

**HEALTH AND SANITATION\***

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\***Cross reference(s)**--Health department, § 2-321 et seq.; social welfare board, § 2-566 et seq.; advisory commission on aging, § 2-641 et seq.; alcoholic beverages, ch. 4; animals, ch. 5; lunch wagons, § 8-351 et seq.; cemeteries, ch. 10; environment, ch. 15; solid waste, ch. 24.

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**ARTICLE I. IN GENERAL****Sec. 17-1. Birth and death records.**

(a) The director of the health department will act as the local registrar in accordance with state law.

(b) All births and deaths occurring within the city limits shall be reported as prescribed by state statutes and state department of health guidelines.

(c) The handling of birth and death records by the local registrar will be done in accordance with state law and state department of health guidelines.

(Code 1969, § 11-68)

**State law reference(s)**--Uniform Vital Statistics Law, RSMo 193.005 et seq.; local registrars of vital statistics, RSMo 193.065.

**Sec. 17-2. Condition, maintenance of plumbing systems, equipment, installations.**

(a) The condition and maintenance of plumbing systems, equipment, installations and facilities within the city is declared to be a matter affecting and concerning the public health.

(b) The director of health shall inspect any and all plumbing systems, equipment, installations and facilities in order to determine whether any such system, equipment, installation or facility is dangerous to the public health or may become a menace to the health of any individual or to the public.

(c) If upon such inspection it appears that any plumbing system, equipment, installation or facility is dangerous or a menace to the health of any individual or to the public, the director of health may declare such plumbing system, equipment, installation or facility a nuisance and may order the abatement of the nuisance in the same manner as other nuisances may be abated under the provisions of this code.

(d) The director of health or his representative shall examine all applications filed or permits issued by the director of public works and transportation relating to plumbing systems, equipment, installations and facilities and inspect any plans, specifications, blueprints or plats filed with any such applications. If the director of health finds that any plumbing systems,

equipment, installation or facilities proposed to be constructed, maintained or changed will result in the creating or maintaining of a nuisance, the director shall notify the director of public works and transportation of his findings and recommendations.

(e) It shall be the duty of the director of public works and transportation thereupon to withhold, suspend or revoke, as the case may be, any license or permit relating to the construction, maintenance or change of any such plumbing system, equipment, installation or facility until the plans and specifications therefor or the plats, maps or blueprints filed shall have been corrected to conform with the recommendations made by the director of health.

(Code 1969, §§ 11-244--11-246)

**Cross reference(s)**--Plumbing code, § 7-256 et seq.

**Sec. 17-3. Authority to require immediate burial of deceased person.**

Whenever the delay of the interment of the body of any deceased person within the city limits, may, in the opinion of the director of health, be injurious to the public health or constitute a nuisance, it shall be the duty of the director to issue an order directing that such body shall be interred forthwith. Such order shall be directed to the relatives, friends or persons having charge of the body. If the relatives, friends or persons as aforesaid, shall fail or refuse to obey the order, the director of health, shall have the power to secure the body and it shall be his duty to cause the body to be immediately interred in the public cemetery.

(Code 1969, § 11-38)

**Secs. 17-4--17-25. Reserved.****ARTICLE II. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS\*****DIVISION 1. GENERALLY**

\***Cross reference(s)**--Sewers and sewage disposal, § 29-81 et seq.

**Sec. 17-26. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Community sewage system* means that system provided by the city for the collection and disposal of sewage or industrial wastes of a liquid nature.
- (2) *Health officer* means the health director of the St. Joseph-Buchanan County Health Department or his authorized representative.
- (3) *Individual sewage disposal system* means a sewage disposal system, other than a community system, which receives either human excreta or liquid waste or both from one or more premises. This definition includes but is not limited to septic tank soil absorption systems and chemical type toilets and such other types as may be similar to those specified in this definition.
- (4) *Industrial wastes* means liquid or other wastes resulting from the processes employed in industrial and commercial establishments.
- (5) *Major modifications and major repairs* means the redesigning and alteration of an on-site sewage system by the relocation of the system or part of the system, replacement of the septic tank or construction of a new absorption field.
- (6) *Minor repair* means the repair or replacement of any part of a system without relocating or extending any part of the system, except the replacement of the septic tank or sewage tank, which is considered a major modification or major repair.
- (7) *Permit* means a written permit issued by the health officer, permitting the construction of an individual sewage disposal system under this article.
- (8) *Rules and regulations* means the Missouri Department of Health Rules Governing

On-site Sewage Systems and any revisions thereof.

- (9) *Septic tank* means a watertight receptacle which receives the discharge or a building's sanitary drainage system or part thereof, so as to separate solids from the liquid, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open joint or perforated piping or a seepage pit.

- (10) *Sewage* means any human excreta, liquid waste containing animal or vegetable matter in suspension or solution, and it includes but is not limited to liquids containing chemicals in solution.

(Code 1969, § 11-268; G.O. 1381, 2-26-96; G.O. 1941, 6-9-03)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

**Sec. 17-27. Penalty.**

(a) Any person upon whom a duty is placed by the provisions of this article who shall fail, neglect or refuse to perform such duty or who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor. Each day that a violation of this article continues shall constitute a separate and distinct offense and shall be punishable as such.

(b) The minimum fine for creating a nuisance or an imminent health hazard shall be \$200.00.

(c) The minimum fine for persistent violation of creating a nuisance or imminent health hazard or performing construction or repair of an on-site sewage system without a permit shall be \$300.00.

(d) The minimum fine for construction or repair of an on-site sewage system without a permit shall be \$300.00.

(e) A person found guilty of installing or repairing an on-site sewage system without a permit shall provide a performance bond or letter of credit for \$5,000.00 to the city before beginning another installation of repair.

(Code 1969, § 11-278; G.O. 1381, 2-26-94)

**Sec. 17-28. Inspections and enforcement.**

(a) The health officer is authorized and directed to make such inspections at reasonable times as are necessary to determine satisfactory compliance with this article.

(b) Whenever there has been a violation of this article, the health officer shall give written notice to the person alleged to be in violation. Such notice shall identify the provision of this article and the alleged violation.

(Code 1969, § 11-277; G.O. 1381, 2-26-96)

**Sec. 17-29. Compliance.**

No person shall construct, alter, extend, operate or clean any individual sewage disposal system within the city contrary to the provisions of this article and the incorporated rules and regulations. No privies shall be constructed or installed for use after September 2, 1980.

(Code 1969, § 11-269; G.O. 1381, 2-26-96)

**Sec. 17-30. Connection to public sewer.**

(a) When a building sewer is not required by Section 29-137 to be connected to a city sewer, the building sewer shall be connected to an individual sewage disposal system or the restricted use of chemical toilets or grinder pumps may be allowed.

(b) When conditions change and Section 29-137 requires the connection of the building sewer to a city sewer, existing individual sewage disposal systems shall be abandoned and the building sewer shall discharge its sewage directly into the community sewer system. Such connections shall be completed within six months of the day the sewer becomes available, or in the case of violation as described in Section 17-37 enforcement shall be made in accordance with Section 17-28.

(Code 1969, § 11-270; G.O. 1381, 2-26-96)

**Sec. 17-31. Abandoned septic tanks.**

Abandoned or discontinued septic tanks or pits shall be removed or pumped out and filled with clean earth or sand.

(Code 1969, § 11-270; G.O. 1381, 2-26-96)

**Sec. 17-32. Requirements.**

(a) All individual sewage disposal systems that shall be constructed, altered or extended as to design, type, size, location and absorption fields shall proceed in conformance with the requirements of the Missouri Department of Health Rules Governing On-site Sewage Systems adopted by the city and any revisions thereof, a copy of which shall be retained on file with the city clerk.

(b) Exceptions to Subsection 17-32(a) are only a soil morphology or detailed soil evaluation as conducted by an onsite soil evaluator, as defined by 19 CSR 20.3.080(1)(E), in good standing with the Missouri Department of Health and Senior Services or whose license has not been suspended or revoked is allowed as the soil evaluation method for determining suitability, sizing and construction limitations for onsite sewage disposal systems.

(Code 1969, § 11-272; G.O. 1381, 2-26-96; G.O. 2193, 9-11-06)

**Sec. 17-33. Construction permit.**

No person shall construct a new individual sewage disposal system or make major repairs, major modifications, or any other type of repair(s) to existing systems without an individual sewage system construction permit issued by the health officer.

(Code 1969, § 11-271; G.O. 1381, 2-26-96; G.O. 1942, 6-9-03)

**Sec. 17-34. Fees.**

(a) The fee for an individual sewage disposal system construction permit shall be \$80.00 for new construction, major modifications or major repairs. The permit fee for minor repairs not covered by new construction, major modifications or major repairs shall be \$25.00. If more than three site visits are required to inspect or to give final approval of a system installation or repair, an additional assessment of \$20.00 for each subsequent visit shall be charged.

(b) All fees are payable to the City of St. Joseph.

(Gen. Ord. No. 998, § 1(11-273), 8-3-92; G.O. 1381, 2-26-96; G.O. 1700, 5-17-99; G.O. 1942, 6-9-03)

**Sec. 17-35. Appeal.**

(a) Any person whose application for a permit required under this article has been denied shall have the right to appeal as established in Chapter 2, Article XIII of this code.

(b) Any person required by Section 17-30 and Section 29-137 of this code to be connected to a city sewer may obtain a variance from said code sections upon application to and approval of the plumbers' examining and appeals board. A variance application shall be filed with the director of health and heard by the board within 60 days of the filing of the application. Variances shall be granted only upon a particular finding of:

- (1) Site conditions which make the connection to the city sewer impossible and the use of an individual sewage disposal system suitable, or
- (2) A cost for connection to the city sewer which presents an undue financial hardship on the applicant as compared to the continued use of a fully functioning individual sewage disposal system.

Variances granted under this section shall lapse upon the failure of an individual sewage disposal system to properly perform or a change in the availability of the city sewer to the particular property. Any appeal of the denial of an application under this section shall be made pursuant to Chapter 536, RSMo. (Code 1969, § 11-276; G.O. 1381, 2-26-96; G.O. 1451, 8-26-96; G.O. 1901, 10-14-02)

**Sec. 17-36. Inspections.**

(a) It shall be the duty of the holder of a permit issued pursuant to this article to notify the health officer when the installation is ready for inspection. The health officer may make inspections during construction to determine compliance with this article.

(b) No part of any installation shall be covered until inspected and given final approval by the health officer. (Code 1969, § 11-274; G.O. 1381, 2-26-96)

**Sec. 17-37. Operation and maintenance.**

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All individual sewage disposal systems shall be operated and maintained so as not to create a nuisance or a health hazard. The pumping, placing, putting or running onto the ground of the contents of any individual sewage disposal system or the failure of such system resulting in the outpouring or surfacing of sewage shall be presumed to be a nuisance, health hazard and a violation of this article. (Code 1969, § 11-275; G.O. 1381, 2-26-96)

**Sec. 17-38. Registered septic installers.**

(a) Only installers who have been registered by the Missouri Department of Health and Senior Services, whose registration has not been suspended at the time of application for permit and at the time of construction, or whose permit has not been revoked may install an on-site sewage disposal system.

(b) Nothing herein shall prevent a homeowner from obtaining the registration through the Department of Health and Senior Services and installing his/her own system, provided that the system must be installed in compliance with Section 17-32. (G.O. 1943, 6-9-03)

**Secs. 17-39 -- 17-55. Reserved.**

**Sec. 17-56. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Scavenger* means any person who shall engage in the business of emptying, cleaning, covering or removing the contents of any privy vault, cesspool, septic tank or receptacle used for similar purposes.

(Code 1969, § 11-282)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

**Sec. 17-57. Compliance.**

No scavenger shall carry on his business except in the manner prescribed by ordinance and pursuant to the rules and regulations of the department of health pertaining to the emptying, cleaning, covering or removing of contents of any privy vault, cesspool, septic tank or other receptacle used for similar purposes.

(Code 1969, § 11-283)

**Sec. 17-58. License required.**

No privy vault, cesspool, septic tank or other receptacle used for similar purposes shall be cleaned, emptied, covered or removed except by a scavenger duly licensed by the city to conduct his business.

(Code 1969, § 11-284)

**Sec. 17-59. Issuance, revocation of license or permit.**

(a) Any occupation license or permit issued by any officer or department of the city to a scavenger shall be approved by the director of health who shall at the time of the issuance of such license or permit furnish the scavenger with a copy of the rules and regulations of the department of health pertaining to scavengers.

(b) If any scavenger shall fail to comply with such rules and regulations, the director of health may at any time withdraw his approval of the license or permit issued to any such scavenger, and the license and permit so issued shall be deemed to be revoked or suspended as the director of health may deem necessary.

(Code 1969, § 11-285)

**Sec. 17-60. Bond.**

Any person engaged in the business of scavenger shall enter into a bond to the city in the sum of \$1,000.00 to ensure faithful compliance with the ordinances of the city. The bond shall be approved by the city attorney.

(Code 1969, § 11-286)

**Sec. 17-61. Carrying license, permit while engaged in business.**

Every scavenger shall carry his license or permit while engaged in business, so that the license or permit may be available for inspection by the police or by officers of the health department.

(Code 1969, § 11-287)

**Sec. 17-62. Use of pumps, tanks, barrels, vehicles.**

In carrying on their business, all scavengers shall use odorless, sanitary pumps and airtight odorless tanks set upon vehicle trucks. A scavenger shall pump the contents of any vault, privy, cesspool, septic tank or similar container, if liquid enough to pump, directly into the odorless tanks set upon vehicle trucks by means of such odorless sanitary pumps. No vault, privy, cesspool, septic tank or similar container shall be emptied or the contents thereof removed in any other manner than is provided in this section. However, when the contents of any such vault, privy, cesspool, septic tank or similar container are of such consistency that the odorless sanitary pumps can in no way be used in the removal thereof, the contents shall be taken up and removed in odorless tight barrels, in vehicles, such barrels to be kept thoroughly clean and to have airtight covers. No person shall move any of the contents of privy vaults, cesspools, septic tanks or similar containers except only in

\*Cross reference(s)--Businesses, ch. 8.

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perfectly tight tanks or casks which shall be on regularly licensed vehicles.  
(Code 1969, § 11-288)

**Sec. 17-63. Condition of vehicles, tanks used by scavengers.**

Before any vehicle or tanks shall be used for the purpose specified in this division, they shall be well painted and kept so painted. The vehicle beds shall be at least 36 inches high on the sides and ends, and the side beds shall be built straight with the flanges and in such manner as the health officer may direct. Airtight odorless tanks need not be built to the same height or the same shape as vehicle beds for hauling barrels.  
(Code 1969, § 11-289)

**Sec. 17-64. Identification of vehicles.**

Vehicles used for the purpose specified in this division shall have painted on the sides thereof, in plain letters and figures, the permit or license number of the vehicle and the name and address of the proprietor to whom the vehicle belongs. The letters and numbers shall be large enough in size and so placed that they may be distinctly seen and easily read.  
(Code 1969, § 11-290)

**Secs. 17-65--17-80. Reserved.**

**ARTICLE III. SWIMMING POOLS,  
SPAS AND SIMILAR FACILITIES**

**Sec. 17-81. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Public* means those pools, spas, hottubs and whirlpool baths operated by a municipality, other political subdivision, any other governmental or quasigovernmental agency offered for use to the general public.

*Semipublic* means pools, spas, hottubs and whirlpool baths operated by entities such as hotels, motels, apartment houses, clubs, schools and camps which serve as adjuncts to the main facility or are generally made available to

patronage of such establishments on a fee, membership or other compensatory basis.  
(Code 1969, § 11-296)

**Sec. 17-82. Scope and purpose.**

This article shall apply to all public and semipublic swimming pools, spas, hottubs and whirlpool baths within the corporate limits of the city. The purpose of this article is to regulate the design, construction, equipment, operation and maintenance of such pools, spas, hottubs or whirlpool baths so that hazards to health and safety shall be minimized.

**Sec. 17-83. Adoption of rules and regulations.**

The inspection of swimming pools, spas, hottubs and whirlpool baths, in addition to the regulatory requirements for the equipment, operation and maintenance, shall be in accordance with the Rules and Regulations Relating to Swimming Pools, Spas and Similar Facilities adopted by reference, of which three certified copies shall be on file in the office of the city clerk.  
(Code 1969, § 11-297)

**Sec. 17-84. Permit to operate.**

No person shall operate or maintain a public or semipublic swimming pool, spa or similar facility unless he has applied for and obtained a permit to operate each individual pool, spa or similar facility from the health department. The permit shall be valid for one year, unless otherwise suspended or revoked for cause and must be renewed annually. The permit shall be conspicuously posted on the pool premises. A permit to operate a swimming pool, spa or similar facility issued under the provisions of this division may be granted at any time during the year, but shall expire on the next succeeding June 30.

(Code 1969, § 11-298; G.O. 1944, 6-9-03)

**Sec. 17-85. Construction permit.**

Before any public or semipublic swimming pool, spa, hottub or whirlpool shall be constructed, application for a permit therefor shall be made to the director of health. Written plans and specifications shall accompany such application and conform to the requirements of the rules and regulations. Upon approval by the

director, a permit to construct such installation shall be issued. Nothing in this article or the regulations adopted pursuant to this article shall be deemed to exempt any person from the requirements of the building code and any permits required thereunder or from any requirement of state or federal law or regulation. (Code 1969, § 11-299)

**Sec. 17-86. Inspection prior to operation.**

The director of health shall inspect a public or semipublic swimming pool, spa, hottub or whirlpool before it is opened for operation and before issuing a permit to operate, to ascertain that the construction and equipment complies with the requirements of the rules and regulations or with the plans and specifications submitted with the application for construction of a new facility.

(Code 1969, § 11-300)

**Sec. 17-87. Authority to deny, suspend or revoke permits.**

If a person fails to comply with the rules and regulations of the health department required in this article, after due notice, the director of health shall have the power to suspend or revoke any permit and prohibit the use of a swimming pool, spa, hottub or whirlpool until such time as such is, in the opinion of the director, in compliance with the rules and regulations adopted pursuant to this article or no longer constitutes a health hazard. Such action by the director shall be in writing and delivered either by handing such notice to the person in charge of the facility or by a certified mail to the last known address of the person in charge of such facility.

(Code 1969, § 11-301)

**Sec. 17-88. Fees.**

(a) The fee for a swimming pool/spa construction permit shall be \$50.00 and collected at the time the permit is issued.

(b) The fee for a permit to operate shall be \$75.00 annually and collected by the financial services department for authorization and issuance of a city swimming pool/spa permit to operate.

(c) Permit fees will be deposited in the public health fund.

(G.O. 1976, 10-13-03)

**Secs. 17-89--17-105. Reserved.**

**ARTICLE IV. FOOD SERVICE  
ESTABLISHMENTS AND RETAIL FOOD  
STORES\***

**Sec. 17-106. Food service sanitation ordinance adopted.**

The 1999 edition of the Food and Drug Administration's Food Code, as codified in the 1999 edition of the Missouri Food Code, as published by the United States Public Health Service/Food and Drug Administration, be, and the same is, hereby adopted as the Food Code of the City of Saint Joseph, Missouri, for regulating the design, construction, management, and operation of food establishments. Three copies of the above described food code shall be kept on file and available for public review in the office of the city clerk.

(Code 1969, § 10-1; G.O. 1858, 11-26-01)

**Sec. 17-107. Additions and revisions.**

Any addition or revision of the food code adopted by reference in this article, whether in whole or in part, will be reviewed and adopted, if desired, by subsequent ordinance.

(Code 1969, § 10-2; G.O. 1858, 11-26-01)

**Sec. 17-108. Permits and fee schedule.**

(a) Each food service establishment/retail food store within the corporate limits of the city shall be required to obtain and post in view of the public a city food and beverage permit in order to operate a food service establishment/retail food store, and each permit shall be renewed on or before July 1 of each year.

(b) Permit fees will be deposited in the public health fund and will be based upon the public

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\*Cross reference(s)--Alcoholic beverages, ch. 4; lunch wagons, § 8-351 et seq.

State law reference(s)--Sanitation in establishments handling food, RSMo 196.190 et seq.

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health risk priority as assessed by the “St. Joseph-Buchanan County Health Department Food Assessment Document”, a copy of which is on file in the office of the city clerk. Permit and other fees identified in this section shall be collected by and deposited with the financial services department for authorization and issuance of a city food and beverage permit.

(c) The fee schedule shall be as follows:

- (1) Restaurants (based on an assessment to determine food risks to the public):
  - a. High..... \$300.00 per year
  - b. Medium ..... 200.00 per year
  - c. Low..... 100.00 per year
- (2) Retail food store..... \$100.00 per year
- (3) Bakery ..... \$100.00 per year
- (4) Mobile food unit:
  - a. Ice cream vendors..... \$25.00 per year
  - b. Push cart. .... 50.00 per year
  - c. Self-contained food unit..... 100.00 per year
- (5) Temporary food event (festivals):
  - a. 1-3 days. .... \$25.00 per vendor
  - b. 4-14 days. .... 35.00 per vendor

This fee is tripled unless the permit is purchased and the health department is notified at least seven working days in advance of the event.

- (6) Temporary food event (non festival):
  - a. 1-3 days. .... \$15.00 per vendor
  - b. 4-14 days. .... 20.00 per vendor

This fee is tripled unless the permit is purchased and the health department is notified at least seven working days in advance of the event.

- (7) Re-inspection fee. .... \$75.00
- (8) Plan review/pre-opening inspection..... \$100.00
- (9) Hazardous food

- (vending machines) ...\$10.00 per machine
- (10) Catering ..... \$300.00 per year
- (11) Prep kitchen..... \$300.00 per year
- (12) Bar ..... \$100.00 per year
- (13) Bar/restaurant:
  - a. Bar ..... \$100.00 per year
  - b. Restaurant:
    - i.High \$300.00 per year
    - ii. Medium..... 200.00 per year
    - iii. Low. .... 100.00 per year
- (14) Seasonal establishment (operates less than six months of the year)..... \$50.00 per year
- (15) Change of ownership ..... \$50.00 processing fee
- (16) Establishments, such as large grocery stores, that contain more than one type of food operation within the same physical facility will be charged separately according to its type as follows:
  - a. Retail food store..... \$100.00 per year
  - b. Bakery ..... \$100.00 per year
  - c. Deli..... \$100.00 per year
  - d. Self-service salad bar ..... \$100.00 per year
  - e. Restaurant..... \$300.00 per year
    - i.High \$300.00 per year
    - ii. Medium..... 200.00 per year
    - iii. Low. .... 100.00 per year

(d) Permit fees will be prorated on a quarterly basis for those establishments beginning business during a calendar year. No refunds will be issued.

(e) Upon inspection by the health department, operating establishments, if they are found to meet minimum sanitary requirements, may be issued a city food and beverage permit by the director of health.

(8/1/11)

(f) New owners of establishments shall, before engaging in business, make application for a city food and beverage permit. The director of health shall then request the necessary inspection. (Gen. Ord. No. 1185, § 1(10-3), 6-20-94; G.O. 1858, 11-26-01; G.O. 1955, 6-23-03)

**Sec. 17-109. Denial or revocation of permit - appeal.**

Any applicant denied or whose permit is revoked under the provisions of this article and the food code adopted pursuant to Sections 17-106 and 17-107, shall have the right to appeal as established in Chapter 2, Article XIII of this code. (Code 1969, § 10-4; G.O. 1858, 11-26-01; G.O. 1901, 10-14-02)

**Sec. 17-110. Penalty for late payment of permit.**

All permit fees fixed by Section 17-108 which are not paid by the due date provided, shall be immediately subject to a 10% penalty charge on the balance due plus a 1% penalty assessment against the balance due for every 30 day period thereafter. (G.O. 1454, 9-9-96; G.O. 1858, 11-26-01)

**Sec. 17-111. Violations and penalties.**

Any person violating any provisions of this article, including the standards adopted by reference, shall be guilty of a misdemeanor punishable by a fine of not less than \$25.00 nor more than \$500.00. Each day that a violation continues shall be deemed a separate offense." (G.O. 1953, 6-23-03)

**Secs. 17-112--17-125. Reserved.**

**ARTICLE V. MEAT AND MEAT PRODUCTS\***

\*State law reference(s)--Meat inspections, RSMo 265.300 et seq.

**Sec. 17-126. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Beef patty or imitation hamburger* means beef products where fillers or extenders such as water, soybean products and other starches and materials are used in a product which simulates hamburger. The acceptable limits of fillers or extenders shall be within the limits established by the regulations of the state.

*Hamburger or ground beef* consists of fresh chopped or ground beef, with or without the addition of beef fat as such and seasoning, and shall not contain more than 30% fat.

*Meat and meat products* means meat and food products described and referred to in the regulations of the United States Department of Agriculture, and means and includes the flesh of cattle, hogs, sheep, goats, poultry, fish or any other animals used as a source of food.

*Sausage* consists of fresh ground pork, with or without added seasoning, which fat content shall not exceed 50%.

*Slaughterhouse* means and includes any place where live animals or fowl are slaughtered for human consumption. (Code 1969, § 10-54)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

**Sec. 17-127. Authority for regulations and inspections.**

The director of health or his authorized representative is authorized and empowered to establish such regulations and make such inspections as may reasonably be deemed necessary to carry into effect the provisions of this article.

(Code 1969, § 10-59)



**Sec. 17-128. Permit to slaughter meat, process meat, etc.**

(a) It shall be unlawful for any person to slaughter any animal or fowl for human consumption or to prepare meat products or to manufacture or process meat food products in the city without first having applied for and obtained from the director of health a permit to engage in such business.

(b) The permit provided for in this section shall be issued only to a person having a suitable building, equipment and sanitary facilities approved by the director of health.

(c) The director of health or his authorized representative shall have the power to revoke or suspend any permit issued pursuant to this section if the person operating under such permit does not comply with its provisions and with all ordinances and lawful regulations of the health department applicable to such establishments.

(d) Establishments subject to inspection by the United States Department of Agriculture shall be exempt from the requirements of this section. (Code 1969, §§ 10-55--10-58)

**Sec. 17-129. Compliance with federal and state standards.**

All meat processed, stored or sold within the city shall comply with standards for the inspection and labeling of carcasses, meat and meat food products currently used by the United States Department of Agriculture and the state. (Code 1969, § 10-60)

**Sec. 17-130. Standards for slaughterhouses.**

All slaughterhouses operated in the city shall comply with the standards currently used by the United States Department of Agriculture and the state. (Code 1969, § 10-61)

**Sec. 17-131. Inspection legend or stamp.**

All carcasses, meat and meat food products kept or offered for sale in the city shall bear the inspection legend of the United States Department of Agriculture and the state. (Code 1969, § 10-62)

**Sec. 17-132. Confiscation, destruction of unwholesome, unstamped meat or meat products.**

The director of health or his authorized representative shall have power to confiscate, destroy or denature adulterated, decayed, unwholesome, misrepresented or unstamped meat or meat products. (Code 1969, § 10-63)

**Sec. 17-133. Permit to vend from vehicles.**

No person shall sell, peddle or vend meat or meat products of any kind, dressed poultry or fish from any vehicle in the city unless a permit is obtained from the director of health. (Code 1969, § 10-64)

**Sec. 17-134. Labeling of beef patty or imitation hamburger.**

Beef patty or imitation hamburger shall be labeled with the ingredients listed in the order of their predominance. (Code 1969, § 10-65)

**Secs. 17-135--17-160. Reserved.****ARTICLE VI. SMOKE FREE AIR IN CERTAIN AREAS IN PUBLIC PLACES\*****Sec. 17-161. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bar* or *tavern* means any licensed establishment which serves liquor on the premises for which not more than 10% of the gross sales receipts of the business are supplied by food purchases, either for consumption on the premises or elsewhere.

*Other person in charge* means the agent of the proprietor authorized to give administrative directions to and general supervision of the

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\*State law reference(s)--Smoking regulations, RSMo 191.765 et seq.; local antismoking ordinances, RSMo 191.777.

activities within the public place, work place or public meeting at any given time.

*Proprietor* means the party who ultimately controls, governs or directs the activities within the public place, work place or public meeting, regardless of whether he is the owner or lessor of such place or site. The term does not mean the owner of the property unless he ultimately controls, governs or directs the activities within the public place or public meeting. The term "proprietor" shall apply to a corporation as well as an individual.

*Public meeting* means a gathering in person of members of a governmental body, whether an open or closed session, as defined in RSMo ch. 610.

*Public place* means any enclosed indoor area used by the general public or serving as a place of work including, but not limited to:

- (1) Any retail or commercial establishments;
- (2) Health care facilities, health clinics or ambulatory care facilities including, but not limited to, laboratories associated with health care treatment, hospitals, nursing homes, physicians' offices and dentists' offices;
- (3) Any vehicle used for public transportation including, but not limited to, buses, taxicabs and limousines for hire;
- (4) Restrooms;
- (5) Elevators;
- (6) Libraries, educational facilities, day care facilities, museums, auditoriums and art galleries;
- (7) All public areas and waiting rooms of public transportation facilities including, but not limited to, bus and airport facilities;
- (8) Any enclosed indoor place used for entertainment or recreation including, but not limited to, gymnasiums, theater lobbies, concert halls, arenas and swimming pools;

- (9) Any other enclosed indoor areas used by the general public including, but not limited to, corridors and shopping malls.

*Restaurant* means any building, structure or area used, maintained or advertised as or held out to the public to be an enclosure where meals for consideration of payment are made available to be consumed on the premises.

*Smoking* means possession of burning tobacco in the form of a cigarette, cigar, pipe or other smoking equipment.

(Gen. Ord. No. 1077, § 1(11-340), 5-10-93)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

**State law reference(s)**--Similar provisions, RSMo 191.765.

### **Sec. 17-162. Designated smoking areas.**

(a) A person shall not smoke in a public place or in a public meeting except in a designated smoking area.

(b) A smoking area may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

(c) No public place shall have more than 30% of its entire space designated as a smoking area.

(d) A proprietor or other person in charge of a restaurant shall designate an area of sufficient size to accommodate usual and customary demand for nonsmoking areas by customers or patrons.

(Gen. Ord. No. 1077, § 1(11-341), 5-10-93)

**State law reference(s)**--Similar provisions, RSMo 191.767.

### **Sec. 17-163. Areas not considered public places.**

The following areas are not considered public places:

- (1) An entire room or hall which is used for private social functions, provided that the seating arrangements are under the control of the sponsor of the function and not of the proprietor or other person in charge;

- (2) Limousines for hire and taxicabs, where the driver and all passengers agree to smoking in such vehicle;
- (3) Performers on the stage, provided that the smoking is part of the production;
- (4) A place where more than 50 percent of the volume of trade or business carried on is that of the blending of tobaccos or sale of tobaccos, cigarettes, pipes, cigars or smoking sundries;
- (5) Bars, taverns, restaurants that seat less than 50 people, bowling alleys and billiard parlors, which conspicuously post signs stating that nonsmoking areas are unavailable;
- (6) Private residence; and
- (7) Any enclosed indoor arena, stadium or other facility which may be used for sporting events and which has a seating capacity of more than 15,000 persons.

(Gen. Ord. No. 1077, § 1(11-342), 5-10-93)

**State law reference(s)**--Similar provisions, RSMo 191.769.

**Sec. 17-164. Custody or control of a public place or public meeting.**

The person having custody or control of a public place or public meeting shall:

- (1) Make reasonable efforts to prevent smoking in the public place or public meeting by posting appropriate signs indicating no-smoking or smoking area and arrange seating accordingly. These signs shall be placed at a height and location easily seen by a person entering a public place or public meeting and not obscured in any way;
- (2) Arrange seating and utilize available ventilation systems and physical barriers to isolate designated smoking areas;
- (3) Make a reasonable request of persons smoking to move to a designated smoking area;
- (4) Allow smoking in designated areas of theater lobbies only.

(Gen. Ord. No. 1077, § 1(11-343), 5-10-93)

**State law reference(s)**--Similar provisions, RSMo 191.771.

**Sec. 17-165. Persons guilty of infraction.**

The following persons shall be guilty of an infraction:

- (1) A person who smokes in those areas where smoking is prohibited pursuant to the provisions of Sections 17-161 to 17-164.
- (2) A proprietor or other person in charge of a public place or public meeting who permits, causes, suffers or allows a person to smoke in those areas where smoking is prohibited pursuant to Sections 17-161 to 17-164.

(Gen. Ord. No. 1077, § 1(11-344), 5-10-93)

**Sec. 17-166. Enforcement of article.**

It shall be the responsibility of the director of health and community services or the police chief to enforce the terms and conditions of this article. (Gen. Ord. No. 1077, § 1(11-346), 5-10-93)

**Secs. 17-167--17-190. Reserved.**

**ARTICLE VII. CIGARETTES, CIGARETTE TOBACCO AND SMOKELESS TOBACCO\***

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 17-191. Purpose.**

The purpose of this article is to establish restrictions on the sale, distribution and use of cigarettes, cigarette tobacco and smokeless tobacco in order to reduce the number of children and adolescents who use these products.

(G.O. 1506, 4-7-97)

**Sec. 17-192. Definitions.**

For the purpose of this article, the following definitions shall apply unless the context otherwise requires:

**\*State law reference(s)**--Sales of tobacco products to minors, RSMo 407.925 et seq.; local ordinances restricting tobacco sales to minors, RSMo 407.932.

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*Cigar* means a small compact roll of tobacco leaves prepared for smoking.

*Cigarette* means any product which contains nicotine, is intended to be burned under ordinary conditions of use and consists of:

- (1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or
- (2) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described above in Subsection (1).

*Cigarette tobacco* means any product that consists of loose tobacco that contains nicotine and/or delivers nicotine through a nicotine delivery device and is intended for use by consumers in a cigarette or tobacco pipe. Unless otherwise stated, the requirements pertaining to cigarettes shall also apply to cigarette tobacco, cigars and pipe tobacco.

*Distributor* means any person who furthers the distribution of cigarettes or smokeless tobacco, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this article.

*Manufacturer* means any person, including any repacker and/or relabeler, who manufactures, fabricates, assembles, processes or labels a finished cigarette or smokeless tobacco product.

*Minor* means a person younger than 18 years of age.

*Nicotine* means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl)pyridine or C INF 10H INF 14N INF 2, including any salt or complex of nicotine.

*Package* means a pack, box, carton or container of any kind in which cigarettes or smokeless tobacco are offered for sale, sold or otherwise distributed to consumers.

*Point of sale* means any location at which a consumer can purchase or otherwise obtain cigarettes or smokeless tobacco for personal consumption.

*Retailer* means any person who sells cigarettes, cigarette tobacco, cigars and/or smokeless tobacco to individuals for personal consumption, or who owns or operates a facility where cigarettes, cigarette tobacco, cigars and/or smokeless tobacco are sold.

*Smokeless tobacco* means any product that consists of cut, ground, powdered or leaf tobacco that contains nicotine and that is intended to be placed in the oral cavity.

*Vending machine* means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products. (Gen. Ord. No. 1077, § 1(11-347), 5-10-93; G.O. 1506, 4-7-97)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

**State law reference**--Similar provisions, RSMo 407.925.

## DIVISION 2. PROHIBITION AGAINST POSSESSION BY PERSONS YOUNGER THAN 18 YEARS OF AGE

### **Sec. 17-193. General responsibilities of minors.**

No person younger than 18 years of age shall be allowed to possess cigarettes, cigarette tobacco, cigars or smokeless tobacco. (Gen. Ord. No. 1077, § 1(11-348), 5-10-93; G.O. 1506, 4-7-97)

**State law reference(s)**--Similar provisions, RSMo 407.931.

## DIVISION 3. PROHIBITION AGAINST SALE AND DISTRIBUTION TO PERSONS YOUNGER THAN 18 YEARS OF AGE

### **Sec. 17-194. General responsibilities of manufacturers, distributors and retailers.**

Each manufacturer, distributor and retailer is responsible for ensuring that the cigarettes, cigarette tobacco, cigars or smokeless tobacco it manufactures, packages, distributes, sells or otherwise holds for sale comply with all applicable requirements under this article. This

article shall not apply to adult family members who distribute cigarettes, cigarette tobacco, cigars or smokeless tobacco to minors on property that is not open to the public.

(Gen. Ord. No. 1077, § 1(11-349), 5-10-93; G.O. 1506, 4-7-97; G.O. 1846, 9-17-01)

**State law reference(s)**--Similar provisions, RSMo 407.927.

**Sec. 17-195. Additional responsibilities of retailers.**

In addition to the other responsibilities under this article, each retailer shall ensure that all sales of cigarettes, cigarette tobacco, cigars or smokeless tobacco to any person comply with the following requirements:

- (1) No retailer or his/her agent may sell cigarettes, cigarette tobacco, cigars or smokeless tobacco to any person younger than 18 years of age;
- (2) Except as otherwise provided in Subsection (5) of this section or in Section 17-197 below, each retailer or his/her agent shall verify, by means of photographic identification containing the bearer's date of birth, that no person purchasing cigarettes, cigarette tobacco, cigars or smokeless tobacco is younger than 18 years of age;
- (3) No such verification is required for any persons who appears to be over the age of 26;
- (4) Except as otherwise provided in Section 17-196(b)(2)b., a retailer or his/her agent may sell cigarettes, cigarette tobacco, cigars or smokeless tobacco only in a direct, face-to-face exchange without the assistance of a vending machine;
- (5) No retailer or his/her agent may break or otherwise open any cigarette, cigarette tobacco, cigar or smokeless tobacco package to sell or distribute individual cigarettes or a number of unpackaged cigarettes that is smaller than the minimum quantity of cigarette tobacco or smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use;

- (6) Each retailer or his/her agent shall ensure that no self-service displays are installed or placed on or after the effective date of this ordinance and that all self-service displays that are located in the retailer's establishment as of the effective date of this ordinance and that do not comply with the requirements of this article, are removed or are brought into compliance with the requirements under this article within 180 days of the effective date thereof; and

- (7) Each retailer or his/her agent shall ensure that his/her employees are made aware of the provisions of this article and shall ensure that his/her employees comply with the provisions of this article.

(Gen. Ord. No. 1077, § 1(11-351), 5-10-93; G.O. 1506, 4-7-97; G.O. 1846, 9-17-01)

**Sec. 17-196. Conditions of manufacture, sale and distribution.**

(a) *Minimum cigarette package size.* Except as otherwise provided under this article, no manufacturer, distributor or retailer may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer cigarettes than federal or state law requires.

(b) *Vending machines, self-service displays, mail order sales and other "impersonal" modes of sale.*

- (1) Except as otherwise provided under this article, a retailer may sell cigarettes, cigarette tobacco, cigars and smokeless tobacco only in a direct, face-to-face exchange between the retailer and the consumer. Examples of methods of sale that are not permitted include vending machines and self-service displays.
- (2) *Exceptions.* The following methods of sale are permitted:
  - a. Mail order sales, excluding mail order redemption of coupons and distribution of free samples through the mail;
  - b. Vending machines (including vending machines that sell packaged, single cigarettes) and self-service displays that are located in facilities where the

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retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time.

(c) *Free samples.* No manufacturer, distributor or retailer may distribute or cause to be distributed any free samples of cigarettes, cigarette tobacco, cigars or smokeless tobacco.

(d) *Restrictions on labels, labeling and advertising.* No manufacturer, distributor or retailer may sell or distribute, or cause to be sold or distributed, cigarettes, cigarette tobacco, cigars or smokeless tobacco with labels, labeling or advertising not in compliance with federal and state law.

(G.O. 1506, 4-7-97; G.O. 1846, 9-17-01)

**Sec. 17-197. Sale and distribution by a third party.**

No person shall sell or distribute cigarettes, cigarette tobacco, cigars or smokeless tobacco to a person who is younger than 18 years of age; provided it is understood that a retailer retains ownership of said cigarettes, cigarette tobacco, cigars and smokeless tobacco through the duration of the sales transaction.

(G.O. 1506, 4-7-97; G.O. 1846, 9-17-01)

**Sec. 17-198. Reserved.**

DIVISION 4. ENFORCEMENT AND PENALTIES

**Sec. 17-199. Enforcement.**

It shall be the responsibility of the chief of police and the director of health to enforce the requirements of this article.

(Gen. Ord. No. 1077, § 1(11-352), 5-10-93; G.O. 1506, 4-7-97)

**Sec. 17-200. Penalty.**

Any person convicted of violating any section of this article shall be fined as follows:

- (1) First offense ..... \$50.00;
- (2) Second offense..... \$100.00;
- (3) Third and subsequent offenses and community service, not to

exceed 24 hours; and.....\$250.00

- (4) For any offense -- Imprisonment not to exceed six months; whether or not to impose such imprisonment shall be at the discretion of the municipal judge.

(Gen. Ord. No. 1077, § 1(11-353), 5-10-93; G.O. 1506, 4-7-97)

**Secs. 17-201--17-220. Reserved.**

**ARTICLE VIII. TATTOOING**

DIVISION 1. GENERALLY

**Sec. 17-221. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Artist* means a person who practices the art of tattooing.

*Director* means the director of health and his designee.

*Operator* means any individual, partnership or corporation owning, controlling or leasing, acting as agent for, conducting, managing or operating a tattooing establishment.

*Tattooing* means any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

*Tattooing establishment* means any place or facility where the art of tattooing is performed.  
(Gen. Ord. No. 1173, § 1(11-355), 5-23-94)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

### **Sec. 17-222. Regulations.**

Any operator or artist must comply with the following regulations:

- (1) No tattoo may be administered to any person less than 18 years of age. Where there is doubt about such age, the operator or artist will obtain proof of age before the tattoo procedure is done.
- (2) Before administering a tattoo, the patron must be advised that the tattoo should be considered permanent; that it can be removed only with a surgical procedure; and that any effective removal may leave permanent scarring and disfigurement. A written cautionary notice to that effect shall be furnished to and signed by the patron and retained on file at the establishment.
- (3) The skin surface to be tattooed must be free of rash, pimples, infection or recent scar tissues. The patron must be in apparent good health, and the skin to be tattooed generally free of all appearance of pathological conditions.
- (4) Tattoos may not be administered to any person under the influence of drugs or alcohol, and the operator and/or artist is charged with the responsibility of making reasonable observation and inquiry to assure himself that the patron is, in fact, sober and not under the influence of drugs.
- (5) Written instructions approved by the director regarding the proper care of the tattooed skin as a precaution against infection shall be provided to each patron following the tattoo procedure.

- (6) The regulations in this section shall in no way be construed to allow nor permit the removal of any tattoo nor shall the tattoo operator perform or attempt to perform any procedure which is intended to remove any tattoo. Any attempt known by the director by a tattoo operator or artist to perform a tattoo removal procedure, shall result in the immediate suspension of the operator's permit and/or artist's card and the scheduling of a show cause hearing as to why the operator's permit and/or artist's card should not be revoked. The above procedure shall not preclude prosecution of the tattoo operator during the same period of permit suspension.

(Gen. Ord. No. 1173, § 1(11-362), 5-23-94)

### **Sec. 17-223. Premises.**

(a) Premises and equipment in tattooing establishments must be maintained in a sanitary manner. This includes physical cleanliness as well as antiseptic precautions.

(b) Tattooing 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.

(c) Tattooing establishments shall be well lit with not less than 50 footcandles of light in all cleaning and working areas.

(d) Tattooing establishments shall have ventilation as required by applicable ordinances of the city.

(e) Tattooing establishments shall be of sufficient size to accommodate the required equipment for the business done therein.

(f) Floors, walls and ceilings of tattooing establishments shall be clean and in good repair.

(g) Adequate equipment and facilities shall be provided for the proper disposition of all disposable items in tattooing establishments.

(h) All tables and chairs used in the tattooing process shall be constructed of a material

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allowing easy and thorough cleaning and shall be maintained in a clean and sanitary condition.

(i) The director shall be permitted access to all areas of the premises and records of tattooing establishments at any reasonable time.  
(Gen. Ord. No. 1173, § 1(11-363), 5-23-94)

**Sec. 17-224. Sterilization of equipment.**

(a) *Cup of ink or colors.* Individual cups of ink or colors shall be used for each patron and discarded after use.

(b) *Needles and other instruments.* A new needle shall be used for each patron and properly disposed of after individual use. Other instruments used in administering the tattoo, including hand pieces, needle bars and razor blade holders, must be thoroughly disinfected, cleaned with soap and water and thoroughly rinsed again after each person and before sterilization.

(c) *Methods of sterilization.* Equipment shall be sterilized by steam pressure sterilization (autoclave), for a minimum of 30 minutes at 250 degrees Fahrenheit (121 degrees Celsius), followed by a drying time of not less than 15 minutes.

(d) *Sterilization requirements.*

- (1) To prepare for steam pressure sterilization, each needle shall be flushed with distilled water and left distinctly moist, just before the sterilization process is initiated. The tubes containing the needles should rest on their sides in the sterilizer to facilitate air removal and steam contact to each tube and needle.
- (2) When an autoclave procedure is used, indicator tape or other acceptable test method shall be used to check the effectiveness of sterilization.
- (3) Records of methods of sterilization together with temperature cycle for each sterilization process shall be kept on file for inspection by the director.
- (4) All instruments and needles shall be stored in a closed metal or glass container.

(5) All tattoo stencils shall be of a disposable, single-use type and shall be used once and discarded.

(Gen. Ord. No. 1173, § 1(11-364), 5-23-94; G.O. 1746, 2-7-00)

**Sec. 17-225. Minimum acceptable aseptic technique.**

(a) Neither patrons, operators nor artists shall consume or bring food or drink into the area where the art of tattooing takes place and shall not smoke during the procedure or in the room where the art of tattooing takes place.

(b) Operators and artists must be free from communicable disease while administering tattoos and present no pustular lesions of the hands or arms.

(c) Immediately before administering a tattoo, the tattoo artist must thoroughly wash his hands in hot water with soap, using a short-bristled brush and then dry the hands with a disposable paper towel.

(d) The tattoo artist shall wear a clean and easily cleanable smock while administering the tattoo procedure.

(e) The tattoo artist, while administering a tattoo, shall wear an effective hair restraint, have clean fingernails and in general pay particular attention to his personal hygiene.

(f) The skin surrounding the area where a tattoo is to be placed shall be washed with a germicidal soap and then shaved with a disposable blade immediately prior to the art of tattooing. Following shaving, the skin must be gently scrubbed with 70% isopropyl alcohol, using a sterile gauze pad, which shall be disposed of after use.

(g) Individual razor blades shall be used when the customer is shaved and the razor then disinfected and prepared as in Section 17-224(b) through (d) between each use.

(h) During any phase of the tattoo procedure, should the tattoo artist be interrupted for other duties, i.e., answer phone, etc.; the tattoo artist shall wash his hands as in Subsection (c) of this section before resuming the tattoo procedure.

(i) The tattoo shall be bandaged with a sterile nonstick type bandage when the tattoo is finished.

(j) All infections resulting from the practice of tattooing shall be reported within ten calendar days of receipt of this information to the director by the person owning or operating the tattooing establishment.

**Secs. 17-226--17-250. Reserved.**

DIVISION 2. PERMITS AND  
ARTISTS' CARDS

**Sec. 17-251. Required.**

(a) It shall be unlawful for any operator to engage in the practice of tattooing without first applying for and receiving a permit from the director in the manner provided in this division.

(b) It shall be unlawful for any tattooing establishment to employ an artist without such artist having first secured an artist's card, and it shall be unlawful for any person to perform a tattooing procedure who does not possess a valid artist's card. The issuance of the artist's card provided in this section shall be subject to the compliance with the regulations and passage of the physical examination required by the rules and regulations of the director. Prior to receiving an artist's card, the artist shall furnish the director with a written statement from a licensed physician that he is free of communicable disease. An artist's card shall be granted only on the express condition that it shall be subject to suspension or revocation by the director, when satisfactory evidence is given to the director that a violation of any rule of the director or provision of this article or of applicable state law, or upon an administrative hearing.

(Gen. Ord. No. 1173, § 1(11-356, 11-358), 5-23-94)

**Sec. 17-252. Fees.**

(a) *Tattooing establishment.* Upon approval of an application for a permit to engage in the practice of tattooing, the director shall, upon payment of a license fee hereinafter provided in this subsection, issue the permit to the designated permittee to operate a tattooing establishment. The operator shall pay a permit fee of \$50.00 per year or for any portion of the year payable annually in advance to the director of finance.

(b) *Artist.* Upon approval of an application for an artist's card, the director shall, upon payment of a license provided in this subsection, issue the artist's card to the applicant. The artist shall pay a fee of \$25.00 per year or for any portion of the year payable annually in advance to the director of finance.

(c) *Reinstatement; inspection.* Any tattooing establishment operator for which the permit has been suspended may at any time make application for the reinstatement of the permit. Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision of this article has been conformed with, the director shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary, to assure the director that the applicant is in compliance with the requirements of this article, and upon a finding of compliance, shall reinstate the permit. Each inspection visit for reinstatement shall prompt the assessment of an inspection fee of \$25.00, payable to the director of finance.

(Gen. Ord. No. 1173, § 1(11-357, 11-359), 5-23-94)

**Sec. 17-253. Expiration.**

A permit for a tattooing establishment or an artist's card issued under the provisions of this division may be granted at any time during the year, but all permits and artist's cards issued under this division shall expire on the next succeeding June 30. Such permit or artist's card shall not be transferable.

(Gen. Ord. No. 1173, § 1(11-360), 5-23-94; G.O. 1746, 2-7-00)

**Sec. 17-254. Posting required.**

All permits, artists' cards and regulations of the director shall be posted at all times in a conspicuous place in the tattooing establishment.

(Gen. Ord. No. 1173, § 1(11-361), 5-23-94)

**ARTICLE IX. AIR POLLUTION\*****Sec. 17-265. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Air contaminant* means any particulate matter, gas or vapor, exclusive of water vapor, including but not limited to smoke, charred paper, dust, soot, grime, carbon or any other particulate matter or irritating odorous matter, fumes or gases or any combination thereof.
- (2) *Air contaminant source* means any source of emission of an air contaminant, whether privately or publicly owned or operated.
- (3) *Air pollution* means the presence in the ambient air of one or more air contaminants in quantities, of characteristics and of a duration which directly and proximately cause or contribute to injury to human, animal or plant life or health or to property or which unreasonably interfere with the enjoyment of life or use of property.
- (4) *Ambient air* means that portion of the atmosphere, external to buildings, to which the general public has access.
- (5) *Director* means the city manager or his designated representative. The designated representative shall serve in that capacity at the pleasure of the city manager. The city manager or his designated representative is authorized and empowered to enforce the provisions of this article or similar laws in this Code.
- (6) *Incinerator* means any article, machine, equipment, contrivance, structure or part of a structure used to burn refuse or to process refuse material by burning other than open burning.
- (7) *Opacity* means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
- (8) *Open burning* means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion takes place, only such apertures, ducts, stacks, flues or chimneys as are necessary to provide combustion air and to permit the escape of exhaust gases are open.
- (9) *Particulate matter* means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.
- (10) *Premises* means land, improvements and the ambient air above such land or improvements.
- (11) *Process* means any reaction, operation or treatment, the equipment used in connection therewith and all methods or forms of manufacturing or processing that may emit any air contaminants.
- (12) *Smoke* means small gas-borne particles, resulting from combustion, consisting of carbon, ash and other material.
- (13) *Smoke observer* means any person who is currently certified by the state department of natural resources as a qualified smoke observer.
- (14) *Source operation* means the last operation preceding the emission of an air contaminant, which operation:
  - a. Results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion fuel; and
  - b. Is not principally an air pollution abatement operation.

\***Cross reference(s)**--Burning solid waste, § 24-12; burning on paved streets, § 25-8.

**State law reference(s)**--Air conservation, RSMo ch. 643.

- (15) *Stationary source* means any building, structure, facility or installation that emits or may emit any air contaminant.

(Code 1969, § 11-336; G.O. 1697, 5-3-99)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

**Sec. 17-266. Enforcement; order of abatement.**

(a) *Issuance of orders.* Whenever the director determines that the terms or conditions of this article have been violated, he may order that the violation be abated within a reasonable time to be prescribed by him; such order to be served by personal service, certified or registered mail.

(b) *Prosecution in municipal court.* If a violation of this article occurs, the director may request the city attorney to file for injunctive relief or prosecution in the municipal court.

(c) *Proceedings in circuit court.* The director is authorized to institute proceedings in the circuit court in the name of the city, through the department of law, in order to enforce the terms and conditions of this article.

(d) *Stop orders.* Upon notice of the director that work on the installation of a machine, contrivance, equipment, device, process or operation that may cause the emission of air contaminants is being prosecuted, such work shall be immediately stopped. The stop work order shall be in writing and shall be served upon the person responsible for the premises on which the work is occurring or upon the person doing the work and shall state the conditions under which the work may be resumed.

(e) *Violation of stop order.* Any person who shall continue any work in or about such machine, contrivance, equipment, device, process or operation after having been served with a stop work order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be in violation of this article, and each day the violation occurs shall be a separate offense.

(Code 1969, § 11-339; G.O. 1697, 5-3-99)

**Sec. 17-267. Preventing particulate matter from becoming airborne.**

(a) *Handling, transporting, storing.* No person may cause or permit the handling or transporting or storage of any material in a manner which may allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond where it originates or that its presence may be found beyond the premises where it originates.

(b) *Construction, use, repair, demolition.* No person may cause or permit a building or its appurtenances or a road or a driveway or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne so that it remains visible beyond the premises where it originates or that its presence may be found beyond the premises where it originates. The director may require such reasonable measures as may be necessary to prevent particulate matter from becoming airborne, including but not limited to paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces; application of water on construction or demolition sites; and the planting and maintenance of vegetative ground cover.

(Code 1969, § 11-337; G.O. 1697, 5-3-99)

**Sec. 17-268. Emission of visible air contaminants.**

(a) *Mobile source emissions.* No person shall cause or permit the emissions of visible air contaminants from any internal combustion engine for more than five consecutive seconds at any one time, except this subsection shall not apply to jet or other aircraft engines and heavy-duty construction equipment.

(b) *Stationary source emissions.*

(1) No person may discharge into the ambient air from any stationary source any air contaminant of such opacity as to obscure a smoke observer's view to a degree greater than 20 percent opacity.

(2) A person may discharge into the ambient air from any single source of emission for a period aggregating not more than six minutes in any 60 minutes any air

contaminant of such opacity as to obscure a smoke observer's view to a degree not greater than 60 percent, except this subsection shall not apply to the following:

- a. Woodburning stoves or fireplaces in residential dwellings.
- b. Fires used for recreational purposes or food preparation.
- c. Fires used for the purpose of training firefighters.
- d. Fires permitted in Section 24-12.

(c) *Incinerator emissions.* No person shall cause or permit the emission of particulate matter from the chimney stack or vent of any incinerator of such opacity as to obscure a smoke observer's view to a degree greater than 20 percent opacity.

(d) *Emission of odors.* No person may cause, permit or allow the emission of odorous matter in such concentrations and frequencies or for such durations that such odor can be perceived at the point of complaint in a residential area and cause such physiological effects as nausea, headache, loss of sleep, loss of appetite, impaired breathing or allergic reactions when attested to by a physician's statement or when derived as testimony in a court of law.

(Code 1969, § 11-338; G.O. 1697, 5-3-99)

## ARTICLE X. EMERGENCY MEDICAL SERVICES VEHICLES

### Sec. 17-275. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Emergency medical services vehicle* means any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle

specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports.

- (2) *Person* means any individual, corporation, limited liability company, partnership, or other organization or entity.

(G.O. 2424, 4-4-11)

### Sec. 17-276. Operation of emergency medical services vehicles; permit required.

(a) As of January 1, 2011, it shall be unlawful for any person to transport a patient in an emergency medical services vehicle without holding a valid city permit. This section shall not apply to the following:

- (1) Any transport of patients originating outside the city and terminating in the city;
- (2) Any transport that results from the rendering of assistance at the request of the centralized EMS dispatch center in a disaster or major emergency or in response to the request by the EMS dispatch center for mutual aid;
- (3) Any transport of patients who are being returned to the point of origination outside the city, provided that such a return transport occurs within 24 hours of the initial transport into the city; and
- (4) Any transport of patients originating inside the city and terminating outside the city if specifically requested by a patient.

(b) Any city police officer may issue a warrant, citation or summons charging a person driving an emergency medical services vehicle, as well as the registered owner of the vehicle, in the city in violation of this section.

(c) In any prosecution charging a violation of this section where the driver is unknown, proof that the emergency medical services vehicle described in the complaint, summons, ticket,

citation or warrant transported a person from a location within the corporate city limits, together with proof that the defendant was at the time of transport the registered owner of the vehicle, shall constitute a presumption in evidence that the registered owner was the person who committed the violation.

(d) A violation of this section shall be a misdemeanor and may also, at the option of the city, be enforced by equitable relief in Circuit Court. To the extent such equitable relief is sought, the city may recover reasonable attorneys' fees.

(G.O. 2424, 4-4-11)

**Sec. 17-277. Application and awarding of permits.**

(a) Any person desiring to apply for a permit to operate an emergency medical services vehicle within the city shall file an application with the city's director of health. Along with such application, the applicant shall provide documentation of organization and corporate structure, an attestation as to the competency and fitness of the applicant (and/or its officers/directors/employees), and evidence of a valid Missouri ambulance license from the Missouri Department of Health. In addition, the application shall contain the following information, in a form reasonably approved by the director of health:

- (1) The proposed area and level of service; hours of operation; the initial number of emergency service vehicles; an estimate of necessary equipment and supplies;
- (2) An outline of the financial feasibility of the proposed service (including initial source of funds, adequacy of sources of future revenue, and a proposed first year budget with sufficient detail to allow for a reasonable assessment of the financial stability of the applicant to provide the proposed service and the financial feasibility of the proposal); and
- (3) Other pertinent operational aspects of the proposed service as determined by the director of health.

Only applications fully completed with all required documentation shall be considered by

the director of health.

(b) In determining whether to award a permit, the director of health shall consider all information submitted, together with the following:

- (1) The ability and quality of existing emergency medical services within the proposed service area;
- (2) Response times of existing emergency medical services in the proposed service area;
- (3) Minimum numbers of personnel and staffed emergency service vehicles for the proposed service; and
- (4) Potential negative (clinical, operational, fiscal) impacts of the proposed new service on existing city services.

(c) Upon review and approval of an application, the director of health shall award a permit for the operation of emergency medical service vehicles, subject to such public health, safety, and general welfare requirements as it may impose under this article. Specifically, each applicant for an emergency medical services vehicle permit shall be required to provide emergency medical services coverage to all individuals within the city limits, 24 hours per day, 365 days per year. In addition, each applicant shall be required to respond to a call, to transport, to render first aid treatment, or otherwise provide services originating within the city, as may be reasonably necessary, regardless of a patient's inability to pay for such services and regardless of the patient's location within the city, unless there is a reasonable cause for provider's emergency medical services vehicles being unavailable (as determined by the director of health). The award of a permit may be further conditioned upon the attainment of norms for quality of care and response times that the director of health and/or the city establishes, from time to time, for the city's emergency medical services system generally, and which are consistent with the then current national benchmarks.

(d) A non-waivable, non-refundable application fee of \$2,500.00 shall be submitted to the city, in conjunction with the application itself,

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to cover the time expended by city staff and its consultants, as well as all costs and expenses associated with reviewing and, if approved, processing the application.

(e) The holder of a permit shall be referred to in this article as an "authorized provider."

(f) No permit may be transferred by any means, except to a successor entity under which there is no change in ownership or control.  
(G.O. 2424, 4-4-11)

**Sec. 17-278. Coordinated emergency medical services dispatch.**

All authorized providers under this article shall be coordinated from the emergency medical services dispatch center designated by the city. No authorized provider shall publish or advertise any telephone number for the purpose of receiving requests for emergency response services except the emergency number (911) of the emergency medical services dispatch center.  
(G.O. 2424, 4-4-11)

**Sec. 17-279. System-wide medical direction.**

The city shall approve a single system-wide medical director, but shall assume no financial responsibility with respect to the services provided; said services shall be paid by the emergency service provider(s). The medical director shall be a licensed physician and possess the qualifications contained in the Missouri Code of State Regulations, as more specifically set out in the Rules of the Department of Health and Senior Services, Title 19, Division 30, Chapter 40, Section 303 (19 CSR 30-40.303).

The responsibilities of the system-wide medical director shall include:

- (1) Recommending medically appropriate response time standards to the director of health;
- (2) Establishing standards for patient care, for ambulances and first responder vehicles;
- (3) Developing and revising clinical protocols for communications, first responder and emergency medical services personnel;

- (4) Conducting medical audits; and
- (5) Overseeing the development and administration of written and practical tests for the determination of emergency medical services personnel, first responders, and emergency medical services dispatch center personnel for the purpose of ensuring that all certified personnel who participate in pre-hospital patient care and emergency medical services dispatch maintain knowledge and skill levels at least consistent with industry standards and with that needed to implement emergency medical services system protocols and standing orders.

(G.O. 2424, 4-4-11)

**Sec. 17-280. Suspension of authorization to operate.**

The director of health may summarily and indefinitely suspend any permit issued pursuant to this article for any reason involving a danger to public health, safety or welfare, including bankruptcy or insolvency. Grounds for suspension shall include, but are not limited to:

- (1) Failure to provide emergency medical services coverage to individuals within the city limits, 24 hours per day, 365 days per year;
- (2) Failure to respond to a call, to transport, or to render first aid treatment, as may be reasonably necessary;
- (3) Refusal or failure to provide services originating within the city because of a patient's inability to pay for such services, because a patient is located at a particular location within the city, or because the provider's emergency medical services vehicles are unavailable without reasonable cause (as determined by the director of health); and
- (4) Failure to meet the norms for quality of care and response times established by the director of health and/or the city from time to time, and which are consistent with the then current national benchmarks.

(8/1/11)

(G.O. 2424, 4-4-11)

**Sec. 17-281. Appeals.**

(a) Any person whose permit to operate an emergency medical services vehicle is denied, revoked or suspended, or who is charged with a violation of this article, may appeal to the director of health, or such other hearing officer as may be required by law. Any such appeal shall be in writing and state the name and address of the appealing party and the nature of his/her/its appeal, and shall be made within ten (10) working days after the denial, revocation, suspension or charge.

(b) The director of health shall hold a public hearing within ten working days after notice of appeal is filed. Notice of hearing shall contain a time and date for the hearing and be directed to the appealing party at the address given on his/her/its appeal by certified mail. The appellant, his/her/its attorney and any other person(s) whose interests may be affected on the matter, shall be given an opportunity to be heard, present evidence and examine adverse witnesses.

(c) The director of health shall render his/her decision in writing within a reasonable time; however, in no event later than ten working days after the conclusion of the hearing. Minutes of the hearing shall be made and kept by an individual designated by the director of health.

(d) Any person aggrieved by a decision of the director of health may appeal that determination to the Circuit Court of Buchanan County, Missouri under the provisions of Chapter 536 RSMo. The appeal shall be made within 30 days after the earlier of the mailing by certified mail or hand delivery of the decision to the aggrieved party.

(G.O. 2424, 4-4-11)