his representative or any police officer is empowered to enter upon any premises on which any business subject to the provisions of this article is located or about to be located, and inspect the same at any reasonable time. The director is further empowered to issue orders granting, renewing and revoking any license provided for in accordance with the provisions of this article. (Code 1964, § 10.10520)

Sec. 11-178. General operating requirements.

The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this article:

- (1) The license issued pursuant to this article shall be plainly displayed on the business premises.
- (2) The junkyard, together with all things kept therein, shall at all times be maintained in a sanitary condition.
- (3) No property, space or area not covered by the license shall be used in the licensed business.
- (4) No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
- (5) Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than twelve (12) inches.
- (6) No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk, as defined herein, and is in use in the licensed business.
- (7) No junk shall be allowed to rest upon or protrude over any public street, walkway or curb, or become scattered or blown off the business premises.
- (8) Junk shall be stored in piles not exceeding ten (10) feet in height and shall be arranged so as to permit easy access to all such junk for firefighting purposes.

- (9) No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
- (10) Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
- (11) No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of the fire prevention code and the building code and the Missouri Air Conservation Commission; and no junk or other material shall be burned on the premises in the open except in accordance with the city ordinances and the laws and regulations of the state.
- (12) No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on Sunday, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.
- (13) The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid, vertical wall or fence of a minimum height of ten (10) feet, measured from the ground level. Entrances and exits shall not be wider nor more numerous than reasonably necessary for the conduct of the licensed business; provided, however, that the board of adjustment may modify this requirement.
- (14) The licensee shall permit inspection of the business premises by the director or his representative, or any police officer.
- (15) No junk dealer licensed hereunder or his agent or employee shall purchase or receive any junk for use in the licensed business from any person under the age of eighteen (18) years without the written consent of a parent or guardian of such person. Such writing shall be held available for inspection by the director or his representative for a period of at least one year.
- (16) Each acquisition of junk shall be recorded in a permanent type register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the junk acquired, and the date of the transaction. Such data shall be held available for inspection by the director or his representative for a period of at least one year.
- (17) No junk shall be allowed to become a nuisance; nor shall any junkyard be operated in such a manner as to become injurious or detrimental to the health, safety or welfare of the community or of any residents close by.

(Code 1964, § 10.10580)

Sec. 11-179. Junkyard inspections.

The director, or his duly authorized representative, shall inspect all junkyards licensed under this article at least once a year to determine whether such yards are being operated in accordance with the provisions of this article and other applicable provisions of law.

Junkyards with annual gross sales of twenty-five thousand dollars (\$25,000.00) or less shall pay an

annual inspection fee of one hundred dollars (\$100.00). Junkyards with annual gross sales greater than twenty-five thousand dollars (\$25,000.00) shall pay an annual inspection fee of one hundred fifty dollars (\$150.00). Inspection fees shall be paid to the business license administrator at the time of business license application or renewal.

(Code 1964, § 10.10590; Ord. No. 16592, § 1, 9-18-00)

Sec. 11-180. Penalty.

Any person found guilty of violating any of the provisions of sections 11-176 through 11-179 and division 2 of this article in addition to the revocation or suspension of the license as provided in section 11-202 hereof, shall, upon conviction thereof, be fined in an amount not exceeding five hundred dollars (\$500.00), or be imprisoned in jail for a period of time not exceeding three (3) months, or may be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and may be punished as such.

(Code 1964, § 10.10610)

Sec. 11-181. Abatement of violation.

The imposition of penalties prescribed in this article shall not preclude the city from instituting appropriate action to prevent unlawful construction of a junkyard, or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises as a junkyard, or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

(Code 1964, § 10.10620)

Secs. 11-182--11-195. Reserved.

DIVISION 2.

LICENSE*

* **Cross References:** Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 11-196. License required.

It shall be unlawful for any person hereafter to construct, erect, enlarge, alter, repair, move, relocate, improve, remove, convert, equip, use, operate, or maintain any junkyard or to act as a junk dealer in the city, whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a license therefor from the business license administrator, upon approval of the director.

(Code 1964, § 10.10510)

Sec. 11-197. Application.

An applicant for license under this article shall file with the director a written application signed by himself, if an individual, by all partners, if a partnership, or by the president or chief officer of a corporation or other organization, upon forms provided by the business license administrator, together with a fee as hereinafter

prescribed. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths, and shall include the following information or material:

- (1) Name, residence address and telephone number of each individual owner, partner, or, if a corporation or other organization, each officer and director.
- (2) Trade names and addresses of the business on behalf of which application is made and its telephone number if assigned.
- (3) Exact address or location of the place where the business is or is proposed to be carried on, plus a detailed drawing of the actual premises to be used in connection with the business, giving distances in feet and showing adjoining roads, property lines, buildings and uses.

(Code 1964, § 10.10530)

Sec. 11-198. Issuance; contents; record of applications.

(a) The director shall approve the application only if he finds that the requirements of this article have been satisfied.

(b) The license as issued shall bear the following language on its face:

"IMPORTANT--This license applies only to the premises indicated herein and authorizes the licensee to operate a junkyard in a lawful place and manner only; it is not a substitute for any certificate of occupancy, building permit, or other certificate or permit that might be required by law of the licensee, and it does not relieve the licensee of the responsibility to have all such required permits or certificates at all times and comply with all laws affecting the above described business."

(c) The business license administrator shall keep a permanent record of all applications filed and all licenses issued in accordance with this article.

(Code 1964, § 10.10540)

Sec. 11-199. Fees.

(a) The annual fee to be paid for a junk dealer's license or renewal license issued hereunder shall be based upon gross sales, as provided by section 13-27.

(b) All fees are due and payable upon, and computed as of the first day of business.

(Code 1964, § 10.10560)

Sec. 11-200. Term; renewal.

(a) Any license or renewal license issued hereunder shall be effective as of the date of its issuance and shall expire the next June thirtieth.

(b) An applicant for a renewal license shall file with the director a written application upon forms provided by the business license administrator.

(Code 1964, § 10.10550)

Sec. 11-201. Non-transferability.

No license issued under this article shall be transferred or assigned or used by any person other than the one to whom it was issued, and no junk dealer's license shall be used at any location other than the one described in the application upon which it was issued.

(Code 1964, § 10.10570)

Sec. 11-202. Revocation and suspension.

When the director determines that the public interest so requires, he shall revoke or suspend the license of any junk dealer when he finds, after due investigation and hearing, if requested by the licensee, that:

- (1) The junk dealer or any agent or officer of such dealer who takes part in the operation of the licensed business, is not of good character or reputation or is not capable of operating the licensed business or carrying on the licensed activity in a manner consistent with public health and safety;
- (2) The junk dealer has failed to comply with the provisions of this article or any provision of law applicable to the premises, equipment or operation of the license business;
- (3) The licensee has obtained his license through any fraud or misstatement;
- (4) The licensed business or activity is being conducted in a manner detrimental to the health, safety or general welfare of the public, or is a nuisance, or is being operated or carried on in any unlawful manner; or
- (5) The licensed business or activity is no longer being operated or carried on.

(Code 1964, § 10.10600)

Secs. 11-203--11-220. Reserved.

ARTICLE VII.

NUISANCES*

* **Editors Note:** Ord. No. 16982, § 1, adopted Aug. 6, 2001, repealed Art. VII of this chapter in its entirety. Former Art. VII, §§ 11-221--11-239, 11-251--11-256, 11-258--11-260, pertained to nuisances and derived from the 1964 Code, §§ 10.4070, 10.4080, 10.4090, 10.5000, 10.5010, 10.5020, 10.5030, 10.5040, 10.5050, 10.5060, 10.5070, 10.5080, 10.5090, 10.5095, 10.6000, 10.6010, 10.6020, 10.6030, 10.6040, 10.6045, 10.6050, 10.6060, 10.6070, 10.6080, 10.7000, 10.7010, 10.7020, 10.7030, 10.7040; Ord. No. 10650, § 1, adopted July 15, 1985; and Ord. No. 11146, § 1, adopted Aug. 4, 1986. Section 2 of Ord. No. 16982 added new provisions as Art. VII of this chapter to read as herein set out.

DIVISION 1.

GENERALLY

Sec. 11-221. Definitions and rules of construction.

The following definitions and rules of construction apply to this article:

Debris includes, but is not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation, rubbish and trash, lumber and firewood not piled neatly, parts of derelict cars or trucks, broken furniture, flammable material which may endanger public safety or material which is unhealthy or unsafe and declared to be a public nuisance.

Enforcement official means any person designated by the director to enforce the provisions of this article.

Hearing officer means the director or a person designated by the director to conduct hearings under this article.

Private property means any property within the corporate limits of the city that is not owned or controlled by the city.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-222. Liability for nuisance.

It is the duty of every owner of property within the city, as well as the owner's agent in charge of the property and every tenant and occupant of the property, to maintain the property free of nuisances.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-223. Unimproved public right-of-way.

For purposes of this article, every owner of the fee interest underlying any public street right-of-way shall be responsible for maintaining all unimproved portions of the right-of-way free of nuisances.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-224. Inspecting private property.

Except for exigent circumstances, enforcement officials shall not enter and inspect private property without the consent of an owner or occupant of the property or pursuant to a warrant issued by the municipal judge. A warrant, however, shall not be required to enter and inspect any place where the public is invited or to use normal means of public access to the doors of residences.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-225. Remedies not exclusive.

The remedies set forth in this article are cumulative and not exclusive. The city may pursue any available civil remedies in addition to prosecuting violations in municipal court and following the abatement procedures of this article.

(Ord. No. 16982, § 2, 8-6-01)

Secs. 11-226--11-229. Reserved.

DIVISION 2.

NUISANCES ENUMERATED AND PROHIBITED

Sec. 11-230. Nuisances enumerated.

The following are declared to be nuisances:

- (1) Any condition, substance or thing on public or private property that is injurious or dangerous to public health or safety.
- (2) Any condition or thing defined as a nuisance in this Code or any code adopted by this Code.
- (3) Any condition prohibited by Article XI of this chapter (Aesthetic Regulations).
- (4) A tree or any tree limb that is dead and that is a hazard to life or property.
- (5) A tree or any tree limb that causes a safety hazard by obstructing the line of sight of a motor vehicle driver, bicyclist or pedestrian at a street intersection.
- (6) A tree or any tree limb that could interfere with the passage of motor vehicles, bicycles or pedestrians on any public right-of-way.
- (7) A tree that harbors insects or disease that constitutes a potential threat to other trees.
- (8) Noxious fumes.
- (9) Accumulations or deposits of garbage other than garbage temporarily stored for lawful disposal provided that the garbage is temporarily stored in a leak proof container designed for the storage of garbage.
- (10) Any accumulation of trash or debris.
- (11) Sewage or other human organic waste discharged or exposed on any land in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitoes, the production of odors, or the transmission of disease, or which contaminates surface water or ground water.
- (12) Any barn or other place where animal or fowl waste collects that is not kept in a clean and wholesome condition so that no odors offensive to a person of ordinary sensibilities are allowed to escape the premises.
- (13) Deposits of leaves, grass, dirt or other material that interfere with the proper functioning of any

sewer inlet or fixture.

(14) Any accumulation of unwholesome, impure or stagnant water.

(15) Any accumulation of material that does or could afford harborage for rats, mice or snakes.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-231. Nuisances prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-232. Defense.

It is an affirmative defense to a charge of permitting, maintaining or allowing the creation or maintenance of a nuisance in violation of this division, that the defendant did not have the legal right to control the location where the alleged violation occurred.

(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-233. Continuing violation.

Each day that a violation of this division continues shall be deemed a separate offense.

(Ord. No. 16982, § 2, 8-6-01)

Secs. 11-234--11-239. Reserved.

DIVISION 3.

ABATEMENT

Sec. 11-240. Administrative procedure.

(a) *Applicability.* The provisions of this division, other than the provision for emergency abatement, shall apply only to violations of this article that do not have specific abatement procedures.

(b) *Abatement notice.* When an enforcement official determines that a nuisance exists in violation of this article, the enforcement official may initiate a nuisance abatement procedure by serving an abatement notice on the owner of the property upon which the nuisance is believed to exist. The abatement notice shall contain the following:

- (1) A description of the location and nature of the alleged nuisance,
- (2) A statement of the acts necessary to abate the alleged nuisance,
- (3) An order establishing the time for beginning and completing abatement of the alleged nuisance

and requiring that abatement activities continue without unreasonable delay,

- (4) Information on the right and manner of requesting a hearing to contest the enforcement official's abatement notice, and
- (5) A statement that if the nuisance is not abated as ordered and if no request for hearing is made within the prescribed time, the city may abate the alleged nuisance and assess the costs against the property owner and the property.

(c) *Service of abatement notice.*

- (1) The enforcement official shall serve the abatement notice on the property owner by first class mail or by personal service in the same manner as legal process is served under any Missouri statute or court rule. Mailed notice shall be presumed received three (3) days after it is mailed.
- (2) If the enforcement official is unable to obtain service by either of the above methods, service may be obtained by publishing the abatement notice once in a newspaper of general circulation in the city and by posting the abatement notice on the property where the alleged nuisance exists. Notice shall be considered given on the date the notice is published or the notice is posted, whichever is later.

(d) *Request for hearing.* The owner of property on which the nuisance is alleged to exist may contest the abatement notice by requesting a hearing. The request for hearing must be made in writing and received by the director within seven (7) days of service of the abatement notice. The request for hearing must be either hand-delivered to the office of the director or sent to the director by United States mail, facsimile machine or electronic mail. The request for hearing must state an address to which a notice of hearing may be sent.

(e) *Notice of hearing.* At least ten (10) days written notice of the hearing shall be given to the property owner except in cases where the public health, safety or interest shall make a shorter time reasonable. Notice shall be hand-delivered to the property owner or mailed to the address provided by the property owner in the request for hearing. Notice shall be presumed received three (3) days after it is mailed.

(f) *Hearing and decision.* The hearing officer shall conduct the hearing and enter a decision in accordance with the requirements of chapter 536, RSMo. If the hearing officer determines that a nuisance exists as charged in the abatement notice, the hearing officer may enter an order of abatement directing that the nuisance be abated under such conditions and within such time as the hearing officer deems appropriate under the circumstances.

(g) *Appeal.* An appeal from the decision of the hearing officer may be made to the circuit court of Boone County in accordance with chapter 536, RSMo.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-241. Abatement by city.

If the order of abatement is not complied with or if no hearing is requested and the abatement notice is not complied with, the director may have the nuisance abated by city employees or by persons under contract

with the city. No person shall enter private property to abate a nuisance unless the owner or occupant has consented to the entry or unless the municipal judge has issued a warrant for the entry.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-242. Collection of abatement costs.

(a) The director shall certify the cost of abatement to the city clerk. The cost shall include administrative costs as well as the actual cost of abating the nuisance. The city clerk shall cause a special taxbill against the property to be prepared in the amount of the abatement costs. The taxbill from the date of its issuance shall be a lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in the taxbill or in the proceedings leading up to the issuance of the taxbill shall be a defense in an action to collect the taxbill. Taxbills issued under this section, if not paid when due, shall bear interest at the rate of eight (8) per cent per annum.

(b) The cost of abatement shall also constitute a personal obligation of the owner of the property and of any other person who caused the nuisance.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-243. Emergency abatement.

(a) The director may abate any nuisance without following the abatement procedures of this article if the nuisance presents an immediate threat to the health, safety or welfare of any inhabitant of the city.

(b) The director may assess the cost, including administrative costs, of abating a nuisance under this section against the property on which the nuisance was located. Before assessing costs, the director shall serve a bill of costs on the property owner. The bill of costs shall describe the nuisance that was abated, state the cost of abatement and inform the owner of the right and manner of requesting a hearing.

(c) The bill of costs shall be served on the property owner by first class mail, or by personal service in the same manner as legal process is served under any Missouri statute or court rule. Mailed notice shall be presumed received three (3) days after it is mailed. If service is not able to be obtained by either of the above methods, service may be obtained by publishing notice of the bill of costs in a newspaper of general circulation in the city.

(d) The property owner may contest the assessment of costs by requesting a hearing. The request for hearing must be made in writing and received by the director within seven (7) days of service of the bill of costs or publication of notice of the bill of costs. The request for hearing must be either hand-delivered to the office of the director or sent to the director by United States mail, facsimile machine or electronic mail. The request for hearing must state an address to which a notice of hearing may be sent.

(e) Notice of hearing. At least ten (10) days written notice of the hearing shall be given to the property owner. Notice shall be hand-delivered to the property owner or mailed to the address provided by the property owner in the request for hearing. Notice shall be presumed received three (3) days after it is mailed.

(f) Hearing and decision. The hearing officer shall conduct the hearing and enter a decision in accordance with the requirements of chapter 536, RSMo. If the hearing officer determines that the abatement

was justified under subsection (a), the hearing officer shall certify the cost of abatement to the city clerk for collection pursuant to the provisions of section 11-242.

(g) Appeal. An appeal from the decision of the hearing officer may be made to the circuit court of Boone County in accordance with chapter 536, RSMo.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-244. Nuisances on more than one property.

If any nuisance abated by the director extended over more than one (1) parcel of land, the cost of abating the nuisance shall be assessed against each parcel of land on which the nuisance was abated in proportion to the amount of work and expense for each such parcel. Except in the case of an emergency abatement, however, no parcel of land shall be assessed unless an owner of the parcel was served with an abatement notice.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-245. Nuisances attributable to neighboring property.

If any nuisance abated by the director was caused in whole or in part by activities on neighboring property, the cost of abating the nuisance shall be assessed against each parcel of such neighboring property in proportion to the amount of damage attributable to each such parcel. Except in the case of an emergency abatement, however, no property shall be assessed unless an owner of the property was served with an abatement notice. The owner of such property shall be entitled to the same hearing and appeal rights as the owner of property on which a nuisance is alleged to exist.
(Ord. No. 16982, § 2, 8-6-01)

Secs. 11-246--11-250. Reserved.

DIVISION 4.

WEEDS

Sec. 11-251. Weeds defined.

As used in this division, the term "weeds" means:

- (1) All vegetation, other than commonly known and recognized trees, decorative shrubs and ornamental grasses, which has attained a height of twelve (12) inches or more and which meets any one (1) of the following tests:
 - a. Vegetation which may exhale unpleasant or noxious odors.
 - b. Vegetation which does or could conceal deposits of trash or other material or which does or could afford food or harborage for rats, mice or snakes.
 - c. Vegetation which is commonly known and recognized as weeds and grasses.

- d. Vegetation which causes a safety hazard by obstructing the line of sight of a motor vehicle driver, bicyclist or pedestrian at a street intersection.
- e. Vegetation which could interfere with the passage of motor vehicles, bicycles or pedestrians on any public right-of-way.

(2) Poison ivy, poison oak and poison sumac, at any height or stage of maturity.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-252. Weeds declared a nuisance.

Any growth of weeds on any lot or ground is hereby declared to be a nuisance.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-253. Weeds prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of any growth of weeds in violation of this division.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-254. Defense.

(a) It is an affirmative defense that the defendant did not have the legal right to control the location where a violation of this division occurred.

(b) It is an affirmative defense that the growth of weeds was for agricultural purposes, provided that a fifteen-foot wide, weed-free buffer was maintained on the perimeter of the property wherever the property adjoins property used for residential or commercial purposes.

(c) It is an affirmative defense that the growth of weeds was part of a federal or state agricultural or conservation program.
(Ord. No. 16982, § 2, 8-6-01; Ord. No. 17384, § 1, 7-15-02)

Sec. 11-255. Continuing violation.

Each day that a violation of this division continues shall be deemed a separate offense.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-256. Weed abatement.

(a) *Initiation of abatement procedure.* When the hearing officer has reason to believe that weeds have been allowed to grow on any property in violation of this article, the hearing officer may initiate an abatement procedure by calling a hearing to determine whether a violation exists.

(b) *Notice of hearing.* The owner of the property on which the violation of this article is believed to exist shall be given notice of the hearing at least four (4) days before the hearing. The notice shall describe the

location and nature of the alleged violation and state the time and place of the hearing. When there is more than one (1) owner of the property, notice need be given to only one (1) of the owners.

(c) *Service of notice.* The notice shall be served by at least one of the following methods:

- (1) Personal service on the owner or the owner's agent;
- (2) Service by mail addressed to the last known address of the owner or the owner's agent;
- (3) Posting the notice on the property where the violation is alleged to exist.

Notice shall be considered given on the date the notice is personally served, mailed or posted.

(d) *Hearing and order.* The hearing officer shall conduct an informal hearing at the time and place designated in the notice of hearing. If the hearing officer determines, after reviewing all evidence presented at the hearing, that weeds have been allowed to grow on the subject property in violation of this article, the hearing officer may declare the weeds to be a nuisance and order them to be abated within five (5) business days.

(e) *Abatement by city.* If weeds are not cut down and removed as ordered by the hearing officer, the hearing officer may have the weeds cut down and removed by city employees or by persons under contract with the city. No person shall enter private property containing an occupied single-family residential structure to abate a weed nuisance unless an owner or occupant of the property has consented to the entry or unless the municipal judge has issued a warrant for the entry.

(f) *Collection of abatement costs.* The director shall certify the cost of abatement to the city clerk. The cost shall include administrative costs as well as the actual cost of cutting and removing the weeds. The city clerk shall cause a special taxbill against the property to be prepared in the amount of the abatement cost. The taxbill from the date of its issuance shall be a lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in the taxbill or in the proceedings leading up to the issuance of the taxbill shall be a defense in an action to collect the taxbill. Taxbills issued under this section, if not paid when due, shall bear interest at the rate of eight (8) per cent per annum. The cost of abatement shall also constitute a personal obligation of the property owner.
(Ord. No. 16982, § 2, 8-6-01)

Secs. 11-257--11-261. Reserved.

DIVISION 5.

UNLICENSED, DISMANTLED, INOPERABLE AND JUNK-FILLED VEHICLES

Sec. 11-262. Definitions.

The following definitions apply to this division:

Dismantled vehicle means any vehicle missing significant body parts such as the hood, fender, cab, door

or trunk lid.

Inoperable vehicle means any vehicle that does not possess an engine, has one (1) or more flat or missing tires, or is otherwise incapable of being operated for lack of a major component of the vehicle.

Junk means 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, trash and refuse.

Junk-filled vehicle means 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 (3) feet above the bed of the vehicle.

Unlicensed vehicle means 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.

Vehicle means any device designed for the motorized transportation of persons or property over public ways.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-263. Nuisance declared; exceptions.

(a) The presence upon any private property within the city of an unlicensed, dismantled, inoperable or junk-filled vehicle is declared to be a public safety hazard and a nuisance.

(b) The declaration of nuisance in this section shall not apply to:

- (1) 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;
- (2) Any vehicle that is kept or stored in a garage or similar fully enclosed structure;
- (3) Any vehicle that is enclosed within a locked fenced area and is not clearly visible from adjacent public or private property;
- (4) 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.

(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-264. Nuisance vehicles prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of any nuisance in violation of this division.

(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-265. Defenses.

(a) It is an affirmative defense to a charge of permitting, maintaining or allowing the creation or maintenance of a nuisance in violation of this division that the defendant did not have the legal right to control the location where the alleged violation occurred.

(b) In any prosecution or abatement action alleging that an unlicensed vehicle was unlawfully present within the city, it is an affirmative defense that the unlicensed vehicle had been licensed within ninety (90) days prior to the alleged violation.

(c) In any prosecution or abatement action alleging that an unlicensed vehicle was unlawfully present within the city, it is an affirmative defense that the unlicensed vehicle is used for racing or for display at automobile shows.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-266. Continuing violation.

Each day that a violation of this division continues shall be deemed a separate offense.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-267. Abatement procedure.

(a) *Abatement notice.* When an enforcement official determines that a nuisance exists in violation of this division, the enforcement official may initiate a nuisance abatement procedure by serving an abatement notice on the owner of the vehicle and on the occupant of the property upon which the nuisance is believed to exist. An abatement notice must be served on the owner of the property upon which the nuisance is believed to exist only if abatement costs are to be assessed against the property. The abatement notice shall contain the following:

- (1) A description of the location and nature of the alleged nuisance;
- (2) A statement of the acts necessary to abate the alleged nuisance;
- (3) An order establishing a deadline for abating the alleged nuisance which shall be at least thirty (30) days after the abatement order is served;
- (4) Information on the right and manner of requesting a hearing to contest the enforcement official's abatement notice; and
- (5) A statement that if the nuisance is not abated as ordered and if no request for hearing is made within the prescribed time, the city may abate the alleged nuisance by removing the vehicle and assess the costs against the owner of the vehicle, against the owner or occupant of the property and against the property.

(b) *Service of abatement notice.*

- (1) The enforcement official shall serve the abatement notice on the owner of the vehicle and on the occupant of the property by posting the abatement notice in a prominent location on the vehicle or on some conspicuous place on the property where the vehicle is located.
- (2) The enforcement official may serve the abatement notice on the property owner by first class mail or by personal service in the same manner as legal process is served under any Missouri statute or court rule. Mailed notice shall be presumed received three (3) days after it is mailed.
- (3) If the enforcement official is unable to obtain service on the property owner by either of the above methods, service may be obtained by publishing the abatement notice once in a newspaper of general circulation in the city. Notice shall be considered given on the date the notice is published.

(c) *Request for hearing.* The owner of the vehicle or the owner or occupant of the property on which the nuisance is alleged to exist may contest the abatement notice by requesting a hearing. The request for hearing must be made in writing and received by the director within seven (7) days of service of the abatement notice. The request for hearing must be either hand-delivered to the office of the director or sent to the director by United States mail, facsimile machine or electronic mail. The request for hearing must state an address to which a notice of hearing may be sent.

(d) *Notice of hearing.* At least ten (10) days written notice of the hearing shall be given to the person requesting the hearing except in cases where the public health, safety or interest shall make a shorter time reasonable. Notice shall be hand-delivered or mailed to the address provided in the request for hearing. Notice shall be presumed received three (3) days after it is mailed.

(e) *Hearing and decision.* The hearing officer shall conduct the hearing and enter a decision in accordance with the requirements of chapter 536, RSMo. If the hearing officer determines that a nuisance exists as charged in the abatement notice, the hearing officer may enter an order of abatement directing that the vehicle be removed or the nuisance be otherwise abated under such conditions and within such time as the hearing officer deems appropriate under the circumstances.

(f) *Appeal.* An appeal from the decision of the hearing officer may be made to the circuit court of Boone County in accordance with chapter 536, RSMo.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-268. Abatement by city.

If the order of abatement is not complied with or if no hearing is requested and the abatement notice is not complied with, the director may have the vehicle removed by city employees or by persons under contract with the city. No person shall enter private property to remove the vehicle unless the property owner or occupant has consented to the entry or unless the municipal judge has issued a warrant for the entry.
(Ord. No. 16982, § 2, 8-6-01)

Sec. 11-269. Collection of abatement costs.

(a) If the owner of the property on which the unlicensed, dismantled, inoperable or junk-filled vehicle was located was served with an abatement notice, the cost of abatement may be assessed against the property in the following manner. The director shall certify the cost of abatement to the city clerk. The cost shall include administrative costs as well as the actual cost of removing the vehicle. The city clerk shall cause a special taxbill against the property to be prepared in the amount of the abatement cost. The taxbill from the date of its issuance shall be a lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in the taxbill or in the proceedings leading up to the issuance of the taxbill shall be a defense in an action to collect the taxbill. Taxbills issued under this section, if not paid when due, shall bear interest at the rate of eight per cent (8%) per annum. The tax bill shall constitute a personal obligation of the owner of the property on which the vehicle was located.

(b) The cost of abatement shall also constitute a personal obligation of the owner of the vehicle and the occupant of the property on which the vehicle was located.
(Ord. No. 16982, § 2, 8-6-01)

Secs. 11-270--11-275. Reserved.

ARTICLE VIII.

SWIMMING POOLS*

* **Editors Note:** Ord. No. 16334, § 1, adopted Feb. 7, 2000, repealed former Art. VIII of this chapter in its entirety and enacted a new Art. VIII, §§ 11-276--11-281 as set out herein. Former Art. VIII, §§ 11-276--11-283, pertained to similar subject matter. See the Code Comparative Table.

Sec. 11-276. Definitions.

The following definitions apply to this article:

Spa. A spa is a swimming pool designed for recreational or therapeutic use of heated water and not to be drained, cleaned, and refilled for each individual. A spa may include hydrojet circulation, mineral baths and an air induction system. A pool used under direct supervision of qualified medical personnel is not a spa.

Swimming pool. Any artificial basin of water which has been wholly designed, modified, improved, constructed or installed solely for the purpose of swimming, wading or immersion. Swimming pools shall be divided into the following classes:

- (1) Class A swimming pool is a swimming pool operated by the city or any other governmental agency.
- (2) Class B swimming pool is a swimming pool operated by a hotel, motel, community association, apartment complex or similar entity which serves merely as an additional service for patrons or residents and which is not otherwise classified as class C.
- (3) Class C swimming pool is a swimming pool that is maintained by a commercial establishment for which memberships or admissions are sold.

(4) Class D swimming pool is a private, residential swimming pool or spa.

(5) Class E swimming pool is a nonresidential spa.

(6) Class F swimming pool is a special purpose pool that has a special use or design such as a wave pool, wading pool, zero-depth entry pool and pool with a water slide.

(Ord. No. 16334, § 1, 2-7-00)

Sec. 11-277. Design and operation requirements adopted by reference.

The "City of Columbia Guide for Swimming Pool Design and Operation," 2000 Edition, adopted by the city council on February 7, 2000, is made a part of this Code as fully as if set forth in its entirety. Copies of the guide shall remain on file in the office of the city clerk and in the office of the director and shall be available for public use, inspection and examination.

(Ord. No. 16334, § 1, 2-7-00)

Sec. 11-278. Operating permit required; revocation of permit; hearings and appeals.

(a) Every person owning, operating or maintaining a class A, B, C, E or F swimming pool in the City of Columbia shall be required to hold a valid operating permit from the health department. The permit will be issued annually upon application and after certification by the health department that all requirements of this article and the rules and regulations of the health department regarding safety and sanitation have been complied with. An annual inspection fee of two hundred fifty dollars (\$250.00) per pool or spa permit for pools requiring seasonal inspections shall be collected. An annual inspection fee of four hundred dollars (\$400.00) per pool or spa permit requiring annual inspections shall be collected. Such fees shall be collected by the business license administrator and are payable at the time that the permit is issued.

(b) If the application for an operating permit is denied, the health department shall notify the applicant in writing of the reasons for the denial and of the right to appeal. The applicant, within ten (10) days of the denial of the permit, may appeal the denial by filing a written request for a hearing before the director.

(c) If the director determines that a violation of this article or a rule or regulation established under this article is a substantial health or safety hazard, the director may immediately revoke the operating permit and all use of the swimming pool shall be immediately discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the director, shall be afforded a hearing on the revocation within five (5) days.

(d) Any person whose permit has been revoked, may, at any time, make application for reinspection for the purpose of reinstatement of the permit. Within five (5) business days following the receipt of a written request, the swimming pool shall be reinspected. If the swimming pool is in compliance with the requirements of this article and the rules and regulation established under this article, the permit shall be reinstated.

(e) The hearings provided for in this section shall be conducted by the director in accordance with the requirements of RSMo ch. 536. Appeals may be made to the circuit court in accordance with the requirements of RSMo ch. 536.

(Ord. No. 16334, § 1, 2-7-00; Ord. No. 16592, § 1, 9-18-00; Ord. No. 20410, § 1, 9-21-09)

Sec. 11-279. Health and safety requirements.

(a) *Removable ladders.* A class D pool which is designed with a removable ladder shall have the ladder removed when the pool is unattended. A class D pool which has a safety ladder designed to swing upward and lock into place shall be locked into place when the pool is unattended.

(b) *Closing inspection.* All class A, B, C, E and F pools shall have a closing inspection for off season safety considerations.

(c) *Lifeguard.* Each class A, C and F swimming pool shall have at least one (1) lifeguard on duty. The total number of lifeguards shall be based on anticipated usage and design characteristics. Lifeguard requirements for class C pools shall not apply for lap swimming, athletic competition, organized classes and for other activities specified by the director which are supervised by appropriate staff members. Lifeguards shall have completed a nationally recognized lifeguarding course. All lifeguards or instructors on duty must be physically able and fit to rescue any bather in danger of drowning. Lifeguards shall be in the pool area when the pool is open to persons other than residents of a hotel, motel, apartment building or multiple-family dwelling.

(d) *Rules of conduct.* Each class A, B, C, E and F swimming pool shall have posted rules for the conduct of bathers to minimize danger of injury to persons using the pool. All such rules shall be approved by the health department.

(e) *"Swim at Own Risk" sign.* Each class B swimming pool shall, when a lifeguard is not on duty, have conspicuously posted at the entrances to the pool a sign with letters not less than two inches in height reading "No Lifeguard on Duty--Swim at Own Risk."

(f) *Toilet and shower facilities.* Each person owning or operating a class C pool shall provide toilet and shower facilities for nonresident swimming pool users.
(Ord. No. 16334, § 1, 2-7-00)

Sec. 11-280. Powers and duties of the director.

(a) The director of health services shall have the authority to make rules and regulations to ensure safe and sanitary operation of swimming pools. The health department shall inspect all class A, B, C, E and F swimming pools regularly. If a swimming pool owner or operator does not consent to a health department inspection of the swimming pool facilities, the health department code enforcement official shall make application for a warrant pursuant to chapter 15 of this Code.

(b) The director may permit other protective devices or structures to be used instead of the fencing, gates, doors and latches required by this article if the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the fence, gate, door and latch required by this article.
(Ord. No. 16334, § 1, 2-7-00)

Sec. 11-281. Penalty.

Any person who violates any provision of this article or of the "City of Columbia Guide for Swimming Pool Design and Operation" shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding three (3) months or by both such fine and imprisonment. Each day that a violation continues is a separate offense.
(Ord. No. 16334, § 1, 2-7-00)

Secs. 11-282--11-289. Reserved.

ARTICLE IX.

SMOKING IN PUBLIC PLACES

Sec. 11-290. Restrictions.

Except as provided in this article, the possession of lighted smoking materials is unlawful in any of the following places used by or open to the public or serving as a place of work:

- (1) Any commercial establishment including, but not limited to, retail stores, banks, office buildings, offices, restaurants, and bars;
- (2) Any public transportation vehicle including, but not limited to, buses, limousines for hire, and taxicabs;
- (3) Restrooms;
- (4) Libraries, educational facilities, day care facilities, museums, auditoriums, and art galleries;
- (5) Any indoor public area of a health care facility, health clinic, or ambulatory care facility including, but not limited to, laboratories associated with the rendition of health care treatment, hospitals, rest homes, nursing homes, long-term care facilities and offices of health professionals;
- (6) Any indoor place of entertainment or recreation including, but not limited to, gymnasiums, theatres, concert halls, bingo halls, arenas, and swimming pools;
- (7) All public areas and waiting rooms of public transportation facilities including, but not limited to, bus and airport facilities;
- (8) Any other enclosed areas serving as a place of work or used by the public including open office landscaping and shopping malls;
- (9) Rooms in which meetings or hearings open to the public are held, except where such rooms are in a private residence;
- (10) Anywhere in any building owned or managed by the city;

- (11) Within twenty (20) feet of an entrance to any structure in which smoking is prohibited or limited by this article. This subsection shall not apply to any person in a motor vehicle or to any person merely passing by an entrance to a structure;
 - (12) The seating areas and enclosed spaces of any stadium, outdoor arena or athletic field;
 - (13) The patio areas of any restaurant, bar or other commercial establishment except as provided in section 11-291(6).
- (Ord. No. 11375, § 1, 2-16-87; Ord. No. 14736 § 1, 1-16-96; Ord. No. 15928, § 1, 3-15-99; Ord. No. 19252, § 1, 10-9-06)

Sec. 11-291. Exemptions.

- (a) Except as otherwise provided in subsection (b), the restrictions of this article shall not apply to:
 - (1) An entire room or hall which is used for private social functions, provided that the room or hall has a separate ventilation system or negative pressure vented to the outside and provided that no employees of the establishment are exposed to smoke;
 - (2) A private, enclosed office that has a ventilation system that is not shared with non-smoking offices and that is occupied exclusively by smokers. This exemption does not apply to offices that are visited by members of the public or by non-smoking employees of the business. This exemption shall not be construed to permit smoking in the reception areas of lobbies or offices or in any building owned or managed by the city with the exception of airport buildings that are leased or owned by private commercial enterprises. This exemption does not permit individuals to smoke in hazardous areas that may exist within any building;
 - (3) Performers upon the stage, provided that the smoking is part of a theatrical production;
 - (4) Retail stores which are used primarily to sell tobacco products and accessories and in which the sale of other products is merely incidental;
 - (5) Membership associations that meet the following criteria:
 - a. The association is a private, not for profit organization formed before April 1, 2006; and
 - b. The association is organized primarily for the benefit of its members; and
 - c. Association members pay dues; and
 - d. The association is managed and operated by a board consisting entirely of its own members; and
 - e. The association is organized primarily as a recreational, fraternal, athletic, military veteran, religious or kindred association; and

- f. The association is not primarily engaged in preparing and serving food or alcoholic beverages by the drink; and
 - g. All operational duties of the association, other than professional duties, are performed by members of the association who are not compensated for performing such duties.
 - h. This exemption shall not apply to any activities to which the general public is invited.
- (6) Patio areas of any restaurant, bar or other commercial establishment designated by the owner or operator of the business as a smoking area; provided, that no more than fifty (50) percent of the patio area shall be designated as a smoking area and no area shall be designated as a smoking area if it must be crossed to obtain access to a nonsmoking area or a restroom.

(b) The proprietor or person having control of an area which is otherwise exempt from the provisions of this article may apply the provisions of this article to such area by posting a "No Smoking" sign or a sign with the international "No Smoking" symbol in the area in accordance with the provisions of section 11-293.

(Ord. No. 11375, § 1, 2-16-87; Ord. No. 12777, § 1, 10-22-90; Ord. No. 14736 § 1, 1-16-96; Ord. No. 19252, § 1, 10-9-06)

Sec. 11-292. Hotels and motels.

Hotels and motels shall designate non-smoking rooms.

(Ord. No. 11375, § 1, 2-16-87; Ord. No. 14736 § 1, 1-16-96; Ord. No. 14822 § 1, 4-15-96; Ord. No. 19252, § 1, 10-9-06)

Sec. 11-293. Responsibility of proprietors.

(a) The proprietor or the other person having control of a place governed by this article shall prominently post the entrance thereof with "NO SMOKING" or "SMOKING IN DESIGNATED AREAS ONLY" signs, as applicable, in letters no less than one inch in height, and shall prominently post "SMOKING" or "NO SMOKING" signs, whichever is appropriate, with letters of not less than one inch in height, or the international "NO SMOKING" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it in every place where smoking is regulated by this article.

(b) Every theatre owner, manager, or operator shall post signs conspicuously in the lobby stating that smoking is prohibited.

(c) Every public portion of grocery stores and food markets is required to have posted "NO SMOKING" signs at specific locations throughout each market as follows: signs must be visible to people entering the market, people at meat and produce counters, and people in all checkout lanes.

(d) The proprietor or other person having control of a place set out in this article upon observing a person smoking in violation of this article shall request that person stop smoking.

(Ord. No. 11375, § 1, 2-16-87; Ord. No. 12777, § 1, 10-22-90; Ord. No. 14736 § 1, 1-16-96)

Sec. 11-294. Public education.

The director shall engage in a continuing program to inform and to educate the public regarding the health consequences of smoking; shall clarify the purposes of this article to citizens affected by it; and shall guide owners, operators, and managers in their compliance.

(Ord. No. 11375, § 1, 2-16-87; Ord. No. 14736 § 1, 1-16-96; Ord. No. 19252, § 1, 10-9-06)

Sec. 11-295. Penalty.

Any person violating, neglecting, or refusing to comply with any provision of this article shall be guilty of an infraction punishable by a fine of not more than two hundred dollars (\$200.00).

(Ord. No. 11375, § 1, 2-16-87; Ord. No. 14736 § 1, 1-16-96; Ord. No. 19252, § 1, 10-9-06)

Sec. 11-296. Enforcement.

The authority to administer and enforce the provisions of this article is vested in the director and the director's duly authorized representatives.

(Ord. No. 11375, § 1, 2-16-87; Ord. No. 14736 § 1, 1-16-96; Ord. No. 19252, § 1, 10-9-06)

Secs. 11-297--11-310. Reserved.

ARTICLE X.

SALE OF TOBACCO TO MINORS

Sec. 11-311. Sales of tobacco products to minors.

(a) *Definitions.* For the purposes of this section, the following terms shall have the meanings designated:

- (1) *Tobacco products* shall mean any substance containing tobacco leaf, including, but not limited to, cigars, cigarettes, pipe tobacco and smokeless tobacco. "Smokeless<>tobacco" means any tobacco products that are suitable for dipping or chewing, such as snuff, chewing tobacco or dipping tobacco.
- (2) *Tobacco product paraphernalia* shall include, but not be limited to, cigarette wrapping papers and pipes made for smoking tobacco products.
- (3) *Minor* shall mean any person under the age of eighteen (18) years.
- (4) *Vending machine* shall mean any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

(b) *Prohibitions.* It shall be unlawful for any person to sell tobacco products or tobacco product paraphernalia to a minor.

(c) *Warning signs.* Warning signs concerning sales of tobacco products to minors shall be plainly visible at every display from which tobacco products are sold. Such signs shall:

- (1) Contain in red lettering at least one-half inch high on a white background "IT IS A VIOLATION OF THE LAW FOR TOBACCO PRODUCTS OR TOBACCO PRODUCT PARAPHERNALIA TO BE SOLD TO ANY PERSON UNDER THE AGE OF 18, " and
- (2) Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle.

(d) *Vending machines; exceptions:* Effective January 1, 1992, it shall be unlawful to sell tobacco products through vending machines except:

- (1) In factories, businesses, offices or other places not open to the general public, and
- (2) In places to which persons under the age of eighteen (18) are not permitted access.

(e) *Signs on vending machines.* It shall be unlawful to offer tobacco products for sale through a vending machine unless the vending machine contains thereon the warning signs referred to in paragraph (c) and the owner of the vending machine or person leasing the machine does not knowingly permit the sale of tobacco products to minors.

(f) *Violations.* Any person found guilty of violating the provisions of this section shall be deemed guilty of an infraction. The penalty for violation of the provisions of this section shall be:

- (1) A fine of one hundred dollars (\$100.00) for the first violation within a two-year period.
- (2) A fine of two hundred fifty dollars (\$250.00) for the second violation within a two-year period.
- (3) A fine of five hundred dollars (\$500.00) for the third violation within a two-year period.
- (4) A fine of one thousand dollars (\$1,000.00) for any additional violation within a two-year period.

(Ord. No. 12763, § 1, 10-22-90)

Secs. 11-312--11-325. Reserved.

ARTICLE XI.

AESTHETIC REGULATIONS

Sec. 11-326. Definitions.

The following definitions apply to this article:

Occupant means any person eighteen (18) years of age or older who lives in a residence.

Residence means a structure designed for human habitation. "Residence" does not include a porch or a carport.

Residential premises means a tract or parcel of land upon which a residence is located.
(Ord. No. 13000, § 1, 6-17-91)

Sec. 11-327. Display of Certain Items Prohibited.

It shall be unlawful for the owner or occupant of any residential premises within the city to allow any of the following items to remain on such premises, for longer than 48 hours, in any location outside of the residence which can be viewed from a ground location off the premises:

appliances, bedding, bottles, boxes, broken glass, cans, cardboard, cartons, furniture manufactured for indoor use only, household appliances, jars, lumber and building supply materials that are not neatly stacked, machine parts, motor vehicle parts, pallets, paper, plumbing fixtures, rags, scrap metal, tire rims, tires, water heaters.

(Ord. No. 13000, § 1, 6-17-91)

Sec. 11-328. Defense.

It is an affirmative defense that the defendant did not have the legal right to control the location where a violation of this article occurred.

(Ord. No. 13000, § 1, 6-17-91)

Sec. 11-329. Continuing Violations.

Each day that a violation of this article continues shall be deemed a separate offense.

(Ord. No. 13000, § 1, 6-17-91)

Secs. 11-330--11-345. Reserved.

ARTICLE XII.

RESERVED*

* **Editors Note:** Ord. No. 16982, § 1, adopted Aug. 6, 2001, repealed Art. XII of this chapter in its entirety. Former Art. XII, §§ 11-346--11-348, pertained to motor vehicles and derived from Ord. No. 14582, § 2, adopted Aug. 21, 1995; and Ord. No. 16153, § 1, adopted Sept. 7, 1999.

Secs. 11-346--11-360. Reserved.

ARTICLE XIII.

TATTOO ESTABLISHMENTS

Sec. 11-361. Definitions.

The following definitions apply to this article:

Dermagraphic technician means a person trained in the technique of applying micro insertions of natural pigments to the dermal layer of the skin.

Director means the director of health services or the designee of the director of health services.

Operator means a dermagraphic technician or tattooist.

Patron means a person being tattooed at a tattoo establishment.

Tattoo establishment means a place or facility where tattooing is performed.

Tattooing means 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.

Tattooist means a person who engages in tattooing.
(Ord. No. 15145, § 1, 2-3-97)

Sec. 11-362. Tattoo establishment permits.

(a) It shall be unlawful for any person to tattoo another person except at a tattoo establishment which has a current tattoo establishment permit issued by the director.

(b) Any person desiring a tattoo establishment permit shall make written application for a permit on forms provided by the director. The application shall include the applicant's full name, address, telephone number, location of the proposed tattoo establishment and such other information as the director requires to enforce the provisions of this article.

(c) After receipt of an application for a tattoo establishment permit, the director shall inspect the proposed tattoo establishment to determine compliance with the provisions of this article. If applicable requirements of this article have been met, the director shall issue a tattoo establishment permit.

(d) An annual inspection fee of one hundred dollars (\$100.00) shall be collected by the business license administrator at the time the permit is issued.

(e) A permit for a tattoo establishment may be granted at any time during the year, but all such permits shall expire on the thirty-first day of the next succeeding December. Tattoo establishment permits shall not be transferrable.

(f) The tattoo establishment permit and all regulations of the director shall be posted at all times in a conspicuous place in the tattoo establishment.
(Ord. No. 15145, § 1, 2-3-97; Ord. No. 16592, § 1, 9-18-00)

Sec. 11-363. Suspension and revocation of permits.

(a) Tattoo establishment permits may be suspended by the director for failure of the holder to comply with the requirements of this article. Whenever the director finds unsanitary or other conditions in the operation of a tattoo establishment which, in his judgment, constitute a substantial hazard to the public health, the director may issue a written notice to the permit holder citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed a substantial hazard to the public health, such order shall state that the permit is immediately suspended and all tattoo operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the director, shall be afforded a hearing within five (5) days.

(b) Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within five (5) business days following the receipt of a written request, the health authority shall make a reinspection. If the applicant is complying with the requirements of this article, the permit shall be reinstated.

(c) For serious or repeated violations of any of the requirements of this article, or for interference with the director in the performance of the director's duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the director. Prior to such action, the director shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of such notice, unless a request for a hearing is filed with the director, by the permit holder, within such ten-day period. A permit may be suspended for cause pending its revocation or a hearing on the revocation. Appeal from the action of the director may be made to the circuit court pursuant to Chapter 536, Revised Statutes of Missouri.

(d) The hearings provided for in this section shall be conducted by the director in accordance with the requirements of Chapter 536, Revised Statutes of Missouri.
(Ord. No. 15145, § 1, 2-3-97)

Sec. 11-364. General regulations.

Operators shall comply with the following regulations:

- (1) No person less than eighteen (18) years of age shall be tattooed without parental consent. The operator shall obtain proof of age before the tattoo procedure is done.
- (2) No patron shall be tattooed unless the patron has signed a cautionary notice advising the patron 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. The cautionary notice shall be retained on file at the tattoo establishment.
- (3) 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 must be generally free of all appearances of pathological conditions. The skin must not appear jaundiced (yellowed).
- (4) Tattoos shall not be administered to any person under the influence of drugs or alcohol. The operator is responsible for making reasonable observation and inquiry to assure himself that the

patron is sober and not under the influence of drugs.

- (5) An operator shall provide written instructions, approved by the director, regarding the proper care of the tattooed skin as a precaution against infections to each patron following a tattoo procedure.
- (6) An operator shall not perform or attempt to perform any procedure intended to remove a tattoo. Any attempt by an operator to perform a tattoo removal procedure shall be grounds for revocation of the tattoo establishment permit.
- (7) Operators shall have received the Hepatitis B vaccine. The health department may make this available to operators at cost. The director may waive this requirement for good cause.

(Ord. No. 15145, § 1, 2-3-97)

Sec. 11-365. Regulation of premises.

Operators shall comply with the following regulations:

- (1) Tattoo establishments and equipment shall be maintained in a sanitary manner. This includes physical cleanliness as well as antiseptic precautions.
- (2) 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 city shall be provided.
- (3) The premises shall be kept clean and free of vermin at all times. There shall be no fly or mosquito breeding places or rodent harborages on the premises. Animals shall not be allowed in the tattooing room. Litter shall not be permitted to accumulate on the premises.
- (4) Tattoo establishments shall be well lit with not less than fifty (50) foot-candles in all cleaning and working areas.
- (5) Tattoo establishments shall have ventilation as required by applicable ordinances, rules and regulations of the city.
- (6) Floors, walls and ceilings of tattoo establishments shall be clean and in good repair.
- (7) Adequate equipment and facilities shall be provided for the disposition of cigarette butts and other disposable items.
- (8) 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.
- (9) The director shall be permitted access to all areas of the premises and all records at any reasonable time.

(Ord. No. 15145, § 1, 2-3-97)

Sec. 11-366. Regulation of tattoo equipment.

Operators shall comply with the following regulations:

- (1) Nonreusable items such as needles, gauze and styptic pencils shall be treated as contaminated and be disposed of in appropriate isolation boxes in accordance with state and federal guidelines.
- (2) Individual cups of ink or colors shall be used for each patron and shall be discarded after use.
- (3) 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 and similar items shall be used for one patron only and disposed of immediately after use.
- (4) Sterilization of equipment shall be done by steam pressure sterilization (autoclave) for a minimum of thirty (30) minutes at two hundred seventy (270) degrees Fahrenheit, followed by a drying time of not less than fifteen (15) minutes.
 - a. To prepare for steam pressure sterilization, each needle shall be flushed with distilled water and left distinctly moist, immediately before the sterilization process is initiated. The tubes containing the needles shall rest on their sides in the sterilizer to facilitate the air removal and steam contact to each tube and needle.
 - b. 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.
 - c. Records of methods of sterilization and temperature cycle for each sterilization process shall be kept on file for inspection by the director.
 - d. All instruments and needles shall be stored in a closed metal or glass container.
 - e. All acetate tattoo stencils shall be cleaned with seventy (70) per cent isopropyl alcohol between customers. Individual transfers of tattoo designs shall be used once and discarded.
 - f. All furniture or items splashed with blood or body fluid shall be cleaned with a bactericidal cleaner.
 - g. 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.

(Ord. No. 15145, § 1, 2-3-97)

Sec. 11-367. Minimum aseptic technique.

Operators shall comply with the following regulations:

- (1) Neither the patron or operator shall consume or bring food or drink into the tattooing area and shall not smoke during the procedure or in the room where the tattooing takes place.
- (2) The operator must be free from communicable disease while tattooing and present no pustular lesions of the hands or arms.
- (3) The operator's hands shall be thoroughly washed in hot water with soap, using a short-bristled brush, and dried with a disposable paper towel immediately before tattooing. If the operator interrupts the procedure to perform other duties, the operator's hands shall be washed again in the manner provided in this section before resuming the tattoo procedure.
- (4) The operator shall wear a clean and easily cleanable smock and latex/rubber single use disposable gloves while tattooing.
- (5) The operator while tattooing shall wear an effective hair restraint, shall have clean fingernails and shall be generally clean and free from offensive body odors.
- (6) 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.
- (7) Individual razor blades shall be used when the patron is shaved and disposed of in an isolation container.
- (8) The tattoo shall be bandaged with a sterile non-stick type bandage when the procedure has been completed.
- (9) All infections resulting from tattooing shall be reported within five (5) business days to the director by the person owning or operating the tattoo establishment. The operator shall advise the patron to seek appropriate medical treatment for the infection.

(Ord. No. 15145, § 1, 2-3-97)